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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. HAYWORTH].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 21, 1995.

I hereby designate the Honorable J.D. HAYWORTH 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:

Let us pray using the words of St. Francis.

Lord, make us instruments of Your peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

Grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love.

For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

MESSAGE FROM THE SENATE

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

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; and

S. Con. Res. 27. Concurrent resolution correcting the enrollment of H.R. 402.

THE JOURNAL

The SPEAKER pro tempore (Mr. HAYWORTH). 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. The gentlewoman from New York [Mrs. MALONEY] will lead the membership in the Pledge of Allegiance.

Mrs. MALONEY 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

SALMON FLUSH MODEL

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

Mr. METCALF. Mr. Speaker, salmon rehabilitation on the Columbia River is required by the Endangered Species Act. In Washington State, a computer model called the flush model is being used by Federal agencies as the basis for Columbia River salmon recovery efforts. While this model is used to justify reservoir drawdowns and spend hundreds of millions of dollars of expenditures, its scientific base has never been made public nor subject to peer review.

Despite months of repeated requests, I have not been able to obtain this model. The Resources Committee, under Chairman YOUNG, will issue a formal request for a copy of this model, but this information should have been available for public and peer review before the planning and costs of salmon recovery began.

But I have to ask: What do they have to hide?

MEDICARE CUTS FOR TAX CUTS

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

Mr. PALLONE. Mr. Speaker, today is Thursday, September 21, and we still have no Medicare plan from Speaker GINGRICH and the House Republican leadership.

As you know, we were supposed to have it yesterday, and today was supposed to be 1 day of hearings before the House Committee on Ways and Means on the plan. Instead, the meeting was delayed. It is now scheduled for tomorrow, and we still have no Medicare plan to outline how the Republican leadership is going to cut $270 billion from Medicare over the next 7 years.

The Democrats feel very strongly there should be at least 4 weeks of hearings on Medicare and Medicaid. We tried to bring that up in the House yesterday and were denied that by the Republican majority. Instead, we are going to have to have our own alternative hearings starting tomorrow and going into next week just so that the

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American people can find out what the Republican plan is for cutting Medicare and Medicaid, how they are going to implement it, and how they are going to figure out what they are going to do to prevent the fact, to prevent all the tax cuts for Medicare cuts.

SPEAK OUT AGAINST VIOLENCE

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

Mrs. MYRICK. Mr. Speaker, I could not let another day go by without commenting on two senseless incidents that have happened in the last week that are very, very frustrating to me.

One of them was in my own home city of Charlotte, where a teenager, a high school student, was senselessly gunned down in a drive-by shooting. It was not the first time it has happened, there or in other parts of the country.

Last week there was an incident in Los Angeles where a young couple made a wrong turn. When they tried to turn around, they were stopped by a gang of youths who literally fired into their car, killed a 2-year-old, injured a 2-year-old and an adult.

I just ask: What has happened in America, and how long are we going to stand back and allow this to go on without us as a people speaking up? I mean, it is just like it has become so common and everyday what we do, feel, or say, that is just the way it is. We ignore it.

I implore everybody, no matter where you live in this country, to start to speak out, to let your voice be heard and to say we are not going to tolerate this type of behavior in this great land of the United States any longer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gallery is reminded they must refrain from applause or other editorial comments during the course of proceedings.

MEDICARE IS THE REAL CONTRACT WITH AMERICA

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

Mrs. MALONEY. Mr. Speaker, the Republican plan to cut Medicare by $270 billion strikes a mortal blow to health security for all senior citizens. Their plan to hold just 1 day of hearings is an insult to democracy.

We had 28 days of hearings for Whitewater, 10 days for Waco, 8 days for Ruby Ridge, and we are having 1 day only, only 1 day, for Medicare. I defy anyone to find an American anywhere in this country outside of Washington, DC, who agrees with that legislative agenda.

They are cutting $270 billion to preserve corporate welfare, extravagant defense spending, and tax cuts. The result for senior citizens is higher premiums, less access, low-quality health care, and, in many cases, poverty.

The $270 billion cut is far in excess of what is needed to keep Medicare solvent, yet Republicans have the gall to say they are saving Medicare.

They will save Medicare, all right. It will be a classic case of the operation was a success, but the patient died.

Let us have real hearings. Medicare is the real contract with the American people.

INTRODUCTION OF THE MEDICARE PRESERVATION ACT

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

Mr. HOKE. Mr. Speaker, today being introduced in the House of Representatives is the Medicare Preservation Act, a comprehensive plan for a better Medicare.

What you have heard from the other side and what you hear repeatedly is this notion there have not been hearings or there will not be hearings. It is simply not true.

The fact is, and everybody knows it, that we have been dealing with this problem now for at least 3 years, that it is clear the trustees of the Medicare trust fund have said the trust fund is going broke. We have to do something about it. We have to do something about it now.

There has been voluminous testimony, numerous, innumerable hearings, tens of thousands of pages of evidence that has been given, and that somehow this subject that has been aired as exhaustively as any subject has been in the United States in the past 3 years has not gotten hearings is absolutely ridiculous. It is untrue.

What we will do, and what we are going to do, and what the American people expect us to do, is to preserve, protect, and strengthen the Medicare Program.

THE AMERICAN PEOPLE NEED JOBS, NOT DEBATE

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

Mr. TRAFICANT. Mr. Speaker, AT&T, after having already laid off 20,000 American workers, announced it will lay off another 8,500, including 1,000 workers in Dayton, OH. AT&T said through a spokesman they are restructuring because our economy is so strong.

Some economy, folks. Check it out. Westinghouse cut 6,000 jobs, United Technologies 11,000, McDonnell Douglas 9,000, IBM 50,000, General Motors 100,000, Xerox, Eastman Kodak 40,000.

Truth is, ladies and gentlemen, while Congress fights over partisan politics, America is becoming a colony once again. The American workers are fighting for their very jobs. The American people need jobs, not debate.

THE LEGAL SERVICES CORPORATION

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

Ms. VELÁZQUEZ. Mr. Speaker, last week, by voting to terminate the Legal Services Corporation, Republicans committed one of the most shameful attacks on the working poor that I have ever witnessed.

In my own community, Brooklyn Legal Services is there day after day, whether it is intervening to save an elderly woman from eviction or helping tenants receive fair treatment from their landlord. Legal Services is there fighting for their forgotten people.

Mr. Speaker, the Constitution says that we are all entitled to equal protection under the law, but in today's society, some of us are ore equal than others. In this country, if you have the money to hire a good lawyer, you can make your way through our legal system. But if you are poor, you will lose regardless of whether you are right or wrong.

Nothing should come at the price of denying individuals their constitutional rights.

I urge my colleagues to support the Legal Services Corporation. Let us show the American people there are still Members in this House willing to fight for those in need of a helping hand.

Mr. Speaker, I rise before you today to express my outrage over last week's move by House Republicans to terminate the Legal Services Corporation. These actions represent a shameful attack on the poor of this country.

Mr. Speaker, many of my colleagues will argue that we cannot afford programs like the Legal Services Corporation in this time of fiscal constraint. But I challenge them, and I ask, "How can we not?"

Let me tell you about a life that the Brooklyn Legal Services Corporation saved. An 86-year-old latino woman—one of my community's abuelitas—who was to be evicted from her home. It seems the landlord wanted this elderly woman's apartment for his own use, and decided to solve the problem by throwing her out on the street. What he did not tell her, and what she did not know, was that under the law senior citizens are protected from such evictions. The landlord was maliciously tricking this woman into—literally—signing away her right to this apartment. Then, Brooklyn Legal Services Corporation stepped in. They assessed the woman of her rights, and halted an injustice that would have condemned her to a certain death on the streets.

This is not an occasional happening. Recently, a landlord in my district decided that because he was going to sell his apartment building he no longer needed to bother with its maintenance and upkeep, so he left the families living there to fend for themselves. The building deteriorated, and it became a place

unfit to live in—let alone raise a family. Once again, Brooklyn Legal Services Corporation intervened, and worked to get the building updated. Today, these families have a clean and safe building.

Mr. Speaker, the Constitution says we are all entitled to equal protection under the law, but in today's society some of us seem to be more equal than others. You see, in this country if you have the money to hire a good lawyer, you can make your way through our legal system. If you are poor, new to this country, or don't understand the legal system, however, you will lose regardless of whether you are right or wrong. That's why the efforts of the Legal Services Corporation are so important. They are in over 900 communities, working to make sure that those who need help have a fighting chance.

I urge my colleagues to support the efforts of the LSC. Let us show the American people that there are still Members in Congress willing to fight for those in need of a helping hand.

DEAL WITH THE FACTS ABOUT MEDICARE

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

Mr. RIGGS. Mr. Speaker, our liberal colleagues on the other side of the aisle have a very distorted view of politics. They equate leadership with scaring people, and they figure the only way they can shape events is by fear, by intimidation, and by denying reality.

This has had a fraudulent approach to politics, and it ultimately cheats the American people out of good government, does a disservice to our whole country.

Let us look at Medicare. We have been hearing these constant complaints. We saw this ranting and raving yesterday in the Halls of Congress regarding our proposal to protect and save and strengthen Medicare.

Where is the Democratic plan? One can only deduce by the lack of any plan from the Democrats they are prepared to vote for a drastic increase in payroll taxes or to ration health care benefits or even worse, to bankrupt Medicare.

Mr. Speaker, saving Medicare means dealing with the facts and leading, not denying the facts and scaring Americans.

SLOW DOWN ON MEDICARE

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

Mr. GUTIERREZ. Mr. Speaker, with all the changes the Republicans are making, we should put some new signs to warn everybody.

Like the new highway bill, your State could have a new speed limit, not 65 miles an hour, but 65 plus.

There is another new limit that people should know about. Take a look, it is the Republican health care limit, 65 years old. That is right. When the Republicans raid Medicare, there is going to be a limit on affordable health care for every senior citizen, so if you depend on your car, you are going over 65, do not worry about it, you are safe.

But if you depend on Medicare and you are over 65, watch out, the GOP has its sights on you. They are going to pull you over, hand you a big ticket, just so that they can pay out the powerful few who paid for this victory last November. That is why there is a new health limit in America, but there is no limit on how low the Republicans will stoop. They will add to the wealth of the upper class and destroy the health of the middle class.

So, slow down, Mr. Speaker, because you are going too fast.

SAY IT AGAIN, SAM

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

Mrs. SCHROEDER. Mr. Speaker, the gentleman from Florida [Mr. GIBBONS] is one of the authentic heroes of this body. This man was a paratrooper in World War II. He reclaimed Europe from the Nazi blitzkrieg. He has served the public interest from the day he was old enough to do anything. He loves that flag more than anyone.

As ranking member on the Committee on Ways and Means, he has served there longer and knows more about Medicaid and Medicare than anyone in this body, and yesterday he had every right to blow up because he found there were no facts, there was no plan, there were no details, and that is very troubling.

We are being accused of trying to scare senior citizens. Well, if their plan is so non-scary, why can they not show it? The best assurance he got was if they ever get a plan, they will give 1 whole day of hearings to that plan. That is wrong.

Say it again, SAM; say it again, SAM; and say it again, SAM.

INTRODUCTION OF THE CONGRESSIONAL PAY ACCOUNTABILITY ACT OF 1995

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

Mr. BUNN of Oregon. Mr. Speaker, as we come to the end of the fiscal year, many of my colleagues on the other side of the aisle seem more concerned about their salaries rather than the important issue of balancing the budget.

My Republican colleagues and I are committed to delivering on our promise of balancing the budget, and now is the time to show how serious we are.

That is why I introduced H.R. 2351, the Congressional Pay Accountability Act. This bill will show the American people that we are serious. H.R. 2351 requires that Congress return to appropriating Members of Congress each year just as they used to do. It is simple. If the appropriations bills do not pass, we do not get paid.

Yesterday, I met with Federal employees from my district who said, ''We are scared. We have to pay rent. We have car payments to pay. We have food to buy for our families, and Congress is playing with our lives.'' I said, no; we are going to put ourselves in the same position that you are in and expect the same kind of treatment that you receive. We have to get behind balancing the budget. We have to take it seriously. We have to show that we are serious and will not get paid until the job is done.

My bill will prove just how serious we are.

I ask my colleagues to join me by cosponsoring this important piece of legislation to show the American people that we are willing to put our money where our mouth is.

□ 1015

ONLY 1 DAY

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

Mr. GENE GREEN of Texas. Mr. Speaker, no wonder there are brawls in the House of Congress. It turns out that the Republican plan to raid Medicare of $270 billion to pay for $245 billion in tax cuts. By a party-line vote the Republicans delayed the release of their plan and only committed to 1 day of hearings, maybe tomorrow.

We had 28 days of hearings on Whitewater, 10 days on hearings on Waco, and 8 days of hearings on Ruby Ridge, and I did not object to any of those hearings. That is what Congress is supposed to do, is to have hearings. But this shows the hypocrisy of the Republicans when they are taking only 1 day to hold hearings on their plan they are so proud of.

Why is the majority rushing the Medicare reform bill to the House floor for a vote before the 37 million elderly Americans and their families have time to review the plan? I think the answer is clear. The Republican majority, they do not want the American people to know what is in their Medicare reform bill because it does major surgery when only minor surgery is needed. The $270 billion cut for Medicare and the $245 billion cut in tax cuts, we can cure Medicare by cutting fraud, waste, and abuse, but not major surgery.

WHY ALL THE CRITICISM ON THE PROPOSED $245 BILLION TAX CUT

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

Mr. DUNCAN. Mr. Speaker, there has been so much political criticism of the proposed $245 billion tax cut—but what are the facts?

First, this tax cut is spread over 7 years and averages about $35 billion a year.

This is just 2 percent of Federal spending over that period. Federal spending has risen almost 300 percent over the last 15 years. Do you really think we cannot give just 2 percent back?

Second, some of this tax cut will go to upper income citizens—but most of it will go to lower and middle income people. Somehow, we never hear about that.

Third, DICK ARMEY, our Republican majority leader, has introduced a flat tax proposal that totally excludes from Federal income taxes the first $26,000 of income for a single person and the first $38,000 for a married couple.

This would do a whole lot more for poor people than all the political rhetoric coming from those who do not want to cut taxes at all.

The people of this Nation need some of their money back—the bureaucrats have taken too much for far too long.

TRUE INTENT OF THE REPUBLICANS' PLANS FOR MEDICARE

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

Mr. RICHARDSON. Mr. Speaker, how can we preserve, protect, and save Medicare, as the Republicans claim to do, by cutting $270 billion out of Medicare and drastically increasing premium fees and payroll taxes for 37 million elderly Americans? We cannot do it, and that is why Republicans are hiding the details of their Medicare plan and holding no hearings. I ask, can you blame them?

Mr. Speaker, they do not want to talk about it. They are setting up the American people and the Congress for a railroading of their plan in less than 10 days, hoping everyone will forget. They hope that no one will know the true intent of this plan, and that is to give a tax cut for America's wealthiest.

Mr. Speaker, that is not right. Let us be open. Let us see the light of day of this Medicare plan, and let us debate it openly.

Democrats have an alternative, and Democrats want to protect Medicare.

THE REPUBLICANS' IGNORANCE-IS-BLISS WAY OF MAKING DECISIONS ON HOUSING PROGRAMS

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

Ms. ROYBAL-ALLARD. Mr. Speaker, the House Committee on Banking and Financial Services cut $2.4 billion in banking and housing services for poor and moderate-income Americans. These draconian cuts eliminated the RTC and FDIC affordable housing programs, the FHA Mortgage Assignment Program, the Multifamily Property Disposition System, and neutralized the Community Redevelopment Agency, among others.

Mr. Speaker, these cuts were not based on facts and insights from expert testimony or those impacted by those decisions. Why? Because not one public hearing was held regarding these programs.

During the bill's markup, Mr. Speaker, Republicans and Democrats asked questions that could not be answered, forcing members to make decisions on communities and their housing needs with little understanding of their impact. With these cuts, Mr. Speaker, far too many will suffer before we all realize the painful consequences of the committee's actions.

It is tragic Republicans have applied the same ignorance-is-bliss in determining key policy issues for America.

RAMMING THE MEDICARE PLAN THROUGH CONGRESS REPRESENTS A NEW LOW

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

Ms. WOOLSEY. Mr. Speaker, I have said before that the new majority is going too far, too fast, and now I add the words, ''too low.'' Yes, the way they are trying to ram their Medicare plan through the Congress represents a new low in backroom attacks on our seniors.

Let us make it clear; The new majority is allowing only 1 day of hearings on their Medicare plan. I repeat 1 day of hearings.

As a former city council member, I can tell you that we had more debate on sidewalk improvements than Speaker GINGRICH will allow on Medicare which affects millions of seniors and their families. But, you know, if I was in the new majority, I'd be hiding their Medicare plan, too, because it increases premiums on seniors and takes away their choice of doctor for one reason, and for one reason only: to pay for one of the most outrageous and unfair tax giveaways in American history.

Mr. Speaker, let us see the full details of your Medicare plan. Let us have public hearings. Let us get it out in the open, because as far as I am concerned, a plan that cannot withstand the bright light of day simply is not good enough for the seniors and families of this country.

THE DEMOCRATS' WAY TO ECONOMIC PROSPERITY IS NONSENSE

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

Mr. WALKER. Mr. Speaker, it is fascinating to listen to the parade of people from the minority party come before this Congress and tell us why they are in the minority. They are in the minority in large part because they hate the idea of tax cuts. Giving tax cuts to the middle class is an absolute anathema to them, and so, therefore, they come to the floor day after day and suggest that the idea of giving tax cuts to the middle class is exactly the wrong national policy and we ought to do nothing in terms of a budget that would get us to tax cuts for the middle class, because after all, they know that if we simply give a bigger and bigger Federal Government more money, that that is the way to economic prosperity.

Mr. Speaker, it is nonsense. The American people understand that their entire concept is nonsense.

Now they are talking about Medicare. We have a program to strengthen Medicare in a way to assure that Medicare is there for people in the future. Otherwise in 7 years it goes broke. The Democrats have nothing. They are coming to the floor, and they have nothing. They have offered nothing, they are willing to debate nothing, they have no plan whatsoever. They are willing to countenance bankruptcy.

So understand what their budget policy is. Their budget policy is bankrupt the American family by taxing them to death, and bankrupt the Medicare system so that nobody has medical care in the future.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to House Resolution 225 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. 927.

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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. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 20, 1995, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 2347 is considered as an original bill for the purpose of amendment and is considered read.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
Sec. 111. Expulsion of criminals from Cuba.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.
Sec. 302. Liability for trafficking in property confiscated from United States nationals.
Sec. 303. Determination of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to ''terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance''.

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to ''implement so much as one comma'' of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning ''violations of human rights and fundamental freedoms'' in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council ''shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.''.

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a ''threat to peace'' under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of ''all necessary means'' to restore the ''democratically elected government of Haiti'', and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a

national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term ''confiscated'' refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ''Cuba'' substituted for ''a foreign state'' each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term ''foreign national'' means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term ''knowingly'' means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term ''property'' means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term ''property'' shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) TRAFFICS.—(A) As used in title III, a person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government determined by the President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may not be imposed for—

''(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

''(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

''(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.''.

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting ''SEC. 16.'' before ''(a)''.

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and''; and

(4) by adding at the end the following flush sentence:

''As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''permanent resident alien'' means an alien admitted for permanent residence into the United States; and

(2) the term ''United States agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

''(B) imports from the Cuban Government at preferential tariff rates;

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

''(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

''(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

''(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

''(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

''(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

''(C) The report required by subparagraph (B) may be submitted in classified form.

''(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee

on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

''(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

''(B) democratic political reform and rule of law activities;

''(C) technical assistance for safety upgrades of civilian nuclear power plants;

''(D) the creation of private sector and nongovernmental organizations that are independent of government control;

''(E) the development of a free market economic system; and

''(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).''.

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that ''the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.''.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the

objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(3) DEFINITION.—As used in paragraph (1), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored- nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.'', with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

"§ 1331a. Civil actions involving confiscated property

''The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

''1331a. Civil actions involving confiscated property.''.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United States Code, is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.''.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

''EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

''SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

''EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

''SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

''(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.''.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms ''confiscated'' and ''confiscation'' refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term ''property'' does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of ''traffics'' that occur on or after the date of the enactment of this Act.

The CHAIRMAN. Before consideration of any other amendment it shall be in order to consider a further amendment in the nature of a substitute by the gentleman from Indiana [Mr. HAMILTON] or his designee. That amendment shall be considered read, shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

If that amendment is rejected or not offered, no further amendment shall be in order except the amendments printed in House Report 104–253. Each further amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

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 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.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Washington the designee of the gentleman from Indiana [Mr. HAMILTON]?

Mr. MCDERMOTT. I am, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. MCDERMOTT:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

Sec. 101. Statement of policy.
Sec. 102. Enforcement of the economic embargo of Cuba.
Sec. 103. Prohibition against indirect financing of the Castro dictatorship.
Sec. 104. United States opposition to Cuban membership in international financial institutions.
Sec. 105. United States opposition to ending the suspension of the Government of Cuba from the Organization of American States.
Sec. 106. Assistance by the Independent States of the former Soviet Union for the Cuban Government.
Sec. 107. Television broadcasting to Cuba.
Sec. 108. Reports on assistance and commerce received by Cuba from other foreign countries.
Sec. 109. Authorization of support for democratic and human rights groups and international observers.
Sec. 110. Withholding of foreign assistance from countries supporting nuclear plant in Cuba.
Sec. 111. Expulsion of criminals from Cuba.
Sec. 112. Exports of food or medical items.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

Sec. 201. Policy toward a transition government and a democratically elected government in Cuba.
Sec. 202. Assistance for the Cuban people.
Sec. 203. Coordination of assistance program; implementation and reports to Congress; reprogramming.
Sec. 204. Termination of the economic embargo of Cuba.
Sec. 205. Requirements for a transition government.
Sec. 206. Requirements for a democratically elected government.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

Sec. 301. Statement of policy.
Sec. 302. Liability for trafficking in property confiscated from United States nationals.
Sec. 303. Determination of claims to confiscated property.
Sec. 304. Exclusivity of Foreign Claims Settlement Commission certification procedure.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

Sec. 401. Exclusion from the United States of aliens who have confiscated property of United States nationals or who traffic in such property.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of at least 60 percent in the last 5 years as a result of—

(A) the end of its subsidization by the former Soviet Union of between 5 billion and 6 billion dollars annually;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the extreme decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the stated policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba on strictly commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of this economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba.

(3) The Castro regime has made it abundantly clear that it will not engage in any substantive political reforms that would lead to democracy, a market economy, or an economic recovery.

(4) The repression of the Cuban people, including a ban on free and fair democratic elections, and continuing violations of fundamental human rights have isolated the Cuban regime as the only completely nondemocratic government in the Western Hemisphere.

(5) As long as free elections are not held in Cuba, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(6) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(7) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the people of Cuba living under tyranny.

(8) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in sanctioning the totalitarian Castro regime.

(9) The United States has shown a deep commitment, and considers it a moral obligation, to promote and protect human rights and fundamental freedoms as expressed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

(10) The Congress has historically and consistently manifested its solidarity and the solidarity of the American people with the democratic aspirations of the Cuban people.

(11) The Cuban Democracy Act of 1992 calls upon the President to encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(12) The 1992 FREEDOM Support Act requires that the President, in providing economic assistance to Russia and the emerging Eurasian democracies, take into account the extent to which they are acting to ''terminate support for the communist regime in Cuba, including removal of troops, closing military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance''.

(13) The Cuban Government engages in the illegal international narcotics trade and harbors fugitives from justice in the United States.

(14) The Castro government threatens international peace and security by engaging in acts of armed subversion and terrorism such as the training and supplying of groups dedicated to international violence.

(15) The Castro government has utilized from its inception and continues to utilize torture in various forms (including by psychiatry), as well as execution, exile, confiscation, political imprisonment, and other forms of terror and repression, as means of retaining power.

(16) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and continues to make clear that he has no intention of tolerating the democratization of Cuban society.

(17) The Castro government holds innocent Cubans hostage in Cuba by no fault of the hostages themselves solely because relatives have escaped the country.

(18) Although a signatory state to the 1928 Inter-American Convention on Asylum and the International Covenant on Civil and Political Rights (which protects the right to leave one's own country), Cuba nevertheless surrounds embassies in its capital by armed forces to thwart the right of its citizens to seek asylum and systematically denies that right to the Cuban people, punishing them by imprisonment for seeking to leave the country and killing them for attempting to do so (as demonstrated in the case of the confirmed murder of over 40 men, women, and children who were seeking to leave Cuba on July 13, 1994).

(19) The Castro government continues to utilize blackmail, such as the immigration crisis with which it threatened the United States in the summer of 1994, and other unacceptable and illegal forms of conduct to influence the actions of sovereign states in the Western Hemisphere in violation of the Charter of the Organization of American States and other international agreements and international law.

(20) The United Nations Commission on Human Rights has repeatedly reported on the unacceptable human rights situation in Cuba and has taken the extraordinary step of appointing a Special Rapporteur.

(21) The Cuban Government has consistently refused access to the Special Rapporteur and formally expressed its decision not to ''implement so much as one comma'' of the United Nations Resolutions appointing the Rapporteur.

(22) The United Nations General Assembly passed Resolution 1992/70 on December 4, 1992, Resolution 1993/48/142 on December 20, 1993, and Resolution 1994/49/544 on October 19, 1994, referencing the Special Rapporteur's reports to the United Nations and condemning ''violations of human rights and fundamental freedoms'' in Cuba.

(23) Article 39 of Chapter VII of the United Nations Charter provides that the United Nations Security Council ''shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken . . ., to maintain or restore international peace and security.''.

(24) The United Nations has determined that massive and systematic violations of human rights may constitute a ''threat to peace'' under Article 39 and has imposed sanctions due to such violations of human rights in the cases of Rhodesia, South Africa, Iraq, and the former Yugoslavia.

(25) In the case of Haiti, a neighbor of Cuba not as close to the United States as Cuba, the United States led an effort to obtain and did obtain a United Nations Security Council embargo and blockade against that country due to the existence of a military dictatorship in power less than 3 years.

(26) United Nations Security Council Resolution 940 of July 31, 1994, subsequently authorized the use of ''all necessary means'' to restore the ''democratically elected government of Haiti'', and the democratically elected government of Haiti was restored to power on October 15, 1994.

(27) The Cuban people deserve to be assisted in a decisive manner to end the tyranny that has oppressed them for 36 years and the continued failure to do so constitutes ethically improper conduct by the international community.

(28) For the past 36 years, the Cuban Government has posed and continues to pose a national security threat to the United States.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To assist the Cuban people in regaining their freedom and prosperity, as well as in joining the community of democracies that are flourishing in the Western Hemisphere.

(2) To seek international sanctions against the Castro government in Cuba.

(3) To encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers.

(4) To develop a plan for furnishing assistance to a transition government and, subsequently, to a democratically elected government when such governments meet the eligibility requirements of this Act.

(5) To protect property rights abroad of United States nationals.

(6) To provide for the continued national security of the United States in the face of continuing threats from the Castro government of terrorism, theft of property from United States nationals, and domestic repression from which refugees flee to United States shores.

SEC. 4. DEFINITIONS.

As used in this Act, the following terms have the following meanings:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate.

(2) COMMERCIAL ACTIVITY.—The term ''commercial activity'' has the meaning given that term in section 1603(d) of title 28, United States Code.

(3) CONFISCATED.—As used in titles I and III, the term ''confiscated'' refers to—

(A) the nationalization, expropriation, or other seizure by the Cuban Government of ownership or control of property, on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by the Cuban Government of, the default by the Cuban Government on, or the failure by the Cuban Government to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by the Cuban Government;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by the Cuban Government; or

(iii) a debt which was incurred by the Cuban Government in satisfaction or settlement of a confiscated property claim.

(4) CUBAN GOVERNMENT.—(A) The term ''Cuban Government'' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

(B) For purposes of subparagraph (A), the term ''agency or instrumentality of the Government of Cuba'' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with ''Cuba'' substituted for ''a foreign state'' each place it appears in such section.

(5) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government determined by the President to have met the requirements of section 206.

(6) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act (50 U.S.C. 1701 and following), and the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following), as modified by the Cuban Democracy Act of 1992 (22 U.S.C. 6001 and following).

(7) FOREIGN NATIONAL.—The term ''foreign national'' means—

(A) an alien; or

(B) any corporation, trust, partnership, or other juridical entity not organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

(8) KNOWINGLY.—The term ''knowingly'' means with knowledge or having reason to know.

(9) PROPERTY.—(A) The term ''property'' means any property (including patents, copyrights, trademarks, and any other form of intellectual property), whether real, personal, or mixed, and any present, future, or contingent right, security, or other interest therein, including any leasehold interest.

(B) For purposes of title III of this Act, the term ''property'' shall not include real property used for residential purposes unless, as of the date of the enactment of this Act—

(i) the claim to the property is owned by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949; or

(ii) the property is occupied by a member or official of the Cuban Government or the ruling political party in Cuba.

(10) TRAFFICS.—(A) As used in title III, a person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include—

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(11) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government determined by the President to have met the requirements of section 205.

(12) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.

TITLE I—SEEKING SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. 101. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek, within the Security Council, a mandatory international embargo against the totalitarian Cuban Government pursuant to chapter VII of the Charter of the United Nations, which is similar to measures taken by United States representatives with respect to Haiti; and

(3) any resumption or commencement of efforts by any state to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to and relations with that state.

SEC. 102. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992 that states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b) of that Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials, are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President should instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) TRADING WITH THE ENEMY ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)) is amended to read as follows:

''(b)(1) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this Act.

''(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

''(3) The penalties provided under this subsection may not be imposed for—

''(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

''(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

''(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

''(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.''.

(2) FORFEITURE OF PROPERTY USED IN VIOLATION.—Section 16 of the Trading With the Enemy Act is further amended by striking subsection (c).

(3) CLERICAL AMENDMENT.—Section 16 of the Trading With the Enemy Act is further amended by inserting ''SEC. 16.'' before ''(a)''.

(e) COVERAGE OF DEBT-FOR-EQUITY SWAPS BY ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property, investment, or operation of the Government of Cuba (including the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba) or of a Cuban national; and''; and

(4) by adding at the end the following flush sentence:

''As used in this paragraph, the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

SEC. 103. PROHIBITION AGAINST INDIRECT FINANCING OF THE CASTRO DICTATORSHIP.

(a) PROHIBITION.—Notwithstanding any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, permanent resident alien, or United States agency, to a foreign national, United States national, or permanent resident alien, in order to finance transactions involving any confiscated property the claim to which is owned by a United States national as of the date of the enactment of this Act.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date on which the economic embargo of Cuba terminates under section 205.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to violations of the Cuban Assets Control Regulations set forth in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''permanent resident alien'' means an alien admitted for permanent residence into the United States; and

(2) the term ''United States agency'' has the meaning given the term ''agency'' in section 551(1) of title 5, United States Code.

SEC. 104. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of that institution until the President submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power.

(2) Once the President submits a determination under section 203(c)(1) that a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban Government over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to that institution an amount equal to the amount of the loan or other assistance to the Cuban Government, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. 105. UNITED STATES OPPOSITION TO ENDING THE SUSPENSION OF THE GOVERNMENT OF CUBA FROM THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to use the voice and vote of the United States to oppose ending the suspension of the Government of Cuba from the Organization until the President determines under section 203(c)(3) that a democratically elected government in Cuba is in power.

SEC. 106. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE CUBAN GOVERNMENT.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(11)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within that 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Cuban Government; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

''(B) imports from the Cuban Government at preferential tariff rates;

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

''(D) the exchange, reduction, or forgiveness of Cuban debt in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

''(4) CUBAN GOVERNMENT.—(A) The term 'Cuban Government' includes the government of any political subdivision of Cuba, and any agency or instrumentality of the Government of Cuba.

''(B) For purposes of subparagraph (A), the term 'agency or instrumentality of the Government of Cuba' means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with 'Cuba' substituted for 'a foreign state' each place it appears in such section.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to approximately $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance provided, on or after the date of the enactment of this subsection, for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided on or after such date by such state in support of intelligence facilities in Cuba, including the intelligence facility at Lourdes, Cuba.

''(2)(A) The President may waive the requirement of paragraph (1) to withhold assistance if the President certifies to the appropriate congressional committees that the provision of such assistance is important to the national security of the United States, and, in the case of such a certification made with respect to Russia, if the President certifies that the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

''(B) At the time of a certification made with respect to Russia pursuant to subparagraph (A), the President shall also submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

''(C) The report required by subparagraph (B) may be submitted in classified form.

''(D) For purposes of this paragraph, the term 'appropriate congressional committees' includes the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(3) The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

''(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

''(B) democratic political reform and rule of law activities;

''(C) technical assistance for safety upgrades of civilian nuclear power plants;

''(D) the creation of private sector and nongovernmental organizations that are independent of government control;

''(E) the development of a free market economic system; and

''(F) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).''.

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the United States Information Agency shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

(c) TERMINATION OF BROADCASTING AUTHORITIES.—Upon transmittal of a determination under section 203(c)(3), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa and following) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 and following) are repealed.

SEC. 108. REPORTS ON ASSISTANCE AND COMMERCE RECEIVED BY CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every year thereafter, the President shall submit a report to the appropriate congressional committees on assistance and commerce received by Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain the following, to the extent such information is known:

(1) A description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance.

(2) A description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade.

(3) A description of the joint ventures completed, or under consideration, by foreign nationals involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved.

(4) A determination whether or not any of the facilities described in paragraph (3) is the subject of a claim by a United States national.

(5) A determination of the amount of Cuban debt owed to each foreign country, including—

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals; and

(B) the amount of debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

(6) A description of the steps taken to ensure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals do not enter the United States market, either directly or through third countries or parties.

(7) An identification of countries that purchase, or have purchased, arms or military supplies from the Cuban Government or that otherwise have entered into agreements with the Cuban Government that have a military application, including—

(A) a description of the military supplies, equipment, or other materiel sold, bartered, or exchanged between the Cuban Government and such countries;

(B) a listing of the goods, services, credits, or other consideration received by the Cuban Government in exchange for military supplies, equipment, or materiel; and

(C) the terms or conditions of any such agreement.

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—Notwithstanding any other provision of law, except for section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) and comparable notification requirements contained in any Act making appropriations for foreign operations, export financing, and related programs, the President is authorized to furnish assistance and provide other support for individuals and independent nongovernmental organizations to support democracy-building efforts for Cuba, including the following:

(1) Published and informational matter, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies, to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression, and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) OAS EMERGENCY FUND.—(1) The President shall take the necessary steps to encourage the Organization of American States to create a special emergency fund for the explicit purpose of deploying human rights observers, election support, and election observation in Cuba.

(2) The President should instruct the United States Permanent Representative to the Organization of American States to encourage other member states of the Organization to join in calling for the Cuban Government to allow the immediate deployment of independent human rights monitors of the Organization throughout Cuba and on-site visits to Cuba by the Inter-American Commission on Human Rights.

(3) Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President should provide not less than $5,000,000 of the voluntary contributions of the United States to the Organization of American States as of the date of the enactment of this Act solely for the purposes of the special fund referred to in paragraph (1).

SEC. 110. WITHHOLDING OF FOREIGN ASSISTANCE FROM COUNTRIES SUPPORTING NUCLEAR PLANT IN CUBA.

(a) FINDINGS.—The Congress makes the following findings:

(1) President Clinton stated in April 1993 that ''the United States opposes the construction of the Juragua nuclear power plant because of our concerns about Cuba's ability to ensure the safe operation of the facility and because of Cuba's refusal to sign the Nuclear Non-Proliferation Treaty or ratify the Treaty of Tlatelolco.''.

(2) Cuba has not signed the Treaty on the Non-Proliferation of Nuclear Weapons or ratified the Treaty of Tlatelolco, the latter of which establishes Latin America and the Caribbean as a nuclear weapons-free zone.

(3) The State Department, the Nuclear Regulatory Commission, and the Department of Energy have expressed concerns about the construction and operation of Cuba's nuclear reactors.

(4) In a September 1992 report to Congress, the General Accounting Office outlined concerns among nuclear energy experts about deficiencies in the nuclear plant project in Juragua, near Cienfuegos, Cuba, including—

(A) a lack in Cuba of a nuclear regulatory structure;

(B) the absence in Cuba of an adequate infrastructure to ensure the plant's safe operation and requisite maintenance;

(C) the inadequacy of training of plant operators;

(D) reports by a former technician from Cuba who, by examining with x-rays weld sites believed to be part of the auxiliary plumbing system for the plant, found that 10 to 15 percent of those sites were defective;

(E) since September 5, 1992, when construction on the plant was halted, the prolonged exposure to the elements, including corrosive salt water vapor, of the primary reactor components; and

(F) the possible inadequacy of the upper portion of the reactors' dome retention capability to withstand only 7 pounds of pressure per square inch, given that normal atmospheric pressure is 32 pounds per square inch and United States reactors are designed to accommodate pressures of 50 pounds per square inch.

(5) The United States Geological Survey claims that it had difficulty determining answers to specific questions regarding earthquake activity in the area near Cienfuegos because the Cuban Government was not forthcoming with information.

(6) The Geological Survey has indicated that the Caribbean plate, a geological formation near the south coast of Cuba, may pose seismic risks to Cuba and the site of the power plant, and may produce large to moderate earthquakes.

(7) On May 25, 1992, the Caribbean plate produced an earthquake numbering 7.0 on the Richter scale.

(8) According to a study by the National Oceanic and Atmospheric Administration, summer winds could carry radioactive pollutants from a nuclear accident at the power plant throughout all of Florida and parts of the States on the gulf coast as far as Texas, and northern winds could carry the pollutants as far northeast as Virginia and Washington, D.C.

(9) The Cuban Government, under dictator Fidel Castro, in 1962 advocated the Soviets' launching of nuclear missiles to the United States, which represented a direct and dangerous provocation of the United States and brought the world to the brink of a nuclear conflict.

(10) Fidel Castro over the years has consistently issued threats against the United States Government, most recently that he would unleash another perilous mass migration from Cuba upon the enactment of this Act.

(11) Despite the various concerns about the plant's safety and operational problems, a feasibility study is being conducted that would establish a support group to include Russia, Cuba, and third countries with the objective of completing and operating the plant.

(b) WITHHOLDING OF FOREIGN ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall withhold from assistance allocated, on or after the date of the enactment of this Act, for any country an amount equal to the sum of assistance and credits, if any, provided on or after such date of enactment by that country or any entity in that country in support of the completion of the Cuban nuclear facility at Juragua, near Cienfuegos, Cuba.

(2) EXCEPTIONS.—The requirement of paragraph (1) to withhold assistance shall not apply with respect to—

(A) assistance to meet urgent humanitarian needs, including disaster and refugee relief;

(B) democratic political reform and rule of law activities;

(C) the creation of private sector and nongovernmental organizations that are independent of government control;

(D) the development of a free market economic system; and

(E) assistance for the purposes described in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160).

(3) DEFINITION.—As used in paragraph (1), the term ''assistance'' means assistance under the Foreign Assistance Act of 1961, credits, sales, and guarantees of extensions of credit under the Arms Export Control Act, assistance under titles I and III of the Agricultural Trade Development and Assistance Act of 1954, assistance under the FREEDOM Support Act of 1992, and any other program of assistance or credits provided by the United States to other countries under other provisions of law, except that the term ''assistance'' does not include humanitarian assistance, including disaster relief assistance.

SEC. 111. EXPULSION OF CRIMINALS FROM CUBA.

The President shall instruct all United States Government officials who engage in official conduct with the Cuban Government to raise on a regular basis the extradition of or rendering to the United States all persons residing in Cuba who are sought by the United States Department of Justice for crimes committed in the United States.

SEC. 112. EXPORTS OF FOOD OR MEDICAL ITEMS.

(a) AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.—Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 u.S.C. 2370(a)(1)) is amended by striking the period at the end of the second sentence and inserting the following: '', except that any such embargo shall not apply with respect to the export of any medicines or medical supplies, instruments, or equipment, or staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.''.

(b) LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.—Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 8, 1962, the Export Administration Regulations (15 CFR 368–399), and the Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of medicines or medical supplies, instruments, or equipment, or staple foods.

(c) LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.—

(1) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba—

(A) a medicines or medical supplies, instruments, or equipment, except to the extent such restrictions would be permitted under section 5 of that Act for goods containing parts or components subjects to export controls under such section; or

(B) of staple foods.

(2) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba—

(A) of medicines or medical supplies, instruments, or equipment, to the extent such authorities are exercised to deal with a threat to the foreign policy or economy of the United States; or

(B) of staple foods.

(d) DEFINITION.—For purposes of this section, the term ''staple foods'' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.

(e) CONFORMING AMENDMENTS.—(1) Section 1705 of the Cuban Democracy Act of 1992 (22 U.S.C. 6004) is amended—

(A) in subsection (b)—

(i) in the subsection caption by inserting ''AND EXPORTS OF STAPLE FOODS'' after ''FOOD''; and

(ii) by striking the period at the end and inserting the following: ''or prohibit exports to Cuba of staple foods. For purposes of the preceding sentence, the term 'staple foods' means meat, poultry, fish, bread, cereals, grains, vegetables, fruits, and dairy products.'';

(B) by amending subsection (c)(1) to read as follows:

''(1) except to the extent such restrictions—

''(A) would be permitted under section 5 of the Export Administration Act of 1979 for goods containing parts or components subject to export controls under such section; or

''(B) are imposed under section 208 of the International Emergency Economic Powers Act to deal with a threat to the national security of the United States;''; and

(C) by striking subsection (d) and redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(2) Section 1704(b)(2)(B)(i) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)(B)(i)) is amended by inserting after ''Cuba,'' the following: ''or exports of staple foods permitted under section 1705(b),''.

TITLE II—ASSISTANCE TO A FREE AND INDEPENDENT CUBA

SEC. 201. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

The policy of the United States is as follows:

(1) To support the self-determination of the Cuban people.

(2) To recognize that the self-determination of the Cuban people is a sovereign and national right of the citizens of Cuba which must be exercised free of interference by the government of any other country.

(3) To encourage the Cuban people to empower themselves with a government which reflects the self-determination of the Cuban people.

(4) To recognize the potential for a difficult transition from the current regime in Cuba that may result from the initiatives taken by the Cuban people for self-determination in response to the intransigence of the Castro regime in not allowing any substantive political or economic reforms, and to be prepared to provide the Cuban people with humanitarian, developmental, and other economic assistance.

(5) In solidarity with the Cuban people, to provide appropriate forms of assistance—

(A) to a transition government in Cuba;

(B) to facilitate the rapid movement from such a transition government to a democratically elected government in Cuba that results from an expression of the self-determination of the Cuban people; and

(C) to support such a democratically elected government.

(6) Through such assistance, to facilitate a peaceful transition to representative democracy and a market economy in Cuba and to consolidate democracy in Cuba.

(7) To deliver such assistance to the Cuban people only through a transition government in Cuba, through a democratically elected government in Cuba, through United States Government organizations, or through United States, international, or indigenous nongovernmental organizations.

(8) To encourage other countries and multilateral organizations to provide similar assistance, and to work cooperatively with such countries and organizations to coordinate such assistance.

(9) To ensure that appropriate assistance is rapidly provided and distributed to the people of Cuba upon the institution of a transition government in Cuba.

(10) Not to provide favorable treatment or influence on behalf of any individual or entity in the selection by the Cuban people of their future government.

(11) To assist a transition government in Cuba and a democratically elected government in Cuba to prepare the Cuban military forces for an appropriate role in a democracy.

(12) To be prepared to enter into negotiations with a democratically elected government in Cuba either to return the United States Naval Base at Guantanamo to Cuba or to renegotiate the present agreement under mutually agreeable terms.

(13) To consider the restoration of diplomatic recognition and support the reintegration of the Cuban Government into Inter-American organizations when the President determines that there exists a democratically elected government in Cuba.

(14) To take steps to remove the economic embargo of Cuba when the President determines that a transition to a democratically elected government in Cuba has begun.

(15) To assist a democratically elected government in Cuba to strengthen and stabilize its national currency.

(16) To pursue trade relations with a free, democratic, and independent Cuba.

SEC. 202. ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President shall develop a plan for providing economic assistance to Cuba at such time as the President determines that a transition government or a democratically elected government in Cuba (as determined under section 203(c)) is in power.

(2) EFFECT ON OTHER LAWS.—Assistance may be provided under this section subject to an authorization of appropriations and subject to the availability of appropriations.

(b) PLAN FOR ASSISTANCE.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance under this section—

(A) to Cuba when a transition government in Cuba is in power; and

(B) to Cuba when a democratically elected government in Cuba is in power.

(2) TYPES OF ASSISTANCE.—Assistance under the plan developed under paragraph (1) may, subject to an authorization of appropriations and subject to the availability of appropriations, include the following:

(A) TRANSITION GOVERNMENT.—(i) Except as provided in clause (ii), assistance to Cuba under a transition government shall, subject to an authorization of appropriations and subject to the availability of appropriations, be limited to—

(I) such food, medicine, medical supplies and equipment, and assistance to meet emergency energy needs, as is necessary to meet the basic human needs of the Cuban people; and

(II) assistance described in subparagraph (C).

(ii) Assistance provided only after the President certifies to the appropriate congressional committees, in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961, that such assistance is essential to the successful completion of the transition to democracy.

(iii) Only after a transition government in Cuba is in power, remittances by individuals to their relatives of cash or goods, as well as freedom to travel to visit them without any restrictions, shall be permitted.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance to a democratically elected government in Cuba may, subject to an authorization of appropriations and subject to the availability of appropriations, consist of additional economic assistance, together with assistance described in subparagraph (C). Such economic assistance may include—

(i) assistance under chapter 1 of part I (relating to development assistance), and chapter 4 of part II (relating to the economic support fund), of the Foreign Assistance Act of 1961;

(ii) assistance under the Agricultural Trade Development and Assistance Act of 1954;

(iii) financing, guarantees, and other forms of assistance provided by the Export-Import Bank of the United States;

(iv) financial support provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(v) assistance provided by the Trade and Development Agency;

(vi) Peace Corps programs; and

(vii) other appropriate assistance to carry out the policy of section 201.

(C) MILITARY ADJUSTMENT ASSISTANCE.—Assistance to a transition government in Cuba and to a democratically elected government in Cuba shall also include assistance in preparing the Cuban military forces to adjust to an appropriate role in a democracy.

(c) STRATEGY FOR DISTRIBUTION.—The plan developed under subsection (b) shall include a strategy for distributing assistance under the plan.

(d) DISTRIBUTION.—Assistance under the plan developed under subsection (b) shall be provided through United States Government organizations and nongovernmental organizations and private and voluntary organizations, whether within or outside the United States, including humanitarian, educational, labor, and private sector organizations.

(e) INTERNATIONAL EFFORTS.—The President shall take the necessary steps—

(1) to seek to obtain the agreement of other countries and of international financial institutions and multilateral organizations to provide to a transition government in Cuba, and to a democratically elected government in Cuba, assistance comparable to that provided by the United States under this Act; and

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(f) COMMUNICATION WITH THE CUBAN PEOPLE.—The President shall take the necessary steps to communicate to the Cuban people the plan for assistance developed under this section.

(g) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

(h) TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, shall submit to the appropriate congressional committees a report that describes—

(A) acts, policies, and practices that constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States regarding trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment);

(ii) designation of Cuba as a beneficiary developing country under title V of the Trade

Act of 1974 (relating to the Generalized System of Preferences) or as a beneficiary country under the Caribbean Basin Economic Recovery Act, and the implications of such designation with respect to trade with any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)); and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any of such policy and negotiating objectives.

(2) CONSULTATIONS.—The President shall consult with the appropriate congressional committees and shall seek advice from the appropriate advisory committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals described in paragraph (1).

SEC. 203. COORDINATION OF ASSISTANCE PROGRAM; IMPLEMENTATION AND REPORTS TO CONGRESS; REPROGRAMMING.

(a) COORDINATING OFFICIAL.—The President shall designate a coordinating official who shall be responsible for—

(1) implementing the strategy for distributing assistance described in section 202(b);

(2) ensuring the speedy and efficient distribution of such assistance; and

(3) ensuring coordination among, and appropriate oversight by, the agencies of the United States that provide assistance described in section 202(b), including resolving any disputes among such agencies.

(b) UNITED STATES-CUBA COUNCIL.—Upon making a determination under subsection (c)(3) that a democratically elected government in Cuba is in power, the President, after consultation with the coordinating official, is authorized to designate a United States-Cuba council—

(1) to ensure coordination between the United States Government and the private sector in responding to change in Cuba, and in promoting market-based development in Cuba; and

(2) to establish periodic meetings between representatives of the United States and Cuban private sectors for the purpose of facilitating bilateral trade.

(c) IMPLEMENTATION OF PLAN; REPORTS TO CONGRESS.—

(1) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such transition government under the plan developed under section 202(b).

(2) REPORTS TO CONGRESS.—(A) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section 202(b)(2) (A) and (C) to the transition government in Cuba under the plan of assistance developed under section 202(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(B) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(3) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, submit that determination to the appropriate congressional committees and shall, subject to an authorization of appropriations and subject to the availability of appropriations, commence the delivery and distribution of assistance to such democratically elected government under the plan developed under section 202(b).

(4) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section 202(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

(d) REPROGRAMMING.—Any changes in the assistance to be provided under the plan developed under section 202(b) may not be made unless the President notifies the appropriate congressional committees at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(1) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo of Cuba to the extent that such action contributes to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may suspend the enforcement of—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) with regard to the ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act (22 U.S.C. 6003, 6004(d), 6005);

(4) section 902(c) of the Food Security Act of 1985; and

(5) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations.

(c) ADDITIONAL PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 203(c)(3) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.

(d) CONFORMING AMENDMENTS.—On the date on which the President submits a determination under section 203(c)(3)—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) sections 1704, 1705(d), and 1706 of the Cuban Democracy Act of 1992 (22 U.S.C. 6003, 6004(d), and 6005) are repealed; and

(4) section 902(c) of the Food Security Act of 1985 is repealed.

(e) REVIEW OF SUSPENSION OF ECONOMIC EMBARGO.—

(1) REVIEW.—If the President takes action under subsection (a) to suspend the economic embargo of Cuba, the President shall immediately so notify the Congress. The President shall report to the Congress no less frequently than every 6 months thereafter, until he submits a determination under section 203(c)(3) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effective upon the enactment of a joint resolution described in paragraph (2).

(2) JOINT RESOLUTIONS.—For purposes of this subsection, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That the Congress disapproves the action of the President under section 204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on ____.'', with the blank space being filled with the appropriate date.

(3) REFERRAL TO COMMITTEES.—Joint resolutions introduced in the House of Representatives shall be referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.

(4) PROCEDURES.—(A) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(B) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in each 6-month period thereafter.

SEC. 205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this Act, a transition government in Cuba is a government in Cuba which—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has recognized the right to independent political activity and association;

(3) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(4) has ceased any interference with Radio or Television Marti broadcasts;

(5) makes public commitments to and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) dissolving the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(C) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(D) effectively guaranteeing the rights of free speech and freedom of the press;

(E) organizing free and fair elections for a new government—

(i) to be held in a timely manner within a period not to exceed 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(I) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;

(6) does not include Fidel Castro or Raul Castro;

(7) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people;

(8) permits the deployment throughout Cuba of independent and unfettered international human rights monitors; and

(9) has extradited or otherwise rendered to the United States all persons sought by the United States Department of Justice for crimes committed in the United States.

SEC. 206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this Act, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section 205, is a government in Cuba which—

(1) results from free and fair elections conducted under the supervision of internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) has made demonstrable progress in establishing an independent judiciary;

(5) is substantially moving toward a market-oriented economic system;

(6) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(7) has made demonstrable progress in returning to United States citizens (and entities which are 50 percent or more beneficially owned by United States citizens) property taken by the Cuban Government from such citizens and entities on or after January 1, 1959, or providing full compensation for such property in accordance with international law standards and practice.

TITLE III—PROTECTION OF PROPERTY RIGHTS OF UNITED STATES NATIONALS AGAINST CONFISCATORY TAKINGS BY THE CASTRO REGIME

SEC. 301. STATEMENT OF POLICY.

The Congress makes the following findings:

(1) The right of individuals to hold and enjoy property is a fundamental right recognized by the United States Constitution and international human rights law, including the Universal Declaration of Human Rights.

(2) The illegal confiscation or taking of property by governments, and the acquiescence of governments in the confiscation of property by their citizens, undermines the comity among nations, the free flow of commerce, and economic development.

(3) It is in the interest of all nations to respect equally the property rights of their citizens and nationals of other countries.

(4) Nations that provide an effective mechanism for prompt, adequate, and fair compensation for the confiscation of private property will continue to have the support of the United States.

(5) The United States Government has an obligation to its citizens to provide protection against illegal confiscation by foreign nations and their citizens, including the provision of private remedies.

(6) Nations that illegally confiscate private property should not be immune to another nation's laws whose purpose is to protect against the confiscation of lawfully acquired property by its citizens.

(7) Trafficking in illegally acquired property is a crime under the laws of the United States and other nations, yet this same activity is allowed under international law.

(8) International law, by not providing effective remedies, condones the illegal confiscation of property and allows for the unjust enrichment from the use of confiscated property by governments and private entities at the expense of those who hold legal claim to the property.

(9) The development of an international mechanism sanctioning those governments and private entities that confiscate and unjustly use private property so confiscated should be a priority objective of United States foreign policy.

SEC. 302. LIABILITY FOR TRAFFICKING IN PROPERTY CONFISCATED FROM UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—

(1) LIABILITY FOR TRAFFICKING.—(A) Except as provided in paragraphs (3) and (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that, after the end of the 6-month period beginning on the date of the enactment of this Act, traffics in confiscated property shall be liable to any United States national who owns the claim to such property for money damages in an amount equal to the sum of—

(i) the amount which is the greater of—

(I) the amount, if any, certified to the claimant by the Foreign Claims Settlement Commission under the International Claims Settlement Act of 1949, plus interest;

(II) the amount determined under section 303(a)(2), plus interest; or

(III) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest, whichever is greater; and

(ii) reasonable costs and attorneys' fees.

(B) Interest under subparagraph (A)(i) shall be at the rate set forth in section 1961 of title 28, United States Code, computed by the court from the date of the confiscation of the property involved to the date on which the action is brought under this subsection.

(2) PRESUMPTION IN FAVOR OF CERTIFIED CLAIMS.—There shall be a presumption that the amount for which a person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) is the amount that is certified under subclause (I) of that clause. The presumption shall be rebuttable by clear and convincing evidence that the amount described in subclause (II) or (III) of that clause is the appropriate amount of liability under that clause.

(3) INCREASED LIABILITY FOR PRIOR NOTICE.—Except as provided in paragraph (4), any person, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that traffics in confiscated property after having received—

(A) notice of a claim to ownership of the property by a United States national who owns a claim to the confiscated property, and

(B) notice of the provisions of this section, shall be liable to that United States national for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii) plus triple the amount determined applicable under subclause (I), (II), or (III) of paragraph (1)(A)(i).

(4) APPLICABILITY.—(A) Except as otherwise provided in this paragraph, actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of the enactment of this Act.

(B) In the case of property confiscated before the date of the enactment of this Act, no United States national may bring an action under this section unless such national acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of the enactment of this Act, no United States national who acquired ownership of a claim to confiscated property by assignment for value after such date of enactment may bring an action on the claim under this section.

(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought under this section by a United States national who was eligible to file the underlying claim in the action with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but did not so file the claim, the court may hear the case only if the court determines that the United States national had good cause for not filing the claim.

(B) In the case of any action brought under this section by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied by the Commission, the court may assess the basis for the denial and may accept the findings of the Commission on the claim as conclusive in the action under this section unless good cause justifies another result.

(6) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based upon the act of state doctrine, to make a determination on the merits in an action brought under paragraph (1).

(b) DEFINITION.—As used in this subsection, the term ''agency or instrumentality of a foreign state'' has the meaning given that term in section 1603(b) of title 28, United States Code.

(c) JURISDICTION.—

(1) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

''§ 1331a. Civil actions involving confiscated property

''The district courts shall have exclusive jurisdiction of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, regardless of the amount in controversy.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by inserting after the item relating to section 1331 the following:

''1331a. Civil actions involving confiscated property.''.

(d) CERTAIN PROPERTY IMMUNE FROM EXECUTION.—Section 1611 of title 28, United

States Code, is amended by adding at the end the following:

''(c) Notwithstanding the provisions of section 1610 of this chapter, the property of a foreign state shall be immune from attachment and from execution in an action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to the extent the property is a facility or installation used by an accredited diplomatic mission for official purposes.''.

(e) ELECTION OF REMEDIES.—

(1) ELECTION.—Subject to paragraph (2)—

(A) any United States national that brings an action under this section may not bring any other civil action or proceeding under the common law, Federal law, or the law of any of the several States, the District of Columbia, or any territory or possession of the United States, that seeks monetary or nonmonetary compensation by reason of the same subject matter; and

(B) any person who brings, under the common law or any provision of law other than this section, a civil action or proceeding for monetary or nonmonetary compensation arising out of a claim for which an action would otherwise be cognizable under this section may not bring an action under this section on that claim.

(2) TREATMENT OF CERTIFIED CLAIMANTS.—In the case of any United States national that brings an action under this section based on a claim certified under title V of the International Claims Settlement Act of 1949—

(A) if the recovery in the action is equal to or greater than the amount of the certified claim, the United States national may not receive payment on the claim under any agreement entered into between the United States and Cuba settling claims covered by such title, and such national shall be deemed to have discharged the United States from any further responsibility to represent the United States national with respect to that claim;

(B) if the recovery in the action is less than the amount of the certified claim, the United States national may receive payment under a claims agreement described in subparagraph (A) but only to the extent of the difference between the amount of the recovery and the amount of the certified claim; and

(C) if there is no recovery in the action, the United States national may receive payment on the certified claim under a claims agreement described in subparagraph (A) to the same extent as any certified claimant who does not bring an action under this section.

(f) DEPOSIT OF EXCESS PAYMENTS BY CUBA UNDER CLAIMS AGREEMENT.—Any amounts paid by Cuba under any agreement entered into between the United States and Cuba settling certified claims under title V of the International Claims Settlement Act of 1949 that are in excess of the payments made on such certified claims after the application of subsection (e) shall be deposited into the United States Treasury.

(g) TERMINATION OF RIGHTS.—

(1) IN GENERAL.—All rights created under this section to bring an action for money damages with respect to property confiscated before the date of the enactment of this Act shall cease upon the transmittal to the Congress of a determination of the President under section 203(c)(3).

(2) PENDING SUITS.—The termination of rights under paragraph (1) shall not affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this subsection had not been enacted.

SEC. 303. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—

(1) CONCLUSIVENESS OF CERTIFIED CLAIMS.—In any action brought under this title, the courts shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission pursuant to title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following).

(2) CLAIMS NOT CERTIFIED.—In the case of a claim that has not been certified by the Foreign Claims Settlement Commission before the enactment of this Act, a court may appoint a special master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount and validity of claims to ownership of confiscated property. Such determinations are only for evidentiary purposes in civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(3) EFFECT OF DETERMINATIONS OF FOREIGN ENTITIES.—In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was found pursuant to binding international arbitration to which United States national submitted the claim.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following) is amended by adding at the end the following new section:

''EVALUATION OF OWNERSHIP CLAIMS REFERRED BY DISTRICT COURTS OF THE UNITED STATES

''SEC. 514. Notwithstanding any other provision of this title and only for purposes of section 302 of the Cuban Liberty and Solidarity (LIBERTAD) Act, a United States district court, for fact-finding purposes, may refer to the Commission, and the Commission may determine, questions of the amount and ownership of a claim by a United States national (as defined in section 4 of the Cuban Liberty and Solidarity (LIBERTAD) Act) resulting from the confiscation of property by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a national of the United States (as defined in section 502(1)) at the time of the action by the Government of Cuba.''.

(c) RULE OF CONSTRUCTION.—Nothing in this Act or section 514 of the International Claims Settlement Act of 1949, as added by subsection (b), shall be construed—

(1) to require or otherwise authorize the claims of Cuban nationals who became United States citizens after their property was confiscated to be included in the claims certified to the Secretary of State by the Foreign Claims Settlement Commission for purposes of future negotiation and espousal of claims with a friendly government in Cuba when diplomatic relations are restored; or

(2) as superseding, amending, or otherwise altering certifications that have been made pursuant to title V of the International Claims Settlement Act of 1949 before the enactment of this Act.

SEC. 304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 303, is further amended by adding at the end the following new section:

''EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE

''SEC. 515. (a) Subject to subsection (b), neither any national of the United States who was eligible to file a claim under section 503 but did not timely file such claim under that section, nor any national of the United States (on the date of the enactment of this section) who was not eligible to file a claim under that section, nor any national of Cuba, including any agency, instrumentality, subdivision, or enterprise of the Government of Cuba or any local government of Cuba in place on the date of the enactment of this section, nor any successor thereto, whether or not recognized by the United States, shall have a claim to, participate in, or otherwise have an interest in, the compensation proceeds or other nonmonetary compensation paid or allocated to a national of the United States by virtue of a claim certified by the Commission under section 507, nor shall any court of the United States or any State court have jurisdiction to adjudicate any such claim.

''(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any rights in the shares of the capital stock of nationals of the United States owning claims certified by the Commission under section 507.''.

TITLE IV—EXCLUSION OF CERTAIN ALIENS

SEC. 401. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY OF UNITED STATES NATIONALS OR WHO TRAFFIC IN SUCH PROPERTY.

(a) GROUNDS FOR EXCLUSION.—The Secretary of State, in consultation with the Attorney General, shall exclude from the United States any alien who the Secretary of State determines is a person who—

(1) has confiscated, or has directed or overseen the confiscation of, property a claim to which is owned by a United States national, or converts or has converted for personal gain confiscated property, a claim to which is owned by a United States national;

(2) traffics in confiscated property, a claim to which is owned by a United States national;

(3) is a corporate officer, principal, or shareholder with a controlling interest of an entity which has been involved in the confiscation of property or trafficking in confiscated property, a claim to which is owned by a United States national; or

(4) is a spouse, minor child, or agent of a person excludable under paragraph (1), (2), or (3).

(b) DEFINITIONS.—As used in this section, the following terms have the following meanings:

(1) CONFISCATED; CONFISCATION.—The terms ''confiscated'' and ''confiscation'' refer to—

(A) the nationalization, expropriation, or other seizure by foreign governmental authority of ownership or control of property on or after January 1, 1959—

(i) without the property having been returned or adequate and effective compensation provided; or

(ii) without the claim to the property having been settled pursuant to an international claims settlement agreement or other mutually accepted settlement procedure; and

(B) the repudiation by foreign governmental authority of, the default by foreign governmental authority on, or the failure by foreign governmental authority to pay, on or after January 1, 1959—

(i) a debt of any enterprise which has been nationalized, expropriated, or otherwise taken by foreign governmental authority;

(ii) a debt which is a charge on property nationalized, expropriated, or otherwise taken by foreign governmental authority; or

(iii) a debt which was incurred by foreign governmental authority in satisfaction or settlement of a confiscated property claim.

(2) PROPERTY.—The term ''property'' does not include claims arising from a territory in dispute as a result of war between United Nations member states in which the ultimate resolution of the disputed territory has not been resolved.

(3) TRAFFICS.—(A) A person or entity ''traffics'' in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, obtains control of, manages, uses, or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefiting from confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person,

without the authorization of the United States national who holds a claim to the property.

(B) The term ''traffics'' does not include–

(i) the delivery of international telecommunication signals to Cuba that are authorized by section 1705(e) of the Cuban Democracy Act of 1992 (22 U.S.C. 6004(e)); or

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national.

(c) NATIONAL INTEREST EXEMPTION.—This section shall not apply where the Secretary of State finds, on a case-by-case basis, that making a determination under subsection (a) would be contrary to the national interest of the United States.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—This section applies to aliens seeking to enter the United States on or after the date of the enactment of this Act.

(2) TRAFFICKING.—This section applies only with respect to acts within the meaning of ''traffics'' that occur on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Washington [Mr. MCDERMOTT] and a Member opposed each will be recognized for 30 minutes.

Is the gentleman from Indiana [Mr. BURTON] opposed to the amendment?

Mr. BURTON of Indiana. Mr. Chairman, I am.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] will be recognized for 30 minutes, and the gentleman from Washington [Mr. MCDERMOTT] will be recognized for 30 minutes.

The Chair recognize the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. Chairman, this proposal which is before us to deal with Cuba is primarily a bill dealing with property rights. It is in my opinion not a good bill, but this particular amendment, this substitute, deals with only one provision of that proposal which is before us, and that is to open up the possibility of sale of medical supplies, instruments, medical literature, and foodstuffs to Cuba.

Now presently the embargo allows the donation of those kinds of things to Cuba. It puts no prohibition against that. But the fact is that we cannot through the charity system deal with the medical needs of Cuba.

Mr. Chairman, I have been in Cuba, I have visited clinics, I have visited hospitals, I have been to the medical schools, and it is clear to me that the Cuban people are suffering tremendously because of the shortage of modern-day medical supplies, and instrumentation, and pharmaceuticals.

Now it is inconceivable to me that a country 90 miles from our shores, when we, the United States, have in many places in the world insisted on international humanitarian standards being applied, would withhold from the Cuban people those things which are available to people in the United States.

Mr. Chairman, I could give my colleagues many examples, but let us just take the issue of asthma. Asthma is a disease that makes it difficult for people to breathe. There is one of the highest rates of asthma in Cuba, and they are short of the kind of medication you need to make it possible to open up people's breathing passages so they can breathe.

Now anybody who ever had asthma understands how awful that is, especially for children. The feeling in one's chest that they cannot breathe is something that any parent, looking at his own child, would never want his child to have, and yet we, by our Government policy, say that our pharmaceutical companies cannot sell the medication to the Cubans that is necessary so that parents can give to their children medication to relieve that dreadful disease. That is absolutely against anything that we as Americans hold ourselves out to the world as believing, and I do not think that that is the public policy that the U.S. Congress wants us to be espousing.

□ 1030

A patient came to me or a Cuban family came to me and told me about a cousin who was in Cuba who has leukemia. There is a treatment at the Hutchinson Cancer Center in Seattle where people can have that leukemia treated, and the success rate is about 90 percent. That medication is not readily available in Cuba, and their family member did not have access to that.

Now, there is no reason why that should not be available. Mr. Chairman, my distinguished opponents will say the medication can be donated to some hospital, some church hospital or something. I do not know, but that simply does not apply to the whole medical system in Cuba. We cannot, through donations, expect that the Sisters of Charity or whatever are going to deliver these kind of very specialized treatments if they are not available through what is essentially a government health care system.

By refusing to accept this amendment, we, as Members of the United States Congress, are saying to Cuban families, we, this bastion of democracy and humanitarianism, are going to withhold from people the ability to take care of their children and members of their family. There is no argument that I can see that would make possible that kind of a statement by the U.S. Congress.

It is for that reason, Mr. Chairman, that I offer this. I oppose a lot of the other parts of the bill, but I did not touch those. I simply touched the thing that I think is the hardest and absolutely indefensible, in my opinion.

As a physician, and if others have ever taken care of a kid and looked into the eyes of parents and recognized that we have the capacity to help them with their kid, and have been able to do it in this country, one can imagine what it is like in a country where we know that there is the medication available, but it is simply, because of the U.S. embargo, it is not available in another's country, and that child is going to either suffer or die. That is simply not what I think as an American we want our policy toward Cuba to be.

We want democracy. There is nobody on this floor who is supporting Mr. Castro. None of us think that is a good idea. Anybody who tries to paint that as the attack on us is simply misrepresenting the facts.

But in our process of pushing to change the situation in Cuba, we cannot use medicine and food staples as a way of doing that.

Mr. Chairman, the fact they cannot get modern textbooks, modern medical textbooks, why should they have to be dealing with a textbook from 1949 simply because we place an embargo on them? I think this is a good amendment and urge the adoption of it.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this, I believe, is a red herring. The fact of the matter is, the United States of America is the largest giver of humanitarian aid to Cuba in the world today. The people who are suffering down there get a great deal of help from the United States, both in medical supplies and in food. The question then comes, why are we going to give Castro the right to buy these products?

My learned opponents says we are denying people with asthma the ability to be treated; children who have other maladies are not being able to be treated.

Mr. Chairman, that is absolutely not true. Castro can buy these medical supplies if he wants to from anyplace in the world. We are not trying to keep kids from being treated or families from being treated.

As a matter of fact, as I said, we are the biggest giver of humanitarian and medical supplies in the world from a humanitarian standpoint. We do not sell them to them, we give them to them. If somebody in Cuba wants to contact a relative in the United States and say, send us some asthma medicine, they can do it and they do it.

This is a red herring. I cannot understand why they are trying to add this to the bill. We are trying to put the squeeze on Fidel Castro by denying him hard currency so that the people of Cuba will have freedom, democracy, and human rights, which have been denied them for about 35 years.

Mr. Chairman, this amendment is not necessary. The United States is doing everything we can to help the people of Cuba. If medical supplies are needed, there are hundreds of countries from which Castro can buy these supplies. What it would do is get the camel's nose under the tent as far as breaking the embargo that we have on Cuba, and that is what I think my learned colleague is trying to do.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me. Certainly the bill before us, H.R. 927, represents a new battlefront in our commitment for freedom for the Cuban people. Yesterday I showed the House—and many of our colleagues did as well—a letter signed by dozens of Cuban dissidents on the island, who, at great personal risk to their safety, sent this letter to Senator HELMS. Let us not let down those dissidents and the other millions of Cubans who daily fight against the dictatorship.

Mr. Chairman, as all of us know, Castro's repression does not go down at all. It does not diminish in any way. His power mongering continually increases. Firm and swift policies are needed to eliminate this dictator, and this bill, H.R. 927, contains those swift policies.

This substitute appears to be humanitarian in nature but it could very well constitute an economic windfall for Fidel Castro. As the chairman of the Subcommittee on the Western Hemisphere, the gentleman from Indiana [Mr. BURTON] has pointed out, food and medicine are allowed to go to Cuba now, from the United States to Cuba. No prohibition. There is no prohibition. If you want to send an aspirin from Washington to Havana, go ahead. There is no embargo on aspirin. Asthma medicine. Whatever you want. Food and medicine is not prohibited. There is no embargo.

I have said it five times, we will continue to say it for the entire hour. There is no prohibition on food and medicine going from the United States to Cuba. Also, Castro can get anything he wants, as Mr. BURTON pointed out, from every other country in the world anyway. Even if we were to have an embargo on food and medicine—which there is no embargo on—he can get it from any other country. Is the United States the only maker of aspirin in the world? I think not.

What does Castro do? He takes the food and medicine and he sells it to the tourists. He sells it to the Communist Party officials. If the people cannot get aspirin, if the people cannot get asthma medicine, it is not because it is not there in Cuba, it is because Castro takes it and sells it to the tourists. The best hospital facilities in the Caribbean are in Cuba for the tourists and for the Communist Party officials. But for the starving, needy people of Cuba, Castro decides—even if they want these supplies—he will not give it to them. It is his way of making sure that they know that he is their supreme ruler.

It is clear, Mr. Chairman, the goals of this bill. And once again let us restate them. The goals of the bill are simple. No. 1, let us try to have an end to the Castro regime. No. 2, let us plan for a democratic transition for Cuba. And No. 3, let us protect property of United States citizens in Cuba. Let us bring an end to this Castro regime and let us make sure that we understand the human rights situation in Cuba.

We have said it over and over again. Organizations like Human Rights Watch Americas, Amnesty International, Inter-American Commission on Human Rights, what do they say? The Cuban Government continues to violate the rights of freedom of expression, freedom of association, freedom against arbitrary detention, security of the person, among others. Hundreds of political prisoners remain incarcerated under difficult conditions charged with political offenses that include handing out flyers, expressing their opinions, calling out for freedom in their island. That is a crime against the repressive police state.

Castro wants and again rejects any kind of democratic approaches that these helpful ideologues want to give them. He has rejected them from Mexico, he has rejected them from Spain, he will reject them time and time again. Let us not get confused. Once again, well-meaning substitute, it is not based on facts. There is no prohibition about food and medicine. Castro has to lift the embargo that he has on the Cuban people for food, medicine, and expression of ideas. That is the embargo that we must lift.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume. I think it is important to clarify what has just been said. There is no embargo on people giving. There is an embargo on any sale of staple foods or medicines or medical equipment in Cuba. No one should come away from listening to that last speech and believe that we can get adequate amounts of these materials into Cuba.

Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank my colleague for yielding me the time.

Mr. Chairman, food and medical exports to Cuba, as would be authorized under the amendment offered by my colleague, the gentleman from Washington [Mr. MCDERMOTT], represent a modest improvement in this bill, and I support it. It is a step, a small step in the right direction, whereas this bill fundamentally is headed in the wrong direction.

What is the right direction? Again, we are all interested in a Cuba that has an open economic system and a Democratic political system. How do we get there? Well, it is ironic to me that exactly the arguments just expressed by the gentlewoman from Florida [Ms. ROS-LEHTINEN] were offered up in this body quite recently during the debate on what should be our policy with respect also to a repressive regime that mistreats its people, that does not have the kind of open economic and political system that we want for Cuba, namely the government in China.

There, Mr. Chairman, we realize that exactly the kind of approach that the gentleman is suggesting in this amendment is in the United States' interest, and that is not a policy of isolation, of mindlessly trying to pretend that by raising up all possible impediments we are going to bring about the desired result in Cuba. Rather, it is a policy that reflects our thoughtful analysis of how we get what we want with respect to regimes like this everywhere else in the world except for Cuba, and that is a challenge directly on an economic playing field, a challenge directly, politically, culturally and, in the case of the amendment offered by the gentleman from Washington [Mr. MCDERMOTT], in terms of humanitarian assistance.

The McDermott amendment is particularly addressing this last point. It is too bad it does not go beyond just the question of food and medicines to deal with the other many, many failings in the policy enacted into law previously through the Cuban Democracy Act and now being proposed to be further taken in the wrong direction by the legislation before the House.

For example, Mr. Chairman, this bill not only continues but accelerates the idiocy inherent in the TV Marti program. It is saying not only have we wasted $90 million of taxpayers' money that have accomplished zip, zilch, nada, in getting a United States' point of view received on Cuban TV sets, but we are going to go even farther faster in wasting taxpayers' money now by saying that USIA has to proceed again with the mindless, ideologically-driven program of converting to UHF, even though two-thirds of the TVs in Cuba do not get UHF reception and even though UHF signals by technical analysis will be more easily jammed than the current failed VHF program.

Again, Mr. Chairman, the gentleman's amendment, as far as it goes,

makes great sense. I hope my colleagues will support it. And I would also be interested, if the sponsor of this amendment can explain to me, why it is we are in this corner, why with regard to Cuba, unlike all other areas in the world in which we are confronting Communist regimes and trying, through a whole range of strategies to get them to change, why the approach to Cuba is different than anyplace else in the world. Does the gentleman understand why we are doing it this way?

□ 1045

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

Mr. Chairman, there is no explanation that makes any sense to me. We have adopted the policy in every other country that increased trade and involvement would ultimately bring about change in the government. We just opened our trade relationship with the Republic of Vietnam, a government that we still disagree with, that we consider oppressive. In fact, we are opening trade, we are involved in a variety of things. We are already, as the gentleman mentioned, in China doing that.

It makes no sense, particularly in this area, where you are not punishing Mr. Castro, you are not punishing anybody in the top of the organization. You are punishing the people. That does not work and is wrong.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I do not believe my learned colleagues have read current law. The current law says in section 1705, ''Support for the Cuban people,'' under section B, ''Donations of food,'' ''Nothing in this or any other act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.''

Under section C, ''Exports of medicines and medical supplies,'' it says, ''Exports of medicines or medical supplies instruments or equipment to Cuba shall not be restricted.'' Shall not be restricted. It goes on to say under subsection 1, ''On-site verifications'': ''Subject to subparagraph B an export may be made under subsection C only when the President determines that United States Government is able to verify by on-site inspections and other appropriate means that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.''

The reason that language was put in there was to make sure that Castro did not take these supplies and use them for some other purpose, other than to help the Cuban people. But they can get medical supplies today under current law.

Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, first of all, it is important to point out what this amendment is striking. Let us start off by reading what it says. ''Strike all after the enacting clause and insert'' their food and medicine provision, so-called food and medicine provision. In other words, no more requests for elections, no more demand for freedom, no more trying to get at Castro's lifeline or foreign investment. No, no.

I am sure that when the gentleman from Washington [Mr. MCDERMOTT] goes down to Cuba, I bet he does not ask for elections there either. He is certainly not asking for elections in this substitute amendment.

I really think after 37 years, and I say this to our colleagues on the other side of the aisle, when are you going to demand elections for the Cuban people? When? You demanded elections in South Africa. I joined you. And when the President of my party, at that time President Reagan, was unclear or incorrect with regard to the need to come down hard on the South African regime, I criticized that.

When are you going to ask for elections in Cuba? In your substitute amendment, which is here, you delete everything in the bill that stands for freedom in Cuba. So you come before us, speaker after speaker after speaker, saying ''Oh, we support elections.''

When have you made a statement, Mr. MCDERMOTT? Show me when you have gone to Cuba to demand of the regime there that you go and visit and have elections?

I will tell you this, sir: I think that it is most unfortunate that, after 37 years, you still come down here and in effect pay lip service to your supposed support for freedom for our closest neighbors, and yet come here and throw red herrings into this legislation.

A point was made by the distinguished gentleman from Colorado about the fact that other embargoes do not include food sales. The embargo, for example, on Iraq, or Serbia-Montenegro, those are international embargoes.

If the gentleman from Washington [Mr. MCDERMOTT] or the gentleman from Colorado [Mr. SKAGGS] joined us in going down to the White House and asking that the leadership of this Nation be utilized to seek an international embargo against the Castro regime, we will be the first ones in an international embargo to obviously exclude the food issue, like in the embargoes against Serbia or Iraq.

You not only are not seeking an international embargo against a 37-year-old dictatorship of Castro. No. You are coming here and gutting a bill which is trying to prevent the flow of dollars to a regime that, after the loss of the Soviet subsidy, is hanging on by the sale of a slave economy, a slave economy, and the denial of all labor rights and all workers' rights. And you in effect are trying to gut our attempt to stop the flow of dollars to Castro's repressive machinery by his continued offer to international capitalism of the slave economy and the slave conditions of the Cuban worker. That is what you are doing. That is what you are doing.

So do not come here and say that you are for freedom, when you are not asking for elections. Do not come here and say that you are for elections, when you go down to Cuba, and I have not seen any statement that you make there in demanding elections.

So let us be honest. If you want to defend the regime, say so. Then I will have more respect for you.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume to respond to that.

Mr. Chairman, my distinguished colleague from Florida apparently did not read the bill. This is exactly his bill, with one phrase, that is allowing the sale of medication and staple foods. Everything else in the gentleman's bill is in this.

All that demagoguery was directed at some figment of his imagination. The gentleman simply did not pay attention to what is in this bill. It is your bill, with one addition. It simply is the addition of medication and staple foods. We have embargoes against every other country, such as Iraq, but we allow food and we allow medication, and your bill is untouched.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

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

Mr. Chairman, I rise in support of this amendment to H.R. 927. I think it is important to bear in mind that we have the toughest sanction ever on Iraq, which I think we would all support, but the United States and the United Nations support full and open commerce in food and medicine with Iraq. So this is not a radical suggestion that we have full and open commerce in food and medicine.

But the problem with this bill that this amendment attempts to correct is that the bill is far too inflexible and really unworkable. It is unlikely to lead to democratization or to political or social reforms, and as was said in lengthy debate on this bill last night, it will create serious legal problems. It could potentially tie up our courts in land settlements, land claims for property outside the United States. That sets a very dangerous precedent in terms of other immigrant communities who may want to seize that precedent as well. I do not think we have the capacity within our judicial system to settle these legal problems, and this is not where they should be settled, in the United States.

It will create substantial business problems. It completely undermines NAFTA, which we just passed. It is going to make it extremely difficult for our corporations, who would in fact hold the key to a free enterprise system being established in Cuba from being able to trade with Cuba, and it creates unbelievable foreign policy problems. Just at the time when the

United States President should be able to exercise his or her ability in the future, and I suspect we are talking about the near-term future, to help Cuba achieve a transitional democratic government, even if such a democratic government is not actually in place at the time, we can precipitate that occurring. But now, with this bill, if this bill were to pass, the President's hands will be completely tied behind his back. So it does not advance the interests of the United States.

This amendment will see to it that the United States would be able to act, instead of sitting on the sidelines, when change, inevitable change, does come to Cuba.

This bill is based upon a policy that dates back to when Cuba was clearly a Soviet surrogate. They were challenging our interests for Africa to Central America. But that time has passed. Russia is not playing that role, whether Castro would like Russia to or not. So it is time for a comprehensive review of United States policy toward Cuba.

So this debate is constructive, but a transition from dictatorship to democracy is not going to occur overnight. We know that from history. We ought to learn from history and try to do what we can to ensure that it be a peaceful transition to democracy, that it not be a violent revolution. We owe that to the Cuban people.

Fidel Castro is in his 35th year of absolute power, longest in Latin America history. It is not going to continue. What we need to do is to do the same thing we did with Eastern Europe, consolidate change in democracy by promoting free enterprise through a democratic system, not in this way, but by enabling the President to act flexibly, constructively, with the best interests of the Cuban people in mind.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let me just restate, if you read current law, medical supplies can be sold to Cuba. There is no prohibition. I want to repeat, there is no prohibition. If they want to buy medical supplies to help the people of Cuba, they can do it. So this is just a red herring.

Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, for 3 years the United States and Fidel Castro have been eyeball to eyeball. An unshakeable American determination for free elections in Cuba and a new respect for human rights. Fidel Castro's commitment to hold back the forces of history and preserve the last Communist bastion. One side or the other is going to win.

I know Americans are not a patient people, but 3 years is not a long time, and we are succeeding. Castro has made some beginnings of economic changes. The island is in economic collapse. Last year 40,000 students gathered on the streets of Havana. The pressure internally is enormous, and now there are those in this country, after only 36 months, who would step back. Eyeball to eyeball. There are some who would counsel to blink.

The amendment before this body offered by some Members of this institution who I respect more than any others is not a narrow change in the legislation of the gentleman from Indiana [Mr. BURTON]. It is not an incremental difference. Let us recognize it for what it is: It is an end of the American embargo against Fidel Castro, it is a repeal of current bipartisan policy supported by 300 Members of this institution, and it is an acceptance of the status quo in Cuba. Period.

Fidel Castro is not attempting to import American automobiles or computers. These are the items, the commodities, that he wants. This is it. This is the end of the embargo, just when we built a bipartisan, strong, and effective policy.

Mr. Speaker, in substance the amendment before this body is the judgment on American policy. I know good and decent Members of this institution do not want to be a part of poor and suffering people of Cuba suffering any more than is necessary. That is why in the Cuban Democracy Act we exempted out food and medicine. For 33 years before that, food and medicine could not be donated to Cuba. We changed that, and today, per capita, more food and medicine goes from the United States to Cuba per capita than to any other nation in the world to ensure that the poorest of the poor have access to food and medicine.

□ 1100

That is not what this amendment is about. We already did that. This amendment is to allow Cuba to rejoin the family of nations in a trading relationship with the United States for full access.

What does it do? It allows Fidel Castro to escape the reality that communism failed in Cuba, cooperative farming, the broad state enterprises. A country that was once self-sufficient in food and exported food, now needs to import everything.

We would allow him to escape the reality that communism is in collapse.

The choice needs to remain clear. We will donate what is necessary through private charities to ensure that the poorest of the poor are protected. But Fidel Castro cannot be allowed to rejoin the family of trading relationships with the United States without having free elections and respecting human rights, eyeball to eyeball.

Every Member of this institution must decide whether they are going to be part of bringing that change or allowing Fidel Castro to maintain his Communist system.

You have all made that decision before, 300 of you. Your consistent vote is to stand both with the administration, which has supported the embargo, Democratic and Republican Presidents, and this institution.

This is not about an amendment to this bill. This is about a repeal of the embargo.

Please, stand with us on a bipartisan basis and reject this amendment and then return to support the legislation offered by the gentleman from Indiana [Mr. BURTON].

Mr. MCDERMOTT. Mr. Chairman, I yield myself 1 minute to say if I were a Member setting in my office watching this on television or sitting here on the floor watching this, I would be confused because the gentleman from Indiana [Mr. BURTON] said there is no need for this amendment; it is already law; they can do anything they want. And the gentleman from New Jersey [Mr. TORRICELLI] stands up and says that, in fact, this is repealing the entire embargo. Now, which is it?

Either we do not need the amendment because they can already do it, or this is a disastrous amendment which is destroying the whole policy. Somebody is wrong on the other side.

The fact is that the gentleman from Indiana [Mr. BURTON] is incorrect, or he is correct in one part. It is possible for medication and staple foods to go to Cuba. The difference is this: If we want to sell food to Spain, you do not have to get a special license. If you want to sell food to Zaire, you do not have to get a special license. If you want to sell food anywhere else in the world except Cuba, you have to get a special license, and the policy of the Government is not to grant the licenses.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 2 minutes.

If you read the law, it is very clear. It says that the President of the United States determined that the United States Government is able to verify it is being used for the benefit of the Cuban people. If President Clinton wants it to go there, he can verify that it is going to be used for the Cuban people, then it can go.

Let me read you something from a businessman who had had a business, a Spanish businessman who had a business down there that was taken away from him by Castro. I want you to listen to this. One year ago, one year ago, it says:

> This same phenomenon also occurs in general with all foreigners in Cuba because of the mere fact they have dollars, hard currency, they have access to everything the Cuban people cannot purchase with their work: food, clinics with medicines, good clothes, gasoline or electricity and hotels. In Cuba there are two types of citizens: those who have dollars, as I did, mostly foreigners, and all with the privileges that that entails and those who have Cuban pesos who are literally dying of hunger and illness because of a regime that refuses to change a system that is absolutely incapable of generating a dignified way of life for the country.

The fact of the matter is Castro takes hard dollars, the money has to go to the government for somebody's payroll, and he gives them then the same

amount of pesos. If they get $400 a month, he gets the $400 in hard currency, he gives them 400 pesos, which is 80-to-1 differential, which means they are getting $3.20 a month, and they cannot even buy things you are talking about. The fact of the matter is the Cuban people are suffering because of this Communist dictator and his policies.

It is a command economy that must be changed, and the only way it is going to change is if we pass our bill in its original form.

Mr. MCDERMOTT. Mr. Chairman, I yield myself 1 minute to respond to that.

I say to the gentleman from Indiana [Mr. BURTON], you just made my case. You require a special license under the law to sell medication. There is no way we can sell food to Cuba. There is no special license. There is no way.

What this bill is saying is we intend, if possible, to starve the Cuban people into submission, and that kind of policy from the Federal Government is why the U.N. General Assembly has voted 3 years in a row against our position.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me this time. I commend him on his initiative, and I support his amendment.

Mr. Chairman, the amendment simply provides, I think, clear authority for United States companies to engage in direct commerce with Cuba in food and medicines. They cannot do that today.

I think the gentleman from Indiana, my friend, is correct when he says that current law does not prohibit food and medicines in Cuba, and that is done largely today through nongovernment organizations. What is missing in this debate so far, it seems to me, is the plight of the Cuban people. No matter what is going on there today with regard to food and medicine, we all know what that plight is. The sugar harvest this year in Cuba is the lowest in a half a century. Food and medicine, under anybody's standards, are in very short supply. Serious epidemics have broken out among the Cuban people.

In that circumstance, surely we want to try to help those Cuban people with the essentials of life, food and medicine, and that is all this amendment does. It changes no other part of the bill, as I understand it. It simply tries to help the Cuban people get more food and medicine. What in the world can be wrong with that?

This initiative will increase our contact with the Cuban people. It will help the Cuban people. It will generate goodwill, and it will begin to ease some of their long, long suffering.

This is no radical idea that we are presenting to you. The foremost Republican spokesman on foreign policy in this generation was Richard Nixon, and he argued shortly before his death that our policies in Cuba, toward Cuba, must turn away from hurting the Castro government to helping its people, and that is exactly right, and that is what this amendment tries to do.

Let me take just a moment to try to put this whole bill in a little broader perspective. What we will be voting on on the final passage of this bill is two very different approaches to how you deal with the problem of Cuba. On the one hand is the philosophy of this bill, H.R. 927. It is that if you make these conditions in Cuba significantly worse, you will prompt the Cuban people to rise up against their government. The other approach, the one I support and I think many in this institution do, perhaps not a majority, is the competing view that governments can be toppled peacefully by exposure to the free flow of ideas and benefits of the free market. Everybody in this Chamber agrees that Castro must go. But we must get away from this focus on Castro, and we must focus on the Cuban people and what is good for them.

A policy of engagement, of contact, of dialogue, of exchange offers the best hope for what we all want, which is a peaceful transition for the dictatorship of Castro to a free market and an open society. We support free elections in Cuba. I strongly support that, and I think we ought to do everything we can to put Castro on the spot and say, ''Why don't you hold free elections?''

I am quite prepared to support you on that. You are absolutely right about it. Our policy should keep the pressure on him. But I think the policy of isolation is a risky policy, and the reason it is risky is because the more pressure you apply, the more desperate you make the Cuban people, the more likely they will turn to violence, and that is what we do not want there.

So that policy of isolation, of squeezing the Cuban people increases the risk of a violent explosion in Cuba and the massive exodus of refugees, and that, of course, is our most important concern because the primary threat today from Cuba is not an invasion from Cuba. It is not an export of revolution from Cuba. The primary threat to the United States from Cuba today is what you in south Florida have suffered so greatly from, and that is trying to assimilate a massive number of refugees.

I believe the issues in this debate are very, very clear. This bill increases the isolation of Cuba. It increases the hardship of the Cuban people, and it is the wrong policy. That is what President Richard Nixon emphasized over and over again, and that is what Secretary of State, former Secretary of State Larry Eagleburger, has said, and the national security adviser under the Carter administration, Mr. Brzezinski, and many, many others.

So I hope that this Chamber will defeat this bill. We should not base our policy on a hatred of Castro. We should base our policy on what is best for the United States, what is best for the Cuban people, and what is best for the United States and what is best for the Cuban people come together here.

A policy of isolating Cuba over 36 years has not worked. Let us break the impasse that exists between these two nations, open up contracts with them, and choose to engage the Cuban people in order to increase the chances for a peacetime transition to a democracy and a market economy.

I urge my colleagues to support the McDermott amendment, which begins this process in a very, very modest way, and I urge my colleagues to defeat H.R. 927.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself 30 seconds.

My colleagues from Indiana says we are hurting the Cuban people. Do you know how much they make, I ask the gentleman from Indiana [Mr. HAMILTON] every day? The average Cuban makes between 10 and 15 cents a day, 10 and 15 cents a day. How are you going to hurt them worse than Castro has? You cannot, and the only thing that is going to change is if we force this man from power, and if we deny him hard currency, we can get that job done and save the Cuban people. Ten cents to fifteen cents a day.

Mr. Chairman, I yield 1 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to talk about this healing process that will take place if food and medicine go to Cuba.

Castro has food now, and he feeds the tourists. Castro has medicine now, and he heals the tourists. He starves the Cuban people. He has the Cuban people suffering in pain.

There is no prohibition on feed and medicine going to the Cuban people. If you want your family to have medicine, you can send them the medicine. If charitable organizations want to send food and medicine now to nongovernment agencies in Cuba, they can do so. If you sell goods to Castro, he will sell the goods to the tourists. If you send food, he will give it to the tourists.

Because Americans are a generous people, we want all nations to belong to this humanitarian family, and we naively and foolishly believe that Castro wants the Cuban people to prosper, that he wants them to fulfill their dreams. What Castro wants is to remain in power, so he has the Cuban people suffering for their daily sustenance. It will go to the tourists. Reject the substitute.

Mr. BURTON of Indiana. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has 10 minutes remaining, and the gentleman from Washington [Mr. MCDERMOTT] has 5½ minutes remaining.

Mr. MCDERMOTT. Mr. Chairman, do we have the right to close?

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] has the

right to close because he is the manager of the committee position on the bill.

□ 1115

Mr. BURTON of Indiana. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. MENENDEZ], a learned leader on the Democrat side of the aisle.

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

Mr. MENENDEZ. Mr. Chairman, I thank my distinguished colleague and sponsor of the bill, the gentleman from Indiana [Mr. BURTON], who I must say has been a strong proponent of freedom and democracy in Cuba, for yielding this time to me.

Mr. Chairman, unlike many others who have spoken here, and I question no one's motives, I believe that they want to help the Cuban people, but I believe that their efforts to do so are misguided. I say that as someone, not who deals with this issue in the abstract. I say it as someone who has family living in Cuba. I say it as someone who understands the difficulties they go through. I go through the phone calls, I go through the letters; that is not something others can say. I do not deal with this issue of humanitarianism in the abstract. I deal with it in reality.

But let us talk about some truths. Some of the truths are this:

The Cuban people suffer, yes. Why? They suffer because the dictatorship does not do the market reforms and create the political openings that can relieve their suffering. We are not the only providers of food and medicine in the world. If not, we would dictate the world's policies. The fact of the matter is that there are tremendous pharmaceutical companies in Europe. The fact of the matter is that we have countries that are part of the breadbasket of the world, and the fact is they all trade with Cuba, but they are unwilling to give it to them gratuitously. I say to my colleagues, you need something called hard currency. You need money to be able to purchase those foods and those medical supplies, and that is what Castro simply does not have because he relied on $6 billion of what was the Soviet Union, he lost it, and now he has not made the changes to help the Cuban people. And do we have national interests? Absolutely.

Mr. Chairman, this is the third-largest army in the Western Hemisphere. I do not suggest, the gentleman from Indiana [Mr. HAMILTON] has said we do not face a risk of invasion; that is not what I am suggesting. But why do they need the third-largest army in the hemisphere if their people are hungry? Why do they use money to have the largest standing army and a huge security force if their people are hungry? Stop spending the money on the bullets and the rifles, and start putting food on the plates of families in Cuban homes, in my family's homes.

Now they have chosen to stay because they do not want to leave their homeland. They stay and fight, and they risk their lives every day to do so, and I risk it to some extent because of what I do here. Now that is something we do not have to worry about in the United States, so this debate in the abstract is one thing.

Now we have heard a lot about what do the Cuban people want. We want to relieve their suffering, but we cannot do it while we have someone who, in fact, seeks to do everything to repress them, use his resources not to put food and medical supplies that he can accomplish throughout the world, and we are the greatest remitters of that. The Cuban Democracy Act that the gentleman from New Jersey [Mr. TORRICELLI] helped pass and that was overwhelmingly voted by this House opened up the doors for medical supplies which did not exist prior to that in our embargo. But when we want to hear what the Cuban people have to say, I will give my colleagues two different specific examples.

When we went with a group of Members of the House to Guantanamo where 30,000 people risked the Florida Straits, risked their lives, brought their children with them to flee from a regime because of liberty, which is the word that used when we got there, not simply because of hunger, but for liberty, they said to us, the democratically elected leaders of those camps, the first ones who had an opportunity to have a free election; they did not say to us, ''The United States is punitive against us, you are hurting us.'' No, they said, ''Why can't you get the Mexicans, and the Canadians, and the Spanish, and others to join with us and have an international embargo,'' as we did in Haiti, as we did in the divestitures of South Africa, to help free those people from those oppressive regimes. They said, ''Why don't you do that? We want to end our suffering once and for all. We don't want to have to free our homeland.'' So who makes the Cuban people suffer? In the words of the Cuban people, not here in Congress; that is the words of those who were trying to flee, the 30,000. They said, ''We support your efforts.''

And just yesterday 40-something brave Cubans who risked their lives by putting their names to a letter saying, ''We support his bill,'' told the Congress, ''Vote with us, be with us, help us in a free and democratic Cuba.'' They said, ''Vote with us.''

Now these people risked their lives. Those who do not think that this is true, we have thousands of political prisoners in jail. We have these people who were willing for liberty, for freedom, and to end the suffering of the Cuban people.

Now I have heard a lot about this is cold war rhetoric. The fact of the matter is no one has told Fidel Castro the cold war is over. He has not gotten over it, he has not stopped repressing his people, and what is best for the Cuban people? They have told us, they have told us, the 30,000 who were in those camps, they told us, ''Strengthen this embargo, try to get other countries to join you.'' They did not say to stop it, and what did the people who valiantly fight, who are dissidents in Cuba, fight for, and what are they willing to risk their lives? Today they said, in fact, ''Go ahead and pass this bill.''

This bill is about standing up for American interests, it is in the national interests, giving our companies and our citizens the right to sue for properties that were illegally confiscated, and it also says, the part that I wrote, ''We can go help the Cuban people in a transition to democracy, and we lay out that groundwork.''

Vote against the substitute, vote for the bill, in the United States interests and also in the interests of the Cuban people.

Mr. MCDERMOTT. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let us start by finding those things we agree on, and I think every Member in this body, every Member of the other body, wants to get rid of Fidel Castro. He is a thug, he got there by force, he has stayed in power by force. But the present plan is not working. The first embargo was put on Castro by Eisenhower. He was still there when President Kennedy put an embargo on him. He was still there when President Johnson put an embargo on him. He was still there when President Nixon put an embargo on him, still there when President Ford continued the embargo, President Carter continued the embargo, President Reagan continued the embargo, President Bush continued the embargo, and now, under the Clinton administration, we still have an embargo.

Embargo is not working. So let us try something different.

I am going to say something good about President Reagan, and one of the beauties of what President Reagan did in the military buildup against the Soviet Union was at the same time he said, ''Let's trade with them. Let's show them what the worst could be, and let's show them what the best can be, with a free market, how a free market helps feed people, how a free market provides opportunities.'' I think we ought to do the same thing with the Cubans. I think we ought to lift the embargo. It is not working. I think the sooner the Cuban people can interface with the Americans, the sooner we give them, we show them, what our life is like, what our opportunities are like, in so many ways we give them the kind of hope, and I guarantee, if we were to lift the embargo within 2 years, Castro is gone, but he is gone in a peaceful manner rather than in the chaos that I think some people want to see happen.

Mr. Chairman, my biggest concerns are to balance the budget and to provide for the common defense, and right now Cuba is a threat, the chaos down

in Cuba is a threat, in a couple of ways. First, it is only 90 miles from the continental United States. If Castro were to get hold of a missile from the former Soviet Union, then we have got a problem. It is also an expensive proposition right now where our Nation is spending about $30 million a month to take care of the Cuban boat people down at our base in Guantanamo, and that comes out of our defense budget, a defense budget that is already too small, a defense budget that is not building enough ships and taking good enough care of our people.

So I asked the chairman of the Atlantic Command, a four-star Marine general by the name of Sheehan, if he thought it was in our Nation's best interests to continue the embargo or to open diplomatic relations with the Cubans, and I want to quote him from what he said before the Committee on Armed Services.

Gen. SHEEHAN. I think it will be extraordinarily helpful to start some type of dialogue with the process of the Cubans. That is going on to the intersection in Havana. We have almost on a daily basis, requirements to deal with the frontier border guard and the Cubans, either because there are Cuban migrants who are frustrated by the process, who are actually walking through mine fields to return to Cuba and in some cases they have maimed themselves. We are risking American lives who go into the mine fields and pull them out.

We have Cubans on a weekly basis go into the water to swim back to Cuba. As a result, we need to have some kind of mechanism just from a sheer safety standpoint to make sure that these Cubans do not permanently maim or kill themselves in the process.

Castro holds all of the cards on the migrant issue. He can put 100,000 Cubans in rafts tomorrow morning in a heartbeat. We cannot absorb 100,000 at Guantanamo Bay Cuba. It seems to me that it would be in our best interest to manage the change that is going to occur in Cuba. It is going to happen.

Mr. Chairman, this is not GENE TAYLOR of Mississippi speaking. This is a four-star Marine general who is in charge of the Atlantic Command for the United States of America.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from Washington [Mr. MCDERMOTT] for yielding this time to me, and I want to commend again the gentleman from Washington for this initiative. Let me just address this quick question that has arisen so frequently in the last few minutes about why the Cuban people are suffering.

Mr. Chairman, my friends on the other side of the aisle have repeatedly made the point that they are suffering because of Castro's policies. They are absolutely right about that. There is not any doubt about it. The principal reason that the people of Cuba are suffering today is because of the policies of Fidel Castro.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DIAZ-BALART], a great American, a Cuban-American, of whom I am very proud.

Mr. DIAZ-BALART. Mr. Chairman, I just want to point out to my colleagues an interesting wire that was just handed to me, a news wire that was just handed to me:

CUBA PROVIDES HELP FOR AFFECTED ISLANDS

Cuba is providing $47,000 in medicines to assist islands of the Caribbean Community (CARICOM) affected by the recent hurricanes.

The emergency aid will go to Antigua and Barbuds, Dominica, and St. Kitts and Nevis, according to Barbados-based Cuban Ambassador Lazaro Cabezas.

Cabezas is accredited to a number of CARICOM states, including Trinidad and Tobago, where Cuba plans to open a diplomatic mission by the end of the year.

Castro is not denied, as the gentlewoman from Florida [Ms. ROS-LEHTINEN] said, medicine. He has all the medicines he wants to buy with the dollars he gets, but he does not give them to the Cuban people.

If my colleagues want to go to one of the most luxurious medical centers in the world, go to the medical center that Castro provides for the tourists. He has got a thriving industry to collect dollars from tourists from throughout the world, medical tourism. The Cuban people cannot go to those medical centers. The Cuban people do not have medicines and do not have any of the amenities that the tourists have because of Castro's policies, not because of the United States.

So we continue to blame America first in this instance, blame America for the lack of medicines that Castro does not permit the Cuban people to have.

Let us defeat this gutting amendment. Let us move forward.

Mr. MCDERMOTT. Mr. Chairman, I yield the balance to my time to the gentleman from Indiana [Mr. HAMILTON].

□ 1130

Let us have no mistake about that. But it is also true that when you put on top of those failed policies an embargo from the United States, that that embargo increases the suffering of the Cuban people. If you ease that embargo by letting food and medicine go in there, which they desperately need, you are going to ease the plight of the Cuban people.

Now, Mr. Chairman, Castro takes this embargo we have and uses it as a repressive tool in Cuba today. He uses it as an excuse for repression. All this amendment does is give the opportunity for more food and medicine to go to Cuba. What in the world is wrong with that? Why should we be opposed to relieving the suffering of the Cuban people?

I do not know how much will go in. It may not be huge quantities. But we know the situation there today. They are suffering. They need medicine. They need food. Let us see if we can help them out with this very modest measure.

Mr. Chairman, I urge a vote against this bill, and I urge a vote for the McDermott substitute.

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

The people in Cuba make 10 cents a day. My colleague over there says if we lift the embargo that we are going to help them. The fact of the matter is that Castro has the command of the economy; he controls the food and medicine.

My colleague from Florida just pointed out that he is giving medicine to the hurricane victims in other countries. If he is so strapped, why does he not keep the medicine for his own country?

He has the supplies. He has the food. As the gentlewoman from Florida [Ms. ROS-LEHTINEN] pointed out, he is selling it to tourists for hard currency so he can pay the military to keep him in power because he is afraid of his own people. We will not help the Cuban people by lifting this embargo.

Mr. Chairman, let me go on to say that the embargo really did not start until 2½ years ago when the Torricelli bill, the Cuban Democracy Act, passed. Up until that time, it had no teeth in it. When the Soviet Union cut off the aid, the $6 billion a year to Castro, he started to sink. He is desperately trying to survive today, and we should not throw him a lifeline as my colleagues unintentionally are trying to do. We should deny him the hard currency.

All this bill does is say he cannot sell confiscated U.S. property. Our constituents had property down there that he took away from them that he is now selling to try to get hard currency to survive. All we want to do is give our constituents a way to get restitution from this government and deny him the hard currency he needs to survive as the Communist dictator, the last Communist dictator in our hemisphere.

Mr. Chairman, I want to end up by reading to Members a part of a letter from Armando Valladares, who spent 22 years in Castro's gulags. He was our U.N. human rights ambassador, one of the most revered Cuban Americans and Cubans in the world. He says, ''I am a former political prisoner of Fidel Castro's jails, where I was confined for 22 long years. In those jails I saw many of my best friends die due to the horrible tortures and inhumane treatment. I strongly believe that the remaining days of Castro's tyranny will be shortened once your Libertad bill, now up for a vote, is passed''.

The endorsement of our legislative by the most influential dissident leaders inside Cuba, inside Cuba, proves that they are convinced, as I am, that this law is an important contribution towards our goal: A free and Democratic Cuba. Viva Cuba libre.

Mr. Chairman, we want liberty and freedom for the Cuban people, and this is the way to do it, to deny Castro his lifeline and the hard currency that he so desperately needs. With that, I urge a no vote on this amendment and a yes vote on the liberty amendment, the liberty bill, which I think will help the Cuban people.

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

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Washington [Mr. MCDERMOTT].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 283, not voting 13, as follows:

[Roll No. 682]

AYES—138

Abercrombie
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Boucher
Brewster
Brown (CA)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (VA)
Pelosi
Rahall
Rangel
Reed
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—283

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanders
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Blute
Collins (IL)
Gephardt
Hilleary
Jefferson
Moakley
Ney
Payne (NJ)
Reynolds
Salmon
Sisisky
Stokes
Tucker

□ 1158

Mr. STARK and Mr. PAYNE of Virginia changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 104–253.

□ 1200

AMENDMENT NO. 2 OFFERED BY MR. WYNN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WYNN: Page 22, strike line 4 and all that follows through page 23, line 7 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Page 23, line 8, strike ''(c)'' and insert ''(b)''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Maryland [Mr. WYNN] and a Member opposed, the gentleman from Indiana [Mr. BURTON], will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Maryland [Mr. WYNN].

AMENDMENT, AS MODIFIED, OFFERED BY MR. WYNN

Mr. WYNN, Mr. Chairman, I ask unanimous consent that I be allowed to modify my amendment so as to read as the text of amendment No. 4 printed in the September 20 CONGRESSIONAL RECORD. I believe a copy of the modification is at the desk and also in the possession of the subcommittee chair.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WYNN: Page 22, strike lines 4 through 20 and insert the following:

(a) OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Until such time as the President determines that a transition government in Cuba is in power, the Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution.

(2) Once a transition government in Cuba is in power, the President is encouraged to take steps to support the processing of Cuba's application for membership in any financial institution subject to the membership taking effect at such time as the President deems most likely to facilitate the transition to a democratically elected government in Cuba.

Mr. WYNN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Is there objection to the modification?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I

have talked with the gentleman offering the modification to the amendment. I think it is a good modification and we are prepared to accept that.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. Chairman, first let me thank the subcommittee chairman for his leadership on this issue. We have not always agreed on the appropriate approach but I certainly appreciate the courtesies he has extended to me during the course of this debate.

The modified amendment that I am offering today will simply give the President the flexibility to support Cuba's membership in international financial institutions after a transition government is in power in Cuba. I believe that the most effective time for international assistance is during the transition period.

If a pro-democracy transition in Cuba is going to be peaceful and if it is going to succeed, it will need the support of international financial institutions. The International Monetary Fund, the World Bank, and others can make an enormous difference in Cuba during the transition period because of their strict requirements for economic reforms. The IFI's could help Cuba privatize its industry, develop commercial banking systems, and develop a tax system that will support a market-based economy.

Nobody knows what a transition in Cuba will look like but we must be prepared to react and act quickly. Let me be very clear, however, that the transition period that we are talking about and a transition government is specifically delineated within the context of the existing language of the bill.

It is specified that a transition government is one in which there is freedom of political activity, freedom of association, freedom of the press, respect for internationally recognized human rights, and is in the process of organizing free elections. It also specifically states that a transition government may not include Fidel or Raoul Castro.

I believe we are talking about a very strictly defined set of circumstances under which international financial assistance could be of great importance. Quick involvement has shown, in the case of Eastern Europe, that we can lend a strong effort toward the movement to democracy. We were successful in Eastern Europe. I believe the same model will apply in the case of Cuba.

Mr. Chairman, what we saw in Eastern Europe was that the transition led to democracy, not toward some sort of non-Communist dictatorship. We would like to see the same model in Cuba. That is where the international financial institutions come into play.

At some point in time, Mr. Chairman, in the not-so-distant future, the Castro dictatorship is going to come to an end. I do not know how that will be but we do know that is fact it will be.

During that period of time, once the transition government has met the criteria specified in this bill, I believe that we ought to assist them with participation in international financial institutions. That is what this amendment would do. I would certainly ask the membership to support the amendment.

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

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that the gentleman from Maryland [Mr. WYNN] has come up with a very valuable amendment. It was well thought out. I appreciate very much his contribution that he has made to this legislation. I want to thank him for being willing to work out an agreement that I think is going to be better for the bill and better for the legislation and better for the people of Cuba in the final analysis. It provides a mechanism for helping them rebuild Cuba once the Castro dictatorship falls.

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

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. WALSH. I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise today to enter into a colloquy with my distinguished colleague, the gentleman from New York [Mr. GILMAN], along with my good friend the distinguished gentleman from Texas [Mr. COLEMAN].

Mr. Chairman, section 401 of H.R. 927 would exclude from the U.S. aliens who have confiscated property of U.S. nationals or who traffick in such property. The report on H.R. 927 by our Committee on International Relations relates that the Department of State is actively engaged in prosecuting hundreds of confiscation claims of U.S. citizens in Nicaragua, Honduras, Costa Rica, and Cuba. The report then states:

> Persons who are responsible for these confiscations or who are trafficking in such property should be among those initially targeted for exclusion under this section.

I have been working to bring to resolution an egregious expropriation executed by the Dominican Republic's military against Western Energy Inc. Western Energy is a U.S. company that was operating an important liquid petroleum gas facility in the Dominican Republic and operates a similar facility in my district in New York.

Would the distinguished gentleman agree that the confiscators and traffickers in this case should also be among those initially targeted for exclusion?

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

Mr. BURTON of Indiana. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I agree with the distinguished gentlemen from New York and Texas. The report on H.R. 927 cites four countries which should be initial targets with respect to section 401 because they have been found to have the most confiscation cases. However, the seriousness of the Western Energy case merits priority attention for exclusion of the persons involved, and I will work with the distinguished gentlemen to try to achieve that result.

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

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I too have been working to bring to resolution this egregious expropriation suffered by Western Energy Co. that is headquartered in my congressional district. It is my understanding that numerous high-ranking Dominican Government officials have expressed both public and private outrage with their government's action but they have said they have been powerless to redress it.

I think, Mr. Chairman, that the U.S. Ambassador should be commended for her efforts to resolve the situation. An exclusion under section 401 of H.R. 927 would certainly buttress her efforts. The names of the persons involved in the confiscation and who are trafficking in Western Energy's property are well known and could be provided by the U.S. Embassy as anticipated in the report on section 401 of H.R. 927.

I thank the gentleman from New York [Mr. GILMAN] for his response. I understand that he agrees that these persons should be among those initially targeted for exclusion under section 401 of H.R. 927. Is that correct?

Mr. GILMAN. If the gentleman will yield, that is correct. I want to assure both gentlemen that we will work with them to try to correct these problems.

Mr. WALSH. I thank the gentleman.

Mr. COLEMAN. I thank the gentleman from Indiana for yielding to the gentleman from New York.

Mr. BURTON of Indiana. Let me end, Mr. Chairman, by saying once again that I appreciate the hard work of the gentleman from Maryland [Mr. WYNN]. He is a very thoughtful member of the Committee on International Relations. We are very happy to accept his amendment.

Mr. Chairman, I include for the RECORD correspondence to the Speaker concerning committee consultations on H.R. 927.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 3, 1995.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to you regarding the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995'' (H.R. 927), legislation that has already been reported by the Committee on International Relations (H. Rept. 104–202, Pt. 1). When it was introduced, H.R. 927 was also referred to

the Committee on the Judiciary and, following the filing of the report by the International Relations Committee, this referral period was extended until August 4, 1995.

H.R. 927 was referred to the Judiciary Committee because of a number of its provisions fall within the Rule X jurisdiction of this Committee. Specifically, section 302 would create a civil cause of action in U.S. district courts by ''United States nationals'' against any person that traffics in property that was confiscated by the Government of Cuba, on or after January 1959. A ''United States national'' includes individuals who became naturalized U.S. citizens after the confiscation occurred. Section 303 establishes an alternate method for determining the amount and ownership of claims brought under section 302. In doing so, both section 303 and section 304 impact on the decisions and jurisdiction of the Foreign Claims Settlement Commission, which is an agency under the jurisdiction of the Judiciary Committee. Section 401 impacts on this Committee's jurisdiction with respect to the Immigration and Nationality Act by permitting the Secretary of State to exclude from entry into the United States any alien who has confiscated the property of a U.S. national or who traffics in such property.

As a result of consultations between the International Relations Committee and the Judiciary Committee, a number of changes were made in the text of H.R. 927. Consequently, the Judiciary Committee does not intend to mark up H.R. 927. However, this does not in any way waive this Committee's jurisdiction over that bill or related legislation, nor over the general subject matters contained in the bill which fall within this Committee's jurisdiction. I also request that Members of the Judiciary Committee be appointed to serve on any conference committee appointed with respect to this legislation.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON BANKING AND FINANCIAL SERVICES,
Washington, DC, July 24, 1995.

Hon. NEWT GINGRICH,
Speaker, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing concerning H.R. 927, the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, which the House of Representatives may consider later this year. This legislation contains two provisions which fall under the jurisdiction of the Committee on Banking and Financial Services under Rule X of the Rules of the House of Representatives. These provisions are found in Sections 103 and 104.

Section 103 prohibits a U.S. national or agency from extending a loan, credit, or other financing to a foreign person or U.S. national to finance transactions involving any property confiscated by the Cuban government the claim to which is owned by a U.S. national as of the date of enactment of H.R. 927. This provision falls under the jurisdiction of the Banking Committee relating to international finance and investment policies. While enforcement of this provision could be complex, and its impact on the competitiveness of the U.S. financial services industry is uncertain, the Banking Committee agrees to waive consideration of H.R. 927 and requests to be discharged from further consideration of Section 103 without prejudice.

Section 104 requires the Secretary of the Treasury to instruct the U.S. executive director to each international financial institution (IFI) to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institution until a democratically elected government in Cuba is in power. It further requires that if any IFI approves a loan or other assistance to Cuba over the opposition of the United States, the Treasury Secretary is to withhold payment to such institution, with respect to paid-in and callable capital, of an amount equal to the amount of loan or other assistance to the Cuban government.

In this regard, it has been longstanding United States policy to oppose Cuban membership in the international financial institutions. Indeed, Cuba is not now a member of any such international organization. Consequently, while the Committee would have serious concerns about the impact of IFI withholding provisions on U.S. foreign policy and the international financial institutions generally, the Banking Committee agrees to waive jurisdiction of H.R. 927 and requests to be discharged from further consideration of Section 104 without prejudice.

Sincerely,

JAMES A. LEACH,
Chairman.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 3, 1995.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Rayburn Building, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm my understanding of our agreement concerning further consideration of H.R. 927, the Cuban Liberty and Democratic Solidarity Act of 1995, which was referred to the Committee on International Relations, and in addition, to the Ways and Means Committee for a period ending on August 4, 1995.

Section 109 of H.R. 927, as reported by your Committee, would impose a certification requirement on exporters of sugar and sugar products to the United States. In addition, sections 201 and 202 contain statements about the trade policy objectives of the United States toward a democratic Cuba and authorize the President to take action to achieve those goals.

The action taken by the Committee on International Relations concerning the sugar provision was clearly contrary to clause 5(b) of Rule XXI of the Rules of the House, which provides that no bill carrying a tax or tariff measure shall be reported by any committee not having jurisdiction to report tax and tariff measures.

However, I now understand that you will offer a manager's amendment that will drop all provisions relating to trade in sugar (section 109) from the bill and change the text of the remaining minor trade-related provisions to language drafted by my staff. In addition, I understand that you have committed to oppose any modifications or additions to these provisions during further consideration in the House.

Based on your written assurances to that effect, and in response to your requests that I facilitate consideration of this important legislation, I do not believe that a markup of H.R. 927 by the Committee on Ways and Means will be necessary.

However, this is being done only with the understanding that this does not in any way prejudice the Committee's jurisdictional prerogatives in the future with respect to this measure or any similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future. Should any provisions of jurisdictional interest remain in the bill after Floor consideration, I would request that the Committee on Ways and Means be named as additional conferees, and as sole conferees on provisions within its sole jurisdiction.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration on the Floor. With best regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, August 4, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write to you with respect to your August 3 letter and further House consideration of H.R. 927, the ''Cuban and Democratic Solidarity (LIBERTAD) Act of 1995.''

Pursuant to agreements reached between you and key proponents of this legislation, including the Chairman of the Western Hemisphere Subcommittee, Dan Burton, I would like to assure you that the Committee intends to offer an amendment during floor consideration of this measure which addresses the specific concerns raised by you and your staff with respect to sections 109, 201, and 202 of this legislation. Moreover, I would like to further assure you that we will work with you and Members of your Committee in opposing any proposed modifications or additions relating to these provisions during further House consideration of this legislation.

In addition, I understand that you will request that Ways and Means Members be appointed as conferees on these provisions and any other tax, tariff, or trade policy matters that might be at issue in a conference with the Senate on this legislation.

I should note that these understandings on this legislation do not prejudice in any way this Committee's jurisdiction over international economic policy issues and the Committee's authority to seek conferees on these and any other provisions of the bill that are within the jurisdiction of the Committee on International Relations during my House-Senate conference committee that may be convened on this legislation.

I extend to you my gratitude for your willingness to work with members of this Committee and other interested Members to move this important legislation to the full House without delay.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

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

Mr. WYNN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Chairman, first I would like it to be understood on the record that there is no Member of this House for whom I have greater affection and respect than the gentleman from Indiana [Mr. BURTON].

One of the reasons I have so much respect for him is his consistency. He has the same trade policy for China as he has for Cuba. Those who differ between the two countries, I could say, puzzle me somewhat.

I want to quote a former U.S. Senator from Indiana, Homer E. Capehart, a member of the party of the gentleman from Indiana [Mr. BURTON], who said back in the late 1950's, ''If you would let me turn loose 10,000 American salesmen in the Soviet Union, I would guarantee that the days of communism would be numbered.''

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

Mr. Chairman, I do not have any further speakers. I would just indicate, therefore, in closing that I believe this is a constructive amendment. It will enable us to move quickly at such time as we see a transition government in Cuba and I believe that will help us move Cuba more quickly to democracy. I thank the gentleman from Indiana for his support with respect to this amendment.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Maryland [Mr. WYNN].

The amendment, as modified, was agreed to.

The CHAIRMAN. The Chair is advised that amendment No. 3 will not be offered. Is that correct?

Mr. BURTON of Indiana. That is correct, Mr. Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 104–253.

AMENDMENT NO. 4 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. STEARNS: Add at the end of title I the following:

SEC. 112. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) ADVANCED NOTIFICATION REQUIRED.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban Government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) REPORTS.—Within 15 days of any negotiations, meetings, discussions, or contacts between individuals described in subsection (a), with respect to any matter, the President shall submit a report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate detailing the individuals involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. STEARNS] and a Member opposed will each be recognized for 10 minutes.

Mr. JOHNSTON of Florida. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. JOHNSTON] will be recognized for 10 minutes.

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

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

I will be brief. This is an amendment that I had put together as a piece of legislation, H.R. 1909. It was introduced earlier this year and had bipartisan support. We had the support of Chairman BURTON, ranking member TORRICELLI, as well as the Members from the State of Florida.

I intend, Mr. Chairman, to withdraw this amendment, but I wanted to just outline a little bit about the amendment because I think it is important that the House be aware of what this amendment intended to do.

It was also offered on the Senate side. The important part about this amendment is it says basically that when the administration negotiates with the Castro regime, that they cannot do so without notifying Congress first. I think that is important, particularly when we saw what happened in Vietnam.

My amendment would require that the President notify congressional leadership prior to any meeting with the Castro regime, and that a timely report be made to the leadership with the results of any such negotiations.

With the situation as delicate as it is right now, Mr. Chairman, I am a little concerned, particularly talking to people on both sides of the aisle, that this would move the negotiation process into a phase where there might be a lot of confrontation, and that the administration itself might not be amenable to this amendment.

I actually withdraw this amendment, but I would like to make my opening statement part of the RECORD.

Mr. Chairman, my amendment is largely identical to H.R. 1909 which I introduced earlier this year with broad bipartisan support and which includes Chairman BURTON, Ranking Member TORRICELLI, Representative ROS-LEHTINEN, and Representative DIAZ-BALART among its original cosponsors.

It was jointly introduced with an identical bill in the Senate offered by my colleague from Florida, Senator MACK, who was also joined with widespread support in the other Chamber, including Majority Leader DOLE, Foreign Relations Chairman HELMS and Senator LIEBERMAN.

My amendment will require that the President notify congressional leadership prior to any meetings with the Castro regime and that a timely report be made to the leadership with the results of any such negotiations.

The Cuban Liberty and Democratic Solidarity Act is an important piece of legislation. It rightly steps up the pressure on the Castro regime in the hope that Democracy can be restored to the people of Cuba.

But this legislation and its impact could be rendered meaningless if the present administration opens up negotiations which could legitimize the very regime we are trying to remove.

With a situation as delicate as negotiations with one of the last Communist dictatorships left in the world, it is essential that Congress be kept aware of any attempts made by the administration to legitimize the Castro government.

Already members of this administration have shown their willingness to deal with Castro. Chairman BURTON has wisely included language in this bill that emphasizes the true position of our Nation: Not to deal with the Communist dictatorship in Cuba. This Congress must remain vigilant and ensure that this policy is in fact the one being followed.

The normalization of United States relations with the Communist government of Vietnam is just one example of where the current administration has moved too quickly and without open discussions with the Congress prior to its actions. Had there been a provision such as this during the negotiations with Vietnam, at least the Congress would have had the ability to advise the President on how we felt. Instead, the President presented us with a fait accompli. We need to ensure that tomorrow we don't see a headline proclaiming ''Administration Officials Meet With Castro, Congress Caught Totally Unaware.''

Mr. Chairman, while I recognize that it is the prerogative of the President to conduct foreign affairs, it is also the responsibility of the President to keep Congress informed of his actions so that we might respond accordingly. This amendment will insure this just balance of power.

Mr. Chairman, I urge my colleagues to join me in making sure that the United States does not rush into a closer relationship with a Communist dictatorship without the elected Representatives of the people being properly informed. I urge the adoption of this amendment.

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

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

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I rise today in strong support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act.

This legislation has been carefully crafted to bring an end to the Castro regime by reaffirming the principles contained in the Cuban Democracy Act passed in 1992. This legislation seeks to close the loopholes in order to more effectively continue our embargo against Cuba.

Another provision in H.R. 927 prepares the United States to support a transition government which eventually will lead to a democratic government in Cuba. We realize that the isolated Government of Castro is on its last leg and this is a positive signal to the Cuban people that the United States will support their efforts toward democratization.

Finally, this legislation takes important steps to protect the property interests of U.S. nationals by making persons who intentionally traffic in stolen property liable for damages in U.S. Courts.

It is anathema to all Americans that in our own backyard we have one of the last Communist countries and one of the last dictators within a half hour plane flight. Today, Cuba is more backward than ever. This authoritarian regime now symbolizes the fact that communism has failed.

Since the collapse of the Soviet Union the $4.5 billion in annual support for Cuba has all but disappeared. No other countries have come to Castro's financial aid. Meanwhile, the United States embargo continues to keep Cuba without sought after American dollars.

Recent reports state that the deteriorating living conditions, the repressive control exercised by the state and economic difficulties led to the mass exodus on the high seas in 1994. These reports also state that the Cuban crisis has deep internal roots affecting not only the economic, political, and social sphere, but all of the island's institutions. This crisis is the direct result of the repressive policy of Castro coupled with the exclusion of differing viewpoints.

Castro has not shown a willingness to make any efforts to liberalize Cuba's political system or economic markets. For this reason stronger actions are needed to deal with his regime as compared to other Communist countries which recently have shown movement toward democratic principles.

In my judgment, H.R. 927 takes the necessary steps to increase pressure on the Castro regime to initiate needed political and economic reforms. By passing this measure we will also send a strong signal to Castro that the United States will stand firm until he is gone and Cuba becomes a democracy.

Mr. GEPHARDT. Mr. Chairman, I rise to express my support for the general thrust of H.R. 927. This legislation sends an important signal to the Castro regime in Cuba that the United States will continue its vigilance in opposing the communist dictatorship there. For this reason, I will support passage of this bill today. At the same time, however, there are a number of provisions in this legislation that I believe could have an unintended negative impact on our efforts to promote a transition to a democratic government in Cuba and impede the conduct of U.S. foreign policy elsewhere.

In particular, I have serious concerns about the bill's attempt to restrict United States assistance to international financial institutions and other nations based on their policies toward Cuba. I believe we have broader interests vis-a-vis these institutions and nations that should not be allowed to be dictated by our policy toward Cuba.

I am also concerned that the constraints imposed by the bill on the types of United States assistance that may be provided to a transitional or democratically elected government in Cuba may in fact hinder our ability to promote the changes we desire there.

In addition, it appears that some of the bill's provisions relating to property claims may have the unintended consequence of tying up considerable amounts of property in litigation for years after a transition to a democratic government has occurred. This could hinder investment by Americans desiring to promote economic development in a post-Castro Cuba.

For these reasons, my vote today in support of H.R. 927 does not indicate an intention to support the conference version of this bill. Rather, I will withhold my decision on support for final passage of this legislation pending action by the conferees to address the deficiencies contained in the House version of the bill.

Mr. COYNE. Mr. Chairman, I rise today in opposition to H.R. 927. I believe that every Member of Congress agrees on our foreign policy goals with regard to Cuba. We all want to encourage democracy and economic growth, protect human rights, and neutralize a potential military threat just miles away from the United States. We legitimately disagree, however, on the most effective means of achieving these goals.

The Cuban people deserve a free, democratic, society that respects human rights and political freedom. Specifically, they deserve to enjoy the fruits of their labors and the right to travel freely across international borders. They deserve the freedom to speak their minds freely, without fear of persecution. And they deserve the fundamental right to organize and to control the actions of their own government through a free, fair, and democratic electoral process. I would suggest, however, that H.R. 927 is not the most effective way to accomplish these goals.

The so-called Cuban Liberty and Democratic Solidarity Act of 1995 is intended to ratchet up the pressure on Cuba by intensifying the economic sanctions and travel restrictions already in place. The theory behind this legislation is that any additional hardship imposed on the Cuban people will be transformed into additional dissatisfaction with the Castro regime and will precipitate an indigenous insurrection against Castro. The problem with this reasoning is that in many ways it plays into Castro's hands by allowing him to blame the Cuban people's suffering on foreign enemies—namely, the United States. Sanctions like these provide Castro with a convenient scapegoat for the failings of his unsustainable regime. Moreover, some of the provisions in this legislation would violate GATT and NAFTA. While I am no supporter of NAFTA, I believe that the United States is bound to observe international treaties that have been duly signed and ratified by the U.S. Government. We can not pick and choose as the mood takes us. Violation of our obligations under these treaties could result in sanctions on U.S. trade and the loss of U.S. export-related jobs. This legislation would damage the economic health of the United States without advancing our foreign policy goals. Consequently, I must conclude that H.R. 927 would do more harm than good.

I believe that the most effective tool for fostering democracy, human rights, and economic development in Cuba is exposure to the citizens and cultures of free, democratic societies. Consequently, I am a cosponsor of H.R. 2229, the Free Trade with Cuba Act, which was introduced by my colleague from New York, Representative CHARLES B. RANGEL. This legislation would lift the existing sanctions on trade, travel, and commerce with Cuba. It would only allow the President to impose new export controls on Cuba in accordance with certain sections of the Export Administration Act of 1979, and it would allow the President to apply the authority granted him under the International Emergency Economic Powers Act only in the case of a new national emergency resulting from actions undertaken by the Cuban Government. In short, this bill would normalize United States relations with Cuba.

In closing, let me just point out that we've had sanctions against Cuba for over 30 years. They made some sense during the cold war, when Cuba was allied with a hostile superpower, but they haven't been particularly successful in undermining the Castro government. In the end, an ineffective economic system and political repression will bring down the Castro regime, just as similar institutions precipitated the collapse from within for the other countries of the Soviet bloc. The best ways to speed up that process is through engagement, not through isolation. Therefore, I urge my colleagues to join me in opposing H.R. 927 here today.

Mr. BURR. Mr. Chairman, I rise today in support of H.R. 927, the Cuban Liberty and Democratic Solidarity Act. I am proud to be a cosponsor of this legislation along with a bipartisan group of my colleagues.

We are at an important moment in the struggle for freedom for the Cuban people. It is a well-known fact that the Cuban economy is in complete disarray. In order to prop up his failing regime, Castro has attempted to attract foreign investors to the country so that he may obtain more hard currency for his benefit, I repeat his benefit. Let us not pretend that the people of Cuba will benefit from these investments. Have no doubt, the capital that comes with foreign investment is for the benefit of Castro and his regime, not the people of Cuba.

To those who will say that Castro is liberalizing his political and economic policies, this is simply untrue. There is no indication that elections held in Cuba are anything more than a rubber stamp of his corrupt regime and there simply are not real economic reforms occurring there. Castro will continue to control the Cuban economy and the Cuban people because he and his regime control all of the money received from foreign investments.

To those who argue that we must end the embargo because it has not worked in 35 years, I would tell you that the embargo has worked best in the last few years due to the end of subsidies from the Soviet Union. The embargo is working and should be tightened, as this bill seeks to do, so the end of the Castro regime comes as soon as possible.

Finally, I support the provisions of this bill that provide American citizens a right of action in a U.S. court of law to ensure that property confiscated from them is not sold for the benefit of the Castro regime. The only way to end Castro's dictatorship is to end his access to foreign capital. I support these provisions as well as those that provide for a smooth transition to democracy and I urge all of my colleagues to support this bill with a ''yes'' vote on final passage.

Mr. KENNEDY of Rhode Island. Mr. Chairman, this bill is a clear statement that the American people stand arm in arm with the people of Cuba in their struggle against a repressive dictator, and that we will not back away from being partners in our common fight for freedom.

We won the cold war because we never gave in to communism. By standing firm we brought down the Iron Curtain and saw communism collapse in Europe.

The conditions which existed when President Kennedy implemented our embargo have not changed.

Now is not the time to offer relief to the Castro regime, especially relief at the expense of American citizens who have had their property seized by Castro. Castro wants to use American property to lure foreign investors to Cuba who will provide cover for his dictatorship and cash to his treasury.

This bill prevents the Castro regime and foreign investors from profiting off the confiscated property of Americans. It says, quite simply, theft is wrong.

The Libertad bill allows Americans, whose property Castro has seized, to pursue legal redress if an international corporation or investor purchases that land for profit-making.

This is government-sanctioned theft.

The bill also states that we will not allow those who traffic in this stolen property to enter the United States. Why should we welcome those who profit from property stolen from our citizens, from our constituents, and who are exploiting the hopes, dreams, and labor of the Cuban people?

Let us be clear, foreign investment in Cuba means one thing—it is a lifeline to the Castro regime.

It will legitimize an illegitimate government.

It will offer protection to a man who must be brought down just like the Communist dictators of Eastern Europe.

It will postpone the day that the people of Cuba will live in freedom and democracy.

A vote for this bill is a vote in support of those trying to build democracy in a land that desperately wants freedom.

This bill will help that day of liberty come sooner. This is our duty as Americans.

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington. This amendment, which includes the text of my bill, H.R. 1700, would lift the embargo against Cuba on the sale of medicines, medical supplies and equipment, and food. It is an appropriate amendment and would bring to an end a policy that is unworthy of this great Nation.

I realize that most of my colleagues support the embargo against Cuba and support this legislation that will tighten that embargo to new and even more absurd heights. That is not the issue before us in this amendment.

What this amendment asks us is, should the U.S. demonstrate its disapproval of another government by cutting off the sale of food and medicine to civilians, the elderly, the young, and the sick?

Historically, no matter how repugnant we have found the behavior of other governments, the United States has not resorted to this immoral and inhuman form of pressure.

When the Pinochet dictatorship in Chile set off a terrorist bomb on the streets of Washington, killing an American citizen, we didn't punish the Chilean people by embargoing food and medicine.

The Chinese Government brutally oppresses human rights from Beijing to Lhasa and is rewarded by this Congress with most-favored-nation treatment.

Salvadoran Government-run death squads slaughtered tens of thousands of civilians, including four American nuns and the Archbishop of San Salvador, and El Salvador was rewarded with United States aid.

Even when we went to war against Iraq, there was not embargo on food and medicine.

So what has Cuba done that merits this sort of inhuman treatment? Clearly, the Members of this House are so accustomed to voting for sanctions against Cuba that we have lost any sense of proportion.

I certainly understand that most Members of Congress want to seem tough on Cuba. I know that's where the votes are today. But in our zeal to be the big cowboy in the hemisphere, we should not lose sight of fundamental decency. The embargo on food and medicine is wrong; it is immoral, and it brings dishonor to the United States.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DUNCAN, 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. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, pursuant to House Resolution 225, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

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

□ 1215

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 on the passage of the bill.

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

RECORDED VOTE

Mr. JOHNSTON of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 294, noes 130, not voting 10, as follows:

[Roll No. 683]

AYES—294

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
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
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—130

Abercrombie
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bonior
Boucher
Brewster
Brown (CA)
Bryant (TX)
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hostettler
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kildee
Kleczka
Klink
LaFalce
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McDermott
McHale
McKinney
Meehan
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar

Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Stark
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torres
Towns
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Clay
Hastings (FL)
Moakley
Reynolds
Salmon
Scott
Sisisky
Stokes
Tucker
Waters

□ 1238

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

Mr. COSTELLO, Mr. RAHALL, Mrs. KENNELLY, and Ms. MCCARTHY changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, on rollcall 683, I was unavoidably detained. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 927, the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 743, THE TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–256) on the resolution (H. Res. 226) providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–257) on the resolution (H. Res. 227) providing for consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1601, INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–258) on the resolution (H. Res. 228) providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 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 South Carolina?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DELLUMS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1530 be instructed to insert upon amounts for authorization of appropriations for Operations and Maintenance accounts such that the total amount of such authorizations is not less than the total amount authorized for Operation and Maintenance accounts in section 301 of the House bill.

The SPEAKER pro tempore. The gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the gentleman from California is normally a person who does not flaunt his background and so forth, and speaks about defense from, you know, his philosophical ideas and so forth.

But I just want to say I ran across a Marine yearbook today, and I uncovered in here that the gentleman from California has had a very distinguished career as a Marine, if, indeed, the gentleman from California is exactly the same RONALD V. DELLUMS who is in here was in the Merit Platoon. I just want to say if this is the same gentleman, I hope everybody listens to this gentleman because if there is anything the Marines know about, it is readiness.

So is the gentleman from California the same one I am seeing here?

Mr. DELLUMS. The gentleman is the same gentleman, about 40-some years old, however.

Mrs. SCHROEDER. The Marines would be very pleased that the gentleman has not forgotten his training about readiness. I truly support the gentleman's motion to instruct, and I thank the gentleman.

Mr. DELLUMS. I thank my distinguished colleague.

Mr. Speaker, I thank the gentlewoman for her generous remarks.

Mr. Speaker, I rise to offer a motion to instruct conferees on the bill, H.R. 1530, the national defense authorization bill.

Mr. Speaker, Members of the House, this motion is very simple. It would assert that the House conferees insist on retaining the amounts that we have already voted to provide for the sufficient training and readiness of our Armed Forces personnel.

Let me take a few moments to place this motion in its proper context.

Mr. Speaker, the President requested $91.9 billion for readiness, fiscal year 1996. The House bill contains $94.7 billion for readiness. The Senate bill contains only $91.7 billion.

The conference, overall, will add about $7.1 billion to the President's overall budget request for this fiscal year for defense. In this gentleman's humble opinion, Mr. Speaker, we should not use all of this additional money for what I believe to be unnecessary hardware programs. Instead, we should retain the training and readiness funds the House made available to our men and women in uniform.

The majority members on the Committee on National Security started off the year, Mr. Speaker, with a series of hearings outlining what they considered to be the unfunded readiness needs of the service. Indeed, if you will recall, Mr. Speaker, they claim in the bill, H.R. 7, that came to this floor, voted upon by this body, and elsewhere, that insufficient funds for readiness threaten the imminent return to the hollow forces of the 1970's.

□ 1245

Whether my colleagues agreed or disagreed with that position, that was the

assertion of the majority party in these Chambers in H.R. 7 and in a series of hearings before the Committee on National Security. As a result of all of that, they increased the readiness budget by over $2.8 billion over the President's request and stated on the floor of these Chambers that the balance between readiness and modernization was the appropriate balance. The House report accompanying H.R. 1530 states in part, and I quote:

> The committee has recommended additional spending in core readiness accounts such as depot maintenance, . . . real property maintenance to begin addressing what is likely to be a 30- to 50-year problem of halting the deterioration of base support facilities, mobility enhancements to allow more timely deployment of forces and reserve component readiness.

Mr. Speaker, if the majority of the House National Security Committee now feels that there has been significant change in the readiness posture of this country, then I believe the Members of the House deserve an explanation of what happened to change their minds. If, in fact the premise on which days and days of hearings that were held that were calculated to make the case that near-term readiness of our military was indeed in dangerous peril, is no longer a compelling factor, then we need to know why, and the proposition before the body that this gentleman offered is calculated to ask that question.

If, however, the majority of the committee has made the political decision and I underscore ''political decision'' that the readiness issue is secondary to their need to deliver certain procurement projects, then let the record reflect that fact.

So the proposition before the body is designed to either say, ''You believed in what you were saying in H.R. 7, you believed in what you were saying in the Contract for American, you believed in what you were saying during the series of hearings, you believed what you said in H.R. 1530 about readiness, and you feel that it is important to maintain it,'' or that, ''As you view the changing circumstances in the world, that that is no longer a compelling reason.'' Then step back; explain that to the body. Let us move forward. Or, as I said, to repeat, ''If you make the political decision that you now can trade off readiness, which you made such a large issue over the last several weeks and months, and you are more interested in procuring weapons systems than readiness, then make that statement so that we understand where we are.''

In either case, Mr. Speaker, I believe that the Members of this body deserve to know what has happened in the intervening months since the readiness hearings that has allowed our committee's majority to feel so much more relaxed about what they claimed to be a problem of Draconian proportions just a few short weeks ago.

While I have expressed my own personal doubts as a Member of this body that we need an increase in the defense top line, and over the last several months I have tried to argue that case, I am doubly certain that we need not raid our readiness accounts to pay for unneeded cold war weapon systems that no longer are appropriate. The dire forecast the majority makes regarding our modernization accounts, Mr. Speaker, fails to account for the fact that we have been able to defer procurement requirements over the past few years due to the carefully managed utilization of excess weapons systems and platforms that have resulted from force structure reductions. Simply stated, as we have downsized our military, we have excess property, and in managing that excess property there has been no need for us to escalate in our procurement account because we are now dealing with materiel that is in excess, and we can move along those lines, and that has been carefully drawn and carefully dealt with.

Mr. Speaker, I believe that our first priority in this conference should be to insure that our troops, active and reserve components, are trained and ready to meet the task which they can reasonably expect to be called on to perform.

Therefore, for all these reasons, Mr. Speaker, I ask my colleagues on both sides of the aisle in a bipartisan fashion to join with me in an effort to prevent shifting more funds out of the readiness account, an argument that was stated in a very powerful fashion over the last several months at the level of subcommittee, full committee, and an action taken before the body, and with those remarks, Mr. Speaker, I reserve the balance of my time.

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

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

Mr. SPENCE. Mr. Speaker, I rise in support of the gentleman's initiative and to let him know that I support his motion, and I also welcome him to support for the readiness of our military forces. I also rise to encourage all of my colleagues to join with us in our continuing efforts to ensure that the United States maintains a ready military force.

Because the gentleman's motion references specific figures, I need to remind my colleagues that H.R. 1530 passed the House before a final budget resolution had been agreed upon. Consequently, H.R. 1530's top-line reflected the House-passed budget resolution figures for Defense, which ended up being approximately $2.6 billion over the fiscal year 1996 Defense top-line figure in the final budget resolution. The Senate's Defense authorization bill and both Defense appropriations bills were passed based on the final budget resolution Defense figures.

In order to conference with the Senate, we obviously have to reconcile the higher figures in H.R. 1530 with the final budget resolution and the other Defense bills. Approximately $1.9 billion of this $2.6 billion reconciliation effort has occurred in the operations and maintenance accounts. While that might seem like a significant cut, it is not, since all of the funds cut lacked an appropriation. Therefore, they represented a hollow authorization.

H.R. 1530 still authorizes operations and maintenance funding at almost $93 billion—close to $1 billion over the President's request. In five main readiness categories beyond the traditional operational tempo accounts—depot maintenance, real property maintenance, base operations, mobility enhancement, and Reserve component readiness—H.R. 1530 is $1.6 billion over the President's request and $1.1 billion over the Senate bill. Of the four Defense bills, H.R. 1530 contains the highest operations and maintenance funding levels and is almost identical to the House-passed Defense appropriations levels for these accounts.

The committee has always been concerned with military readiness and will continue to address readiness problems, as well as quality of life and modernization, shortfalls as a priority. Therefore, as we head into conference with the Senate, I welcome the gentleman's support on the critical issue of readiness funding, and I stand prepared to accept the motion.

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

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

Mr. Speaker, I thank the distinguished gentleman from South Carolina [Mr. SPENCE] for his support. I think that that guarantees that this would be a bipartisan effort as we move into the conference with the other body, and I deeply am appreciative of the gentleman's remarks and his support.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina [Mr. SPRATT], my distinguished colleague.

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

Mr. SPRATT. Mr. Speaker, one of the first bills brought to the floor in keeping with the Contract For America was H.R. 7, the National Defense Revitalization Act. Its very title implies that our Armed Forces are not ready, that they lack vitality. Now I question that assessment. But there is some findings in the preamble of that bill, and I would just like to read them again so that those who voted for it can be reminded of what assessment is contained in that bill. It says,

> A return to the ''hollow forces'' of the 1970's has already begun. At the end of fiscal year 1994, one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions were reporting a reduced state of military readiness. During fiscal year 1994, training readiness declined for the Navy's Atlantic and Pacific fleets. Funding shortfalls for that fiscal year resulted in a grounding of Navy and Marine Corps aircraft squadrons and cancellation and curtailment of Army training exercises.

Marine and naval personnel are not maintaining the standard 12- to 18-month respite between 6-month deployments away from home. Marine Corps units are spending up to 2 of their first 4 years away from their base camps. The significantly increased pace of Department of Defense operations has U.S. Forces overdeployed.

Now these findings are, I think, over some. They run counter to the Pentagon's assertions that our troops on the whole, with some exceptions, are ready, but following on these premises and these concerns, our committee in its markup of the defense authorization bill this year, our committee added by my calculation $2.8 billion to the administration's request of $91.9 billion for readiness. That is a 3-percent plus up. The Senate Armed Services Committee on the other hand provided $800 million less than the Clinton administration requested.

So, this motion before us is very simple. It says, ''Stick to your guns. Stand by the House's position on the issue of readiness.''

This is an opportunity to act once again on our readiness concerns, which I think all of us to one degree or another share. If we think our forces are in any way in a downward spiral, or that they are overdeployed, or if we think we are trending back or slipping down the slippery slope to the hollow forces of the 1970's, then a 3-percent plus up is a modest step indeed to reverse that trend.

Mr. Speaker, I urge my colleagues to stand by the House's position on readiness, to stiffen the resolve of our conferees, and to vote for this motion.

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

Mr. Speaker, I do not have any other requests for time. I would just like to thank our colleagues on the other side of the aisle for supporting readiness, and, as I said before, I support the motion.

Mr. DELLUMS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. PICKETT], my distinguished colleague.

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

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, 1995 has been a busy year for the U.S. military. Our Nation called repeatedly upon its Active and Reserve Forces to represent and protect our national interests all around the world.

The U.S. Armed Forces were able to respond to the call in Asia, in Europe, in Africa and elsewhere, in part, because this Congress and the American people have provided the military with the necessary assets and training to do the job.

Men and women in uniform responded to each challenge in a manner that makes all Americans proud. They have responded to the call to duty largely without complaint and served their country with honor and distinction.

This ability to provide flexible response is not without cost either in equipment or to our people. The services have had to switch money away from training to respond to these contingencies and valuable training opportunities have been lost.

Our first priority is to provide our military personnel with what they need to fight, to win, and to return home safely after having answered their country's call. They are among the finest young people our country has to offer. They serve their country out of a sense of duty. At the same time, these men and women expect Congress to give them the resources they need to do their jobs. They also expect Congress to provide them a reasonable quality of life for themselves and for their families, and a place in which to train and work that will allow them to give the best of themselves. Congress must live up to this commitment.

Mr. Speaker, the operations tempo in our military remains high. The service chiefs have reported that the force is stretched thin; that readiness is being impacted by a high current optempo; and that certain units are deploying repeatedly in support of contingency operations.

This high optempo has occurred at the same time U.S. force structure and defense budgets have been dramatically reduced. U.S. Forces continue to be asked to do more and more with less and less.

The most important component of readiness is people. The people serving in uniform today were selectively recruited and carefully trained. They are truly the finest force that the United States has ever had.

Readiness must be preserved both in the near term and in the long term. Readiness problems compound quickly and cannot be repaired easily or inexpensively. The military personnel that we put in harm's way deserve a full and continuing commitment from this Congress. The House of Representatives has met that commitment to readiness in the DOD bill that we passed. I urge my colleagues to ratify this effort by voting for this motion to instruct House conferees to support the higher House figure for readiness and to reject the lower Senate figure.

□ 1300

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

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

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

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

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

The Sergeant at Arms will notify absent Members.

Does the gentleman from South Carolina [Mr. SPENCE] have a unanimous-consent request?

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the automatic record vote on the motion to close the conference under clause 6, rule XXVIII be reduced to 5 minutes.

The SPEAKER pro tempore. Is there any objection to the request of the gentleman from South Carolina?

There was no objection.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 17, as follows:

[Roll No 684]

YEAS—415

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
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
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King

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
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—2

Neumann
Petri

NOT VOTING—17

Boehner
Browder
Chenoweth
Clay
Clyburn
Collins (MI)
Foley
Johnston
Kolbe
Mink
Moakley
Quinn
Reynolds
Sisisky
Stokes
Tucker
Waters

□ 1320

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

So the motion was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOLBE. Mr. Speaker, on rollcall No. 684, I was inadvertently not recorded. although I was on the floor during the vote. Had I been recorded, I would have voted "yea."

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall No. 684, a motion to instruct conferees, I was detained in a meeting and unable to reach the floor before the voting machine was locked. Had I been present, I would have voted "yea."

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. SPENCE. Mr. Speaker, pursuant to clause 6(a) of rule XXVIII I move that conference committee meetings on the bill H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. Pursuant to clause 6(a) of rule XXVIII, the vote on this motion will be taken by the yeas and nays.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 19, as follows:

[Roll No 685]

YEAS—414

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

NAYS—1

DeFazio

NOT VOTING—19

Andrews	Kennelly	Tucker
Burton	Lewis (CA)	Waters
Chenoweth	Moakley	Watt (NC)
Clay	Rangel	Waxman
Clyburn	Reynolds	Wilson
Coleman	Sisisky	
Johnston	Stokes	

□ 1331

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LINDER). Without objection, the Chair appoints the following conferees:

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, 850–96) and the Senate amendment except for sections 801–03, 815–818, 2851–57, and 4001–4801), and modifications committted to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON (PA), DORNAN, HEFLEY, SAXTON, CUNNINGHAM, BUYER, TORKILDSEN, Mrs. FOWLER, and Messrs. MCHUGH, WATTS (OK), JONES, LONGLEY, DELLUMS, MONTGOMERY, Mrs. SCHROEDER, and Messrs. SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TANNER, BROWDER, TAYLOR (MS), ABERCROMBIE, EDWARDS, and PETERSON (FL).

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–818 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, WATTS (OK), DELLUMS, and SPRATT.

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, HEFLEY, JONES, ORTIZ, AND MONTGOMERY.

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, TORKILDSEN, WATTS (OK), LONGLEY, DELLUMS, EDWARDS, and PETERSON (FL).

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Messrs. COMBEST, YOUNG (FL), and DICKS.

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

Messrs. ROBERTS, ALLARD, LAHOOD, DE LA GARZA, and JOHNSON (SD).

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, SCHAEFER, and DINGELL.

Provided, Mr. OXLEY is appointed in lieu of Mr. SCHAEFER for consideration of sections 323, 2824, and 3107 of the Senate amendment.

Provided, Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment.

Provided, Mr. HASTERT is appointed in lieu of Mr. SCHAEFER for consideration of sections 2851–57 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

Messrs. GOODLING, RIGGS, and CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332, 333, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, MICA, BASS, Mrs. COLLINS (IL), and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–818 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, HORN, DAVIS, Mrs. COLLINS (IL), and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

Messrs. CLINGER, DAVIS, and Mrs. COLLINS (IL).

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

Messrs. CLINGER, SCHIFF, ZELIFF, HORN, DAVIS, Mrs. COLLINS (IL), Mrs. MALONEY, and Mr. SPRATT.

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, ROBERTS, and HOYER.

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, ROTH, BEREUTER, SMITH (NJ), HAMILTON, GEJDENSON, and LANTOS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, GEKAS, and CONYERS.

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

Messrs. SOLOMON, DREIER, and BEILENSON.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

Messrs. WALKER, SENSENBRENNER, and BROWN (CA).

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, WELLER, and OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modifications committed to conference.

Messrs. SMITH (NJ), HUTCHINSON, and KENNEDY (MA).

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

Messrs. ARCHER, THOMAS, and STARK.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the distinguished majority leader for purposes of asking the schedule for next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am sure everybody is aware that we have had our last vote for the day and indeed we have had our last vote for the week since the House will not be in session tomorrow.

Mr. Speaker, in observance of the Jewish holiday Rosh Hashanah, there will be no recorded votes next Monday, September 25 and Tuesday, September 26.

On Wednesday, the House will meet at 12 noon, although we do not expect any recorded votes before 1 p.m. Next week we will consider the following bills, all of which will be subject to rules:

H.R. 743, the Teamwork for Employees and Managers Act;

H.R. 1170, the Three Judge Court Review for State-Wide Referenda Act;

H.R. 1601, the International Space Station Authorization Act; and

The District of Columbia Appropriations Act for fiscal year 1996.

As we approach the end of the fiscal year, it will be necessary to put together a continuing resolution to keep the Government operating. There are many variables involved in this process, and therefore we are unable to fix a firm time for the House to complete its business.

I must admit that if I had my druthers, we would adjourn the House on Friday, September 29 and start the October district work period then. However, Members should be advised that it may be necessary to continue working over the weekend and through to Tuesday, October 3. If this is the case we will adjourn no later than 12 noon on Tuesday.

Mr. BONIOR. If I could ask the distinguished majority leader what he expects in the way of appropriation bills next week. It is a week now before the end of the fiscal year, and we have not had one single appropriation bill that has been sent to the President.

We all understand that when the Congress fails to meet its responsibilities, we have to have what is known as a continuing resolution. We have heard through the rumor mill and through printed material that we have seen today that the majority is asking for a 6-week extension through the continuing resolution.

My question to the gentleman from Texas, the distinguished majority leader, would be, would it not be advisable to have a much shorter CR to keep the pressure on so we can get these appropriations bills—we only have a week to get them to the President, obviously we are not going to make it, but obviously it would keep the pressure on us to get them there, so we could finish our work and Members could return to their constituencies.

Mr. ARMEY. I say to the gentleman, of course we will be taking up the conference reports as soon as the conferences do report. The Senate I am sure will do the same. We will move this legislation as quickly as we can to the President's desk. We will probably do some next week.

The gentleman asked if I thought that maybe it would not be more advised for us to have a shorter continuing resolution than the one we expect to pass. My response is if I had thought that, I would have been bringing a shorter continuing resolution. I think the one we will bring will be appropriate to our circumstances.

Mr. BONIOR. May I ask if the distinguished majority leader expects it to be longer than 2 weeks.

Mr. ARMEY. My anticipation is that the continuing resolution will give us a period of time, approximately 6 weeks, which should be a comfortable period of time for everybody to get their work done.

Mr. BONIOR. Do you expect to bring the TEAM legislation to the House next week?

Mr. ARMEY. The TEAM legislation is scheduled for next Wednesday.

Mr. BONIOR. Could I get a sense from the distinguished majority leader if indeed the conference appropriation bills that he expects might fall in the following categories, the Defense conference bill, the Interior bill, the Transportation bill, the Ag bill, and the Treasury and Postal Service bill, are those the likely candidates to come to the floor next week?

Mr. ARMEY. If the gentleman will yield, they certainly are in the candidates and I have expectations that the work will be completed on some if not all of them. But again I would prefer to let the committee work and look forward to their report to the House and to the Senate.

□ 1345

Mr. BONIOR. Mr. Speaker, finally, I would ask the gentleman from Texas, my friend, again, if he would not indeed bring up the Dingell resolution, which would allow the public to have time to understand the Republican Medicare plan. We are asking for 4 weeks of hearings and this resolution would be brought to the floor so Members could understand and absorb it.

There are major, major, significant changes in Medicare in the majority's plan, and we think the country and the folks around the kitchen table ought to have the chance to absorb what is in it and we are asking to have a debate on that resolution and we ask the gentleman to bring it up.

Mr. ARMEY. Mr. Speaker, I appreciate the comments of the gentleman from Michigan [Mr. BONIOR] and with respect to the question put regarding the Dingell resolution, the gentleman should be advised that no, in fact I do not anticipate bringing up the Dingell resolution.

Mr. BONIOR. Mr. Speaker, in that case I would advise the gentleman from Texas that since we are only going to have one day of hearings on the majority's direct plan, we anticipate that we will have our hearings on the lawn of the U.S. Capitol. We anticipate those hearings to commence tomorrow and will continue throughout the following week, so that the American people will have the right to understand and know that we are changing Medicare as we know it, and we are doing it not to save Medicare or to reduce the budget, but to provide tax cuts for the wealthiest people in our society.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, would it be possible, would there be any period of time that the gentleman from Texas would agree to extend? I mean, I am sure the gentleman from Michigan [Mr. DINGELL] would not want to cut the 4 weeks down, but would the gentleman from Texas agree to maybe 2 weeks or maybe 3 weeks or something? We have over 21 cosponsors who really feel that we need more than 1 day.

Mr. ARMEY. Mr. Speaker, I appreciate the gentlewoman's comments. In light of the fact that we have had over 30 hearings on Medicare already this year, we see no need, as you allege. But I would suggest that should the minority come up with a Medicare bill, we would certainly be willing to give some consideration to hearings on that bill, or make a place for that bill in the proceedings.

To this point, I have not seen even so much as an inkling of such a bill and, therefore, see no good reason to slow down continued progress on the bill that our side of the aisle has been working on.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman from Michigan yield further? That is our problem. We have not seen so much as an inkling of a bill from the majority side. We understand there is like a 60-page concept paper, but the hearings would be there tomorrow and there is still no real there there.

Mr. Speaker, I think it is interesting. I know the best defense is an offense, but really we have been waiting to find out what the real bill is. We still do not know, and there have not been any hearings on the real bill because there is no real bill yet.

Mr. ARMEY. Mr. Speaker, I appreciate the comments of the gentlewoman from Colorado [Mrs. SCHROEDER] and the fact of the matter is that we do have a good deal of communication going on with the committees. We will continue to move on as scheduled.

It is, of course, always a difficult proposition for the minority when they do not participate in the process very actively. The frustrations are real and I do appreciate their frustrations, but we do have a schedule and we will be moving on with it.

Mr. BONIOR. Mr. Speaker, in conclusion, I would just invite my friend from Texas to join us on the lawn as the American people come and testify on this particular bill and problem that we have before us in this Congress. We will be meeting tomorrow on the lawn of the U.S. Capitol to have hearings on this important issue.

Mr. ARMEY. Mr. Speaker, would the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I appreciate the invitation of the gentleman from Michigan [Mr. BONIOR]; unfortunately, I will be back in Texas speaking to my constituents tomorrow.

Mr. BONIOR. Mr. Speaker, we wish the gentleman a good voyage.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 94

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor from House Resolution 94.

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

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 25, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, September 25, 1995.

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

There was no objection.

ADJOURNMENT FROM MONDAY SEPTEMBER 25, 1995 TO WEDNESDAY, SEPTEMBER 27, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns Monday, September 25, it adjourn to meet at noon on Wednesday, September 27, 1995.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

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

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

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

HELPING VICTIMS OF HEMOPHILIA-ASSOCIATED AIDS

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

Mr. GOSS. Mr. Speaker, for 6 years I and my staff have worked with victims of hemophilia-associated AIDS seeking justice and assistance from the Federal Government. Because hemophiliacs rely on blood-clotting products made from human blood, they are at an enormous risk of contracting blood-borne diseases. In the 1980's, tragedy struck this community, and approximately 8,000 Americans—or one-half of all hemophiliacs in this country—became infected with the deadly virus that causes AIDS. This tragedy occurred in part because the Federal Government failed to fulfill its unique responsibility for regulating the safety of blood products and for taking aggressive action to prevent the spread, through blood products, of the HIV virus. That conclusion was strongly supported in a recent report of the Institute of Medicine, a highly respected, objective, scientific analysis arm of the National Academy of Sciences. This report has confirmed my belief that the Federal Government shares the responsibility for what happened, since the regulatory system failed to respond to the clear early warning signs of blood-borne AIDS. As a result, in my view the Federal Government has a clear and compelling obligation to provide compassionate assistance to the victims of what has been called the worst medical tragedy in modern history. I have introduced legislation, called the Ricky Ray Hemophilia Relief Fund Act, to establish a compensation program that would allow the Government to own up to its obligation. This bill is named for a 15-year-old Florida boy who died in December 1992, and whose family today still suffers from his loss and the ongoing illnesses of Ricky's two brothers, who are also HIV positive hemophiliacs. The Ricky Ray bill, which carries more than 125 bipartisan cosponsors, establishes a trust fund from which eligible victims could each claim $125,000. The legislation specifies that the trust fund, once authorized, would sunset after 5 years and would be capped at a total of $1 billion, with the funds to come from the annual appropriation process. Some people have asked, what makes these victims special? What is it about this tragedy that moves us to provide Government compensation?

What is unique about the victims of hemophilia-associated AIDS? In my view, the record is clear: Government has established a unique regulatory scheme for blood products, overseeing their safety under the auspices of both the Food, Drug, and Cosmetic Act and the Biologics Act. In making its regulatory decisions about the safety of blood products, the FDA, until just recently, relied heavily on advice from an advisory panel comprised in large part of people with expertise from the blood banking industry itself. In addition, we have a national blood policy, established in 1974, that outlines our commitment to blood and blood products as a national resource. And blood products are exempted from national product liability legislation, fostering the development of a unique legal framework in which blood products are shielded from normal product liability standards under nearly all State laws.

Mr. Speaker, this is a brief outline of why I believe a strong case can be made that this situation—in which we have about one death every day of a hemophiliac with AIDS—is unique and requires a special Federal response. I understand that the Federal Government cannot become involved in every tragic case that occurs in this country. But this case is unique—and the Federal Government has a unique responsibility for what went wrong. I urge my colleagues to look at H.R. 1023—and I again ask that our Judiciary Committee schedule hearings to consider the complex regulatory, legal, and ethical questions this tragedy raises.

Mr. Speaker, it is not going to go away. Every day one more person is going to die tragically, and it is partially our fault. We need to deal with it.

HEARINGS ARE NEEDED ON MEDICARE REFORM PROPOSALS

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

Mrs. SCHROEDER. Mr. Speaker, I have come to the floor to talk a bit about what my biggest fear as a Member has always been, and that has been not being prepared.

Mr. Speaker, it is so difficult to try very hard to find out what is going on and to be prepared. I was trained as an attorney, and I learned you never step into a courtroom, you never do anything without being prepared.

Well, let me tell my colleagues in this Medicare-Medicaid debate, there is no way anyone can be prepared. Here we are on the eve of the 1 day of hearings that they are going to grant on Medicare, and there is still no bill. There is still no bill.

So, if we wanted to go to those hearings tomorrow and be prepared, I do not know how we would do it. Today, they released 60 pages of conceptual language, but there are no numbers. How do we know if they add up or do not add up? We do not know what the Congressional Budget Office is saying.

Mr. Speaker, I think that this is playing very fast and loose and I am very troubled, because if I were an average American watching this and watched the barbs being traded back and forth across the aisle, they are filled with both bravado and bluster and everything else. But the bottom line is there is no there there. They do not have a real bill there.

The same thing has happened with Medicaid. On Medicaid we did not have even 1 day of hearings. They just moved immediately into a markup. We are beginning to find out what is coming out of that markup, which is really

fairly frightening. If we look at Medicaid, there are 18 million children that rely on Medicaid for their health care. There are 6 million disabled relying on Medicaid for their health care. Overall, there are 36 million Americans relying on Medicaid for health care.

Now, the numbers. It looks like they are going to cut my State of Colorado back by about a third. So what happens? How do you treat two-thirds of a child? How do you treat two-thirds of a disabled person? Where do you pick up the difference? How do you do this?

Well, there were no hearings. People from my area were not allowed to come forward. We had many people who would like to and, of course, we are going to see the same act tomorrow when it comes to Medicare.

When we look at Medicare, there are 37 million Americans that are affected by Medicare. Now, when I add 36 million for Medicaid and 37 million for Medicare, I end up with 73 million Americans. And we are holding the future of their health care in our hands as legislators.

Mr. Speaker, I find it really outrageous, as we hold the future of their health care in our hands, that we do not have a real bill; that we are not having real hearings; that we are not having people with the expertise in delivering this care looking at real bills to find out if they will really work.

Mr. Speaker, I would never say that I totally understand how this whole thing works. None of us can possibly understand every specialty that we have to deal with. That is what hearings are about. Otherwise, we could save a lot of money and never have hearings on anything.

So 73 million people, as I add these two numbers together, have got to be wondering what is happening. And I must say, I am very frustrated that tomorrow our side of the aisle has got to start alternative hearings out in the yard somewhere, and hope it does not rain, because we have not been able to get even a room assignment to do this.

Now, really, I think when we look at all the other things this body has had time to do, when we look at something this serious, we really should be going in with many more facts.

□ 1400

Yes, I have heard people on that side saying, ''You are just to trying to do Mediscare.'' We do not want to do Mediscare. But you start being very scared if nobody gives you the details. The devil is always in the details. You, also, worry very much about what the end result is going to be.

Whenever you ask a question, someone says, ''Well, what is your plan?'' The President put our plan out there. The people know what our plan is.

Then the other side continually says, ''We are just trying to save it.'' Our question is: Maybe they are trying to kill it. But if it is so harmless, if they have found this wonderful way they are going to save all of this money without paying, why are they holding it? I would think the hearings this side of the aisle has been asking for and the 201 Members of this body have asked for, I would think they would love those hearings because people will be coming and saying, ''Hosanna, how wonderful that they got all of this together.''

So I really hope there is more than the 1 day of hearings, and I think it is a very sad day when we are forced to go outdoors and have alternative hearings without even a real bill.

The SPEAKER pro tempore (Mr. LINDER). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

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

THE RESTRICTIONS OF THE ISTOOK AMENDMENT

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

Mr. SKAGGS. Mr. Speaker, the so-called Istook amendment to restrict political activities by people and organizations getting any kind of funding or thing of value from the Federal Government seems to be having more lives than the proverbial cat.

The House, of course, passed it as a rider to the Labor-Health appropriations bill. Now it is hanging up the House-Senate conference committee as a proposed rider to the Treasury-Postal Service appropriations.

Let me just say to the members of the conference committee, please, read the text of this dog. Do not believe the descriptions of the amendment by its supporters. It does not just apply, as they would have you believe, to lobbyists or to nonprofits or, for that matter, to the so-called special interests. With only a very few exceptions, it regulates every person and every organization in this country that gets not only funds but anything of value from the Federal Government.

Let us just look at one small set of people and organizations that would be caught up in this Orwellian net of political regulation, and they are the people receiving water from just one Federal water project, the Bureau of Reclamation's Colorado Big Thompson water project.

To begin with, those of us in the West know full well irrigation water is a thing of value. We can assure you of that. Looking at the text of the Istook amendment, the legal counsel for the water conservancy district, which distributes this water, has concluded that everybody getting water from the Colorado Big Thompson water project would be regulated under the Istook amendment.

Here is a partial list of all the people that would be affected by the Istook amendment and their political activities in one part of the State of Colorado, 2,000 individuals and organizations, mostly farmers and ranchers, individuals from Larry Accord to Henry Zimmerman, some companies, Anderson Farms, Boulder Valley Farms, Montford of Colorado, Reynolds Cattle Co. Besides farmers and ranchers, others would be regulated, too, because they receive water from this project: Ames Junior College, the Archdiocese of Denver, Boulder Country Club, Eastman Kodak, First Christian Church, IBM, Hewlett-Packard all get irrigation water from this Bureau of Rec project, and because of the Istook amendment, would all have their so-called political advocacy activities regulated according to the bill.

In addition, we could go on into other categories of persons affected that the sponsors of this incredible provision do not want you to know about, whether it is pregnant and nursing mothers getting WIC vouchers, disaster victims getting emergency assistance, students getting subsidized school lunches, whatever. What happens to all of these people? They face several major restrictions on how they can participate in the public life of their Nation and of their communities. So-called political advocacy activities would be regulated, restricted and, in many cases, prohibited including, depending upon how this kicks in, writing to your State legislator, school board member, applying for a building permit, because you are trying to influence a government decision, appealing the tax assessment on your home, writing a letter to the editor of your local paper, running for office or supporting someone who does. And beyond those things, it also attempts to regulate essentially derivative political activities, doing business with anybody or making a contribution to anybody who has exceeded the limits on political advocacy in this awfully ill-conceived proposal.

This might be described as a kind of secondary boycott requirement.

For example, hiring somebody who has been especially politically active would be prohibited to these people getting irrigation water. Can you believe that? Or buying something from a company that has just spent over 15 percent of its budget on ''political advocacy,'' as might well happen in a year and which they had to get a new building permit and go through a zoning change. These are the kind of restrictions that would be applied not only to individuals but to family farms like the Leister family farm that gets their irrigation water, or to big companies like IBM.

What happens to them? Chilling, chilling requirements. They are barred from getting any kind of Federal Government support or assistance if in any of the previous 5 years they have spent more than 5 percent of their own private funds engaging in an incredibly

broad range of public advocacy activities at the State, local or Federal level. They cannot spend any of what they received by way of assistance in dealing with anybody that has violated these political advocacy limits, and on and on and on.

This amendment has nothing to do with ending welfare for lobbyists, as its supporters claim. It has everything to do with shutting down free and open political discussion in this country.

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

[Mr. HORN 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. OWENS] is recognized for 5 minutes.

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

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

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

TRADE DEFICIT WATCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, in Washington, we hear a lot of talk about legislative train wrecks these days. But has anyone noticed that America is hitched to a runaway locomotive racing us toward a record trade deficit this year?

Today the Jobs and Fair Trade Caucus begins a monthly report to the American people called the Trade Deficit Watch. Our focus will be on how our Nation's trade deficit acts as an undertow in our economy, destroying good jobs, pulling wages down and displacing investments and industry here at home. The latest trade deficit figures released yesterday show that this year America will record an overall trade deficit of $164 billion, and just looking at the merchandise portion of that, we are talking about over $200 billion more of goods coming in here from abroad than we are able to sell in other markets. Folks, that is a bigger deficit than the budget deficit we are trying so hard to reduce.

How will a $164 billion trade deficit this year affect the American people? Let us take a look at the historic debate that is about to occur here in Congress on Medicare. How does our historic trade deficit play a role in this debate? The administration often uses the ratio of 20,000 jobs equaling every 1 billion dollars' worth of trade. Therefore, a $164 billion deficit will put 3 million more good American jobs at risk, added to the 2 million well-paying manufacturing jobs that were destroyed since the 1980's.

Unfair competition with low-wage, undemocratic countries puts continuing pressure, downward pressure, on wages in this country, and it is no surprise. Real wages and purchasing power in America have declined steadily over the past 20 years. Talk to your relatives, talk to people who work every day. They know what is happening with the buying power of their check.

Think about this: With 5 million lost jobs, that is 5 million paychecks, fewer paychecks, from which FICA, the portion of your paycheck that pays for Medicare and Social Security, is not being collected.

Think about this, too: Trade deficits have bled our manufacturing base almost dry. America is becoming a nation of temporary workers, the fastest growing segment job market in this country.

Before, a worker earning a decent wage at General Motors contributed 33 cents an hour to Medicare and Social Security through their FICA deduction. But a temporary worker at Manpower who typically earns only $5 an hour contributes one-fourth as much, about 8 cents an hour, one-fourth as much as a worker who worked in one of those good jobs that we have continually destroyed over the last 15 years in this country. No wonder the Medicare trust fund and Social Security are in trouble.

We have to keep finding new answers to try to refinance them. The high-skilled, high-wage jobs needed to fill the coffers of these programs are disappearing right before our eyes, and Washington has been asleep for 15 years at the wheel.

But corporations and their profits have continued to soar. In fact, Wall Street is slaphappy at this point because with low-paid workers, corporations are required to pay only one-fourth of what they had been paying before into trust funds like Medicare.

So, what is the Clinton administration and the Republican leadership doing about these trade deficits? Today the Committee on Ways and Means decided to adopt legislation which will allow more trade agreements to come down the pike without the American people having a say in the matter. This is called fast-track, and it is a bill that will force Congress to again consider trade agreements with no debate and without the ability to make amendments. In other words, it is a done deal when it comes to the floor.

We are again ceding our constitutional responsibilities to the trade ambassadors.

What, may I ask, are we on a fast track to? Are we going to continue putting every high-skilled, high-wage job with benefits in America on fast track right out of this country? It is happening in every single trade sector of this economy.

We have got to stop cashing out American industries and American jobs for the sake of a few trade deals that make a few traders and their shareholders rich but bankrupt the rest of America.

Look around the towns that you live in. How does the Clinton administration or Speaker GINGRICH expect to balance the Federal budget or solve the Medicare problem if real wages for working Americans are locked in a race to the bottom because of trade policies that destroy good jobs and good wages here at home?

TRIBUTE TO A SPECIAL GROUP OF DEDICATED AMERICANS SERVING IN THE UNITED STATES AIR FORCE

The SPEAKER pro tempore (Mrs. MYRICK). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Madam Speaker, I rise today to pay tribute to a special group of dedicated Americans serving in today's United States Air Force. This is the incredible story of a new world record for around-the-world flight and more importantly the demonstration of a truly unique force projection capability within the U.S. Air Force.

Two B–1B bombers, from Dyess Air Force Base in Abilene, TX, completed the fastest flight around the world on June 2 and 3 of this year. According to the National Aeronautical Association, the flight measured 36 hours, 13 minutes and 36 seconds and covered a distance of 22,814.5 miles. This includes some 3,000 miles the crews did not plan on in order to divert around tropical storms in the Indian Ocean and a hurricane near the Phillipines. The planes each had 6 in-air refuelings and averaged over 630 m.p.h. to complete this amazing flight. The two B–1B Lancer's, from the 9th Bomb Squadron, were nicknamed ''Hellion'', and appropriately enough, ''Global Power.''

While these record flights are amazing in their own right, the awesome military power they reflect is even more impressive. To demonstrate the ability to project power anywhere in the world and return non-stop to the United States, the bombers also dropped 500-pound, concrete-filled training bombs on three continents during the mission dubbed ''Coronet Bat.'' Coronet Bat clearly demonstrated the immense capability of the B–1B and reinforced its position as a vital component of our conventional bomber force.

Besides the awesome technical capability displayed in this historic flight, it also reflects the ingenuity, dedication and professionalism of today's Air Force. This mission required a genuine team effort and was designed to exercise the total force capabilities of our Nation's military. This type of mission

proves the B–1B's readiness to meet global mission requirements.

Meticulous planning, requiring support across a full-range of Air Force commands, was required for this highly successful mission to prove the long-range, power-projection capability of the B1–B Lancer.

First, this mission required the idea, supplied by Capt. Christopher Stewart, a native of Logan, UT, the support of Air Force leadership and the skilled flight planning from dozens of professionals like Lt. Col. David Snodgrass, from the 9th Bomber Squadron, Capt. Jeffrey Kumro, the ground mission commander, and S. Sgt. Scott Fromm, now at Officer Training School, from the 7th Operations Support Squadron, who was responsible for coordinating the hundreds of airspace issues associated with such a complex mission.

Also key to the success of the mission were all the people who made possible the six in-air refuelings, closely coordinated around the globe, at precise times, to be sure the B–1B's had enough fuel to reach the next rendezvous.

Range support, at bombing ranges from Pachino, Italy, to Kadena, Japan, to the Utah Test and Training Range, allowed the crews to prove their global power by delivering ordnance on target around the globe.

And, of course this tremendous flight would never have been possible without the unsung heroes of military aviation, the maintenance crews, like crew chief, Sgt. Kenneth Kisner, who keeps these machines flying and safe for the air crews. A testament to their professionalism, these two aircraft left on time, completed the grueling mission, most of it a supersonic flight, and returned home requiring only minor post-flight maintenance.

Let me also recognize the flight crews who ultimately made Coronet Bat such a resounding success. In the lead, and record breaking aircraft, Hellion, was mission commander and 9th Bomber Squadron Commander Lt. Col. Douglas Raaberg, aircraft commander Capt. Ricky Carver, offensive systems officer, Capt. Gerald Goodfellow, and weapons systems officer, Capt. Kevin Clotfelter.

The crew of Global Power included Capts. Steve Adams, Chris Stewart, Kevin Houdek, and Steve Reeves.

As mission commander, Lieutenant Colonel Raaberg said, this was a global teamwork at its best and reinforces Air Force plans for the B–1B conventional upgrade program. Again, I want to offer my personal congratulations to all the members of the Air Force team that made this happen, and the thanks of the American people for the tremendous service you provide a grateful Nation each and every day.

Congratulations on a job well done.

□ 1415

DEBATE OVER MEDICARE

The SPEAKER pro tempore (Mrs. MYRICK). Under a previous order of the House, the gentlewoman from New York [Ms. SLAUGHTER] is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, in the 1930s I was growing up in the coal fields of eastern Kentucky, in a family with four children, and I watched for years as my mother and father took responsibility for the health care of both sets of their parents.

It was an enormous burden. Health care was not all that good in the 1930s. Blood transfusions were given by anybody who came in off the street, and they did not go through typing and crossmatching as we do today. I had a sister that died in North Carolina, as they were operating on her for appendicitis, and she died of double pneumonia. So you can see that the benefits of medicine have increased enormously in the past half century.

One of the most important beneficiaries of that improvement has been the elderly of the United States. Since 1965, families like mine when I was a child no longer have to struggle to meet the health care needs of elderly parents. I remember when the debate took place in 1965, and I remember when it passed, and there was rejoicing in the country that senior citizens who were alone or senior citizens who were in impoverished circumstances could get the same kind of health care, the same appropriate kind of health care as the wealthiest person in the country. And we felt very good about this development.

But the debate over Medicare, like the debate over Social Security, was vitriolic in both houses. There was no unanimity of consent in either the House of Representatives or the Senate for Social Security or Medicare. Indeed, if you were to read that debate, you would be surprised I think at some Members who are still here who voted against the Medicare program and spoke very strongly against it.

It was the Democrat Party that gave us Social Security. It was the Democrat Party that gave us Medicare. Now it is the Democrat Party that is struggling to try to save Medicare.

There is a recommendation by the Speaker of the House of Representatives to have the largest cut in Medicare in its 30-year history. They are recommending $270 billion be cut out of Medicare over the next 7 years in order to pay for a $245 billion tax cut for the rich, the wealthy and corporations.

This is going to be done with one hearing, which will take place here tomorrow. The Democrats have not been allowed to ask for a hearing or even to participate very much in the meeting that let up to the decision for the hearing tomorrow. And for that reason, the Democrat Party, which gave this country Medicare, will have to hold its hearing tomorrow out on the lawn of the Capitol of the United States.

I am confident that has never been done before. The Capitol is a pretty large building. Meeting rooms all over it. But we have been told that not a single one is available for us tomorrow to hold a hearing.

So tomorrow we will have ordinary Americans, hospital administrators, caregivers, rural hospitals, community health associations, home care specialists to be here to say what these awful cuts are going to do in the services that they can provide.

Thirty-seven million seniors now are on Medicare, and by the year 2002, if you factor in for inflation, we will need to be paying $8,400 a year to cover the same benefits that $4,800 buys today. The Republican proposal only provides $6,700. Now, how is the difference going to be made up? Higher premiums, higher deductibles, inability perhaps to choose your own doctor or accept fewer services, fewer choices, and lower quality.

I think that is a rotton set of choices for the elderly in this country.

Last week, the Speaker of the House assured the American people on television that Medicare beneficiaries could expect their premiums to increase by only $7 a month. Within days, the leadership was forced to admit the figure was actually going to be more like $32 a month, about $400 a year. For people who live on a fixed income, that can be a devastating blow and can really make the difference in their lives as to whether they can eat or pay their rent. If they cannot afford it and if they are lucky enough to have children or grandchildren who will chip in, perhaps they can survive it. But a lot of our seniors do not.

Those premium increases will hurt not only the people who are recipients of the care, but we anticipate the closure of a lot of hospitals and a lot of services and perhaps even of home care.

THE REPUBLICAN MEDICARE PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized for 60 minutes as the designee of the minority leader.

Mr. DOGGETT. Mr. Speaker, during this next hour I and a number of my colleagues are going to be discussing the Republican Medicare plan. It is the pay more, get less plan. We have been discussing it this week during the special orders because of the fact that there is no real opportunity to debate this plan on the floor of the U.S. Congress, except during these sessions.

Indeed, it has been impossible to get even a public hearing so that citizens across America could come forward, the experts could come forward; and our seniors are among the leading experts on how Medicare works. There has been no opportunity for them to come forward for all of these many months really and be heard on a specific Medicare plan. All they know is

that they will have to pay more and get less.

Tomorrow we will have the only day that has been allocated to hear their concerns. And as I begin this discussion, I think it is appropriate, because the gentlewoman from New York [Ms. SLAUGHTER] has spoken so eloquently this afternoon on this matter, to hear the conclusion of her remarks, because she shares the same concern I do that if our seniors are saddled with a pay more, get less plan, this Nation will be much the worse off, and I would welcome the observations of the gentlewoman.

Ms. SLAUGHTER. I thank the gentleman for yielding to me, and I will be very brief.

I just want to make the point that the $270 billion cut in Medicare is almost equal to the defense budget of the United States. I think we pour over this month after month, and committee after committee looks into it, and debate often takes days on the floor of the House. To this day, a bill that we are supposed to vote on next week has not been printed. Nobody has seen a single written word on what the bill that the hearing is going to be held on tomorrow will cover, not one thing.

If you want to put this in some kind of context, imagine, if you will, the health care plan that was debated in Congress last year, had there been not a word of what was in it, not one sentence of what the consequences might be, just simply slash and burn, and that may give you some idea of what we are facing here with Medicare.

Mr. DOGGETT. Would the gentlewoman yield on that point?

Ms. SLAUGHTER. I would be happy to.

Mr. DOGGETT. I am a new Member, and so I was not here last year, but I read that when that health care plan came up and when the Congress moved along near the August recess, it was the Republican members of this body who were saying, even though there had been extensive hearings in several committees, we need more time, the people need more time.

Ms. SLAUGHTER. Absolutely, we need more.

Mr. DOGGETT. I know I read in the Dallas Morning News, a well-known publication and has been known throughout its history to have been known to have at least a slight Republican tinge to it, actually referring to the Republicans this year, and it was not my word but theirs, the Dallas Morning News word, as being guilty of hypocrisy.

How is it in 1 year, after having weeks of hearings on a health care plan, they could come to this Congress and deny us and the American people all but 1 day to focus on this essential problem?

Ms. SLAUGHTER. I think it is safe to say that nothing on the magnitude of this cut has ever gone through the Congress of the United States without complete hearings, without participation of the public, without an opportunity to go home and say to our constituents, what they have ahead of them.

We do not have anything to take home to show them. We get little notices in the press, and then we hear it is going to be $7 a month, and then we find out that that is not true. So, so far we are standing on sinking sand and shifting sands below us, and we do not know how it will affect the elderly of this country or indeed the fate of health care.

Mr. DOGGETT. I thank you for your important observations.

I see that we have been joined by other colleagues from Texas.

Again, I congratulate my colleague, the gentleman from Texas, Mr. GENE GREEN, for the work that he has been doing this session and for his victory this week on behalf of individuals with disabilities as he worked to preserve our State vocational rehabilitation system.

I know that there are people with disabilities across this country. Even though our focus in talking about this Medicare plan has been that it means pay more, get less for America's seniors, the same is true for many people with disabilities, several million in fact across America who are not 65 but because of a disabling condition are reliant or dependent upon the Medicare system. Perhaps you are aware of how they will be impacted by this vague plan that we have had presented.

Mr. GENE GREEN of Texas. Well, I thank the gentleman from Texas for yielding to me and my colleague from San Antonio. This is not just the Texas hour here.

But it will impact people who are not seniors, not only those who are disabled before they are 65 but the seniors' families. We all have family members who are over 65 and enjoy Medicare, because I have shared with my relatives what we had before 1965 when we had no Medicare, and we know the difference between 1964 and 1995 when we had no Medicare.

I rise today objecting to this phantom plan that we have that will be released today for two reasons: One, it is a proposed cut; and also objecting to the lack of the public hearings on the proposal.

Now, we have been told that the committees have been hearing Medicare proposals and talking about Mediscare tactics on what needs to be done, but we have not actually seen the plan, and we have not seen it as of today. And what they are going to have a hearing on tomorrow, 1 day of hearings is just wrong.

The propaganda being dumped on American people by the Republican Medicare plan that will be released, that it is not a cut and just slowing the growth is preposterous. We know that we have to plan, whether we are in business or in government, your expected growth in your business or in your senior population.

It is real simple that the population served by Medicare is growing, and there are going to be more people who will be 65 next year than were 65 last year or the year before. The people, thank goodness for our health care successes, are living longer. And yet when they say they are only slowing the growth in Medicare, they are actually going to end up rationing in the cut and in the growth. You either have to push people out of the system or you are going to provide people proportionally with less services. When they reduce that growth, they are affecting not only those who are currently beneficiaries in Medicare but those people who will become 65 next year and the year after and, you know, until the year 2002.

□ 1430

If we go back to the days when seniors had to choose between health care and food on their tables, are we going to do that, and I think that is what will happen by cutting a program with a growing population. We will need rationing.

Last year I was here. My colleague was still on the Supreme Court of Texas. I was here and involved in the health care reform, and the fear from all of us, and we would have rationing if we had some national health care. Well, here we have a plan that will create rationing for seniors, and the health care will be rationed to those who can afford to pay more out of pocket. They will be asked to pay more and more of their fixed incomes, which will lower the standard of living for our seniors.

Now I have heard and read the articles that everyone has read about how our seniors are so much better off today than they were 30 and 40 years ago, and that is true. That is why Medicare was established, because you realized in the 1940's, and 1950's, and early 1960's, that seniors were being left out of the growth and the benefits of America after they spent their life to build this country, and a number of them literally put their life on the line to make sure this country can still enjoy the freedom, and now we are going to take those people who served in World War II and say, ''OK, now you received Medicare, and we're going to make you pay more for less.''

I think your poster is so correct, I say to the gentleman. We need to ask ourselves, ''Do you want the force to pay senior citizens to pay more for less service and choose between health care and food? Do you want our elderly loved ones to have to have surgery in a hospital pushed to the brink of bankruptcy due to cuts in Medicare funding?''

In my district in Houston we have a number of hospitals that their patient base is substantially Medicare, and Medicaid, and managed care, and managed care is forcing hospitals to transfer those costs to Medicare recipients, and there is just no place to go if you

cut the cost of Medicare. You are going to have hospitals close not only in rural areas, but in urban areas. Do you want to have to be operated on by a physician or surgeon whose training may have been reduced by the cuts in Medicare that we do now for medical education?

We hear a lot these days about avoiding a train wreck. Well, the seniors of our country will experience one of the most destructive train wrecks in history if this plan is passed.

If you answered no to any of these questions, then I hope it is not only our duties as Members of Congress, but our constituents and people all over the country, to oppose this Republican Medicare train wreck that will be fostered on us tomorrow.

My second objection is lack of public hearings that we have had to this not-yet-released plan, and here we are Thursday, and you and I have not seen it. Of course we do not serve on the Committee on Ways and Means, so we might not see it even until tomorrow when it is released publicly.

But I participated in 10 days of hearings on the Waco incident. I saw 28 days of hearings on Whitewater and 8 days of hearings on Ruby Ridge, and I do not object to those hearings.

Mr. DOGGETT. If the gentleman will yield on that, so that is 10 days about the tragedy that happened in Waco, 28 days about what the President may or may not have done; was that 12 years ago? Some long time ago, back when he was Governor of Arkansas. Twenty-eight days on that. And how long on this incident in Idaho?

Mr. GENE GREEN of Texas. Well, 8 days on the Ruby Ridge incident that happened in 1992, long before most of us, least the majority in the House, were ever elected. So we had all those days of hearings after the fact, and here we are only going to have 1 day of hearings, 1 day on a plan that will be released maybe today for hearing tomorrow, and that is where our priorities are wrong, and that is why the Republican majority is wrong, and they need to look at what the American people are saying, that we need to get our priorities straight here in Washington. We need to realize that we need to listen to our constituents, we need to have more than just 1 day to hear from them, and the people are asking us, ''Don't go to Washington and lose touch.'' Well, this is a prime example of losing touch, by announcing a plan on Thursday, have 1 day of hearings on Friday, and then the whole House has to consider it.

Mr. DOGGETT. Let me ask you about that.

When you say ''announcing a plan'' it is true that the press release this week is thicker than the press release from last week, but you are going to be going, I know, in a few minutes back to a hearing on one of the other Republican ideas of this session, which is to destroy, or abolish, one of the Cabinet offices that has been here for decades in the United States. You do not go to that hearing without having a piece of legislation to consider. In other words, instead of just going there, and scratching your head, and thinking about somebody's good idea, or some think tank that has come up with some theoretical approach to deal with the security of health care for 37 million people, you do not go there without a specific proposal; do you?

Mr. GENE GREEN of Texas. We have had this proposal abolishing the Department of Commerce that I am not in favor of. I agree, in fact, that when we were in the Texas Legislature, you were the father of the sunset legislation, and you were in the State senate, and I was in the House, and I served on the sunset commission. I like the idea of looking at agencies and reforming them, but we reform them over a period of time. We do not all of a sudden wake up on Thursday and say we are going to abolish and we are going to change this agency to deliver services and provide assistance to American businesses. We are going to have vote on that Friday. You do not do that on those agencies, and why should we do it to the most important issue that this Congress may consider? It is like you said the health care for 37 million elderly U.S. citizens.

Mr. DOGGETT. And you know I am reminded by your comment that another of our fellow Texans who does not serve in this body, though I know he aspired to come to Washington, Ross Perot, who recently commented on this plan, though I have some differences with him about this subject among others, but he suggested if we were going to have these big changes in the way Medicare works, that just as you pointed out with business, you do not just jump what you have got and go to something else. You test it before you proceed to apply that to everyone and suggested that new ideas should be tested out before you make 37 million Americans the guinea pigs for this new approach that really amounts to little more than pay-more, get-less.

Mr. GENE GREEN of Texas. Well, we need to ask ourselves then why is the Republican majority rushing the Medicare reform bill to the House floor for a vote before the American people without time to review the consequences. Well, I think the answer is clear. The Republican majority does not want the American people to know what is in their Medicare reform bill because it is incredibly harmful. Frankly, it is no wonder that the plan is shrouded in secrecy. If I had a plan that was going to make seniors pay more for less service and force them to give up their, possibly their, lifelong doctor, and all to pay for ill-advised tax cuts, I think I would be scared, too, and I would want to rush it through on a short notice.

We hear a lot of times about how Medicare is in trouble and we need to reform it. We have reformed it over the last 30 years from the time it was passed, but right now we can deal with fraud, abuse, and waste in Medicare and do some of those reforms that will save us some money and reform Medicare, but not for $270 billion to pay for $245 billion in tax cuts.

Mr. DOGGETT. Let me ask you about that because we do hear examples on the press. Seldom do you go out and visit with seniors, as I know you do in your district, and I do up in Austin, without hearing about an incident where a health care provider perhaps abused the system. That is the kind of subject that we ought to have some bipartisanship about. I have not seen anyone yet come on the floor and defend fraud, maybe someone will, but we ought to be able to come together and work together.

But let me ask you about in that regard in trying to achieve some bipartisanship. I am amazed to hear this. Except for the experience we have had within the last few weeks here, I understand that the chairman of the Committee on Rules, actually the ranking member of the Committee on Rules, the gentleman from Massachusetts, Mr. MOAKLEY's office went over to the chairman of the Republican Conference's office to ask for the 30-page outline that is now available on this plan, that this happened as we have been here debating this afternoon, and was told that is not available to Democrats.

Now, I do not know if you have seen other incidences of that kind of rude and arrogant behavior here before, but those who come and say you need to be more bipartisan, it is a little different to be bipartisan with people that would not allow a hearing and would not even give an outline of their sorry plan to you.

Mr. GENE GREEN of Texas. Well, in an outline that is 30 pages long can you imagine how big the plan must be for us to be able to analyze it before the hearing tomorrow and before the members of the Committee on Ways and Means may have to have it? The numbers on the plans are that we have heard leaked out just do not seem to add up either. We talk about increases in seniors paying their monthly amounts that they pay doubling it over the next 7 years, or maybe more. But there is still an $80 billion hole that they are looking for.

The President has come up with, has a Medicare reform plan, and even the trustees, who our majority, have talked about that they are running around like the world is going to end unless we listen to the trustees' report, these very same trustees said we do not need to cut $270 billion out. We can do $90 billion worth of reform and safeguard Medicare.

Now 10 years from now, 8 years from now, Congress is going to have to revisit that issue because again I wish you and I could stand here today and solve our problems today, but that does not work. We always have to be ready to change in reform whether you are in

government or whether you are in business. There are different ways to do things. But we can solve Medicare's problems by without cutting $270 billion, and again I hope the American people understand we are looking at cutting $270 billion at the same time they are granting $245 billion in tax cuts, $245 billion. Medicare is paying for those tax cuts, and, if they can stand there on the floor and say that, I want to be bipartisan?

Let us solve Medicare's problem, but let us take those $245 billion in tax cuts off the table, and then we will talk about solving Medicare. Do not use Medicare to pay for tax cuts. We need to balance the budget, but we do not need to do it on the backs of Medicare.

I thank my colleague from Texas for the time, and I look forward to continue to being in the trenches.

Mr. DOGGETT. I know you have to be back for a piece of legislative markup, and, as you are departing, I will just continue some observations on this, and I think an appropriate observation in discussing this matter is to reflect on Congressman GREEN's remarks that many of the people who will be most directly affected by this are people who served our country both at home and abroad during World War II, and I do not think anyone served our country in a more distinguished role than a gentleman who figures prominently in this debate and was on national television last night, and that is the distinguished gentleman from Florida [Mr. GIBBONS], the ranking member of the Committee on Ways and Means, who will be considering this measure.

The gentleman from Florida [Mr. GIBBONS], for those of you who do not have personal familiarity with him, is a true American hero. He was a paratrooper on June 6, 1944, D-day, in France. He fought for this country. He fought against fascism and against tyranny, and since returning is now serving his country in another way in this body. He continues to be a true American patriot. It is not unlike the experience I just reflected on, about the inability of Democrats to even receive a copy of this measure, the incredible experience that he had yesterday.

True, sometimes the news media likes to focus on the fight rather than the substance of what produced the fight. But the American people and all of our colleagues who were not there should know that the reason that the gentleman from Florida [Mr. GIBBONS] expressed the anger and the dissatisfaction that he did was because of what occurred in the Committee on Ways and Means which was supposed to get a full outline of this measure yesterday and have a hearing on it as we are debating here this afternoon. But instead the committee met and refused to even permit the ranking member, a distinguished and senior Member of this body who served his country with such valor and distinction, to say word one. They would not let him discuss the proposal at all. Instead he was cut off without being able to say a word, a vote was taken in an autocratic method, and so his remarks were confined to what occurred in the hall outside this Chamber.

Again it is an example of how difficult it is for those of us who want to achieve a bipartisan solution not only to the issue of Medicare and the security of our Nation's health care, but on a widening range of matters in this House that, when you proceed with such arrogance, with such high-handedness, with such determination, to do it your way or no way, that it is very difficult to have a basis for reason and for moderation.

It is not only the State of Florida, of course, who has contributed heroes to this country like the gentleman from Florida [Mr. GIBBONS]. We have done our share in Texas as well. One of his contemporaries, I suppose, and someone who I have admired since earlier days in the public school system of Austin where he served as a distinguished member of the Texas legislature, is the gentleman from San Antonio, TX [Mr. GONZALEZ], my colleague who I know has some observations that bear on Medicare and a number of other things that are occurring here, and I would like at this time to yield for remarks that I know he has.

The dean of our Texas delegation, the Honorable HENRY B. GONZALEZ.

□ 1445

Mr. GONZALEZ. Madam Speaker, I, in turn, want to thank my colleague from Texas, a young gentleman I have admired from the beginning and have watched his political trajectory as he rose in Texas and am so proud of him. I want to thank him for his kind remarks.

Congress is getting ready to pass something called the Budget Reconciliation Act, which is a bill that's required to bring Government spending into line with the budget resolution passed earlier this year. Usually, budget reconciliation is pretty straightforward, but this year the new Republican majority in the House is putting together a bill that does far more than line up spending with the desired targets. This year, the reconciliation bill is being used for all kinds of radical projects that the Republicans hope to force through, without letting anybody have a fair hearing, let alone a fair shake.

The biggest piece of this stealth legislation involves changes the Republicans want to make in Medicare. So far, we've seen only the barest outlines of their proposal, but what we've seen makes clear that senior citizens are about to get less medical care and pay more for it.

But the reconciliation bill is also going to be loaded down with other ideas, like legislation to eliminate all federally required highway speed limits and just about all safety requirements for mid-sized trucks. Legislation that says that mid-sized trucks don't need safety equipment is a crazed notion at best, and has nothing to do with balancing the Government's books.

In my own Banking Committee, the Republicans are using the reconciliation bill to wipe out what's left of the savings and loan industry. They're moving fast and ignoring lessons of the past that time after time have proven you have to be very careful when you change banking laws in such basic ways.

Another project of dubious merit is the Republican plan to gut something called the earned income tax credit, which is a tax benefit that goes to poor, low-wage workers. The tax benefit doesn't go to anybody that earns more than $11,000 a year, but it has the effect of putting $25 billion a year of money where it does the most good—right in the hands of underpaid and hard-working Americans who want to have the pride and dignity of work even at low wages. But the Republicans want to cut this benefit, by perhaps a third.

If we want people to work instead of drawing welfare benefits, we should adopt policies that make it possible to earn a living wage. One way to do that is to adjust the minimum wage upward, which hasn't happened in many years. And another way to help people get off welfare and into work is to be certain that they get child care and medical care. But guess what? The Republicans don't want to do any of those things. It looks as if they're simply aiming to make the poor a whole lot more miserable.

The greatest asset any country has is its own people. Laws that help people get an education; laws that help people to get a decent, affordable house; laws that help people earn a living wage; laws that enable people to get adequate medical care at a reasonable cost—those are the kinds of laws that make this or any other country a better place. Sadly, every one of the laws that are intended to make this a cleaner, better, safer, and more decent country are under attack in Congress. There are some who think that it doesn't matter, but the truth is in the end, all of us will suffer together if poverty grows, if schools aren't improved, if the air we breathe and the water we drink are degraded, and if more and more of us find it impossible to get and keep a decent job or to afford decent housing and medical care.

Many of the actions that are about to unfold in the so-called budget reconciliation bill are downright silly or verge on the irrational—but others are mean spirited and can only result in a country that offers less hope to those who are struggling to rise above poverty and personal tragedy.

I feel certain the President will veto the reconciliation bill, and will also veto many of the worst bills that are working through Congress these days. But no doubt about it, the next couple

of months are going to be as mean as they ever get.

I thank my colleague.

Mr. DOGGETT. Madam Speaker, I thank the gentleman so much for his observations. I think actually, in referring to my colleague, Mr. GIBBONS, and some of his contemporaries, I may have referred to World War I. There actually may be some World War I folks that will benefit or be adversely affected by what we do on Medicare, but the gentlemen from Florida [Mr. GIBBONS] is not quite that senior and served during World War II. I think it is particularly that World War II generation that will be most troubled and has most reason to be concerned about what is happening here on Medicare.

Madam Speaker, I see that my colleague from New York, who has spoken so many times about the importance of not taking the care out of Medicare has arrived, and I would yield to him for such observations as he might have about the troubling developments of the day where the Republicans issue a bigger press release but do not give as much in the way of a detailed plan.

Mr. ENGEL. Madam Speaker, I thank my friend from Texas, who has certainly been one of the shining lights of the new freshman class of this Congress, who has spoken so eloquently on the floor not only today but many, many days, and the gentleman is quite right, the Republicans simply want to take the care out of Medicare.

Madam Speaker, Medicare actually was a program that was put into effect in the 1960's. It is a plan that many Republicans want to kill. And, in fact, that has been the modus operandi, the way the Republicans have operated, during this whole Congress. They take plans, they take bills, they take laws that they have wanted to kill for many, many years and say this law needs fixing. So instead of just fixing it, what do they do? They kill it or gut it.

We have seen it time and time again, not only with Medicare and Medicaid, but we have seen it in assaults against working people in this country. We have OSHA, which protects people; occupational safety and hazard laws, which protect the safety of American workers. Do they want to fix it? No, they want to kill it. They want to gut it. The National Labor Relations Board, which monitors unfair labor practices. They are trying to cut it, cut the funding and kill it. Davis-Bacon, which guarantees construction workers prevailing wage, a decent salary. They want to get rid of that, too.

As my colleague from Texas just mentioned, all the good environmental laws that bipartisan Congresses have put into effect for so many years, what are they trying to do? Not fix those laws, but kill it and gut it. Student loans. The same thing. Kill it and gut it.

The Republicans have been using the fact that they believe certain bills, certain laws like Medicare need fixing. They do not fix it, they kill it. So, Mr. Speaker, this is just the first assault on Medicare as we know it.

If we cut $270 billion from the program, we are, in essence, killing the program. It just starts that way and it goes on and on. One thing really ought to be made very, very clear. Medicare is a program that serves middle-class America. This is not some boondoggle or some program that is being doled out to people who have not worked in their lives, or people who have not made sacrifices in their lives; to people who have not done what they should do. Medicare benefits middle-class America, senior citizens who have worked hard and struggled all their lives, put a few dollars together only to see it dissipate in their later years. They are as scared as can be.

Madam Speaker, I take the case of my mother, who lives in Florida, and all her friends. They do not have money for prescription drugs right now. Many have to choose between eating well and buying medicines. Can any of us imagine what it will mean when $270 billion is cut out of Medicare? To my Republican friends who say, well, it is not a cut, we are actually increasing the funding; and, how could it be a cut if we are increasing the funding? Everybody knows if we do not increase the funding, with the rate of inflation, it is a cut. Everybody knows if we manipulate part A and B, it is a cut.

The bottom line is this, Madam Speaker, what kind of care do seniors get now under Medicare, and what kind of care will they be getting in the year 2002 after there is $270-billion worth of Republican cuts? The answer is very easy. Senior citizens, as my colleague from Texas says, the GOP Medicare plan means seniors will pay more for their health care and get less. That is the bottom line. Pay more in premiums, get less health care, get less choice, be forced into HMO's, be forced to accept strange doctors, because they sure will not be able to choose their doctors.

As we are talking right now, I will bet that senior citizens will suffer from a lack of choosing of their own doctors. It is not right, Madam Speaker. All we are saying on the Democratic side of the aisle is we want to have open hearings on this. The Republicans in this Chamber have the votes. They can outvote us every time. What is so terrible to let the light shine in so that the American people can understand what this means?

In the last Congress President Clinton proposed a health care plan. At the very, very beginning everyone seemed to be in favor of it, but as more and more people found out about it, for whatever reason, they decided they would not support it. And the Republicans, quite frankly, are afraid that if we let the light of day shine on their Medicare sham, or their Medicare proposal, that the American public will say, wait a minute, guys, this is not what we want. Medicare is a sacred covenant with the American people and we do not want to gut it. We do not want to hurt senior citizens.

They are afraid when their plan is exposed that seniors will understand that it hurts them; that it will be terrible for the senior citizens in this country. So how do they get around it? Let us only hold one hearing on this particular bill.

Now, the hearing is tomorrow. I do not know what is in their plan. I have not seen their bill. How can anyone have an intelligent hearing when we do not know what is in the bill? They would like to just blindfold us, gag us, not allow us to ask questions, and not allow us to hold hearings. What is so terrible with an open procedure?

Madam Speaker, the Republicans ranted and raved on the other side of the aisle in previous Congresses about muffling the minority. We are not talking about the minority or the majority. We are talking about the American people. They have the right to understand what this Congress is about to do. The only way we can do that is by holding hearings.

The hearings we are going to hold tomorrow are going to be on the lawn of the Capitol. That is because we could not get a decent hearing room in the Capitol to hold these hearings. What a disgrace. It is absolutely a gag rule. It is being perpetrated not on the Democrats in Congress but on the American people.

So the bottom line here, for me, is what is the quality of health care that senior citizens get under Medicare now, in 1955, and what will be the quality of care that they will get under the Republican plan in 2002? When we couple the 270 billion dollars' worth of cuts in Medicare and, at the same time, give $245-billion worth of tax breaks to the rich, that only adds insult to injury. To my friends on the other side of the aisle who say one has nothing to do with the other, well, $245 billion and $270 billion sounds pretty equal to me. If we eliminated the tax breaks for the rich, and even if we had to cut the Medicare Program, 270 minus 245 is only $25 billion. So we would have to cut it a lot less if we gave up on the tax breaks for the rich than we would under the Republican plan.

Mr. DOGGETT. Let me ask the gentleman one question about these hearings. Beginning about 9:30 or so eastern time tomorrow morning the gentleman has referenced hearings that will occur just outside the House Chambers here on the Capitol Grounds. Do I understand those hearings will continue into next week?

Mr. ENGEL. Yes, those hearings are planned to continue into next week, because if we cannot get 4 weeks of hearings, as we requested, we feel that we could at least have 4 days of hearings where senior citizens and representatives of senior citizen groups and people involved with Medicare can come and testify and tell us their opinions and tell us what Medicare means to

them and tell us what the GOP Medicare plan will be.

Those are the only open hearings, unfortunately, that are going to be held on Capitol Hill.

□ 1500

Mr. DOGGETT. They are open hearings. That is, any American citizen who would want to come forward and present their testimony, if we are not able to hear from all of them orally, can file their written testimony with us and get that to the attention of people, at least within the Democratic Caucus, the 200-plus Members here who would want to hear their observations.

Mr. ENGEL. The gentleman is absolutely right. We welcome testimony, written testimony and people testifying, from seniors in all walks of life, because we think it is very, very important to hear all points of view. Again, if the Republicans absolutely insist on ramming whatever they want to ram through, they have the votes in this Congress, but it ought not to be done under the secrecy of darkness. It ought to be done after we have an open and full hearing and the American people understand what is about to happen to them in Medicare.

Mr. DOGGETT. Indeed, given the ramifications of this particular plan, it might be well advised to have these hearings at a variety of different locations, since the Republicans are not doing that and we are forced to have ours outside the Capitol, for those citizens around the country who will not be able to come personally, perhaps someone who is confined to home and unable to leave and be here. Would there not be a mechanism where they could forward their comments here to the Capitol and advise people of their concerns about this plan or their suggestions improvements in Medicare to strengthen it?

Mr. ENGEL. Constituents can absolutely write to their Member of Congress, be it Democratic or Republican, and let us know what you feel, let us know what you think is happening to Medicare. I would hope that some of our colleagues would, and I know I plan to do it in my district in the Bronx, NY, and Westchester, NY, to have hearings in my district, have open forums in my district, so I can hear from the rank and file, from my constituents, who will be most affected by whatever Congress does on Medicare. I want to hear from them, what Medicare means to them, how important it is, not only not to cut Medicare, but to expand services. I want to see prescription drugs, for instance, expanded. I want seniors to be able to get prescription drugs.

There was one very interesting point. The Republicans have said that they want to balance the budget and they do not intend to touch Social Security. Well, for my senior citizens, if you do not touch Social Security, but you touch Medicare, it is the same darn thing, because senior citizens rely on Medicare as much as they rely on Social Security. So it is an absolute fraud to say we are not going to touch Social Security, when at the same time you are devastating Medicare.

Mr. DOGGETT. I thank you very much for your observations. I see another colleague of ours, Mr. BENTSEN, from Houston, TX has joined us, and may have an observation in response to your comments.

Mr. ENGEL. We have all these good Texans here. It is nice to join with them. We can bring New York and Texas a little closer together.

Mr. DOGGETT. Certainly when the issue is health care security and misrepresentation that is being made to our seniors about their health future, we all need to come together. I wish we could get more of our Republican colleagues coming together. There is nothing in the rules of the House that prevents them from coming to the floor this afternoon and utilizing their hour of time to outline in detail their plan, but apparently they have chosen not to do that.

Mr. ENGEL. It really is unfortunate, because I think the bottom line is, the only way we are really going to get a plan that helps our senior citizens is by doing it in a bipartisan fashion; not in this way, ramming it down everyone's throat without any kind of open hearings. I thank the gentleman.

Mr. BENTSEN. I thank my colleague from Texas for yielding. I thank him for taking the time today to speak about the issue of Medicare.

Let me just start out briefly by talking a little bit about procedure. I am glad to see that the dean of the Texas delegation, Mr. GONZALEZ, is on the floor, because I was with him the other day in the Committee on Banking and Financial Services where we were going through a similar process on legislation affecting the financial laws of this Nation. That appears to be similar to what is going on with Medicare.

We are now engaged in policy by the numbers, as opposed to policy for good government sake. I do not think there is any Member of the House who does not believe that our duty here is to have an efficient Government that works for all the people, but what appears to have happened is we are now driven purely by trying to achieve numbers in a budget and to form and fit the policy into that type of budget. That is what has brought us to his situation of having to cut $270 billion from Medicare and $180 billion from Medicaid.

I would start out by saying simply there is just no good way to cut $270 billion from the Medicare Program, and that is why we continue to hear little about what this Medicare plan will be. Unfortunately, we will have very little to say about it before it is put before the Committee on Ways and Means and put before the Congress.

Mr. DOGGETT. In other words, when our Republican colleagues coming up here, instead of giving us the details of their plan, they turn and say, ''Why do not you Democrats come up with a plan to cut $270 billion out of Medicare,'' they are going to have to cut an awfully long time, because we do not believe $270 billion ought to be cut out of Medicare.

Mr. BENTSEN. I think the gentleman is correct. He will recall that earlier this year many of colleagues from the other side of the aisle would come down and hold up a pamphlet from the trustees of the Medicare system saying ''Medicare is going broke and we need to do something to save it.'' But the facts are, if you read the report, not just the pamphlet, but if you read the report and talk to the trustees and hear what they have to say, No. 1, Medicare has always been projected, part A of Medicare, the hospital insurance program has always been projected to have shortfalls in the out-years, and it has been the Congress, and I would have to say the Democratic Congress, which has always stepped in to ensure that Medicare is a solvent program that runs forward. In fact, that is how the program was originally designed.

It is interesting to note that in the previous years, when both the gentleman from Texas and myself were not Members of this body but innocent bystanders, I guess, back in Texas, watching what was going on, that our Republican colleagues did not see any problem with the Medicare situation or the part A hospital insurance situation.

But, lo and behold, a year later, they are out crying wolf and saying we have this major probable out there.

Mr. DOGGETT. In fact, is it not true that last year, the trustee used the very words, save one or two, that they used this year, to express concern about the future of the trust fund.

Mr. BENTSEN. That is absolutely correct. In fact, if you go back and read the study, as I have done, the actuarial tables, you can see the points in time where the trustees in the past have said that Medicare would have an even shorter life than is projected today. You can also see the points in time where the Democratic Congress came in and made the necessary adjustments to make the cash flows work.

So I do not think that there is much basis of fact to that argument. Furthermore, we have heard from the trustees of the Medicare system that in fact you do not need $270 billion to save the program, and what little we do know of the plan that will be released tomorrow, I guess, the Republican plan on cutting $270 billion from Medicare, is that there is no evidence whatsoever that any of that money is actually going back into part A of Medicare.

The fact you are raising premiums on elderly citizens, something along the lines of $60 or $80 billion, if you look to see where the money goes, as they used to say in the Nixon times, you cannot find it going back into part A, which would lead me to believe that if in fact there is a problem in the fact we are

taking money out of the system and not putting it back in the system, we are only going to exacerbate the situation that exists, and it does appear we are shifting money out of the Medicare system by raising premiums on the elderly into other parts of the budget, presumably a tax cut. That really makes no sense whatsoever.

Mr. DOGGETT. That strikes me as such a critical point. As you say, during the Nixon years they said follow the money. It was a good trail, to follow the money back there during the Watergate era. It still is with this Republican Medicare plan, because the first plank of the Republican Medicare plan is pay more. But from looking at the press release that came out today, the pay more part is over in the part B premiums.

As you were pointing out, I believe I have this correct, they will increase the part B premiums that every senior has to pay, but not one penny of those increased premiums will go into this Medicare trust fund that they said they were so concerned about after they read the trustees report saying the same thing the trustees had been saying for years when they did not care a flip about it.

Mr. BENTSEN. The gentleman is absolutely correct, that in fact money from part B is going elsewhere in the budget, and if there is a problem in part A, it continues to exist. So I think that that is a major flaw in the proposed Medicare plan from the GOP, and it is something that the American people need to know about.

I think that, furthermore, when we look at what has been released so far, we find a gaping hole of something along the lines of $80 billion that is going to be made up in something that is called the look-back. That is sort of a ''trust us'' type approach to governing, that we think we can get there, and if we do not get there in a couple of years, we will just tell the Secretary of Health and Human Services to come up with $80 billion.

Well, where is that $80 billion going to come from? Is it going to come out of somebody's pocket? Higher deductibles, higher premiums, higher copayments? We do not know. But that is a major problem.

When you add to that the global price control which will be set on services provided by hospitals and doctors as a result of this, you in effect will push the price for fee for service, choice of doctor health care, down to a level where I think you will see physicians who will get out of the business because they just cannot lose money and do the business. You will see hospitals who will say that we have no choice but to go into a captive program with a health maintenance organization, and seniors will no longer have the choice as current law provides; they will no longer have the choice to choose between a health maintenance plan like an HMO or a fee for service like they have had. They will be left with only what the market will be able to give them because of the price controls set by the plan.

Mr. DOGGETT. I would like to talk about each of those. You have extensive experience in business and investment banking, are familiar with principles of financial planning, and you referred to this look-back provision. As I understand it, and I do not believe, though there are many pages in this new press release, that there has been any explanation of how it is of this $270 billion, how they are going to cover their $80 billion or so gap. Just from the standpoint of good, sound business, financial planning, what kind of plan is it that says we will cut $270 billion, except we do not really know how we are going to get $80 billion of that $270 billion? We have just kind of guessed if everything we are thinking about but have not put in a bill anywhere happens to come out, maybe like we hope some day under the best of all circumstances it will, we still got another $80 billion out there hanging and we do not know where we are going to get that.

Mr. BENTSEN. The gentleman is correct. I guess you would say it is less than creditworthy in trying to put together a plan. What it will result in, I think, is that at some point they will come back and say well, gee, we are $80 billion short and have to make it up, so we are just going to cut you across the board. Sorry, Medicare recipients, we did not think we were going to hit you as hard as we did, but we came up short and are going to have to take more money out of your pocket.

Mr. DOGGETT. If I understand it, then someone in the bureaucracy here in Washington, acting under the authority of the Secretary of Health and Human Services or the Health Care Financing Agency, when the year is gone by and there is this big old gap there of billions of dollars, will go back and say well, the gap is there, next year we are just going to have to cut how much we pay these health care providers by 50 percent, 30 percent, or 25 percent, or however much it is. Is that the way this so-called look-back provision works?

Mr. BENTSEN. I think in terms of trying to set a budget, that is what you would have to do. It would be equivalent to sequestration, which was provided under the Gramm-Rudman Budget Act.

Mr. DOGGETT. That was a real winner.

Mr. BENTSEN. The problem that exists with that is it does not allow for any strategic planning on the part of health care institutions, hospitals, providers of health care services. So if you are going out several years and you are trying to set your budget based upon prices that you think you were going to receive reimbursement from Medicare, but you know out there, there is a $80 billion footnote that can come into play some time, it is going to be very hard for you to set your plan.

Mr. DOGGETT. Congressman, representing the city of Houston, I think you represented one of the world's finest health care systems, research hospitals, teaching hospitals, hospitals that provide services all around the world, but particularly provide a wide range of services to people who are seniors and who are people without substantial means to pay for them.

What kind of impact could a look-back provision like this, continually cutting payments, have on a world class hospital system of the type that you have there in Houston?

□ 1515

Mr. BENTSEN. I am afraid that if we continue along this process, that it will start to cut into research. I think that as a result of a lot of work that has been done to try to explain to the Republican majority the impact on medical education, we are starting to hear that, yes, we do understand the importance of medical education, and we are going to start to provide for that. That is good.

However, we still do not know all the details. We still have clinical research which is carried out in these academic hospitals through the Medicare system. As you clamp down on the payments to the hospitals, at the same time that you have health maintenance organizations which are trying to pay as little as they can, because they are in the business of doing that, and that is the way the system works and that is fine, the problem is going to become that you are going to lose the necessary clinical research dollars that better the health care system, make it more cost-effective, and make it more efficient for seniors and for everyone else. You also are going to end up with not only cutting back on that research, but you are going to end up with jobs being lost in large medical centers.

Mr. DOGGETT. Madam Speaker, the gentleman you mentioned another effect of continuing to cut down to too low a level the payments made to health care providers. I just happened to come across a report here on the impact in central Texas of problems we already have with Medicare, the kind of thing that I know you and I want to do to improve Medicare to deal with these problems.

There is the story of Richard Bergin, who is 74 years old, has lived in Austin for 40 years, served as a naval officer, as a professor at the University of Texas at Austin, and he was doing fine and had a relationship of his own with his primary care doctor. However, when his 83-year-old brother moved into town from out of town to live with him, they could not find any doctor there that would take Medicare in all of their initial searching. The American Association of Retired Persons reports that about 80 percent of the doctors in most Texas towns today will not accept new Medicare patients.

If they have this look-back provision and they keep chopping back the

amount that health care providers are getting, will it not make it even more difficult for people like Professor Bergin and the others across Texas, whether it is in Houston, LaGrange, or Lubbock, or anyplace else in this country for that matter, will it not make it more difficult for them to find a physician that will take care of their needs?

Mr. BENTSEN. I think you are absolutely right. I think the fewer doctors who participate in the system, the harder it will be, particularly on rural communities and smaller urban communities, where there will be even fewer doctors who are willing to participate in the system.

I think there is another problem that comes into play here. By moving more people into health maintenance organizations, which again let me say, Medicare Select under current law already provides that choice, but what happens when you move more and more people into that system, basic macroeconomics will tell us that you will start to lose the efficiencies, and you will start to lose the ability to save costs or save money under that system. Therefore, I think that the projected cost savings from moving to an HMO system, where seniors do not have a choice of their doctors, are probably not correct. They are probably inflated. It is very hard to make those projections in the first place.

I think if you move from having 7 percent of the elderly population which are currently in managed care plans going to 90 percent, as is the desire of this legislation, that the cost savings that thus have been achieved will not carry forward at that time.

Mr. DOGGETT. I thank you very much for your observations and very helpful comments and, of course, your service here on behalf of all of the people of the Houston area and of our whole State.

My comments, of course, this afternoon and those of my colleagues have focused on the Republican pay-more-get-less Medicare plan. But I want to take just a moment here in concluding to tell people who are out there, who are thinking ''Well, they really cannot do that. They really cannot intend to make the kind of cuts that they are making to the American people,'' that they have not heard it all yet. Yesterday, about the same time that the great American hero, the gentleman from Florida, SAM GIBBONS, was being denied across the hall even a chance to mutter a few words in defense of Medicare and to raise questions about why these hearings were not occurring, another of our committees here in the House was considering a plan concerning Medicaid.

Most people think of Medicaid as being a program that provides assistance to the poorest of Americans, and it is true that it does; but it also, because of some need for improvement in the Medicare system, is about the only way that seniors and people with disabilities can get nursing home coverage. Most of the people that are in nursing homes today, who do not have substantial means, are there with support from Medicaid.

There is another thing that comes out of that system Of Medicaid. That is that the Federal Government establishes some patient abuse standards, some safety standards in our nursing homes that they have to meet in order to receive Medicaid funds.

Yesterday, at the same time that a slash effort was going on with reference to Medicare, another committee was slashing in Medicaid. Now, if that committee's handiwork becomes law, there will not be one Federal regulation on the books to assure the quality of patient care at nursing homes in this country. I think that by itself is an outrage, that there are people who have become so committed to a rigid ideological agenda that they have forgotten their good sense, they have forgotten our responsibility to protect vulnerable seniors. It seems that the only time people get interested in some nursing homes is when someone is found with abuse, with a death occurring. That is not the way it ought to be.

There are many fine nursing homes out there doing their best to provide quality care, but there are always some that try to skim, and it is only with the support of these Federal safety standards, and some inspections, that we have been able to address some of the worst of these abuses, and now that will be totally eliminated.

As if that were not enough, the same Committee on Ways and Means that did not want to hear about Medicare yesterday has, within the last several days, approved a proposal that will encourage corporations to withdraw as much as $40 billion from their pension plans, $40 billion from their pension plans, something that people who are not only retired now but may hope, like many of us, to retire some day in the future, should be amply concerned about. There are a number of troubling developments that only by Americans speaking out and making their concerns known are we going to be able to change.

As for the Republican pay-more-get-less Medicare plan, lest anyone think that I have a partisan attitude on that plan, let me end by quoting a Republican who was on the radio this week, September 19, Kevin Phillips. He said of his fellow Republicans' Medicare plan: ''Today's Republicans see Federal Medicare outlays to old people as a treasure chest of gold for partial redirection in their favorite directions: toward tax cuts for deserving corporations and individuals. The revolutionary ideology driving the new Republican Medicare proposal is simple: Cut the middle class and give back the money to the high-income taxpayers.'' That is the problem we face, but Americans can turn it around.

COMMUNICATION FROM THE HONORABLE JOSEPH M. McDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mrs. MYRICK) laid before the House the following communication from the Honorable JOSEPH M. MCDADE, Member of Congress:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC, September 21, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L(50) of the Rules of the House that a member of my staff has been served with a subpoena for testimony and the production of documents by the Court of Common Pleas, Lackawanna County, State of Pennsylvania in connection with a civil case.

After consultation with the office of the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

JOSEPH M. MCDADE,
Member of Congress.

THE IMPORTANCE OF REDISTRICTING DECISIONS IN GEORGIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes.

Ms. MCKINNEY. Madam Speaker, I come again this afternoon as a continuing part of my mission. That mission involves the educational process around the issue of redistricting, and why what is happening in Georgia is so important, not just for the people of Georgia, but for all of the people of this country who value democracy, who value the opportunity for all people who call themselves American citizens to be able to sit at the table of public policymaking and feel that they have an investment in the decisions that are being made about this country.

I want to begin by commending the members of the Georgia Legislative Black Caucus, who have endured a tremendous trial during the recently disbanded, recently adjourned special session. The United States Supreme Court ruled that Georgia's 11th Congressional District was unconstitutional, and as a result of that decision, the Governor of the State of Georgia called the Georgia Legislature into special session. The purpose of the special session was to redraw the congressional districts to correct those flaws that the Supreme Court found, particularly in the 11th Congressional District of Georgia, but also, in the call for congressional redistricting, the Governor included legislative redistricting.

There had been no lawsuit against the State legislative districts. There had been no finding of unconstitutionality against those districts, but for some reason, some predetermined reason, those districts were included in the call. So begins the tragic story of

the experiences of the Georgia Legislative Black Caucus that fought valiantly to protect its three democratic incumbents who are now in Congress, and to protect itself against what some have called a hoax.

I am going to begin by just a discussion of these districts that have been much maligned by supposedly powerful and very intelligent people. The 11th Congressional District was called a monstrosity by the lower court, the court in Georgia, a monstrosity. How can you call a district that allows for the first time people to have representation in the Halls of Congress a monstrosity? The district worked, it worked because people understood that the had an opportunity to elect their candidate of choice. They did not have to always be on the losing end. Those people in the 11th Congressional District chose to send me to Congress to represent their interests, to speak out on their behalf. I have tried to do a good job at it.

The 11th Congressional District of Georgia is no monstrosity. In fact, if there is a monstrosity, it rests with those people who would like to deny these people who have never had an opportunity to have someone walk in their neighborhood and then walk these Halls of Congress, to deny to those people, those people whom I call my valiant warriors, the opportunity to be elected by someone of their choice.

I have some maps here. The first map is the Sixth District of Illinois. Some might say that it is a monstrosity. It certainly is not pretty, but it is an effective district, because it allows the people who live inside this district the opportunity to elect their candidate of choice. This district is comprised of a supermajority. The supermajority just happens to be 95 percent white. This district has gone unchallenged in the courts. What is wrong with this district? Nothing is wrong with this district. This district functions according to our democracy.

I have another map here, Texas' Sixth District. It also might be called a monstrosity, but it has not been. It is composed of a supermajority. The supermajority just happens to be 91-percent white. This district, along with the entire map of Texas' congressional districts, was challenged in the courts.

□ 1530

The Texas court came back with a decision that invalidated the historic district represented once by Barbara Jordan. It invalidated the district that is currently represented by EDDIE BERNICE JOHNSON of Dallas, TX, a new district.

But the court said that this district, that goes from here and all the way around just like this and picks up people here, picks up people there, leaves out people there, that district is constitutional. Barbara Jordan's district is unconstitutional. EDDIE BERNICE JOHNSON's district is unconstitutional. But this district, that is 91-percent white, has been declared constitutional by the courts.

What is going on here? Is it that there are only funny-looking black districts? Obviously the answer is no.

Is it that only black districts are declared unconstitutional? Black districts and those districts that are majority Latino so far have been targeted for unconstitutionality.

I have here Georgia's 11th Congressional District, 64-percent black, one of the most integrated districts in the State of Georgia, one of the most integrated districts across the South. This district, that gives rise to voices that have been left out of the political process to finally be heard, this district was declared unconstitutional.

I would have to conclude that when it comes to the issue of redistricting and the shapes of districts, it ain't about shape at all. It is about the color of the representation that is elected from these districts, and the possibility that in the old South we could finally herald in a new era that bypasses, gets us across that bridge of racial divide and allows black people, white people, people of color, women, Latinos to sit down at the table of policymaking and fashion strategies to resolve our communities' problems.

What better America could we want for? The America of promise, the America of the American dream, the America which strives to include everybody? Or do we want to go back to yesterday? To go back to that infamous day when black people, who had been duly elected by the citizens of the various States throughout the South, were expelled for no other reason than the color of their skin?

What we are looking at today is the possibility that I could become the second African-American of the 20th century to be expelled for no other reason than the color of my skin. We cannot afford to allow that to happen.

What happened in Georgia particularly? What happened in Georgia can be summed up by the headline in this newspaper: ''Committee Okays One Black District.'' The bottom line, it appears to me, is that the tolerance level for people from the State of Georgia to have three black people in Congress is not very high, and so there were some people who took an active involvement in trying to make sure that in the elections of 1996, Georgia is no longer represented in Congress by three African-Americans.

Now, I am a Democrat and I am a proud Democrat. I am proud to be a Democrat. But the head of my Democratic Party in the State of Georgia, who is the Governor of the State of Georgia, said he was going to stay out of the redistricting fray. This was not something that was going to occupy very much of his time.

So I wrote a plea to the Democratic leadership of the State of Georgia, ''Ain't I a Democrat, Too?'' When it comes to this issue of redistricting and protecting incumbents, protect me, too. Because when I cast my vote here in Congress, my vote counts the same as my Democratic colleagues, my vote counts the same as my Republican colleagues, and when I come here, I speak out on behalf of the people of the State of Georgia who have a valid voice to be heard.

There were some folks in Georgia who had something else in mind, and so before the special session even began, something happened. What happened was the Georgia General Assembly became hostage. It was held hostage by the plaintiffs, along with the Democratic leadership of the State of Georgia, because 17 State house districts and 5 State senate districts were targeted. These were districts that were majority black in the State legislature, and they were said to be unconstitutional. So the Georgia Legislative Black Caucus was told, ''Now, y'all don't play ball and you're going to end up in the same boat as CYNTHIA, out of office.''

The Georgia Legislative Black Caucus, caught between a rock and hard place, did what it could to protect its members, to protect the three Democratic incumbents of Congress who just happen to be black, and they were fooled. It was a hoax. It was a cruel hoax. They were tricked. In fact, State Senator Donzella James was so outraged—she happens to be with us now, up in the gallery—she was so outraged by what had happened that she felt compelled to put it down on paper.

She concludes:

> In this episode of political gamesmanship, Republicans attempted to play the white Democrats against the black Democrats by promising both sides their support in addressing their redistricting concerns.
>
> Further, the struggle within the Democratic Party between competing political interests was transformed into one involving race. The eagerness on the part of the white Democrats to ''Republican proof'' their districts blinded them to their overall goal. That is, to foster equal and inclusive representation for all of the people of Georgia.
>
> Self-serving individuals on all sides of the debate practiced deceitful game playing and clever trickery and have made a mockery of the reapportionment mandate. The Georgia General Assembly may come to regret this entire ordeal. A number of questions will have been answered concerning our legislative process. For example, was the court order legislative undertaking a hoax? And if so, could this be a needless waste of the taxpayers' money and will the lawyers laugh all the way to the bank?
>
> My fear is that when it is all over and done, will the redistricting issue be remembered as racial rights versus civil wrongs?

The Georgia Legislative Black Caucus, Representative George Brown compiled some information, Representative LaNett Stanley circulated it. After all the dust had settled, the Georgia Legislative Black Caucus, along with the other leadership of the State, voted to dismantle nine majority black districts in the House and two majority black districts in the senate.

All in all, in the senate, out of 56 seats, they changed 46 of them. In the house, from a total of 180 seats, 69 were changed.

There was a redistricting legislative free-for-all on the backs of black people in the State of Georgia.

One of the districts that was diluted was a district that I helped to draw in 1992. I was just the vehicle that the people used.

I served on the house reapportionment committee. We had a hearing down in Savannah, and a gentleman came to the hearing, obviously proud to be able to be counted among those who would come, to travel so far to try and get a little justice. He began his remarks. He said, ''The name of my county is Liberty, but they still treat us like slaves.''

At the end of the 1992 redistricting process, that gentleman had a district from which to elect his candidate of choice. But after this cruel hoax in the special session of 1995 that should go down in infamy, that gentleman lost the opportunity to elect his candidate of choice.

As a result, there is a letter that has been drafted and signed by some of the members of the Georgia Legislative Black Caucus. That letter is to Assistant Attorney General Deval Patrick, asking that the Department of Justice deny preclearance to those two bills that were passed by the legislature—the bill that dismantled the State house districts and the bill that dismantled the State senate districts.

I am going to read this letter, because if I have not been clear, I think this letter is.

It says:

Dear Mr. Patrick, I am submitting this comment urging you to object to the reapportionment plans passed by the Georgia General Assembly in its special session in 1995. These plans were enacted by the State of Georgia with a racially discriminatory purpose and will have a retrogressive effect on black voters throughout the State.

The plans for the State senate and State house also violate section 2 of the Voting Rights Act, because those plans dilute black voting strength. In carrying out these redistrctings, the State legislature specifically aimed their sights at legislative districts with majority black voting populations. The decision by the legislature, therefore, was targeted at black voters with the intent to reduce the black voting strength throughout the State.

The legislature undertook this action even through their had been no court decision invalidating our existing plans, nor had there even been a lawsuit challenging any of the districts.

The context in which these new plans were drawn is also important to understand. The special session in which these new reapportionment plans were enacted was called to address also the reapportionment of the congressional districts pursuant to the decision in Johnson v. Miller.

The white leadership in our legislature forced the assembly to address legislative reapportionment first and then proceed to congressional reapportionment.

In exchange for cooperation in legislative reapportionment, the leadership promised to work with the black Members of the legislature on congressional reapportionment. The leadership, therefore, used legislative reapportionment as a stick and forced legislators to make concessions they would otherwise not have made.

The enclosed statistics show the degree of retrogression and discrimination. For all of these reasons, we urge you to object.

□ 1545

This is sad. It is absolutely sad that the Democratic leadership of the State of Georgia would use black people as spare parts to bolster the political aspirations of their favorite sons. And I do put emphasis on the word ''sons,'' because there is no room for women also in the good old boy network.

Who comprises this good old boy network? Well, as it turns out, we also discovered that there were some rich and powerful people that just did not seem to be able to deal with this new black woman who was representing poor folks, some of the poorest people in the country. They could not deal with this black woman from Georgia.

And so, Madam Speaker, seizing advantage of an opportunity, driven by the racist politics of race, they could also move forward on the agenda of greed.

We learned, in fact, State Senator Donzella James was moved once again during the special session to put out a press release entitled ''Senator Donzella James Implicates Kaolin Interests in Driving Redistricting Agenda.''

State Senator Donzella James expressed concern today that Georgia kaolin companies are exerting undue influence on the State's redistricting process. As legislators slowly hammer out a new congressional map, Senator James is increasingly convinced that kaolin interests in Washington, Jefferson, and Glascock Counties have issued a veto threat over any congressional map which puts them in the 11th District represented by Democrat Congresswoman Cynthia McKinney.

Now, what is it? What is kaolin in the first place? After we came to this floor, we got quite a few telephone calls from folks wanting to know what is kaolin? Well, kaolin has been called Georgia's white gold. I guess Louisiana has oil; Kentucky has coal; Georgia has kaolin.

Georgia's richest mineral resource is kaolin, a white clay used to make chemicals, medicines, and coated paper. Last year, a handful of mining companies, many of them foreign-controlled, dug a billion dollars' worth of kaolin out of Georgia's soil. They pay rural landowners as little as a nickel a ton for it, and after refining it, sell it for $50 to $700 a ton. They pay no mineral taxes to the State, whose wealth they are exporting and they operate in virtual, total secrecy.

Reporter Charles Seabrooks spent 5 months reporting the operations of the kaolin companies and their impact on the lives of thousands of poor Georgians, and in this, it says: What is kaolin used for? Glue, newsprint, magazines, cosmetics, china that we eat from, paint. It has a lot of different uses. Toothpaste. Kaopectate. The ''kao'' is kaolin.

It also chronicles here Grant Smith, who lives in a Milledgeville mental hospital, does not know that he is at the center of a dispute over his family's former farm and its kaolin riches.

Gentleman Gary Chambers: The industry leaves pits and craters and gullies on the surface of Georgia's soil. Ten-mile railway that links the kaolin belt in Georgia to the sea has made some of our richest Georgians. Robert Lee Watkins, a man who was sent to Federal prison, what the Atlanta newspapers may have called a political prisoner, this Grant Smith might have been a millionaire, but his guardians sold the family farm. Gary Chambers turned his land into a rutted ruin. Tar buttons, ten-mile railroad put them on the track to wealth and power.

''Crime and Punishment in Kaolin Country. Businessman who challenged the chalk companies receives a 5-year sentence for another man's lie.'' Nothing happened to the man who lied.

''Companies versus Landowners in White Gold Country.'' This is from USA Today. Another picture that I wish I could have blown up. The scarred landscape of my beautiful State of Georgia. ''Weak Laws Slow Restoration of Ruined Land.''

Shortly after the lawsuit was filed, I had an interesting conversation with one of our State's constitutional officers who told me, ''CYNTHIA, you made some rich and powerful people mighty upset with you.'' And we have been hearing about this impending lawsuit against the 11th District, but somehow it never materialized. And suddenly, a letter appeared in the Sandersville Progress, which is a local newspaper down deep in kaolin country.

The letter was written by the executive vice president of one of kaolin companies. And guess what it said. It said that the 11th District ought to be dismantled. And then, miraculously, folks who do not have much were able to amass the hundreds of thousands of dollars that it takes to take a lawsuit all the way to the United States Supreme Court.

The general assembly came up with some maps, some maps that were pretty darn near the mark. But those maps had one target left out and that was those 7 kaolin counties.

The Atlanta Constitution has done some stories on our plight. ''Bring in the Feds to Probe Kaolin.'' ''McKinney Takes on Kaolin Industry. Her nosing around has infuriated the industry.'' ''King Kaolin's Political Prisoner.'' This is about the story of Robert Watkins.

''This should not be CYNTHIA MCKINNEY's fight, but Georgia's politicians are so afraid of the kaolin companies, they do not dare raise a peep.'' ''Taking On King Kaolin.''

So McKinney is now trying to get the U.S. Justice Department to look into the problems. Politically, that may not be a very smart move on her part, because kaolin money will try to unseat her. But then again, who knows, maybe McKinney will

prove that a woman with a backbone can succeed in a State run by men with weak knees.

And so Georgia's special session, called for the purpose of redistricting, ended. They adjourned sine die. What did they accomplish? Well, they got rid of some minority districts. They even diluted the district of a sitting Member of the Georgia legislature who is black; dropped his district down to 41 percent. The gentleman who represents the district of the man who said, ''I come from a county named Liberty, but they still treat us like slaves.''

We do not know if we can even get Reverend Tillman reelected in that district, but we are darned sure going to try.

But congressional redistricting never happened. It did not happen. So now the issue of Georgia's 11th Congressional District is right back where it started: In the hands of the Court. We are, of course, law-abiding people, and whatever the dictates of the Court, I will be prepared to accept them.

However, I do not think anybody in this country ought to have a good feeling about what happened in the State of Georgia. Nobody who cares about diversity, inclusiveness, real deep-down democracy, should be thrilled or even happy about the picture that we have painted.

Now, after Georgia comes North Carolina and Texas and Florida and Illinois and New York and Mississippi, because all of those States now have challenges to their minority districts.

And what happened in the State of Georgia—the trickery and the tomfoolery and the deceitfulness—can happen to good-hearted, well-meaning people in those legislatures across this country.

So the State representatives and the State senators who now understand that they might be called into special session or special duty to address the issue of redistricting also need to understand that something else might be afoot.

□ 1600

My father serves in the Georgia legislature. My dad has been there for 23 years. He is what I call a warrior, too. So I am really just a chip off the old block.

When he got elected in 1972, the first thing he did was file suit against the State of Georgia for unfair hiring practices. State of Georgia continues to be under a court order regarding that lawsuit that is over 20 years old.

And all I have done is to take advantage of a district that was borne of the pain of people in the State of Georgia and to elevate their pain right here on the floor of the House of the U.S. Representatives, and to remember them as I go about my business of casting my vote, speaking out in my committees, speaking to my colleagues, and speaking to the press, to always let people in this country know that in the State of Georgia we still have people who do not have running water in their homes and it is a crying shame, and that those people need to have representation. And that all of the largesse of the Federal Government ought to be delivered to them, too, that we have people who are suffering from teen pregnancy rates that ought to make us ashamed. And that we need to have an opportunity to help those people, because they are Americans, too. But that is just a little bit too much for some folks. I am just about finished.

I am reminded of a statute on the grounds of the Georgia State capitol, and the name of that statue is Expelled Because of Color. It commemorates the service of 33 African-Americans who, during the period of Reconstruction, were duly elected to serve in Georgia's general assembly.

But something happened. They did not have the right color. And so they were expelled. And this statue is from the slave ship to the ship of state, African-Americans holding up the State of Georgia, holding up the ideals of this country.

In 1901, there was an African-American also who had to exit from these halls. His name was George White from North Carolina. And he said, this is the Negro's temporary farewell from Congress. But Phoenix-like, the Negro shall rise again, and walk the Halls of Congress.

It happened in this country. It happened as a result of the Voting Rights Act of 1965. Black people, white people, died. Our own Representative, JOHN LEWIS, had his head broken open at the Edmund Pettus Bridge. No, I was not there.

But I was there 30 years later. And I am here today as a result. A few people in this country want to turn this country around. The majority of us have got to say no. We are not going to allow a few people to take back all that we have gained.

I am pleased that I have a hero right here on the floor of the U.S. Congress. And in 1992, after I was elected, the first person I came to was a Representative from Texas. And I told him, ''You are my hero,'' because his legacy in this body has been one of complete devotion to his constituents, complete devotion to the people of Texas, complete devotion to the people of this country. His name is Congressman GONZALEZ.

I am very proud to yield to my leader.

Mr. GONZALEZ. I thank the gentlewoman very much.

I cannot find the words with which to adequately express my feelings at hearing your words, especially from you, the gentlewoman from Georgia, Ms. MCKINNEY. I, of course, cannot describe to you the thrill and the happiness when I first was able to greet you here at your swearing in, and to have followed the course in your native State leading to your election.

For in my own experience, one reason I am in the Congress is in a way accidental. I had never intended to be involved in politics. But this was the issue. And that was that because of laws and constitutional provisions in the Texas State constitution, it was just accepted that a good portion of our citizens in Texas would be deprived of even the elementary right to participate in the most basic of all activities. And that is the right to vote.

So I am proud of the fact that very young and even before I ever even considered a politically active career, my thoughts were certainly not that way, I had my eyes opened early. And I have watched, of course, with great elation what has happened since those sad days, and elections such as yours. I cannot tell you in words how they have thrilled me.

I am saddened to hear of this retrogressive activity, not surprised. The forces of retrogression and return to, no matter what efforts they make, days and times that will not be returned, thank goodness, is always going to be confronted. They will never cease. The forces of retrogression are there. And when there is no forward activity on the part of the progressive forces, they can gather strength and they can set back the clock somewhat.

So I want to praise you for, first, your presence here, your willingness to seek a position of representation on this national body; and then, very happily seeing how through your competency and ability you have mixed right in the middle of the fray. You have not held back.

I just cannot tell you with what sadness I feel pervading in my heart as you report on some of the things that are still happening, 30 so many years ago, that we thought we had at least made it difficult to return even in these areas. So all I can say is that some of us are with you, there are more here now than we used to count on, and that is a very happy thing.

But I cannot begin to describe in words my admiration for your courage and your ability, above all, your willingness to serve, and of course to pledge to you my absolute support and loyalty to your cause.

Ms. MCKINNEY. I thank the gentleman very much. I would like to conclude by acknowledging that in Georgia we have come a long way. But we still have a long way to go.

And in reporting the events of the special session and those events that took place just prior to the special session, it is not my intent to indict anyone who is innocent in this whole play. But there are some people who are very guilty. And those people know who they are.

There were some good people in the legislature who spoke out and said, quite frankly, what the problem was. But their voices were too few, too powerless, too muted. But I do want to take this opportunity to extend my appreciation and my thanks to them, because they did not have to say those kind things and they did not have to say those true things, but they did.

They wear a badge of courage, and they are now my additional warriors, who may not be in the 11th congressional district, but they are warriors nonetheless for that which is right. In the gallery, aside from State Senator Donzella James, who participated in the special session and who spoke out so eloquently against what happened, we also have State Senator Connie Stokes, who represents a portion of the 11th congressional district.

And I would like to take this moment to thank my own State Senator for her actions on behalf of preserving the 11th congressional district of Georgia. The members again of the Georgia Legislative Black Caucus worked day in and day out, and they only had one goal in mind. And that goal was to make sure that all of the folks of Georgia at the end of the day had an opportunity to case a vote, a meaningful vote, for the representative of their choice.

And so while the venue has moved to a new place and a new time, the camaraderie, the loyalty, the love, the cohesion of the Georgia Legislative Black Caucus, and the way that I was able to interact with all of the members, I will never forget.

From that, I know, will come a new and stronger, more lasting relationship. And also a better relationship will come from the Democratic leadership of the State, that saw that under no circumstance were they able to break the glue that struck the members of the Georgia Legislative Black Caucus together. And that was their loyalty to the people of the State of Georgia.

In conclusion, I would just say that it is a pleasure for me to serve in the U.S. House of Representatives, and I have come to love, to truly love many of my colleagues with whom I interact daily. I appreciate all of them for their strong shows of support, for their kind words of support, and I want them to know that no matter how this fight ends, they have a friend in me.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

GRANT REFORM

The SPEAKER pro tempore (Mr. EHLERS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, I rise today to engage two freshmen colleagues personal friends and people I have high regard for, in a colloquy concerning grant reform. I want to take this opportunity to publicly thank the gentleman from Washington [Mr. TATE] and the gentleman from Indiana [Mr. MCINTOSH], the chairman of the subcommittee, for their wonderful leadership on this issue.

Let me begin the colloquy by making an observation. It seems as though there are a lot of people paying attention to what we have done in the House so far, with respect to grant reform, Mr. Speaker. Every major newspaper in the country has editorialized with respect to grant reform over the last few weeks, and we certainly hit a nerve with the American people.

Now I direct my first question to the gentleman from Indiana [Mr. MCINTOSH], the chairman of the committee and one of the leaders along with our friend, the gentleman from Oklahoma [Mr. ISTOOK], in our effort, and, of course, the gentleman from Washington [Mr. TATE], being one of the more recent victims of the opposition with regard to this issue.

□ 1615

My question to you, my friend, is a lot of people thought we would never get this far. And here we are. We had a resounding victory on the House floor. We are now in the Senate conference committee.

I see the gentleman from Washington [Mr. TATE] putting up a piece of demonstrative evidence we have used on this floor in the past. I know my chairman of the subcommittee wants to make a few remarks at the beginning here, and I will yield to him.

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman for taking the lead in making the American people aware of what, quite frankly, has been a dirty little secret in this town, that Federal taxpayer money has been going to lobbying groups in the form of grants.

The chart that our colleague [Mr. TATE] has shown how this welfare for lobbyists works. The taxpayers paying $39 billion, some people estimate it would be as many as four or five times that amount in grants to many special interests.

Now, some of them are very worthy charities who are doing the right things in their communities, but there are a lot of those groups who are really lobbying and political front groups who are taking taxpayer dollars and using them to engage in political tactics.

Now, let me say I think everyone has a right to speak out in this country, but they do not have a right to speak out with somebody else's money and to be funded by the taxpayer.

One of the things that our committee is committed to doing is holding a series of hearings on this, looking into these groups and finding out some answers to some basic questions. Those groups that are lobbyist groups, we want to know, is it true that you are segregating the grant money you are receiving from political activities? Is it true that you have safeguards in place to make sure that you do not violate the current law that prohibits that direct funding? And then we also want to know what plans that group has been engaged in to encourage lobbying by other groups.

Mr. EHRLICH. Of course, that is the problem. That is really the problem.

Mr. MCINTOSH. Exactly. And it is a continuous cycle that has led to huge deficit spending in this country.

Then there is another group who say, we are not lobbying groups, but we do not like this reform. And what I want to know from those groups is, what do they do to ensure that their donors have accurately been informed of what lobbying they do do?

There are some very highly regarded groups in this country. I am thinking of groups like the United Way, the Red Cross, the Girl Scouts, the Boy Scouts, who also receive Federal grants, and they engage in very worthy and noble activities. Some of them tell us they also want to be lobbyists, not extensively, but part-time. And I think we need to tell their donors, did you know that they also want to lobby with some of the money that you have given them? How much of that money is spent on lobbying? Is there a problem with the Washington groups lobbying, whereas the groups in the States and the communities do not do that but are, in fact, engaged in charitable activities?

We are going to try to develop a record in our committee on those issues.

Mr. EHRLICH. If the gentleman would yield, really is that not the threshold fundamental problem here? It seems as though we have addressed this both here on the floor and at various times we have had to discuss this issue off the floor, and it seems for some reason, and the reason appears to be Federal money, to have developed over the years a distinction between acting as an advocate and fulfilling the mission of the particular organization.

I believe it is fair to characterize our piece of legislation as an attempt to return these groups. And we are not talking about, by the way, many groups out of thousands, tens of thousands of groups, only a few hundred who, in our view, have violated both the letter and the spirit of the law, by trying to get rid of that distinction, trying to limit that distinction to return these groups to their fundamental mission, which is to provide service for the less fortunate in our society.

Mr. MCINTOSH. The gentleman is exactly correct.

We heard testimony in one of our hearings in July from Mrs. Arianna Huffington who told us that there was a serious problem in the charitable community that, rather than doing good works, helping the elderly, helping clean up the environment, helping the young people, and you may remember she talked about Mrs. Hannah Hawkins here in Washington who had used her own money to set up a home for children after school in the inner city neighborhoods. They are moving away from those charitable missions into becoming lobbyists and advocates that

the Federal Government take over those programs, and she thought that was, in fact, corrupting the spirit of charity in this country and that our bill would do a lot in this country to restore the true sense and purpose of charity.

So I think you are exactly correct on that point.

Mr. EHRLICH. Now, I know we have a lot to say about some of the misinformation our opposition has used, but I think probably the best Member to talk about that is our colleague, Mr. TATE, and I yield to Mr. TATE.

You have been a victim. What happened?

Mr. TATE. Well, first of all, I would like to thank the gentleman from Maryland [Mr. EHRLICH] and the gentleman from Indiana [Mr. MCINTOSH]. Mr. Speaker, these gentlemen, along with the gentleman from Oklahoma [Mr. ISTOOK], have done a phenomenal job of bringing this issue to the forefront.

Some of the arguments, and I will get into some of the attacks that are occurring at home by some of those organizations that are receiving public grants, mind you. Some of the opposition, for example, is: Well, you are violating free speech if you are limiting at some capacity what they can do with their private dollars.

The point is, how can it be free? Once again, how can it be free if the taxpayers are subsidizing it? The taxpayers are paying for this so-called free speech.

I am not here to tell an organization what they can do and cannot do with their own money. The point is, they are being subsidized by the taxpayers. So we have an obligation to watch out for what is going on.

The other point is that somehow it is intrusive in some other capacity, that somehow it is Orwellian to tell these organizations what to do.

I can think of nothing more intrusive to me or the people of the Ninth Congressional District of Washington State than to reach into my pocket and take my hard-earned money, to give it to some organization or to the Government that gives it to some organization that turns around and lobbies for things I do not believe in.

I mean, we have some great examples, if I may. The American Bar Association, for example, just this year as we were working on the flag amendment. We can argue whether we should have an amendment to protect the flag or not to protect the flag. That is part of our political system. What I find very offensive is when organizations like the American Bar Association receive millions of dollars in public grants and then turn around and lobby against legislation. That is wrong.

It hit close to home the last couple of weeks, I can tell you, in my particular district; and the Washington Times has done a good job of chronicling what has been going on.

Basically what is going on is taxpayer funding of the big lie. They are attacking me back in my district. The attacks have ranged from anywhere that there would be a greater chance of workers maybe being killed by the legislation being passed to somehow Medicare is being cut. Two lies. Two lies. And they are being subsidized by the taxpayers.

I can give you a couple of examples of the organizations and how much money they have received in public grants. For example, in my particular district, the AFL–CIO, under the guise of Stand Up For America, spent over $80,000. These on are ads back in my district.

Another organization called Save America's Families spent over $85,000 on television and radio ads, not counting the amount of money they spent on Medicare events, spreading the big lie at taxpayer expense.

For example, the AFL–CIO, which is the umbrella group for these organizations, received in grants last year, 1994, $1.2 million; and so far this year that we can document, they have spent $1.4 million in attack ads spreading the big lie across the country.

So, basically, what we are doing is, once again, hard-working people send their money to Washington, DC. They turn around, the Government turns around and gives it out to organizations that spend it attacking people trying to change the status quo.

So those are the kinds of changes that we are trying to make back here. I guess we should be judged by our enemies. Those organizations that are the defenders of the status quo do not like what is going on back here, and it is a sign that we are doing our job. If you are not making some enemies in Washington, DC, you are not doing your job.

I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. You mentioned that this advertising was going on in Washington State in your home area, and that in many cases they were, in fact, misinforming the public about what was happening and doing so from groups who have been receiving a lot of grant money.

I had received some information that there are a list of eight different groups who have received nearly $100 million in grants, who have spent over $6 million in lobbying and political activities, giving people bad information about what is happening.

One of the groups that is not listed there is 60 Plus, and they commended us for our effort to try to end the subsidy for these groups that are engaged in this type of political activity. The 60 Plus Association represents senior citizens in this country. They felt seniors were being mislead by a lot of this.

Was the National Council of Senior Citizens one of the groups that was involved in this type of political advocacy?

Mr. TATE. It is my understanding that they have been involved. In fact, the Save America's Families Coalition, which includes Citizen Action, the National Conference of Senior Citizens, the AFL–CIO, the Service Employees Union, and others, are the ones that are paying for the millions of dollars of ads across this country. And the thing to keep in mind with that organization is that they receive over $70 million every year, which makes up 96 percent of their entire budget, and then they turn around, and they are spending money with advertising.

Mr. MCINTOSH. Do you mean to tell me that they receive over $70 million of taxpayer funding?

Mr. TATE. Absolutely. Taxpayer money, $750 million every year in taxpayer money, 96 percent of their entire budget, and then they are turning around and using money to lobby against reforms that preserve and protect Medicare. Taxpayer funding of the big lie.

Mr. MCINTOSH. So this group has been receiving all of this taxpayer money, and yet they are spending it on commercials that are not even truthful to senior citizens?

Mr. TATE. You are exactly right.

Mr. MCINTOSH. That is incredible.

Mr. EHRLICH. If the gentleman would yield, I think I speak for all three of the sponsors of this rider when I say we have a great deal of confidence that your constituents will see through all of these misrepresentations, because facts are dangerous to demagogues.

Mr. TATE. If the gentleman would yield, we have received, I think as of mid-yesterday, about 660 calls on this particular commercial that is running back in our district, and over 640 of the calls were saying, RANDY, stick to your guns; do not give up; we elected you to go back there and make real change. What they are outraged about is the outrageousness of the lines and the fact that the opposition has no plan and that it is all being paid for, these ads, or at least subsidized, by their own tax dollars.

Mr. EHRLICH. The moral here is that these people are smarter than these organizations give them credit for.

Mr. TATE. Exactly.

Mr. EHRLICH. I see we have been joined by our colleague and friend, Mr. ISTOOK from Oklahoma, and I know he has a lot to say on this subject. And I know I join my colleague, Mr. MCINTOSH from Indiana, in congratulating him on his great leadership on this bill, and I would like to recognize him.

As a lead-in to his comments, I would just like to point out the fact that I sat next to Mr. ISTOOK on the floor when we had our debate here a few weeks back, and we were frustrated. Obviously, we had a time limitation with respect to how we could respond to some of the charges from other side. I believe we were termed as fascists, one of the more interesting adjectives used to describe us on the floor that day.

I know it has been very, very frustrating for all of us involved in this

issue to have to respond to simple representations about what this rider is about. We have heard that it stops all advocacy, that Pell grants are affected, that specific groups are affected, that entitlements are affected, that the courts are affected, that States and local governments are affected, educational grants.

Is there any end to the misrepresentations we have heard on this floor? I direct the question to our colleague from Oklahoma.

Mr. ISTOOK. Well, I thank the gentleman. I appreciate people standing firm on this effort, because you hear outrageous things. You hear people saying, well, if you receive some sort of farm assistance or if you receive a student loan or if you receive welfare benefits. And yet the legislation clearly states that we are not talking about government assistance payments to any sort of individual. We are merely talking about government grants which go to organizations.

The situation is such that we have had what I feel is a perversion of the true reason for the existence of charities in this country, and Chairman MCINTOSH and his subcommittee has had hearings that has helped develop this. People talking about, you know, we were part of a group that was formed to be a nonprofit charity. We raised money trying to help people, trying to do good. Then we found people trying to take it over and saying, the way we can really do good is to spend all of our time and effort, or most of it, anyway, and our resources lobbying government for more government programs, more resources, higher taxes to pay for it, and they call that charity.

□ 1630

That is not charity. We need to help the private charities in this country to fulfill their true mission by helping separate them from those that are masquerading as charities, but are really extensions of the Federal Government and extensions of lobbying groups and political advocacy groups. We need to draw a clear distinction between them.

If someone says we want Federal money, now they are not forced to ask for Federal money, they are not forced to take Federal money, they voluntarily say they want Federal grants to further a purpose, which is different from so many other charitable groups. Yet at the same time, they want the Federal handouts, but they say nevertheless we want to continue to be political advocates rather than true charities.

There is a difference. There is a crucial difference in who we ought to be providing assistance to, and it really scares me that there have been some reports that say that the typical nonprofit group today receives a third of its money from the government. Now, that frightens me. We do not want people to be saying they are charities when actually they are extensions of government agencies. If they are an extension of the government, they should accept the same type of safeguards which would control a Federal agency if it were carrying out a particular program.

They would never be allowed to engage in the type of advocacy that is involved there. So if they are carrying out a private function, that is great. They ought to be satisfied with the private dollars. If they want public dollars, then they ought to accept the types of limitations that accompany public dollars.

It is wrong to ask taxpayers to subsidize political viewpoints through this. Thomas Jefferson had a statement on this, and he said to compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical. I have no desire, and I know you do not either, to try to limit the ability of people to exercise their free speech rights with their own resources and their own money. But if they want to be dependent upon Federal funds instead, then they need to decide they should not be political advocacy groups. That is the key distinction that we are trying to address in the legislation.

I thank the gentleman for the chance to speak to that and want to yield back the floor to him.

Mr. SKAGGS. May I ask the gentleman one question. I do not want to waste a lot of time. If it is the gentleman's intention not to yield at all, I will leave the floor.

Mr. EHRLICH. It is our intention not to yield.

Mr. SKAGGS. Mr. Speaker, the gentleman does not want to defend any of this with anybody with another point of view?

Mr. EHRLICH. Mr. Speaker, since the gentleman trekked over from his office, we will yield.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding time.

I think the point that the gentleman from Oklahoma was just making is very, very revealing of the fundamental distortions that are going on in this debate. Does the gentleman believe that the efforts made, for instance, by the American Red Cross to work with local and State governments on emergency planning is political advocacy that is somehow a problem in this country? Does he believe that the efforts of the American Red Cross to work with all levels of government to ensure that regulations are in place to make the blood supply safe, is that somehow political advocacy that warrants restrictions? That is what the legislation will do.

Mr. MCINTOSH. Mr. Speaker, I think our colleague from Colorado makes a very good point there. There has been a lot of misinformation about the content of the bill.

No, I do not think those activities of helping to plan for emergency preparedness and working with government agencies to implement a safe and effective blood supply in this country are political activities that are a problem. I do not think they should be defined as political activities.

Mr. SKAGGS. Mr. Speaker, but that is what the legislation does.

Mr. MCINTOSH. If the gentleman would let me finish, Mr. Speaker. No, we have carefully, carefully crafted this bill to make it very clear that those activities are not covered. We have worked with the Red Cross and their attorneys in letting them know that it is our understanding that that would be the case.

What we are worried about are groups that would take Federal grants for those activities and then would begin running television advertisements or running media campaigns where they are advocating a particular point of view. So let me assure the gentleman we do not intend to cover those types of activities. We have worked with language that we think does not apply to them and have offered with the Red Cross to specify that very clearly.

Interestingly enough, even when we did that, they said, no, we still could not support this bill because we are concerned about the ability to be advocates. Then my question is, have they let their donors know that that is one of the things they have in their mission statement? Have they done a good job when they have done fundraising for these other activities of protecting the blood supply, working on emergency preparedness, of telling people, well, we also think it might be important that we could preserve the right to be a lobbyist? If they have done that disclosure, then they have acted in good faith with their donors.

Mr. SKAGGS. Mr. Speaker, if the gentleman would yield.

Mr. MCINTOSH. Yes, I will yield for a question.

The SPEAKER pro tempore (Mr. EHLERS). It is the gentleman from Maryland's time. Does the gentleman yield?

Mr. EHRLICH. The gentleman will yield for a short followup.

Mr. SKAGGS. Mr. Speaker, does the gentleman not understand that very facile shift from advocacy to lobbying? Now, advocacy presumably does include the work of an organization like the Red Cross to make sure that we are prepared for an emergency or we have a safe blood supply. But with the nice easy elision to lobbying, we are suddenly into a whole different range of activity.

Why is it that we should restrict the ability of an organization like the Red Cross to advocate, not to lobby the Federal Government with Federal funds, that is against the law already, but to advocate for good emergency preparedness at the State and Federal and local level, what is wrong with that? Is that not absolutely consistent with what their donors expect them to be doing?

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

Mr. EHRLICH. Mr. Speaker, I will yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, of course the key is to understand, as we were careful to point out in the legislation, despite many misrepresentations that different people have made, is that we did not put in the legislation an absolute prohibition recognizing that some people may say, well, there is a gray line between things that are giving information back to government, and so forth. Some people may see some gray area between that and being an advocate, not an advocate for safety, not an advocate for emergency preparedness, but a political advocate.

So we specified in the legislation that we were not saying there is an absolute prohibition. We simply said that you should not be expending more than 5 percent of your non-federal funds, which is a threshold that has previously been adopted through courts and through the IRS as a key and reasonable threshold.

So we never said that a group could not engage in any type of political advocacy. We just wanted to make sure they were not engaging to any significant degree in that, and that very well takes in any type of gray area with which anyone may have a concern. So the opponents of this bill unfortunately have grossly misrepresented and overstated it, calling it, for example, a gag rule, which is totally absurd.

We have tried to take a common sense approach to it and understand that reasonable people may differ. Yet, I think that just about every American taxpayer who studies the issue would agree, it is wrong for taxpayers' money to be used for lobbying. It is wrong for taxpayers' money being used to prop up and be the difference between success and failure for an organization.

With that in mind, I would like to refer to an audit report which was part of the audit report, and I understand it was an internal audit report for the National Council of Senior Citizens which receives 95 or 96 percent of its budget from the taxpayers. Their own internal audit said the heavy reliance on governmental grants poses a potential danger to the long-term structure of NCSC. Absent such grants, the council would be unable to continue its current level of operations.

This is a group that is heavily engaged in lobbying in this country, and yet without government grants, they would not be able to sustain themselves. They do not have enough private sector support. They depend upon taxpayers' money, and I think that is wrong.

Mr. EHRLICH. Reclaiming my time, Mr. Speaker, I yield to our friend and colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, one of the clarifying things about this aspect is what type of lobbying, and I understand our colleague from Colorado picking an easily discussed case, the Red Cross. To my knowledge, the Red Cross has never put PAC money for or against any Republican or Democrat in either Chamber on this Hill.

There are groups sustained 95 percent by taxpayers' money that give not only 100 percent money to Democrats, but they have to be of a liberal ideological bent. They are not just lobbying for a cause like Red Cross earthquake assistance. They are lobbying to fatten their own coffers, particularly whiplashing senior citizens. If we cannot reform that in this Congress, then there are going to be people coming up here with torches as though this were Dr. Frankenstein's castle to burn this place down in about 4 to 6 years.

Mr. EHRLICH. I thank the gentleman for his comments.

I have a question for our colleague from the State of Washington. He has earlier described some of the ads being run against him. This has really hit him in a very personal way, and the good news being that of the, I believe, 660 phone calls he received?

Mr. TATE. Mr. Speaker, there were 640 positive saying, stick to yur position.

Mr. EHRLICH. Mr. Speaker, with respect to the negative calls, the 20 or 30, did they actually buy what the commercials were trying to sell them? Was the staff able to articulate what these organizations were about and who was funding these organizations?

Mr. TATE. We are getting that message out as each call comes in. Mr. Speaker, our phones light up each time the commercials run. Like I said, 99 percent of the calls are positive. When we do get someone who is misled by what I call the big lie at taxpayers' expense, we spend the time to talk to them and let them know that they are being subsidized basically by their own tax dollars, and that alone is enough to outrage them. But when they find out that the advertisements are a complete misrepresentation of what the truth is, they are even more outraged.

Mr. EHRLICH. Mr. Speaker, The short follow-up question, the gentleman is one freshman.

Mr. TATE. Right.

Mr. EHRLICH. How much money with regard to the gentleman's best estimate at this time has been spent by all of these organizations just in his district within the last month?

Mr. TATE. Mr. Speaker, within the last month, we estimate about $165,000. That is the estimate that comes out of the newspaper by these particular organizations in their press conferences; $80,000 by Stand Up For American Families, which once again is an umbrella group for the AFL–CIO, which received millions of dollars in ads. The other one was for the Saving America's Families Coalition, another organization made up of the national seniors, the Council on Senior Citizens, the organization that receives over 95 percent of their money from the Federal Government.

So, to answer the gentleman's question, $165,000 that we can identify just from newspaper reports, not counting the countless Medicaravans and other misrepresentation of the truth that are subsidized once again by the taxpayers, $39 billion every year is being spent on lobbying, welfare for lobbyists.

Mr. EHRLICH. Mr. Speaker, I believe the chairman of the subcommittee, the gentleman from Indiana [Mr. MCINTOSH], has a comment as well.

Mr. HOYER. Mr. Speaker, after that I would like my friend from Maryland to yield.

Mr. MCINTOSH. Mr. Speaker, if I could point out one thing that I think is undermining a lot of the public confidence of charitable groups, that is when they see activities like we are describing where groups who are supposed to be engaged in charity in fact turn themselves into political groups and engage in that type of activity.

That comes on the heels of a few years ago tremendous scandals with the United Way and groups where they were misappropriating funds. By the way, they have cleaned up their act. I certainly hope they end up supporting our effort to end welfare for lobbyists to reassure people that they have changed and do not want to see the continued practice where a charity says they are doing one thing and then in fact does something else with the money they have raised. In this case it is engaging in political tactics that are totally unacceptable because they are misleading the public about very key and critical issues.

So there is a question of confidence about what can citizens expect from charitable groups. We heard from a lot of the charities who are very active in a day-to-day basis in helping people, saying they want to see this bill passed because they want to restore that confidence. They want us to go forward in this area and clearly separate lobbying and political activities from charitable activities.

So I think we can do them a tremendous favor in this country by helping to restore that confidence.

I also appreciate the gentleman from Washington being willing to share with us his experience in his State as an example of what has been happening there.

Mr. EHRLICH. Although this is highly unusual, out of an overabundance of friendship for my colleague, the gentleman from Maryland [Mr. HOYER], I will yield to him for a brief question.

Mr. HOYER. Mr. Speaker, I appreciate very much my friend from Maryland yielding. We are pleased to have him as a member of our delegation, even though from time to time we may disagree.

I ask my friend from Maryland, I have a letter here addressed: Dear STENY. It makes some comments, but it concludes with this: ''To unduly restrict our ability to work with governmental representatives and agencies through the additional regulation envisioned by the Istook amendment would

not be in the best interest of millions of people who rely on the Red Cross when help cannot wait. Sincerely, Elizabeth.''

□ 1645

All of us know that Elizabeth Dole, the wife of majority leader of the Senate, is head of the Red Cross. Throughout this letter, as the gentleman may know, she is very concerned about the Istook amendment's proscription on the ability of the Red Cross to advocate positions which it believes to be in the best interest of the people of this country.

Mr. EHRLICH. Mr. Speaker, I thank my colleague from Maryland for asking a very legitimate question and I know my colleague from Oklahoma, who has had very, very recent communications with the Red Cross, as well as my colleague from Indiana, wants to answer my friend's question.

Mr. ISTOOK. Surely.

Mr. Speaker, I think what we have seen is there has been a vast disinformation campaign that has been stimulated by groups receiving Federal funds. They have made contracts, they have made some, frankly, scurrilous statements to all sorts of organizations, trying to use scare tactics, and certainly they have prompted concern to be expressed by those groups. What we have certainly done, in working on this legislation, is to have an open door policy, whether a group is for us or against us or in between, for an explanation.

We have certainly been working with the Red Cross both to explain to them the difference between what was told to them prompting their communications and what is really being pursued, and to make sure, of course, that the final form of the legislation is a form that does not put any undo restrictions on any sort of legitimate charitable organizations. What we have to do is make sure that the legislation has the appropriate filter to separate the good from the bad from the ugly.

Mr. Speaker, just because a group is organized with a so-called nonprofit structure does not mean that it has the reputation of the good deeds that the Red Cross, of course, is noted for. So we are working with the Red Cross and other organizations to address all legitimate concerns that are brought to our attention, and I think that is going to be reflected in the final product.

Mr. HOYER. Would the gentleman yield so I can enter into this colloquy?

Mr. EHRLICH. Yes, I would yield to the gentleman.

Mr. HOYER. Mr. Speaker, I understand what the gentleman has said. Presumably, Mrs. Dole, who has an ability to find out about the substantive legislation, in her letter to me of September 11 understood the legislation as it was then crafted; is that what the gentleman says? And if that is the case, have there been changes made since September 11 to the Istook amendment?

Mr. ISTOOK. What we have said, and the gentleman is aware, of course, from being a conferee with me on the Subcommittee on Treasury, Postal Service, and General Government, what we have said, I have said it to the gentleman from Maryland [Mr. HOYER] and to the gentleman from Colorado [Mr. SKAGGS], I have said it to Members of the Senate and the House, and conveyed it to White House representatives, that anyone who has constructive recommendations to make sure that this legislation is put in its best possible form so that it does not have unintended consequences, we want to listen to and we want to work with.

We do have a problem sometimes with some groups, rather than trying to make constructive recommendations, they make a knee-jerk reaction just opposing it, and, frequently, that comes from organizations that are heavily dependent on Federal funds and there is, as the gentleman knows, a lot of discussion about it and a lot of representations made to people about what is or is not in the bill.

We want to work with all persons that are concerned, and that will be reflected in the final product.

Mr. EHRLICH. Mr. Speaker, in further answer to my colleague from Maryland's inquiry, I recognize my friend, Mr. MCINTOSH.

Mr. MCINTOSH. And let me say, Mr. Speaker, in the effort of being constructive in this, our subcommittee of the Committee on Government Reform and Oversight will be having hearings further into the application of this bill. One of the hearings will be taking place next Thursday. We have invited Mrs. Dole to come and talk with us about areas where she thinks she might be hindered in her legitimate charitable activities so that we can address that problem.

We will also be asking if there are areas where she wants to cross over into the lobbying area, and is that more than 5 percent of their budget or would they be protected with that provision. I think that will allow us to build a record there of exactly how this bill would work, and, hopefully, reassure her of that.

I am looking forward to next Thursday and, hopefully, Mrs. Dole will be able to join us at that hearing.

Mr. TATE. Mr. Speaker, would the gentleman yield.

Mr. EHRLICH. Mr. Speaker, I want to further yield to my colleague from Washington, but I think my colleague from Maryland raises a very legitimate point. I want to enlarge it, however, because one of the prime criticisms of our initiative has been, quote-unquote, defunding the left.

If anything has occurred over the last few weeks, Mr. Speaker, it is a fact that groups from the right, the middle, and the left have problems with this legislation. I was driven by no particular philosophical orientation in becoming a cosponsor, along with these two gentleman, of this bill, other than my philosophical orientation to give the American taxpayers a break.

We have groups, I know, on the right who have opposed this bill; now we have groups on the left and in the center. I believe the ''defunding the left charge'' is now an empty charge. And certainly if we look at the groups actively lobbying against this bill, it just does not make sense.

Mr. Speaker, I yield to my colleagues from the State of Washington.

Mr. TATE. Mr. Speaker, I have two quick questions in response to the comments from across the aisle to the chairman of the committee. What is the threshold, Mr. Chairman?

Mr. MCINTOSH. The key threshold is that for groups who take no Federal money at all, they are not covered by this provision. They can lobby. They can do whatever they would like to with their money.

For those groups who do take a Federal grant, are subsidized by the taxpayer in their activities, they can spend up to 5 percent of their own funds, no money from the taxpayer but 5 percent of their own funds, to lobby, and we are allowing that so they can be advocates at the local and Federal level. But when they start becoming predominantly a lobbying group and go over that 5-percent threshold, we are asking them to give up that taxpayer subsidy.

They make a choice, Mr. Speaker, they can be a lobbying group or they can be a charity, but we are not going to let them lobby with taxpayer dollars.

Mr. TATE. One last question, I guess a two-part question. One is, the 5 percent, up to the first $20 million. That would work out to be a million dollars in lobbying, is what we are talking about. Not exactly shutting down lobbying, as we know it. They would still be able to lobby. They should be able to get the job done on a million dollars.

And after that first $20 million, as I understand it, it is 1 percent after that. So we are talking about a significant amount of money. We have not ended it all together. We are not limiting free speech, but we are putting some limits so they cannot abuse the process, if I am not mistaken.

Mr. MCINTOSH. That is correct, and if the gentleman will continue yielding.

Mr. EHRLICH. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. MCINTOSH. Let me also point out another key feature of the legislation. If a group decides to spend up to a million dollars in lobbying, they have to disclose that to their donors, so that we cannot have this secret effort on lobbying on the one hand with a group that is posing as one that is doing good works in charities when they go out to solicit money from the public. I think the donors have a right to know about that activity when they are making contributions as well.

Mr. EHRLICH. Mr. Speaker, reclaiming my time, the gentleman just analyzed the various categories of recipients, and it is true, is it not, that category A, those groups who do not take any Federal grants, account for 9 percent of all the groups we are talking about; is that correct?

Mr. MCINTOSH. That is correct, although, as the gentleman from Oklahoma pointed out earlier, those small percentage who do receive Federal funds receive enormous amounts of Federal funds, and yield a disproportionate influence.

Mr. HOYER. Would the gentleman yield?

Mr. SKAGGS. Would the gentleman yield on that point about who is covered?

Mr. EHRLICH. Mr. Speaker, I yield to my good friend from Maryland.

Mr. HOYER. I thank my good friend from Maryland, Mr. EHRLICH, who makes a point that this legislation was originally perceived as defunding, trying to defund the left. He points out correctly that those in the middle and those on the right have now raised similar concerns to those on the so-called left.

As a matter of fact, I have in my hand another letter from Fred Kammer, Father Kammer, who is president of Catholic Charities of the United States of America. I do not know whether the gentleman from Maryland puts them on the left or on the right or in the middle. I would suggest they probably have a number of views which fall into maybe all of those categories at any given time.

Mr. EHRLICH. Depending on the issue, I guess.

Mr. HOYER. Depending on the issue. That is the point I make. I would suggest this is a very serious issue, and we are discussing it seriously, and I think that is important for the American public.

I have read a number of legal opinions, or CRS reports, including Professor Cole from Georgetown University Law Center, the law center from which I graduated. I have not seen a case that justifies or condones or holds constitutional the proscription of private dollars, nonpublic dollars, on lobbying or contact of government or trying to impact on policy activities of nonpublic groups.

Furthermore, let me suggest not only is that why it is a serious issue, because whether it is left, right or middle, we believe this is violative of the constitutional right to free speech and the right to petition one's government, but, in addition to that, I say to my friends, who I know feel very strongly about this, that the issue here is the reason so many of these groups have public funds is because we have decided as a Congress and as a people that it is better to give to the American Red Cross or the Catholic Charities or some other group funds to solve certain problems.

They are not necessarily doing us a favor. We are not doing them a favor by giving them these resources. In fact, we have judged that Catholic Charities does good work, and we want to give them resources because we believe they will more effectively distribute those funds than will the government.

So I say to my friend, as he can see, it is not just that, yes, they have Federal funds, because we have decided that we believe they can apply those funds effectively. As a matter of fact, I think that is consistent with some of the philosophy that Members on the other side of the aisle have discussed recently.

Mr. EHRLICH. Reclaiming my time, I intend to yield to the gentleman from Oklahoma, who is chomping at the bit over there, but, first, two points.

First of all, the gentleman raises a very legitimate point, again, with respect to the mission of these nonprofits and for-profits we are talking about, because that also has been lost in this dialog, the fact that we also cover under our version of this initiative for-profits.

Mr. SKAGGS. And individuals, too.

Mr. EHRLICH. No, no.

Mr. MCINTOSH. Actually, they are expressly exempt.

Mr. SKAGGS. Wrong.

Mr. EHRLICH. Mr. Speaker, the gentleman is right. Over the years, there has built up a momentum so that certain organizations have not only assumed a responsibility for their original mission but also a dual responsibility to advocate on behalf of their mission.

That is the bottom line philosophical question here when we get down to it, where that line really should be drawn. We believe that line has gone out too far, and I think we have some evidence presented with respect to Members of the freshman class, particularly concerning advocacy efforts around the country today in support of that point.

Also, the gentleman from Maryland, being a learned lawyer of good reputation, I will have delivered to his office tomorrow a memorandum from Professor Harrison, I believe from Virginia concerning the constitutionality of the Istook-McIntosh-Ehrlich initiative, which the bottom line is that it is constitutional. In fact, government does this all the time, attaches specific requirements, and I will yield in a moment to the gentleman from Indiana, but I will be glad to engage my friend from Maryland in a colloquy after he has an opportunity to read that memorandum as well.

I will at this time yield to my friend from Oklahoma, Mr. ISTOOK.

□ 1700

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding.

I would like to address the two points that the gentleman from Maryland mentioned, one regarding court decisions. In 1983 the U.S. Supreme Court, in the case of Regan versus Taxation With Representation, addressed that point when a group wanted to engage in lobbying and wanted to have Federal subsidies for that through the Tax Code.

The Court noted that Congress does not have to subsidize lobbying. In fact, the U.S. Supreme Court specified that ''The Federal Government is not required by the First Amendment to subsidize lobbying. We reject the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State.''

The notion that the government has to buy you a microphone or buy you a newspaper or give you funds with which to carry on your lobbying activities, I think is blatantly absurd. The taxpayers are not required to subsidize lobbying. If a group wants to lobby, that is fine. That is their constitutional prerogative, but it is not free speech if they say, ''We want the taxpayers' money.'' That is a clear delineation and distinction.

The gentleman also mentioned, of course, Mr. Speaker, something from someone at Catholic Charities, U.S.A. He may not be aware, Catholic Charities, U.S.A. annually receives from the taxpayers, from the government, almost $1.3 billion. It is two-thirds of their operating budget. I think there is a bona fide question, anytime an organization has that level of funding, whether they are really an organization separate and apart from the government, or themselves have become an extension of the government.

If we have that kind of money flowing through the Department of Health and Human Services or HUD or the EPA or the Labor Department or Education or anything else, we would insist upon safeguards to limit its use, to assure it is not used for lobbying or political advocacy.

When any group has that level of its funding, $1.3 billion, just a little under that, two-thirds of its budget coming from the U.S. Government, we have a serious question at what point do they cease to be a private group and become an extension of the government.

We are talking about safeguards with taxpayers' money. We are trying to be very reasonable and prudent in the approach. We are open-minded, we are listening to that, but this is a severe problem that does need to be addressed.

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

Mr. EHRLICH. I yield again, for the third time, to my colleague, the gentleman from Maryland.

Mr. HOYER. I want to thank profusely my colleague from Maryland, because I know this is their special order, but this is an important issue. We need to discuss it back and forth.

I would say to my friend, the gentleman from Oklahoma, for whom I have a great deal of respect, because he is one of the hardest working Members of this House, he has a good intellect and is industrious in applying that intellect, but I would say to my friend in this instance, he does reference language, but that language refers, as the

gentleman knows, specifically and exclusively to taxpayers' money. The gentleman's amendment relates to nontaxpayers money, because it would not be necessary, because under present law, taxpayers' money is already legally precluded from being spent on lobbying activities.

The gentleman seeks to get at non-Federal taxpayers' money. That is the very significant and important distinction that the Court draws. It drew it in Russell versus Sullivan, it drew it in the Regan case that you referred to, and it has drawn it in every case that I have reviewed.

Mr. Speaker, I would say to my friend, I thank him for yielding, and look forward to reading the memorandum that he is going to provide me with, but that is the nub of this issue. We are not talking about taxpayers' funds, we are talking about private funds.

Mr. EHRLICH. There is also a question here with regard to fungibility, and I know my colleague is going to address it.

If you read the Regan case, it was not a question of whether the subsidy would be received in the form of a check. The question was whether the organization would enjoy the tax-exempt status which, as the U.S. Supreme Court said, is a form of subsidy, just as a Federal check, a direct payment, would also be a form of subsidy.

Mr. ISTOOK. Mr. Speaker, if the gentleman will yield further, speaking both in terms of money received from private sources but protected by the Tax Code, private money but therefore, a form of Federal subsidy, or direct payments from the Government and therefore also a Federal subsidy, the Court applied the same standard in the language of the Regan case to both of them when it mentioned and held that taxpayers are not required to subsidize political activity or lobbying activity, whether that subsidy came in the form of a direct payment from the Government or whether it came in the form of favorable treatment through the Tax Code, even though you were talking about the use of privately earned money.

So I would submit to the gentleman that the Court was addressing funds from a private source as well as funds directly from a public source.

Mr. EHRLICH. Mr. Speaker, I would say to the gentleman from Maryland, I am happy to have had his part of the colloquy. This is a very important issue. He has raised some very important questions. I know you disassociate yourself from some of the terms that were used to describe the three of us during the debate on this floor a few weeks ago. That is why I specifically recognized both the gentleman from Colorado [Mr. SKAGGS] and the gentleman from Maryland [Mr. HOYER]. They are both well respected and we appreciate their input.

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

Mr. EHRLICH. I yield to the gentleman from Indiana.

Mr. MCINTOSH. I thank the gentleman for yielding.

This is really in response to the question from our colleague, the gentleman from Maryland. One of the things we heard in our subcommittee over the summer when we had hearings on this was that there are groups out there who receive Federal funds and actually violate the provisions of their grants, and end up using those funds to, in the case that came before us, to conduct a symposium on how to lobby local governments. When the agency was notified of this, they did nothing to prevent that and did not ask that the grant be repaid and, in fact, were implicitly condoning that type of activity.

Therefore, I think some of the bill's provisions we have are aimed at, first, forcing disclosure on how both the private and the public sector funds are spent; and second, making it a very, very clear demarcation that if you are receiving a Federal taxpayer subsidy, you should not be lobbying. That, I think, is a very simple formula that underlies all of this effort, and one that I am very convinced the American people want to see.

Some of the editorial boards in my district have been commenting on this. By the way, they do not agree with a lot of the things I have been trying to do as a freshman Republican in reforming this, but in this area they do think we are on the right track, because, quite frankly, they did not know this lobbying was going on and they do not think it is appropriate to be doing it under the subsidy of a Federal taxpayer grant.

Mr. EHRLICH. It is certainly a new issue, and I think, quite frankly, that has been part of the problem. I know the gentleman from Indiana would agree with me, that certainly has been part of the problem. People were not ready to interpret this issue, to hear the terms of the debate. They really did not know what the status quo was. You may have received some opposition from your local editorial boards, but it is nice to know.

Mr. MCINTOSH. If the gentleman will yield, in this case the editorial boards are strongly in favor of it.

Mr. EHRLICH. That is nice to know, as well.

Mr. MCINTOSH. I will submit for the RECORD some of the editorials they have written. In this case, fairly liberal folks are saying, ''You are on the right track, we need to clean up the outfit in Washington and end this government subsidy of lobbying.''

Mr. EHRLICH. In addition to your local editorial boards, it is nice to know that groups, highly respected groups like the National Taxpayers Union, Citizens Against Government Waste, the National Association of Wholesale Distributors, the Eagle Forum, the Competitive Enterprise Institute, the 60-Plus Association—in fact, we have two senior citizens organizations supporting this initiative—the National Association of Manufacturers, and the list goes on and on, a lot of these groups appreciate the importance of this particular initiative. That is why they have come forward to support us.

I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding. I realize our time is running low. I just want to say that I applaud my colleagues for working on this effort, the gentleman from Washington [Mr. TATE], the gentleman from Maryland [Mr. EHRLICH], and the gentleman from Indiana [Mr. MCINTOSH]. I think this is an extremely important issue.

Again, the heart of the matter I think was summed up, I am told, and I did not witness it, but I am told by a colleague that the President was good enough to appear on a local talk show recently while he was visiting another State. The first question asked him was how he felt about groups that are lobbying receiving Federal grants, taxpayers' money being used to subsidize that. His response was to say, ''Well, I am in favor of free speech,'' and then changed the subject.

The essence of this point is it is not free speech. If you have organizations sometimes receiving a half a million dollars, $1 million, $10 million, $76 million, $100 million, over $1 billion, in one case, that is not what we categorize as free speech. We are talking about public money which has to have public protection. If there were a Federal agency engaging in these matters with taxpayers' money, everyone in this body, I would hope, would be outraged. When Federal money is being used to more or less have extensions of Federal agencies or extensions of a political party to do their bidding, that money deserves to have the same safeguards as if it were being spent directly through a Federal agency, and we are trying to honor that principle.

Mr. EHRLICH. What we are really talking about, at a very bottom line, fundamentally, is the Federal taxpayer's dollar being spent on direct service, actually helping the American people. I congratulate the gentleman from Oklahoma [Mr. ISTOOK] for his great leadership on this bill as well.

I yield to the gentleman from Indiana.

Mr. MCINTOSH. The gentleman is exactly right. We are talking about using this Federal money for real services that help people, in contrast to what our colleague, the gentleman from Washington [Mr. TATE] pointed out, where they are funding the big lie and misleading the public about very important issues.

Mr. EHRLICH. What better lead-in to close our colloquy than to yield to our friend, the gentleman from Washington [Mr. TATE].

Mr. TATE. Batting clean-up on this, I just want to thank the gentleman from Maryland [Mr. EHRLICH], the gentleman from Indiana [Mr. MCINTOSH],

and the gentleman from Oklahoma [Mr. ISTOOK] for their leadership on this particular issue, and once again to reiterate $39 billion every single year is spent on lobbying. It comes in many forms, whether it is lobbying against the flag amendment, which we recently had on the floor, or right back in my own district where they are funding $165,000 in radio and television commercials spreading the big lie. And once again, that is taxpayer-funded, if not directly, indirectly, subsidizing the spreading of the big lie.

What we are trying to do, as the chairman, the gentleman from Indiana [Mr. MCINTOSH], has said, is bring trust back in Government. People will know that when money is sent to the Government, it is being spent as it is designed, not for partisan politics. It should be spent to help the people of the United States and spent wisely. What we are trying to do is bring trust and responsibility back to Government, and this really puts faith back in Government. I am excited by what you folks are doing, and I just want to commend your work on this issue.

Mr. EHRLICH. Directed to the gentleman from the State of Washington, you have helped me to regain some of my faith; not that I have lost much, it has been a great 8 months here, but your constituents can still discern the difference between the truth on one hand and a lie on the other, and I think you will be all the better for it. I thank my colleagues very much.

AMERICAN CITIZENS RECENTLY SENTENCED TO IMPRISONMENT IN COMMUNIST VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 30 minutes.

Mr. DORNAN. Mr. Speaker, we have a tragic situation going on, as this, the most powerful, deliberative body in the free or democratic world, meets. We have American citizens sentenced to 7 and 9 years of imprisonment in Saigon, and some day it will be renamed Saigon again, not named after a Communist killer named Ho Chi Minh. Just as Lenin's name was removed from beautiful St. Petersburg in northern Russia, and as Stalin's name was removed from a strategic battle area in World War II, Stalingrad, and the city has back its less bloody name of Volgograd, some day it will be Saigon again. So as a free man, I will continue to call it Saigon.

In Saigon, and I want to speak slowly for our official recorder of debate here, so we get these names right, and unfortunately, the Americans sentenced to prison in Saigon are naturalized Americans; as was Alexander Hamilton naturalized, as is Henry Kissinger, as are a lot of great Americans who have invented things and fought and died for this country and our liberty.

Unlike Harry Wu, who I had a chance to meet as he was testifying before the Committee on International Relations of the gentleman from New York, BEN GILMAN, they did not affect Christian first names, probably because they are not Christians, they are Buddhists. But if they had taken an anglicized name, it would be easier to imprint in the consciousness of the American people and freedom-loving people in Europe and around the world the name of a victim of Communist tyranny, as we were able to do with Mr. Wu, because he took my father's first name, Harry. ''Harry Wu'' became a battle cry for liberal Democrats like the gentlewoman from California, NANCY PELOSI. It got all mixed up with the trip of the First Lady over to the Beijing Conference, the very controversial U.N. conference.

□ 1715

So much international pressure that the Chinese communists in Beijing knew there would be no trip of Hillary Clinton if they did not release Harry Wu.

But meanwhile, in the other Chamber, and I am going to go slow here so that I do not skirt a line and violate comity with the other Chamber on the north end of this building. But how is it that the Senate could vote yesterday blocking Senator BOB SMITH of New Hampshire's reasonable amendment, endorsed by the chairman of Foreign Affairs, Mr. HELMS, the chairman of Defense, Mr. STROM THURMOND, and the leader of the Senate and leading presidential candidate, BOB DOLE? How is it that a bunch of Republicans over there could dismiss Senator SMITH of New Hampshire's reasonable amendment that no trade negotiations could be furthered with United States taxpayers' money, let alone setting up an embassy in the communist capital of Hanoi, unless these human rights violations are reversed and these two Americans are set free, as Harry Wu was set free in China, and that we get a fullest accounting, that is a very key word. Not ''full'' or ''fully.'' But ''fullest'' means reasonable accounting with the communist giving up the politburo and the Communist Central Committee records on our missing in action.

Unless those two things, and a handful of other reasonable small things, are conformed with by this communist government in Hanoi, as we put tremendous pressure on Castro and the communist government in Havana Cuba today, unless these reasonable requests are taken care of, then no money from the taxpayers of the United States Treasury should be provided to the communist government in Hanoi.

There is a cover story on a national magazine in the last couple of weeks about communism being far from dead. Not as long as it is persecuting 1,260,000,000 people in China. That is the United States plus a billion people. Not as long as Russia is rebuilding its KGB apparatus under a new name, under one of their old leaders, Yevgeniy Primakov. I have met with him in KGB headquarters with HENRY HYDE some years back. He is now helping to build up the intelligence capability of terrorist states like Iran, so designated by the State Department, even under liberal leadership under Clinton's appointed secretaries and under Secretaries.

Not only do we have that emerging problem in the much-reduced empire that is now down to Russia and a few adjoining countries they consider within their hegemony, countries that rely on them for gas and oil and other critical things to keep cities running. There are terror regimes still, depending on how you count the numbers of people that are terrorized, in Cuba, North Korea, we do not get much argument on North Korea, and communist Vietnam.

Very few, if any, Democrats in the other body, and most of the Republicans who voted against Mr. SMITH, all of them as a matter of fact, they dropped the word ''communist'' from any discussion of Vietnam and Hanoi, using it occasionally because ''socialist'' is in their title, as it was with all the communist countries at the height of the cold war when they were killing and jailing people by the tens of thousands, and killed hundreds of thousands, if not millions, in the Vietnam Southeast Asia area and in the Korean War. They always substituted the word ''socialist'' for ''communist.'' Even they knew the dreaded impact of the word ''communist.''

But with Cuba, North Vietnam, now all of tortured Vietnam, North Korea, and communist China still engaging in massive human rights violations, why are two naturalized United States citizens written off, rotting in prison for 2 years this November in Saigon?

Here are their names: Nguyen, N-G-U-Y-E-N which is the Vietnamese cultural equivalent to Jones and Smith combined. It is the most common name in Vietnam society. Nguyen Tan Tri. Not a hard name to remember. Nguyen Tan Tri.

He was given a 7-year sentence. Tran Quang Liem. My ninth grandchild is named Liam, Irish-Gaelic. Liem should not be so hard to remember. Mr. Tran and Mr. Nguyen, 7 and 4 years respectively sentenced, and the U.S. State Department said it was unwelcome; that it was an unwelcomed deed.

Further on in the press release from an Associated Press story on August 16, the day after they were sentenced during our break; no one here to speak up for them on the House floor, myself included, the State Department statement goes on further to say that it was ''disappointing.'' ''Disappointing and unwelcomed.''

Disappointing, because the sentence happened 6 days after the U.S. Secretary of State, in the job that was first held by Thomas Jefferson, whose beautiful marble medallion is up here, Warren Christopher posed in front of a bust of communist killer, Ho Chi-Minh,

and 6 days later American citizens are sentenced to 6 and 4 years. Teddy Roosevelt, where are you when we need you to speak up for these two lost American citizens, Nguyen and Tran?

And by the way, they are both constituents of the Orange County delegation from southern California. Then, another constituent who used to be one of mine when he first fled communism and arrived in Westminster, that city since the reapportionment is now represented by my pal, DANA ROHRABACHER, this gentleman is thrown in prison—a businessman who went over there to promote democracy peacefully. But the communists have found out that if they capture businessmen, just like they are some Mafia thug operation, they can demand from their family in the United States ransom money, like it is King Richard the Lionhearted.

We will spit them out of our communist country if you give us ransom money; $15 thousand is the going price. This businessman from Westminster, a member of the Lien Viet party, his name is Van Thanh Nguyen.

Here is a lady from Corona, just up the road from me, the first city out of my district into L.A. County. She is another businesswoman, one of seven thrown in prison, ransom being demanded on them. Her name is Mrs. Binh Thy Nguyen, and then her married name, Tran. You can call her for short, Mrs. Binh Tran. She is rotting in prison.

She was pregnant when they arrested her, and because she was 2 months pregnant and in great emotional distress and complications set in, they forced her to have an abortion. This is not China I am talking about, killing babies for gender selection and infanticide, on top of an abortion Holocaust even worse than the United States toll of 1,500,000 American babies killed in their mother's womb. This is forced abortion in Saigon by a communist government. It is unbelievable.

How about a monk, a Buddhist monk? Considering how it turned America's newspapers upside down when Buddhist monks immolated themselves in 1963 and 1964. Here is a monk who, without government permission, went to help the flood victims of the constant flooding, seasonally, of the Mekong River, and because he did it as a religious person, a Buddhist monk and a leader, he gets 4 years in prison. I will look up the exact time he is going to have to rot in prison. He goes to prison. They would not even give him the dignity of his religious name. His religious name is Thich Quang Do. They tried him under his former name, before he became a priest, and he is a deputy leader of the Unified Buddhist Church in Vietnam. But that is a church that believes in a Supreme Being, so it is banned in Vietnam.

They said, ''You are undermining national solidarity,'' these are the communists speaking, ''and taking advantage of the right of freedom and democracy to damage the interests of the government and social institutions.''

So, of course, great bipartisan groups like Human Rights Watch/Asia, have attacked this. Again, weak words from our State Department. So the Ho Chi Minh City, that is Saigon, People's Court jailed this monk for 5 years.

This is going on while the U.S. Senate debates, and my colleague, BOB SMITH, pours his heart out. And then another one of my friends gets up and attacks me and another couple of Members of this House.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, I may have to ask for some parliamentary guidance on this. I was described as insignificant, Mr. Speaker, by a U.S. Senator. That is OK. I am a peacetime combat-trained warrior. But our colleague and friend, one of the greatest heroes, including all the heroes who came home from World War II, who serves in this Chamber, was attacked also as insignificant, SAM JOHNSON of Dallas, TX.

SAM spent 7 years in Communist captivity; 3½ years in solitary confinement. Was one of the most tortured men, and one of those so loyal that like other people, would not play basketball or volleyball or decorate fake Christmas trees, because he knew they would be filmed and used in propaganda films. He and 10 other men stood up to the Communist manipulation of them.

He was put in a little camp that they, with great American bravado and spirit, called Alcatraz, and for 11 years, Senator Jeremiah Denton, who served 6 great years in the other body, and Coker and McKnight and another hero who just died recently in a plane crash that his grown son mercifully survived, God's calls are strange indeed, sometimes. Eleven of the best, including a man who got the Medal of Honor that Alcatraz camp, who Ross Perot chose to be his Vice President in 1992, James Bond Stockdale.

They are all on a letter that I will put in the RECORD saying that we should not normalize relations with Vietnam.

My squadron commander, Robby Risner, also tortured months on end, as was SAM JOHNSON and James Bond Stockdale, decorated with the Air Force Cross. They are in agreement with me. Are they also insignificant, as this Senator has called me?

I want to ask a question to the Chair, because I want this to be perfect, what I put in the RECORD according to our rules of the House. Since I am mentioning a Senator, responding to him, trying to be respectful, I am not allowed to mention his name; is that correct, Mr. Speaker? Would you ask the Parliamentarian.

The SPEAKER pro tempore (Mr. HOBSON). For the benefit of the Member, the Chair will read the pertinent language of clause 1 of rule XIV. ''Debate may include references to actions taken by the Senate, or by committees thereof, which are a matter of public record, and factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, but may not include characterizations of Senate action or inaction, or other references to individual Members of the Senate.''

Members will recall that on October 8, 1991, the Chair held as unparliamentary remarks in debate advocating certain Senate action with respect to the pending nomination of Judge Clarence Thomas for appointment to the Supreme Court.

Members should be guided by that recent precedent. The Chair expects the cooperation of all Members in maintaining a level of decorum that dignifies the proceedings of this body and maintains comity with the other body.

Mr. DORNAN. Mr. Speaker, you will certainly get that. Let me ask one clarification problem. Yesterday's CONGRESSIONAL RECORD is public record now. Now, how can I discuss that debate and the words in that debate? Further clarification, if I do not mention a Senator's name, can I read his—well, I have already eliminated the seven or eight women over there—can I read his remarks from the public RECORD, the CONGRESSIONAL RECORD of yesterday? I know I can give the results of the vote.

The SPEAKER pro tempore. It is the Chair's understanding that the reference is improper unless there is a measure under consideration in the House.

Mr. DORNAN. There is.

The SPEAKER pro tempore. Only when under debate, then on the floor of the House, that the gentleman should refrain from referring to the proceedings in the Senate.

Mr. DORNAN. Right There is nothing on the House floor now, except my Special Order. So that is not the business relating to this business of Vietnam.

However, we have in conference a unanimous agreement by voice vote, with the only debate carried by the aforementioned SAM JOHNSON of Dallas, TX, a House item in our International Relations conference that no money shall be expended from the U.S. Public Treasury to send an ambassador to Vietnam, or to increase the size of our delegation there beyond what is was on July 12.

Now, since that has already passed the House and it is in conference, and the conference is pending, and I am meeting with the conferees in 5 minutes, does that make me able to make the case in countervention to the Senate case made yesterday that lost 58 to 39?

□ 1730

The SPEAKER pro tempore (Mr. HOBSON). The short answer is no, you may not speak in characterization of that.

Mr. DORNAN. Right. OK, let me broaden this.

Mr. Speaker, I am not a courtroom attorney, and I do not want to be unfairly clever since I have already mentioned part of this, and do a Jonathan Swift ''Gulliver's Travels'' trick here that I see happen all the time on the other side of the aisle now, and talk about characterizations. But let me broaden it out then to those people out there in America who try to compare Vietnam to Germany where we won the war, hung the war criminals, walked the battlefields, solved most missing in action, captured most of the archives, and sill had young Americans disappear into Stalin's gulag. Because our Soviet ally became our enemy before the ink was dry on the German unconditional signed surrender.

When this debate is couched in these terms on Communist Vietnam, that people hope the debate will go away, that it is over, the inflammatory language coming only from the House of Representatives, so few in number, although there is more than a few of us, that we are insignificant, that Mr. Clinton was right to normalize relations with Vietnam. Actually, that was his fifth deed in a rapid 18 months to try and insert this Communist dictatorship into the civilized nations of the world. And when people say that the Nation breathed a sigh of relief that Vietnam was finally over, it is not over for the families of missing in action Americans.

It is not over for the families of all of these people I have just discussed who are now in filthy, Communist dungeons in Saigon. It is not over for those who were arrested and throw in prison in Hanoi for wanting open elections. This is what is causing Castro to be embargoed into his fourth decade, because he will not have an election. He is dictator for life.

What do we have in North Korea? For the first time in history, the worst of royal bloodline governments combined with Communist tyranny. A vicious dictator, Kim Il Sung, turns the reigns of power over to his pornography-loving and collecting son, Kim Jong Il, and it is ill for the country.

They are busy with Communist China and Iran, developing missiles and nuclear warheads to combine them with those missiles, and we have to spend millions and millions of United States taxpayers dollars to watch them like a hawk, with satellite imagery and slant imagery from outside their borders to make sure that they do not ignite that whole pathetic torn little peninsula into yet another Korean war.

Remember, when Clinton went to the dedication of one of the most stirring, tear-ripping memorials in this city, the Korean War Memorial, different from the Vietnam Memorial which was made sacred the second the first hero's name was chiseled into the wall, but to this date, still does not have an American flag on it. The American flag was pushed into the woods along with the statute of three heroic Americans coming out of the woods looking at the State Department, one African-American, one Hispanic heritage American, and one just generally Anglo-looking American. That statue and a plaque at the base of the flag that says they served under difficult circumstances. Yes, alluding to a war criminal named Robert Strange, and Strange in his mother's maiden name. People ask me if I make that up. Robert Strange McNamara, a war criminal, is on his way to Hanoi and it is being set up for him by the Council on Foreign Relations.

Friends of mine like our speaker and Alexander Haig and Bill Buckley, my pal, and other distinguished Americans who belong to the Council on Foreign Relations, ask me why I have never joined and why my friend, Ronald Reagan, who slam-dunked George Bush in 1980 on February 23, 1980, and I was the only one there for Reagan when he said, ''I do not belong and I never will.''

They wonder why some of us find not a conspiracy, but an elitist group, people who do not care about the average family as kids die in these wars. They are sending a team over to Hanoi next week to grease the path for war criminal Robert Strange McNamara who walked off the battlefield on the bloodiest month of the war, January 30 through February 29. He resigned on leap year day, February 29, 1968, so he would only have to think about it every 4 years, and then he went on vacation for a month at Aspen and skied while our hospitals were filled to capacity, the worst month of the whole 10-year decade, with amputees, double amputees and yes, triple amputees, more blind American soldiers in hospitals, four or five nurses dead, women captured and dying on the Ho Chi Minh Trail, forced marches up to the North, and McNamara is skiing in Aspen for the whole month of March in 1968.

But that wasn't enough. Then he went to the Caribbean for another week to meet with officials that he was going to serve with at the World Bank, and then he went off to the World Bank, thanks to one of our corrupt Presidents, corrupt in all of the history books if you read them, and not even carefully, either, it is right out there blatant. Ask Bill Moyers about corruption, including womanizing.

Then we see McNamara at the Caribbean about to start drawing his World Bank salary that he drew for 13 years at $250,000 a year. I must slow down and say this carefully three times: Tax free, tax free, tax free, and the Library of Congress told me in now dollars that is between $900,000 and $1 million a year. For 13 years McNamara, the architect of Vietnam, who created that immoral, sick vocabulary of gradualism, escalated response, strategic hamlets, body bags, fire fights, body counts, free fire zones, and the worst of all to airmen, Mig sanctuaries and SAM missile sites protected as they are built and only allowed to be targets intermittently after they have killed your wing man. Unbelievable.

And people are saying, in this city, that it is good, that Vietnam is over and the American people overwhelmingly want it over.

Well, I guess I cannot put the CONGRESSIONAL RECORD in the RECORD here. It would be redundant, but I would like it to be a part of my debate, so I would ask people, the million-plus audience of C–SPAN who quite intelligently and historically follows the proceedings of this Chamber, Mr. Speaker, I would tell them that I can read this, something congratulatory, BOB DOLE saying he hopes the House language prevails on the Missing In Act we are trying to enact into law. Here is a letter from 85 former POW's. Lt. Gen. John Peter Flynn, Robinson Risner, Brigadier General, my former squadron commander, SAM JOHNSON, our proud Member of Congress, Eugene ''Red'' McDaniel, the most tortured man in all of those captive men. Anybody tortured beyond him died under torture. And ''Red'' was one of the ones that helped to get this letter. I am looking at those who have written great books and are still inspirational speakers. Charlie Plum. It is a roll call of the bravest and the best. Michael Benge, who was over there 11 years, Col. Ted Guy, who testified before my Military Personnel subcommittee on June 28, Ted Guy, 4 years in solitary confinement. He was Senator JOHN MCCAIN's commander at the Plantation POW camp.

Look at this list. Here is Jack Bomar, one of the four colonels. They had four bird colonels in their hands. Leo Thorsness is my pal, Medal of Honor winner, former Senator in the State of Washington, now president of the Medal of Honor group.

As former POW's in Vietnam, here is what they say led by Red McDaniel, now president of the Defense Policy Association, ''I strongly support the House version of the Missing Persons Act.'' And yet on ''Meet The Press,'' a member of a legislative body around here told me that my figures were wrong when I said most POW's supported the gentleman from New York, Mr. GILMAN, and BOB DOLE'S language on this.

Here is a letter from the National Alliance of Families. I have a letter from Ann Griffith and the League of Families. Here is a letter from the Korean Cold War Family Association of The Missing. These three I am pretty sure, yes, I know I can put them in the record. Vietnam Veterans of America. The Marine Corps League, just came in yesterday. A letter to FLOYD SPENCE, chairman of the Committee on National Security from Ted Guy. Veterans of the Vietnam war from their program director.

Mr. Speaker, I will include all of these following my remarks.

Disabled American Veterans. A letter to my counterpart on the Senate side, chairman of the Senate Armed Services Subcommittee on Military Personnel to DAN COATS, our good friend and

colleague who served with us here. From John Sommer, executive director of the American Legion. I cannot put that in, because it is critical of a member of the other body. The sister of Maj. Robert F. Coady begging that it go in. Pat Plumadore, who has lost a family member. The sister of a marine missing. When I went on ''Meet The Press'' and said that overwhelmingly, veterans groups want this Missing Persons Act, so we will not relive the nightmare of Korea and Vietnam and oppose normalization with Vietnam. When I said most POW's, when I said most Vietnam veterans of that conflict and Vietnam veterans of Korea, when I gave the percentages on most Vietnamese-Americans, and it is about 85 to 95 percent, when I talked about every person of the Democratic Freedom groups in Vietnam and in this country, and there is 1 million Vietnamese-Americans, about 700,000, 800,000 already American citizens, another 200,000 or 300,000, they have great family respect, a better than average birth rate among the Vietnamese community. This year or next, the Vietnamese-American community will tie the valiant anti-Communist Cuban-American community, and the valiant anti-Communist Hungarian-American community. When I gave all of those figures, someone from another legislative body says, ''I do not buy any of Congressman DORNAN's figures or percentages or statistics,'' but offered none on the other side. These are the facts. Get the RECORD from today. I would hope, Mr. Speaker, that any American would get the RECORD from today and read how those of us, who are not insignificant, who are fighting for the honor of the 58,300 men and 8 women's names who are on that wall who should be honored with a plaque at the apex of the wall that simply says, ''These good Americans died fighting Communism.'' Because Vietnam and Korea melted down the cold war, as its two biggest bloodletting subsets in what John F. Kennedy called that long twilight struggle against communism that is not over yet. And for the Vietnamese-American community, as I told them up in New York on August 19, you must study the success of the anti-Communist Cuban-American community and get into the political process, get your LINCOLN DIAZ-BALART's and ILEANA ROS-LEHTINEN's and BOB MARTINEZ's on the other side of the aisle, get people of your heritage elected to this body so that they can speak up to those who would dismiss all of this history in this long struggle, bloody struggle against communism that still goes on against China, Vietnam, North Korea, at least we kept half of that peninsula free, and yes, Cuba, 90 miles from Key West.

Mr. Speaker, I will keep returning, as I told several U.S. Senators in conference, I will return to this issue until the day I die. The motto is, ''faithful until death,'' for me. I am not going to forget the missing or what communism did to Southeast Asia, what it did to Cambodia, the killing fields, Laos, Vietnam with over 100,000 executed, 68,000 people who befriended us, thought we were a superpower and a reliable ally, and they were executed under death orders, under the same Communist killers that shake hands with Members of Congress or are toasted to by Members of Congress and by General Giap who is called a war hero. General Giap is a war criminal who ordered children to be killed. I shall be back on this issue.

Mr. Speaker, I include for the RECORD the material previously referred to.

AMERICAN DEFENSE INSTITUTE,
ALEXANDRIA, VA,
September 18, 1995.

Hon. ROBERT K. DORNAN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DORNAN: As a former POW in Vietnam and now president of a defense policy organization, I strongly support the 1995 House version of the Missing Persons Act (H.R. 945). I am dismayed to learn of the efforts of some to ''water down'' this important legislation and decrease its impact.

I can think of nothing more critical to the morale of our fighting men than to know that, if they should go missing while fighting America's battles, their country will do everything humanly possible to determine their fate. Especially in view of the tragic manner in which information about our MIAs and POWs in Southeast Asia has been handled by our government, active duty personnel and their families need reassurance of their nation's commitment to them—and in the strongest language possible!

It is hard for me to imagine any high-ranking military officer implying that limited time and resources during conflict preclude accounting for missing soldiers. How can such an officer possibly lead men into battle? Accounting for missing personnel is a matter of military honor—and a matter of national honor.

Sincerely,
EUGENE ''RED'' MCDANIEL,
CAPT, USN (RET),
President.

Attachment:
John Peter Flynn, Lt. Gen, USAF (ret).
Robinson Risner, Brig. Gen, USAF (ret).
Sam Johnson, Member of Congress.
Eugene ''Red'' McDaniel, CAPT, USN (ret).
John A. Alpers, Lt. Col, USAF (ret).
William J. Baugh, Col, USAF (ret).
Adkins, C. Speed, MAJ, USA (ret).
F.C. Baldock, CDR, USN (ret).
Carroll Beeler, CAPT, USN (ret).
Terry L. Boyer, Lt. Col, USAF (ret).
Cole Black, CAPT, USN (ret).
Paul G. Brown, LtCol, USMC (ret).
David J. Carey, CAPT, USN (ret).
John D. Burns, CAPT, USN (ret).
James V. DiBernado, LtCol, USMC (ret).
F.A.W. Franke, CAPT, USN (ret).
Wayne Goodermote, CAPT, USN (ret).
Jay R. Jensen, Lt. Col, USAF (ret).
James M. Hickerson, CAPT, USN (ret).
James F. Young, Col, USAF (ret).
J. Charles Plumb, CAPT, USN (ret).
Larry Friese, CDR, USN (ret).
Julius Jayroe, Col, USAF (ret).
Bruce Seeber, Col, USAF (ret).
Konrad Trautman, Col, USAF (ret).
Lawrence Barbay, Lt. Col, USAF (ret).
Ron Bliss, Capt, USAF (ret).
Arthur Burer, Col, USAF (ret).
James O. Hivner, Col, USAF (ret).
Gordon A. Larson, Col, USAF (ret).
Robert Lewis, MSgt, USA (ret).
James L. Lamar, Col, USAF (ret).
Armand J. Myers, Col, USAF (ret).
Terry Uyeyama, Col, USAF (ret).
Richard D. Vogel, Col, USAF (ret).
Ted Guy, Col, USAF (ret).
Paul E. Galanti, CDR, USN (ret).
Laird Guttersen, Col, USAF (ret).
Lawrence J. Stark, Civ.
Michael D. Benge, Civ.
Marion A. Marshall, Lt. Col, USAF (ret).
Richard D. Mullen, CAPT, USN (ret).
Philip E. Smith, Lt. Col, USAF (ret).
William Stark, CAPT, USN (ret).
David F. Allwine, MSgt, USA (ret).
Bob Barrett, Col, USAF (ret).
Jack W. Bomar, Col, USAF (ret).
Larry J. Chesley, Lt. Col, USAF (ret).
C.D. Rice, CDR, USN (ret).
Robert L. Stirm, Col, USAF (ret).
Bernard Talley, Col, USAF (ret).
Paul Montague, Civ.
Leo Thorsness, Col, USAF (ret).
Robert Lerseth, CAPT, USN (ret).
Ray A. Vodhen, CAPT, USN (ret).
Richard G. Tangeman, CAPT, USN (ret).
John Pitchford, Col, USAF (ret).
Steven Long, Col, USAF (ret).
Brian Woods, CAPT, USN (ret).
Dale Osborne, CAPT, USN (ret).
Ralph Galati, Maj, USAF (ret).
Ronald M. Lebert, Lt. Col, USAF (ret).
Harry T. Jenkins, CAPT, USN (ret).
John C. Ensch, CAPT, USN (ret).
Render Crayton, CAPT, USN (ret).
Henry James Bedinger, CDR, USN (ret).
Brian D. Woods, CAPT, USN (ret).
Read B. Mecleary, CAPT, USN (ret).
Ted Stier, CDR, USN (ret).
James L. Hutton, CAPT, USN (ret).
John H. Wendell, Lt. Col, USAF (ret).
John W. Clark, Col, USAF (ret).
Carl B. Crumpler, Col, USAF (ret).
Verlyne W. Daniels, CAPT, USN (ret).
Roger D. Ingvalson, Col, USAF (ret).

SEPTEMBER 20, 1995.

Hon. FLOYD SPENCE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN SPENCE: Strong legislation that will ensure the accountability of past and future missing in action (MIA) and prisoners of war (POW) is an absolute necessity. The revelation in the September 18, 1995, U.S. News and World Report concerning former President Bush and the Vietnam POW/MIA issue confirms this necessity.

Many former POWs, family members, activists and I have long suspected and have knowledge of Hanoi continually lying about the accountability of POWs and MIAs. I, and I suspect many others, have felt that U.S. government officials aided and abetted in these lies in an effort to save face. Thus the necessity of a strong and enforceable ''Missing Persons Act.''

As you may or may not know, I was the Senior Ranking Officer (SRO) of all prisoners captured in South Vietnam and Laos and separately interned in North Vietnam. During and after ''Operation Homecoming'' it was disclosed that some of us had been declared 'Killed in Action. Body not Recovered' (KBNR). In at least one case, one of my enlisted men's ''remains'' had been returned to the United States and buried! Needless to say, he was still very much alive.

The term missing in action (MIA) should be banished and all persons who disappear during a conflict should be carried as alive unless there is overwhelming evidence that survival was impossible. This alive status should continue until board action can determine status after the cessation of hostilities. No one expects all to be accounted for, but the lessons of Vietnam strongly suggest that premature actions were taken. The cost of pay and allowances to the family is insignificant when compared to other daily expenditures of the U.S. government.

I assure you that Senator John McCain does not speak for the families of the non returned nor for the majority of the returned

POWs. As I recall, Senator McCain was the leading advocate of normalization with Vietnam, a move strongly opposed by many former POWs and many veterans' groups. To let McCain solely influence decisions concerning the ''Missing Persons Act'' is a discredit to the suffering families and concerned POWs.

Sincerely,

THEODORE W. GUY,
Col. (Ret) USAF,
Former POW 68–73.

SYRACUSE, NY,
September 11, 1995.

Hon. DAN COATS,
U.S. Senate, Washington, DC.

DEAR SENATOR COATS: As the sister of a Marine missing from the Vietnam war, I implore you to support the House version of The Missing Service Personnel Act of 1995. Any change from the language of the House version of this Bill would be yet another obstacle on the path to truth and/or closure for the families of our nations missing heroes and abandonment of our loved ones by this government once again.

Sir, no one, not the President, DOD, the Service Casualty Offices, nor the people supposedly responsible for accounting for our missing, ever seem to listen to the voices that have been screaming for help in unraveling the mystery of this travesty for so many long, long years. What has happened to my brother and subsequently, to his family, is a horror story that at times seems unbelievable even to me. I have lost faith in so many things that I held sacred and dear, my President, my party, my confidence in the honor and honesty of my elected officials. It appears that one of the first Orders of THE NEW WORLD is to wipe the slates clean without any real accounting, and to never, never use the words POW/MIA again.

Please, I beg you, don't let yourself be influenced by those who have their own agenda and who believe that money and the love of money are more important than my brother. My brother Kenny was left behind in 1967, please don't allow them to leave him behind again. We, the families of the missing, need this legislation as it is written by the House. If you could walk in our shoes for even one day, maybe you would understand why it is so important. My last attempt at getting answers from our government resulted in their telling me it would cost me $3,147.00 to process my FOIA request. Our government lost my brother, yet they want me to pay to find out how and why!

Please do not let the language of this bill be changed in any way?

Sincerely,

PAT PLUMADORE.

THE NEW YORK TIMES,
July 12, 1995.

It may be that many Republican primary voters, a more conservative subset of the more conservative party, are more opposed to Mr. Clinton's action than are Americans as a whole. Mr. Dole's stance may play well with them.

But the steps along this road that Mr. Bush and Mr. Clinton took earlier, including the lifting last year of a 19-year embargo on trade with Vietnam, failed to produce the groundswell of protest that the die-hards predicted. And Vietnam is now clearly a land of opportunities, which will inevitably draw much more American investment and many more visits by American tourists.

As a web of everyday political and economic links grows between the United States and Vietnam, as more and more Americans come to know Vietnam at peace, the old passions, already nearly spent for most Americans, will seem increasingly irrelevant. Normality is the enemy of grudges and hatreds.

At any rate, the deed is done. Congressional threats to withhold money for an American embassy in Hanoi are likely to come to nothing. Mr. Clinton acted just as the question of full diplomatic ties was beginning to be sucked into the vortex of the 1996 campaign. He could not have waited much longer, and by moving now, he may benefit from looking resolute on a tough issue.

Reminiscing this morning with a reporter he has known since the days of air raids over Hanoi and ground combat in the Central Highlands, Senator McCain commented that he was determined that his generation not leave a legacy of anger and vindictiveness.

''I got over the war about 45 minutes after the plane bringing me home took off from Hanoi,'' he said. ''But not everyone feels that way. Some people hate me for backing this, call me the Manchurian Candidate, say I'm a collaborator, the most awful stuff. There will always be people like that, but fewer and fewer. Not many people talk about the dirty Japs anymore.''

MARINE CORPS LEAGUE,
September 18, 1995.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Why haven't you used your powerful position as Senate Majority Leader to push the House of Representatives language of the Missing Service Personnel Act of 1995?

We support the House language of the Missing Service Personnel Act of 1995.

Semper Fidelis,

WAYNE R. SILL,
Nat'l Chairman, POW/MIA Committee.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, Sept. 14, 1995.

Hon. BOB DORNAN,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DORNAN: Vietnam Veterans of America (VVA) urges you to preserve the House-passed provisions derived from the Missing Service Personnel Act (Section 563) as the conference committee deliberates the Defense Authorization Bill (HR 1530). The House-passed provisions are preferable, as they provide enhanced protection for families of service personnel listed as Missing-In-Action (MIA).

The Missing Service Personnel Act is a critical piece of legislation for MIA families because it would spell out in law a procedure for handling the very delicate question of how and when a member of the Armed Forces considered missing-in-action can be declared legally dead. VVA believes this legislation will correct mistakes realized in past wars. Most importantly, families would know what to expect and would be spared years of turmoil and pain.

VVA greatly appreciates your strong support for this legislation in the past, and urges you to maintain the House-passed language in the Defense Authorization conference report.

Sincerely,

JAMES L. BRAZEE, Jr.,
President.

KOREAN/COLD WAR FAMILY
ASSOCIATION OF THE MISSING,
Coppell, TX, Sept. 18, 1995.

Representative ROBERT DORNAN.

DEAR SIR: The families of the POW/MIA's from the Korean War (8,177) and the Cold War (139) sincerely request your assistance in passing the SB 256 in its original language which was very similar to that of the HR 945. It has come to our attention that Senator McCain and possibly others on the review committee are attempting to ''water down'' this bill. It is the view of the Families that this bill has already been ''watered down'' in excess.

We, the Families of the Missing, have been battling the bureaucracy for over 40 years, just trying to get the truth as to what happened to our loved ones. We have been shunned, hung-up on, ignored, called crazy and generally demeaned for requesting information to which we are entitled.

Most importantly, the Prisoners of War and the Missing in Action are denied their civil rights under the old Missing Service Personnel Law. This law was intended to financially assist the Families of the Missing. We did not know that this law would be used to ''write off'' the Missing. Even though the HR 945 is not nearly strong enough, it does give the Families some recourse when the government FAILS to do its duty by these Missing Service Personnel.

There have been letters written by Generals and Department of Defense personnel saying this new bill would put undue burden on them to account for their troops. If this is their attitude, God help the men and women they send into battle because their leaders certainly will not.

We would like to hear your response to our request.

Most sincerely,

PAT WILSON DUNTON,
President/Founding Director.

NATIONAL ALLIANCE OF FAMILIES,
Bellevue, WA, Sept. 19, 1995.

Re U.S. House of Representatives' Version of the ''Missing Service Personnel Act of 1995''

(Attention: Mr. Duke Short.)

Hon. STROM THURMOND,
Chairman, Armed Services Committee,
Washington, DC

DEAR SENATOR THURMOND: The more than 10,000 members of the National Alliance of Families categorically support the above ''House version'' of this legislation which will make great strides in correcting the errors of the past and prevent a repeat of those errors during future conflicts.

Specifically, we endorse the provisions which call for board review at three year intervals, access to information for ''immediate'' family members, judicial review and retroactivity.

Many, including ranking military officers, are attempting to water down this relevant legislation claiming ''reopening and mandatory review of cases from the past . . . will only cause great emotional and financial strain on the families involved.'' NAF membership glaringly resents the condescending and patronizing attitude of the Pentagon. Our family members wish the right to choose for themselves; if they will or will not avail themselves of those provisions cited in the ''House version'' of the ''MSPA 1995''. For too many years, the U.S. Defense Department has been allowed to ''act'' on behalf of the families, choosing what information was or was not submitted to the families for review. Due to research in the National Archives and the Library of Congress, many of our family members are only now, after twenty to forty years after the fact, able to view records and documents relating to their loved ones' cases which were not and have not been provided to them via the military casualty offices.

The families are quite capable of acting and speaking in their own behalf. We resent any attempt by those in the military to portray the families as emotionally fragile, in need of their protection. Our Family members do not need protection. They need the truth.

In the opinion of our membership, the ''House version'' of the ''Missing Service Personnel Act of 1995'' is the single most important POW/MIA Legislation to come before the U.S. Senate in years. The POW/MIA Families are tired of being lied to, chided, and patronized by an uncaring Executive and Legislative Branch of the U.S. Government. It is time that a truly meaningful piece of legislation is passed to protect America's fighting men and women. The old unwritten attitude of ''just don't get captured'' is not acceptable! Our service personnel and their families deserve protection under the law. That protection will come with the passage of this law as is.

Sincerely,

DOLORES APODACA ALFOND,
National Chairperson.

VETERANS OF THE VIETNAM WAR, INC.,
Dallastown, PA, Sept. 19, 1995.

Congressman STEVE BUYER,
Attention: Myrna Dugan

DEAR MYRNA DUGAN: As National POW/MIA Program Director for the Veterans of the Vietnam War, Inc., we need the Congressman to back Congressman Gilman's language of the House version of H.R. 945 so that we have the strongest language possible to protect our American servicemen and women. We strongly urge the Congressman to pass H.R. 945 ''The Missing Service Personnel Act of 1995''. We need this bill passed so that the families of our POW/MIA's won't ever have to endure the suffering that the Vietnam families have had to and continue to endure.

We as Veterans of the Vietnam War, Inc. want to guarantee that our present and our future American servicemen and women have the best chance of being returned home to their loved ones. That's why we strongly urger Congressman Buyer to pass this very important bill. Thank you for your help and time on this urgent matter. I would greatly appreciate a response to this letter on the Congressman's feelings on this matter.

MICHAEL T. BREIGHNER,
National POW/MIA Program Director.

DISABLED AMERICAN VETERANS,
Washington, DC, September 20, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN THURMOND: As National Commander of the more than one million members of the Disabled American Veterans (DAV) and its Auxiliary, I am writing you to express our concern regarding attempts to erode the effectiveness of the provisions of the Missing Service Personnel Act, section 563 of H.R. 1530, the Fiscal Year 1996 Defense Authorization Act.

The DAV supports the House language in the Missing Service Personnel Act because of the additional safeguards contained in the House version. The key provisions include: legal counsel for the missing person, access to information by immediate family members of the missing person, the availability of judicial review, and the retroactive provision of this legislation. We believe that these are important provisions; however, these provisions are missing from the Senate version.

As this measure is being considered in conference, I would urge you, in your leadership position, to encourage your colleagues to support the inclusion of these key provisions in the final version of the Defense Authorization Act. Otherwise, it is DAV's position that this legislation would be seriously flawed.

Thank you for your continued support.

Sincerely,

THOMAS A. MCMASTERS III,
National Commander.

THE AMERICAN LEGION,
Washington, DC, September 11, 1995.

Hon. DANIEL R. COATS,
Chairman, Senate Armed Services Subcommittee on Personnel, Russell Building, Washington, DC.

DEAR SENATOR COATS: The American Legion urges you in the strongest possible terms to support Section 563, H.R. 1530, the House version of the Missing Persons Act of 1995. In particular, there are four features of the bill we are interested in: board review at three year intervals; access to information for immediate family members; judicial review; and retroactivity. Senator Robert Dole has expressed his support of the House version of the Missing Persons Act in a written statement for the Congressional Record on September 5. We have worked very closely with Senator Dole on this issue for some time.

The House version of the Missing Persons Act will provide family members the ability to review records on which the Pentagon has kept close hold but that family members have the right to see.

The American Legion takes this issue very seriously and regards its passage as extremely important. This measure directly and substantially supports ongoing efforts to obtain information about missing American servicemen. Section 563, H.R. 1530 will provide an equitable basis for making status determinations on missing personnel not only from past wars, but also future conflicts.

Sincerely,

JOHN F. SOMMER, JR.,
Executive Director.

September 12, 1995.

Senator TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: As the sister of Maj. Robert F. Coady, USAF, lost in Laos whose family believed the Air Force when they told us that we would be the first to know if there was information on Maj. Coady. Our first knowledge of information came 22 years after my brother's shoot down, when I requested to see my brother's file. I was amazed to find declassified documents that were 19 and 22 years old. I worked with Senators Shelby, Heflin, Mack and Johnson who wrote letters on my behalf. The Air Force told the Senators that I had all the information. I was given an opportunity to view my brother's file (after being told there was no more information) only to find new information.

We all remember what the Cold War families were told and the family from TN whose son was killed in the Gulf War by friendly fire. Along with what has happened in my family's case are disgraceful examples that explain the importance of the House version (H.R. 945) of the Missing Service Personnel Act.

Our country was founded on checks and balances. The House version (H.R. 945) of the Missing Service Personnel Act is our check and balance for family members that should not be taken away from us.

As a United States Senator, please protect our right to reopen and have a mandatory review as this is the only check and balance we have left.

Sincerely,

JUDITH COADY RAINEY.

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–259)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) ''making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 21, 24, 26, 40, 54, 57, 67, 77, 83, 85, 94, 99, 100, 105, 107, 111, 117, 118, 123, 136, 138, 147, 148, 155, 163, 166, 171, 172, and 173, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 32, 34, 36, 38, 45, 46, 48, 50, 51, 52, 56, 59, 61, 62, 66, 71, 72, 73, 74, 75, 76, 78, 80, 81, 82, 86, 87, 88, 93, 96, 97, 102, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 158, 159, 160, 161, and 162, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: , *and assessment of mineral potential of public lands pursuant to P.L. 96–487 (16 U.S.C. 3150 (a)), $568,062,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

After the first comma in said amendment insert: *of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of P.L. 96–487 (16 U.S.C. 3150), and*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$568,062,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,115,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$101,500,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,800,000*; and the Senate agree to the same.

Amendment number 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$93,379,000;* and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$497,943,000, to remain available for obligation until September 30, 1997,* ; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,655,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,900,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *:Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center* ; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

Following ''Public Law 88-567,'' insert: *if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995,* ; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,083,151,000* ; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$37,649,000* ; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$36,212,000* ; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,225,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert the following: *$4,500,000 of the funds provided herein*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$49,100,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: *None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.*

And the Senate agree to the same.

Amendment numbered 39:

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $730,503,000*; and the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *:Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds are available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30,*

1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$182,994,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function become effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to ''function'' includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$173,887,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$1,359,434,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$68,209,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$71,854,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

Before '': *Provided further*'' in said amendment, insert: *, to become effective on July 1, 1997*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$100,833,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$80,645,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

In lieu of the sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of the first sum named in said amendment insert: *$4,500,000*

In lieu of the second sum named in said amendment insert: *$35,914,000*

In lieu of the third sum named in said amendment insert: *$500,000*; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research*; and the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of ''October 1, 1995'' named in said amendment insert: *March 1, 1996;* and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

Restore the number stricken by said amendment, amended to read as follows:

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.

And the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting ''until Congress otherwise provides by law.'' and inserting in lieu thereof: ''except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Marina Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

''(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

''(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) Public Law 99–239;

''(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

''(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

''(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist to the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.''.

And the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$178,000,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$136,794,000, to remain available until expended, as authorized by law*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,256,253,000*; and the Senate agree to the same.

Amendment numbered 95:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$163,500,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$41,200,000*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows:

Following ''Forest Service,'' in said amendment insert: *other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California.*

And the Senate agree to the same.

Amendment numbered 104:

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Notwithstanding any other provision of law, for the duration of fiscal year 1996 none of the funds provided in this or any other appropriations Act may be used in the Tongass National Forest except to implement the Preferred Alternative P in the Tongass Land and Resource Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93 (hereinafter referred to as ''Alternative P'') which shall be deemed sufficient to satisfy all requirements of applicable law: Provided, That the Forest Service may amend the plan during fiscal year 1996 only to the extent necessary to accommodate commercial tourism if an agreement is signed between the Forest Service and the Alaska Visitors' Association: Provided further, That the Secretary shall continue the current Tongass land management planning process, and may replace or modify Alternative P with the selected alternative of a revised Tongass Land Management Plan (''TLMP'') which shall, to the maximum extent practical, contain at least the number of acres of suitable, available timber lands and suitable, scheduled timber lands identified in Alternative P: Provided further, That if the Forest Service fails to complete work on a revised TLMP during fiscal year 1996, Alternative P shall remain in effect until such time as a revised plan is completed in accordance with this section and is in effect: Provided further, That hereinafter, notwithstanding any other provision of law, any timber sale or offering that was prepared for acceptance, or was awarded to a purchaser after December 31, 1988, which has been the subject of an Environmental Impact Statement under the National Environmental Policy Act (''NEPA'') and a review under section 810 of the Alaska National Interest Lands Conservation Act (''ANILCA''), and was subsequently offered or awarded to a different purchaser or offeree shall not be subject to additional analysis under NEPA or ANILCA through any action of the Federal government or by order of any court of law if the Forest Service determines in a Supplemental Evaluation that no such analysis is necessary: Provided further, That section 502 of P.L. 104–19 shall be deemed permanent law.

And the Senate agree to the same.

Amendment numbered 110:

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert: *and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,169,000*; and the Senate agree to the same.

Amendment numbered 112:

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$149,028,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$553,293,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$140,696,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$114,196,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$72,266,000*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,722,842,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$238,958,000*; and the Senate agree to the same.

Amendment numbered 125:

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$308,188,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,442,000*; and the Senate agree to the same.

Amendment numbered 135:

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,840,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

In lieu of matter proposed by said amendment insert:

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

And the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of Subsection (g) insert the following:

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 8726) is amended as follows:

''(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.''.

And the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 314. (a) Except as provided in subsection (b), no part of any appropriation contained in this Act or any other Act shall be obligated or expended for the operation or implementation of the Interior Columbia Basin Ecosystem Management Project (hereinafter ''Project'').

(b)(1) From the funds appropriated to the Forest Service and Bureau of Land Management: a sum of $4,000,000 is made available for the Executive Steering Committee of the Project to publish, and submit to the Committees on Agriculture, Nutrition and Forestry, Appropriations, and Energy and Natural Resources of the Senate and Committees on Agriculture, Appropriations, and Resources of the House of Representatives, by April 30, 1996, an assessment on the National Forest System lands and lands administered by the Bureau of Land Management (hereinafter ''Federal lands'') within the area encompassed by the Project. The assessment shall be accompanied by draft Environmental Impact Statements that are not decisional and not subject to judicial review, contain a range of alternatives, without the identification of a preferred alternative or management recommendation, and provide a methodology for conducting any cumulative effects analysis required by section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)) in the preparation of each amendment to a resource management plan pursuant to subsection (c)(2). The Executive Steering Committee shall release the required draft Environmental Impact Statements for a ninety day public comment period. A summary of the public comments received must accompany these documents upon its submission to Congress.

(2) The assessment required by paragraph (1) shall contain the scientific information collected and analysis undertaken by the Project on landscape dynamics and forest and rangeland health conditions and the implications of such dynamics and conditions for forest and rangeland management, specifically the management of forest and rangeland vegetation structure, composition, density and related social and economic effects.

(3) The assessment and draft Environmental Impact Statements required by paragraph (1) shall not: contain any material other than that required in paragraphs (1) and (2); be the subject of consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536); or be accompanied by any record of decision or documentation pursuant to section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).

(c)(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, each Forest Supervisor of the Forest Service and District Manager of the Bureau of Land Management with responsibility for a national forest or unit of land administered by the Bureau of Land Management (hereinafter ''forest'') within the area encompassed by the Project shall—

(A) review the resource management plan (hereinafter ''plan'') for such forest, the scientific information and analysis in the report prepared pursuant to subsection (b) which are applicable to such plan, and any policy which is applicable to such plan upon the date of enactment of this section (whether or not such policy has been added to such plan by amendment), including any which is, or is intended to be, of limited duration, and which the Project addresses; and

(B) based on such review, develop a modification of such policy, or an alternative policy which serves the basic purpose of such policy, to meet the specific conditions of such forest.

(2) For each plan reviewed pursuant to paragraph (1), the Forest Supervisor or District Manager concerned shall prepare and adopt an amendment which: contains the modified or alternative policy developed pursuant to paragraph (1)(B); is directed solely to and affects only such plan; and addresses the specific conditions of the forest to which the plan applies and the relationship of the modified or alternative policy to such conditions. The Forest Supervisor or District Manager concerned shall consult at a minimum, with the Governor of the State, and the Commissioners of the county or counties, and affected tribal governments in which the forest to which the plan applies is situated during the review of the plan required by paragraph (1) and the preparation of an amendment to the plan required by this paragraph.

(3) To the maximum extent practicable, each amendment prepared pursuant to paragraph (2) shall establish site-specific standards in lieu of imposing general standards applicable to multiple sites. Any amendment which would result in any major change in land use allocations within the plan or would reduce the likelihood of achievement of the goals and objectives of the plan (prior to any previous amendment incorporating in the plan any policy referred to in paragraph (1)(A)) shall be deemed a significant change, pursuant to section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), requiring a significant plan amendment or equivalent.

(4) Each amendment prepared pursuant to paragraph (2) shall comply with any applicable requirements of section 102(2) of the National Environmental Policy Act, except that any cumulative effects analysis conducted in accordance with the methodology provided pursuant to subsection (b)(1) shall be deemed to meet any requirement of such Act for such analysis and the scoping conducted by the Project prior to the date of enactment of this section shall substitute for any scoping otherwise required by such Act for such amendment, unless at the sole discretion of the Forest Supervisor or District Manager additional scoping is deemed necessary.

(5) The review of each plan required by paragraph (1) shall be conducted, and the preparation and decision to approve an amendment to each plan pursuant to paragraph (2) shall be made, by the Forest Supervisor or District Manager, as the case may be, solely on: the basis of the review conducted pursuant to paragraph (1)(A), any consultation or conferencing pursuant to section 7 of the Endangered Species Act of 1973 required by paragraph (6), any documentation required by section 102(2) of the National Environmental Policy Act, and any applicable guidance or other policy issued prior to the date of enactment of this Act.

(6)(A) Any policy adopted in an amendment prepared pursuant to paragraph (2) which is a modification of or alternative to a policy referred to in paragraph (1)(A) and upon which consultation or conferencing has occurred pursuant to section 7 of the Endangered Species Act of 1973, shall not again be subject to the consultation or conferencing provisions of such section 7.

(B) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or conference separately on each amendment prepared pursuant to paragraph (2).

(C) No further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on the amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of any plan related to such policy or the species to which such policy applies.

(7) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before July

31, 1996: Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before December 31, 1996.

(8) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be effective in any forest subject to the Project on or after December 31, 1996, or after an amendment to the plan which applies to such forest is adopted pursuant to the provisions of this subsection, whichever occurs first.

(9) On the signing of a record of decision or equivalent document making an amendment for the Clearwater National Forest pursuant to paragraph (2) the requirement for revision referred to in the Stipulation of Dismissal dated September 13, 1993, applicable to the Cleanwater National Forest is deemed to be satisfied, and the interim management direction provisions contained in the Stipulation of Dismissal shall be of no further effect with respect to the Clearwater National Forest.

(d) The documents prepared under the authority of this section shall not be applied or used to regulate non-Federal lands.

And the Senate agree to the same.

Amendment numbered 153:

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.

(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law:

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services or volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation, in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to sub-paragraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of June 14, 1926 (43 U.S.C. 869–4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on october 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike ''September 30, 1997'' and insert in lieu thereof ''December 31, 1996''.

And the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Sec. 319. GREAT BASIN NATIONAL PARK.

Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—

(1) in the first sentence of subsection (e) by striking ''shall'' and inserting ''may''; and

(2) in subsection (f)—

(A) by striking ''At the request'' and inserting the following:

''(1) EXCHANGES.—At the request'';

(B) by striking ''grazing permits'' and inserting ''grazing permits and grazing leases''; and

(C) by adding after ''Federal lands.'' the following:

''(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.''.

And the Senate agree to the same.

Amendment numbered 164:

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *328*; and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *329*; and the Senate agree to the same.

Amendment numbered 167:

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment, as follows:

In lieu of the first section number named in said amendment, insert: *330*; and the Senate agree to the same.

Amendment numbered 168:

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 331. Notwithstanding any other provision of law, none of the funds made available to the National Endowment for the Arts under this Act may be used to promote, disseminate, sponsor or produce materials or performances which denigrate the objects or beliefs of the adherents of a particular religion.

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *332*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 333. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

RALPH REGULA
(except amendment 35),
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
NORMAN D. DICKS,
Managers on the part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
MARK HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
ROBERT BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY
(except amendment 136, 138, 168, 169)
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 1977 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 104–173 or Senate Report 104–125 which are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not earmarked by individual projects. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the FY 1996 budget, including but not limited to, projects for which capability statements have been prepared.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened and endangered species, $1,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for ALMRS, $500,000 for administrative support, and $834,000 for bureau-wide fixed costs; and increases of $4,981,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines.

Amendment No. 2: Restores House provision stricken by the Senate which provides $599,999 for the management of the East Mojave National Scenic Area. The Senate had no similar provision. The amendment also adds language earmarking $2,000,000 for mineral assessments in Alaska.

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

Amendment No. 4: Appropriates $235,924,000 for wildland fire management as proposed by the House instead of $240,159,000 as proposed by the Senate.

CONSTRUCTION AND ACCESS

Amendment No. 5: Appropriates $3,115,000 for construction and access instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Sourdough Campground, AK	$584,000
Byington Campground, ID	290,000
West Aravaipa Ranger Station, AZ	200,000
Railroad Flat Campground, CA	218,000
Penitentie Canyon, CO	220,000
James Kipp Campground, MT	345,000
Datil Well Rec Site reconstruction, NM	41,000
Encampment River Rec Area, WY	60,000
Indian Creek Accessibility Rehab, NV	57,000
El Camino Real Int'l Heritage Ctr., NM–A&E	500,000
Flagstaff Hill, OR	600,000
Total	3,115,000

The managers urge BLM and the non-Federal partners to consider during the A&E phase of the El Camino Real International Heritage Center project the fact that future construction funds are likely to be severely constrained

PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $101,500,000 for payments in lieu of taxes instead of $111,409,000 as proposed by the House and $100,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,500,000 as proposed by the House and $10,550,000 as proposed by the Senate. The $12,800,000 includes $3,250,000 for acquisition management, $1,000,0000 for emergency and inholding purchases, and $8,550,000 for land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

OREGON AND CALIFORNIA GRANT LANDS

Amendment No. 8: Appropriates $93,379,000 for Oregon and California grant lands instead of $91,387,000 as proposed by the House and $95,364,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for Jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan for the unemployed timber worker programs.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of employment in the various jobs. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

Amendment No. 9: Appropriates $497,943,000 for resource management instead of $497,150,000 as proposed by the House and $501,478,000 as proposed by the Senate.

The net increase above the House consists of increases of $3,800,000 for cooperative conservation agreements, $750,000 for listing, $2,237,000 for habitat conservation, $1,502,000 for migratory bird management, $600,000 for hatchery operations and maintenance, $800,000 for fish and wildlife management, $478,000 for the National Education and Training Center, and $885,000 for vehicle and aircraft purchase; and reductions of $500,000 for recovery, $230,000 for environmental contaminants, $6,542,000 for refuge operations and maintenance, and $2,987,000 for servicewide administrative support.

The conference agreement includes $3,800,000 for cooperative conservation agreements with private landowners to institute effective management measures that make listing unnecessary. The managers intend that these funds also be used to implement the 4(d) rule which is intended to ease endangered species land use restrictions on small landowners. The managers agree that none of the funding for cooperative conservation agreements or listing be used in any way to conduct activities which would directly support listing of species or designating critical habitat.

The managers have included $750,000 under the listing program to be used only for

delisting and downlisting of threatened and endangered species in order to ease land use restrictions on private and public lands.

The conference agreement includes a reduction of $200,000 from the gray wolf reintroduction program. The managers expect the Service to continue the cooperative agreement with the Animal and Plant Health Inspection Service to provide assistance to ranchers experiencing livestock losses to wolves.

The managers agree with the Senate position regarding the continued operation of Federal fish hatcheries. However, the funding provided for hatcheries in total is below last year's level, so reductions will be necessary. The managers encourage those non-Federal parties that have expressed an interest in participating in hatchery transfers to continue to pursue this option, and the Service should provide the transitional assistance for such efforts as was contemplated in the budget. Within the funds restored for hatchery operations and maintenance, $500,000 is provided only for maintenance of those hatcheries transferred during fiscal year 1996.

The managers reiterate, however, the need for the working group proposed by the Senate to identify, by March 1, 1996, savings from the fisheries program that equal or surpass the savings associated with the hatchery transfers or closures proposed in the budget. Outyear funding for fisheries and other programs cannot be assured at a time of declining budgets, and future transfer proposals might not involve transitional assistance. The managers expect that there will be significantly fewer Federal fish hatcheries by the end of fiscal year 1997.

The National Fish and Wildlife Foundation is funded at a level of $4,000,000. The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for the Foundation.

The managers direct the Department to reinstate its 1992 policy, modified to reflect public comments received, regarding permit terms and conditions for hunting and fishing guides in Alaska providing permit terms of 5 years with one renewal period of 5 years, transferability under prescribed conditions, and a right of survivorship. At such time as the new policy is implemented, existing permit should be reissued consistent with this policy. The managers note that the existing policy limiting terms to one year makes it impossible to obtain financing for guiding operations while the limit on transferability and survivorship prevent long-term family businesses from continuing upon the death or illness of the permit holder.

The managers recognize the Fish and Wildlife Service's fisheries mitigation responsibilities pursuant to existing law and expect the working group to take into account such responsibilities.

Amendment No. 10: Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: Includes language proposed by the Senate which prohibits listing additional species as threatened or endangered and prohibits designating critical habitat during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION

Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Bear River Migratory Bird Refuge, UT, flood repair	$1,000,000
Bosque del Apache NWR, NM, repair	1,820,000
Hawaii captive propagation facility, HI	1,000,000
Mississippi refuges, bridge repair and equipment	1,120,000
National Education Training Center, WV, construction	24,000,000
Quivira NWR, KS, water management	760,000
Russian River, AK, rehab	400,000
Southeast Louisiana refuges, rehab	1,000,000
Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair	700,000
Dam safety, servicewide inspections	460,000
Bridge safety, servicewide inspections	395,000
Emergency projects—servicewide	1,000,000
Construction management—servicewide	4,000,000
Total	37,655,000

The managers expect the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT

Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reductions below the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION

Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $14,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The $36,900,000 includes $8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the front of this statement.

NORTH AMERICAN WETLANDS CONSERVATION FUND

Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increase above the House includes $2,230,000 for habitat management and $20,000 for administration.

The House recommended that no funds be provided for this purpose in the future. The Senate took no position regarding outyear funding for this program.

WILDLIFE CONSERVATION AND APPRECIATION FUND

Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $998,000 as proposed by the House.

Amendment No. 17: Deletes matching requirements proposed by the House and stricken by the Senate. The matching requirements of the Partnerships for Wildlife Act will continue to apply, and do not need to be stated in the appropriations act.

ADMINISTRATIVE PROVISIONS

Amendment No. 18: Provides authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House prohibition on purchasing police vehicles. The Senate had no similar provision.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX. The Senate had no similar provision.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to charge reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be sued to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modified Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipates approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Allowing the pesticide use proposal process to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY

RESEARCH, INVENTORIES AND SURVEYS

Amendment No. 24: Deletes Senate language providing $145,965,000 for a natural resources science agency and providings guidance on the operation of that agency. This agency would have replaced the National Biological Service. The House had no similar provision. The managers have agreed to eliminate the National Biological Service and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is discussed in more detail under amendment Nos. 42 and 43.

NATIONAL PART SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Amendment No. 25: Appropriates $1,083,151,000 for operation of the National park system instead of $1,088,249,000 as proposed by the House and $1,092,265,000 as proposed by the Senate. The reduction from the Senate level reflects the transfer of the equipment replacement account back to the construction account.

In keeping with the demands placed on other Interior bureaus, the managers have not funded uncontrolled costs and expect these costs to be absorbed through reductions to levels of reviews and management. Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities or field locations with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization effort and strongly urge the NPS to limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying

NPS preliminary allocations for fiscal year 1996. This report will serve as the baseline for any reprogrammings in fiscal year 1996.

In considering these allocations, the managers expect that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative such as those related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers expect that the principle goal of the reorganization plan, which is to relocate staff from central and regional offices to the parks, will greatly alleviate the pressures placed on parks by increase visitation.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment Number 151 in Title III.

Amendment No. 26: Restore House language stricken by the Senate regarding the availability of funds at the Mojave National Preserve.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriate $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $38,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine Acadian Cultural Preservation Commission and a reduction of $422,000 for the Native Hawaiian Culture and Arts program.

Amendment No. 28: Earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are provided for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

HISTORIC PRESERVATION

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

The managers have provided $32,712,000 for State grants and $3,500,000 for the National Trust for Historic Preservation.

The managers agree to a three year period of transition for the National Trust for Historic Preservation to replace Federal funds with private funding.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $114,868,000 as proposed by the House and $116,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Andersonville National Historic Site, GA (prisoner of war museum)	$2,800,000
Assateague National Seashore, MD (erosion control)	300,000
Blackstone River Valley National Heritage Corridor MA/RI (interpretive project)	300,000
Blue Ridge Parkway, Hemphill Knob, NC (administration building)	1,030,000
Cane River Creole National Historic Park, LA (preservation and stabilization)	4,000,000
Chickasaw National Recreation Area, OK (campground rehabilitation)	1,624,000
Chamizal National Monument, TX (rehabilitation)	300,000
Crater Lake National Park, OR (dormitories construction)	10,000,000
Cuyahoga National Recreation Area, OH (site and structure rehabilitation)	2,500,000
Delaware Water Gap National Recreation Area, PA (trails rehabilitation)	1,050,000
Everglades National Park, FL (water delivery system modification)	4,500,000
Fort Necessity National Battlefield, PA (rehabilitation)	265,000
Fort Smith National Historic Site, AR (rehabilitation)	500,000
Gateway National Recreation Area, NY (Jacob Riis Park rehabilitation)	1,595,000
General Grant National Memorial, NY (rehabilitation)	1,000,000
Gettysburg National Military Park, PA (water and sewer lines)	2,550,000
Glacier National Park, MT (rehabilitate chalets)	328,000
Grand Canyon National Park, AZ: Transportation	1,000,000
Gulf Islands National Seashore, MS (erosion control)	600,000
Harpers Ferry National Historical Park, WV (utilities and phone lines)	455,000
Hot Springs NP, AR (stabilization/Lead Point)	500,000
James A. Garfield National Historic Site, OH (rehabilitation/development)	3,600,000
Jean Lafitte National Park and Preserve, LA (complete repairs)	2,100,000
Klondike Gold Rush National Historical Park, AK (restore Skagway historic district)	850,000
Lackawanna Valley, PA (technical assistance)	400,000
Lake Chelan National Recreation Area, WA (planning and design for repair of Company Creek Road)	280,000
Little River Canyon National Park, AL (health and safety)	460,000
Mount Rainier National Park, WA (replace employee dormitory)	6,050,000
Natchez Trace Parkway, MS	3,000,000
National Capital Parks—Central, DC (Lincoln/Jefferson memorials rehabilitation)	4,000,000
New River Gorge National River, WV (trails, visitor access and hazardous materials)	625,000
President's Park, DC: Replace White House electrical system	1,100,000
Sagamore Hill National Historic Site, NY (water and sewer lines)	800,000
Salem Maritime National Historic Site, MA (vessel exhibit)	2,200,000
Saratoga National Historical Park, NY (monument rehabilitation)	2,000,000
Sequoia National Park, CA (replace Giant Sequoia facilities)	3,700,000
Southwestern Pennsylvania Commission (various projects)	2,000,000
Stones River National Battlefield, TN (stablization)	200,000
Thomas Stone Historic Site, MD (rehabilitation)	250,000
Western Trails Center, IA	3,000,000
Wrangell-St. Elias National Park and Preserve, AK (Kennicott Mine site safety and rehabilitation)	1,500,000
Yosemite National Park, CA (El Portal maintenance facilities)	9,650,000
Zion National Park, UT (transportation system facilities)	5,200,000
Subtotal, line item construction	90,162,000
Emergency, unscheduled, housing	13,973,000
Planning	17,000,000
Equipment replacement	14,365,000
General management plans	6,600,000
Special resource studies	825,000
Strategic planning office	300,000
Total	143,225,000

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park has identified as high priority. Therefore, it is the intent of the managers that these moneys be used for any transportation related expenditure, including the design of new transportation facilities and the purchase of new buses.

The managers encourage the National Park Service to proceed expeditiously with the necessary work at Cane River Creole NHP, LA.

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate instead of $6,000,000 as proposed by the House.

Amendment No. 32: Retains the Senate provision indicating Historic Preservation funds may be available until expended to stabilize buildings associated with the Kennicott, Alaska copper mine. The House had no similar provision.

LAND ACQUISITION

Amendment No. 33: Appropriates $49,100,000 for land acquisition instead of $14,300,000 as proposed by the House and $45,187,000 as proposed by the Senate. The $49,100,000 includes $7,200,000 for acquisition management, $3,000,000 for emergency and hardship purchases, $3,000,000 for inholding purchases, $1,500,000 for State grant administration, and $34,400,000 for other land purchases.

Amendment No. 34: Deletes the earmark inserted by the House and stricken by the Senate for Federal assistance to the State of Florida. Authority exists for the Department to use land acquisition funds for a grant to the State of Florida if approved pursuant to the procedures identified for land acquisition in fiscal year 1996.

Amendment No. 35: Modifies language proposed by the Senate which requires that

funds which may be made available for the acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress. The House had no similar provision. Consistent with the direction for the land acquisition accounts, no specific earmark is provided for this project. Under the procedures identified for land acquisition, however, funds could be made available for the Elwha and Glines dams.

The Elwha Act, P.L. 102–495, authorizes the purchase of the Elwha and Glines dams by the Secretary of the Interior at a total purchase price of $29,500,000. Recognizing the serious funding constraints under which the Committees are operating, bill language has been included which authorizes funding to be provided over a period of years, as necessary, in order to acquire the dams. The bill language specifies that the appropriated funds may only be used for acquisition. Appropriated funds cannot be expended until the total purchase price of $29,500,000 is appropriated.

Under the Elwha Act, the Secretary is authorized to study the benefits of the removal of both dams, and to assess the costs of such a removal to restore fish runs in the Elwha River. The managers continue to be disturbed greatly by the early projections from the Administration of costs that range from $80–$300 million for dam removal. Due to the lack of available funds, the managers strongly discourage the Administration and those parties supporting dam removal from continuing to support such a policy. Instead, the managers encourage interested parties to pursue other, less costly alternatives to achieve fish restoration. The managers urge parties interested in the Elwha Act to work to find, within the next year, a more fiscally responsible and achievable solution to fishery restoration in lieu of dam removal. If no conclusion can be reached on this issue, the appropriations committees, working with the authorizing committees, will be forced to work to find a legislative solution to the problem.

The managers have included $1,500,000 for administration of the state grant program. These funds are provided only to close down ongoing projects. No funds are provided for new grants and the managers intend that no funds will be provided in the future.

ADMINISTRATIVE PROVISIONS

Amendment No. 36: Retains Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language has been included in previous Interior appropriations bills.

Amendment No. 37: Modifies language proposed by the Senate to clarify that funds may not be used by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention. The House had no similar provision.

Amendment No. 38: Retains language proposed by the Senate allowing the American Battlefield Protection Program to enter into cooperative agreements of various types with other entities. The House had no similar provision.

Amendment No. 39: Modifies Senate language regarding a feasibility study for a northern access route into Denali National Park and Preserve in Alaska. The modification is to require that the study also be submitted to the House and Senate Committees on Appropriations.

Amendment No. 40: Deletes Senate language regarding the Stampede Creek Mine at Denali National Park in Alaska. The House had no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek Mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of damages resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to replace the facilities, the Park Service should consider working with the Army to assist in any compensation to which the University of Alaska at Fairbanks may be eligible since the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

Amendment No. 41: Appropriates $730,503,000 for surveys, investigations and research instead of $686,944,000 as proposed by the House and $577,503,000 as proposed by the Senate. The amendment also provides authority for minerals information activities formerly conducted in the Bureau of Mines.

Changes to the amount proposed by the House include increases of $24,112,000 for natural resources research, $16,000,000 for minerals information activities transferred from the Bureau of Mines and $4,000,000 for university earthquake research grants, and decreases in Federal water resources investigations of $176,000 for data collection and analysis and $100,000 for hydrology of critical aquifers and a decrease of $277,000 in the National mapping program for cartographic and geographic research.

The managers have provided $4,000,000 for university research in the earthquakes program. If there is a compelling need for additional funds in this program in fiscal year 1996 and an acceptable funding offset can be justified, the USGS should notify the Committees following the existing reprogramming guidelines. The Committees will consider any such request on its merits.

The managers understand that the USGS is constrained from releasing certain information under interagency agreement No. AGP00473.94 with the Bureau of Indian Affairs absent the approval of the BIA. This issue is discussed in more detail in the BIA section of this statement.

The managers have agreed to fund a competitive program for the water resources research institutes with at least a 2 to 1 funding match from non-Federal sources. The managers expect that this approach likely will lead to the closure of some of the institutes. The managers recommend that in fiscal year 1996 a modest base grant of $20,000 per participating institute be provided with the balance of the funding for the program to be competitively awarded based on National program priorities established by the USGS. The need for continuing a small base grant beyond fiscal year 1996 should be carefully examined by the USGS in the context of its fiscal year 1997 budget priorities. The managers do not object to competitions being regionally-based if that approach is determined by the USGS to be the most productive, from the standpoint of meeting the most compelling information needs, and the most cost effective. If a regional approach is selected, the managers suggest that the USGS regions be consolidated so that there are no more than 4 or 5 large regional areas. The competition should not be structured to ensure that every participating institute in a region gets a competitive award. The USGS should report to the Committees in the fiscal year 1997 budget submission on how the competition is to be structured and should report in subsequent budget submissions on the distribution of competitively awarded grants by institute.

Amendment No. 42: Earmarks $137,000,000 for natural resources research and cooperative research units instead of $112,888,000 as proposed by the House. The Senate recommended funding this research under a separate account and at a level of $145,965,000 as discussed in amendment No. 24. The amendment also earmarks $16,000,000 for minerals information activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers agree that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The managers intend the merger of these research activities into the USGS to be permanent. The USGS is directed to plan and manage the restructuring and downsizing of the former National Biological Service. Retrenchments required to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, managerial and other headquarters support functions of that organization so as to maintain, to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the Department's land managers on the ground. The managers are concerned that natural resource research be linked closely to management issues. In addition, attention should be provided to information related to wildlife resources entrusted to the stewardship of the Department; fisheries, including restoration of depleted stocks; fish propagation and riverine studies; aquatic resources; nonindigenous nuisances that affect aquatic ecosystems; impacts and epidemiology of disease on fish and wildlife populations; chemical drug registration for aquatic species; and effective transfer of information to natural resources managers.

During fiscal year 1996, funds appropriated for the functions of the former NBS shall remain a separate entity, titled ''natural resources research'', within the USGS. Upon completion of the necessary downsizing, and no later than nine months after enactment of this legislation, the managers direct the USGS to provide the Committees with a final plan for the permanent consolidation and integration of natural resources research functions into the USGS. As of October 1, 1996, employees of the former NBS shall be subject to the same administrative guidelines and practices followed by the USGS including peer review of research and investigations, maintenance of objectivity and impartiality, and ethics requirements regarding financial disclosure and divestiture. The managers expect that the USGS budget request for fiscal year 1997 will require amendment subsequent to its submission to reflect appropriately this consolidation. To reiterate, this merger is intended to be permanent and should be implemented fully by October 1, 1996.

During fiscal year 1996 the Department and the USGS are prohibited from reprogramming funds from other USGS programs and activities for any program or activity within the Department for natural resources research activities.

The managers also have agreed to provide $16,000,000 for minerals information activities, transferred from the Bureau of Mines. The funding represents a reduction from the fiscal year 1995 level and may require significant downsizing and restructuring of the program. The USGS should oversee the refocusing of the program. Until such downsizing is completed, the program should remain a separate and distinct budget and organizational entity within the USGS. To

the extent job vacancies occur in the transferred program in fiscal year 1996, they should be filled with Bureau of Mines employees subject to termination or reduction-in-force. The managers understand that the existing USGS mineral resources survey activity is undergoing a restructuring and downsizing and expect that effort and the required downsizing of the minerals information program to proceed independently. When both downsizing efforts are completed, a single, refocused minerals program should be created which combines the minerals information activities transferred from the Bureau of Mines with other USGS mineral resources work.

Amendment No. 43: Modifies language inserted by the House and stricken by the Senate providing guidance on the conduct of natural resources research. The change to the House position expands the prohibition on the use of funds for new surveys on private property to include new aerial surveys for the designation of habitat under the Endangered Species Act unless authorized in writing by the property owner. With respect to natural resources research activities, the managers agree that funds may not be used for new surveys on private property without the written consent of the land owner, that volunteers are to be properly trained and that volunteer-collected data are to be verified carefully. The amendment also transfers authority from the Bureau of Mines to the Director of the USGS to conduct mineral surveys, consistent with the funding for that purpose earmarked under amendment No. 42.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

Amendment No. 44: Appropriates $182,994,000 for royalty and offshore minerals management instead of $186,556,000 as proposed by the House and $182,169,000 as proposed by the Senate. Changes to the amount proposed by the House include decreases in information management of $151,000 for the absorption of fixed cost increases and $3,000,000 which is offset by the authority to use additional receipts as provided in amendment Nos. 45 and 46; and decreases in general administration of $306,000 for administrative operations and $105,000 for general support services.

The managers agree that the independent review of the royalty management program which was recommended by the House should not be conducted until the disposition of the hardrock minerals program is legislatively resolved: Accordingly, no funds are earmarked for this effort in fiscal year 1996.

Amendment No. 45: Provides for the use of $15,400,000 in increased receipts for the technical information management system as proposed by the Senate instead of $12,400,000 as proposed by the House.

Amendment No. 46: Permits the use of additional receipts for Outer Continental Shelf program activities in addition to the technical information management system as proposed by the Senate. The House had no similar provision.

BUREAU OF MINES

MINES AND MINERALS

Amendment No. 47: Appropriates $64,000,000 for mines and minerals instead of $87,000,000 as proposed by the House and $128,007,000 as proposed by the Senate. The conference agreement provides for the transfer of health and safety research to the Department of Energy (see amendment No. 110). The $64,000,000 provided for mines and minerals is to be used for the orderly closure of the Bureau of Mines.

The managers expect that the health and safety functions in Pittsburgh, PA and Spokane, WA will be continued under the Department of Energy as will the materials partnerships program in Albany, OR. The U.S. Geological Survey will assume responsibility for the minerals information program in Denver, CO and Washington, DC. The Bureau of Land Management will assume responsibility for mineral assessments in Alaska. The managers do not object to a limited number of administrative support personnel being maintained in these locations. All other functions of the Bureau of Mines will be terminated and all other Bureau locations will be closed. The funds provided under this head should be sufficient to provide termination costs and to provide for environmental cleanup costs and for the required oversight and closeout of contracts. The managers understand that some contracts will require oversight through a logical completion point to ensure that the Federal investment is not lost. One example is the construction associated with the Casa Grande in situ copper leaching program. The managers expect that there will be few such cases and expect the Secretary to notify the Committees of the rationale for continuing specific contracts, not transferred to DOE, BLM or USGS, beyond the closure of the Bureau. The managers expect the Secretary to proceed apace with the termination of the Bureau using the funds provided herein.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

Amendment No. 48: Appropriates $95,970,000 for regulation and technology as proposed by the Senate instead of $93,251,000 as proposed by the House.

ABANDONED MINE RECLAMATION FUND

Amendment No. 49: Appropriates $173,887,000 for the abandoned mine reclamation fund instead of $176,327,000 as proposed by the House and $170,441,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $500,000 for donations, $2,000,000 for reclamation program operations, and $93,000 for administrative support; and increases of $13,000 for executive direction and $140,000 for general services.

Amendment No. 50: Deletes House earmark of $5,000,000 for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 51: Deletes House provision that allowed the use of donations for the Appalachian Clean Streams Initiative. The Senate had no similar provision.

Amendment No. 52: Includes Senate provision which allows States to use part of their reclamation grants as a funding match to treat and abate acid mine drainage, consistent with the Surface Mining Control and Reclamation Act (SMCRA). The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Amendment No. 53: Appropriates $1,359,434,000 for the Operation of Indian Programs instead of $1,509,628,000 as proposed by the House and $1,261,340,000 as proposed by the Senate. Changes to the amount proposed by the House from Tribal Priority Allocations include decreases of $1,500,000 for contract support, $4,000,000 for small and needy tribes, and a general reduction of $117,136,000.

Changes from Other Recurring Programs include: increases of $1,109,000 for ISEP formula funds, $1,000,000 for student transportation, and $73,000 for Lake Roosevelt; and decreases of $1,109,000 for ISEP adjustments, $1,000,000 for early childhood development, and $1,186,000 for community development—facilities O&M; and a transfer of $3,047,000 from trust services to the Office of Special Trustee for American Indians.

Changes from Nonrecurring Programs include: increases of $400,000 for Self Determination grants, $1,500,000 for community economic development grants, $250,000 for technical assistance, and $1,500,000 for water rights negotiations; and decreases of $442,000 for attorney fees and $125,000 for resources management for absorption of pay costs.

Changes from Central Office Operations include: a decrease of $126,000 for the substance abuse coordination office, a decrease of $2,000,000 for education program management, a $12,477,000 transfer from trust services to the Office of Special Trustee for American Indians, a transfer of $447,000 from general administration to the Office of Special Trustee for American Indians, and a general reduction of $14,400,000.

Changes from Area Office Operations include a transfer of $2,367,000 from trust services to the Office of Special Trustee for American Indians and a general reduction of $14,447,000.

Changes from Special Programs and Pooled Overhead include: increases of $1,337,000 for special higher education scholarships, $962,000 for the Indian Arts and Crafts Board, $1,780,000 for intra-governmental billings, and $57,000 for direct rentals; and decreases of $866,000 for the Indian Child Welfare Act, $1,500,000 for employee displacement costs, $141,000 for personnel consolidation, $664,000 for GSA rentals, $1,666,000 for human resources development, and a $23,000 general reduction.

Amendment No. 54: Deletes Senate earmark of $962,000 for the Indian Arts and Crafts Board. The House had no similar provision. The managers agree that within Special Programs/Pooled Overhead, $962,000 is earmarked for the Indian Arts and Crafts Board. In light of declining budgets, future funding for this program should be provided through non-Federal sources.

Amendment No. 55: Earmarks $104,626,000 for contract support costs as proposed by the Senate instead of $106,126,000 as proposed by the House and adds language earmarking $100,255,000 for welfare assistance.

Amendment No. 56: Earmarks up to $5,000,000 for the Indian Self-Determination fund as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 57: Earmarks $330,711,000 for school operations costs as proposed by the House instead of $330,991,000 as proposed by the Senate.

Amendment No. 58: Earmarks $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools instead of $67,138,000 as proposed by the House and $69,477,000 as proposed by the Senate.

Amendment No. 59: Retains a statutory reference to the Johnson O'Malley Act as proposed by the Senate. The House had no similar provision.

Amendment No. 60: Earmarks $71,854,000 for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House and $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 62: Deletes reference to the statute of limitations language, as proposed by the Senate. This language is included in the Office of Special Trustee for American Indians (amendment No. 80).

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new

language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

The managers agree that:

1. Under Other Recurring Programs $409,000 is earmarked for Alaska legal services and salmon studies.

2. Not more than $297,000 shall be available for a grant to the Close Up Foundation.

3. Amounts specifically earmarked within the bill for Tribal Priority Allocations are subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. In addition, the general reduction should not be applied to the $750,000 allocated for the Financial Management Improvement Team and for small and needy tribes. BIA should ensure that compacting and non-compacting tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes.

4. BIA should provide consistent treatment in allocating funds for small and needy tribes and new tribes. Allocations should be based on recommendations of the Joint Reorganization Task Force.

5. No funds are provided for the school statistics initiative. If the BIA wishes to pursue to initiative, the Committees will consider a reprogramming request.

6. Several steps must be completed before schools can adjust salary schedules. For this reason, bill language is included that will provide this authority beginning with the 1997–98 school year. The managers expect that within 30 days after enactment of this Act BIA should provide the Committees with a plan and time schedule advising how BIA will adjust salary schedules by the 1997–98 school year. The managers expect BIA to ensure that all necessary steps are taken to facilitate changes in salary rates for any schools desiring to use non-DOD pay rates.

7. $16,338,000 from the Operation of Indian Programs should be transferred to the Office of Special Trustee for American Indians (see Amendment No. 80).

The managers have agreed to a reduction of $2,000,000 for education program management in the Central Office Operations program. No reduction has been included for area and agency technical support in Other Recurring Programs. The managers expect the Bureau to review education program management at all levels to ensure that resources are properly allocated within the funding provided. If the Bureau wishes to reallocate the funds for these accounts, a reprogramming request should be submitted to the Committees.

The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreement number AGP00473.94 and all related amendments immediately upon completion of the water studies. Within 15 days of enactment of this Act the BIA shall report to the Committees its decision as to whether or not it will direct the USGS to provide for the public release of the information. If the BIA does not allow for the public release of the information, the BIA should immediately cancel the interagency agreement with the USGS.

The managers have not agreed to the Senate amendment regarding a prohibition of the use of funds for travel and training expenses for the BIA. However, the BIA is expected to follow the guidance detailed in the discussion of Amendment No. 163.

CONSTRUCTION

Amendment No. 64: Appropriates $100,833,000 for construction instead of $98,033,000 as proposed by the House and $107,333,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Chief Leschi School, and $2,500,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision.

The managers agree that the Chief Leschi School project will be phased in over a two-year period.

The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for contract support.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

Amendment No. 65: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.

Amendment No. 66: Earmarks $78,600,000 for land and water claim settlements as proposed by the Senate instead of $73,100,000 as proposed by the House. Changes to the amount proposed by the House include an increase of $5,500,000 for the Ute Indian settlement.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the Senate and no funds as proposed by the House.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

The managers agree that $4,500,000 is for the cost of guaranteed loans and $500,000 is for administrative expenses.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The changes to the amount proposed by the House include an increase of $13,827,000 for territorial assistance and a decrease of $1,044,000 for American Samoa operations grants. The amount provided for territorial assistance includes increases over the House of $5,650,000 for technical assistance, $2,400,000 for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 71: Earmarks $3,527,000 for the Office of Insular Affairs as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Territorial and International Affairs is abolished along with the Office of Assistant Secretary for Territorial and International Affairs. The funding provided is for staff to carry out the Secretary's mandated responsibilities and is to be located under the Assistant Secretary for Policy, Management and Budget. This action is consistent with the reorganization already approved by the Appropriations Committees.

Amendment No. 72: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

The managers agree that Guam should be compensated for the impact caused by immigration from the freely associated states as authorized under the Compact of Free Association. Funding for compact impact shall be provided by a re-allocation of existing mandatory grant funds as discussed under amendment No. 89.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment Nos. 74 and 75: The managers agree to the Senate language which changes the account name from Office of the Secretary to Departmental Management.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $296,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that coordination of the Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department's programs. However, the managers feel that it is important to restrain these offices at the 1995 level considering that most of the Department's programs have sustained reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Departmental Offices to manage within reduced funding levels and with the displacements and uncertainties caused by reductions-in-force. Therefore, the managers agree that the Department may reprogram funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages each agency to reduce levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 77: Deletes Senate language which prohibits the use of official reception funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House.

The managers agree to retain the core policy function from the Office of Construction Management in the Office of Policy, Management and Budget. The balance of the programs are transferred to BIA construction.

NATIONAL INDIAN GAMING COMMISSION

Amendment No. 79: Modifies language inserted by the Senate requiring a report detailing information on Indian tribes or tribal organizations with gaming operations. The modification changes the date the report is due to March 1, 1996. The House had no similar provision.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

Amendment No. 80: Appropriates $16,338,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agreed to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 from Other Recurring Programs for financial trust services; $2,367,000 from Area Office Operations for financial trust services; and $10,924,000 from Central Office Operations; including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lacking such authority, the Trustee cannot be held accountable and the likely result will be simply one more office pointing out the shortcomings of the Bureau of Indian Affairs.

Furthermore, under the current financial constraints facing the Committees and the various downsizing activities taking place in the Department, it is essential that the Committees have a clear understanding of the organizational structure supporting trust programs and an assurance that the significant general reductions proposed to be taken against the Bureau of Indian Affairs do not impair the Secretary's ability to manage trust assets. The managers are aware that there may be additional activities that could be transferred to the Office and encourage the Special Trustee, the Department, the Bureau of Indian Affairs, the tribes, and the Office of Management and Budget to work closely with the appropriations and authorizing committees to identify the activities and related resources to be transferred.

Any increase in funding or staffing for the Office of Special Trustee should be considered within the context of the fiscal year 1997 budget request and with consideration for funding constraints and the downsizing occurring throughout the Department, particularly within the Bureau of Indian Affairs.

The managers have recommended funding in a simplified budget structure to allow the Special Trustee some flexibility in establishing the office and the budget structure. Prior to submission of the fiscal year 1997 budget request, the managers expect the Special Trustee to work with the Committees to establish an appropriate budget structure for the Office.

The managers expect the Special Trustee to provide by December 1, 1996 a detailed operating plan for financial trust services for fiscal year 1996. The plan should detail what specific activities relating to the reconciliation effort will be undertaken, both directly by the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the tribes and the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions are expected to be filled.

Within the funds provided, support should be provided to the Intertribal Monitoring Association (ITMA). The managers expect ITMA to provide the Special Trustee with any information that is provided to the Appropriations or authorizing committees. If the Office of Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

To the extent possible, the managers expect that administrative support services will continue to be provided by the Bureau of Indian Affairs during fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative services, these activities should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers have not included any funds for overhead costs, such as GSA rent, postage, FTS–2000, PAY/PERS, or workers' compensation. These costs should be paid from the Operation of Indian Programs account during fiscal year 1996. The fiscal year 1997 budget should include appropriate overhead amounts in the Office of the Special Trustee.

ADMINISTRATIVE PROVISIONS

Amendment No. 81: Retains language inserted by the Senate changing the name of ''Office of the Secretary'' to ''Departmental Management''.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language stricken by the Senate granting the Secretary of the Interior authority to transfer land acquisition funds between the Bureau of Land Management, the U.S. Fish and Wildlife Service and the National Park Service.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the future management of the Presidio in California and have provided a funding limitation in order for the Congress to consider legislation this fall. In light of declining budgets, the managers recognize the need for an alternative approach for the Presidio that does not require additional appropriations from the Interior bill. Because the authorizing legislation may be enacted early in fiscal year 1996, the managers have included language which restricts how much funding can be obligated on a monthly basis for the first quarter of the fiscal year. However, if legislation is not enacted, the managers also recognize the need for the National Park Service to be able to fulfill its management and resource protection responsibilities at the Presidio. Thus, the obligation limitation would be lifted on December 31, 1995.

Because of concerns about sufficient resources remaining available to address the requirements of any authorization regarding the Presidio Trust, the managers expect the National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the establishment of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate repealing provisions of the Oil Pollution Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 86: Retains language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts rights of nontribal owners of land within the tribe's reservation. The House had no similar provision.

Amendment No. 87: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 88: Retains Senate language authorizing the National Park Service to expend funds for maintenance and repair of the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 89: Revises language proposed by the Senate to reallocate mandatory grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This funding level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects identified in a master plan. The managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high priority needs. The Secretary of the Interior and the American Samoa Government are reminded that Congress required the creation of a hospital authority as a condition to Federal funding of health care facilities. The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, including funding provided in this bill, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate on several matters including minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual ''State of the Islands'' report. This

report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forestry research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as required to meet funding reductions. The managers agree that no forest and range experiment station, research program, or research project should be held harmless from deceases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities—including forestry research—that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is not conducted elsewhere, and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization research continue given the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of information directed at forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington, $479,000 for Cook County Ecosystem project, and $200,000 for research at the Olympic Natural Resources Center in Forks, WA.

STATE AND PRIVATE FORESTRY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate but deletes Senate earmarks for cooperative lands fire management and the stewardship incentives program. The House provided $129,551,000 for State and private forestry.

The net increase above the House includes increases of $4,500,000 for the stewardship incentives program, $3,000,000 for forest legacy program, and $5,500,000 for economic action programs; and reductions of $2,000,000 from forest health management, $621,000 from cooperative lands fire management, $1,636,000 for forest stewardship and $1,500,000 for urban and community forestry.

The managers agree to the following distribution of funds within economic action programs:

Forest products conservation and recovery	$1,000,000
Economic recovery	5,000,000
Rural development	4,800,000
Wood in transportation	1,200,000
Columbia River Gorge, economic grants to counties	2,500,000

The managers agree that $2,880,000 within rural development be allocated to the Northeast and Midwest, and that no funds are provided for economic diversification studies.

INTERNATIONAL FORESTRY

The managers agree that up to $4,000,000 of Forest Service funds may be utilized for purposes previously funded through the International Forestry Appropriation. Domestic activities requiring international contacts will continue to be funded, as in the past, by appropriate domestic benefiting program. The managers reiterate their expectations that the Service curtail foreign travel expenditures in light of budget constraints.

Operations formerly funded by International Forestry or other appropriations, other than research activities, of the International Institute of Tropical Forestry, Puerto Rico and the Institute of Pacific Islands Forestry, Hawaii may continue to be funded as appropriate. As with other programs, it may be necessary to reduce funding for these institutes due to budget constraints. Research activities will be funded from the Forest Research Appropriation.

The managers also expect the Forest Service to examine the best means to provide leadership in international forestry activities and meet essential representation and liaison responsibilities with foreign governments and international organizations, and agree that the Forest Service should not maintain a separate deputy chief for international forestry.

NATIONAL FOREST SYSTEM

Amendment No. 92: Appropriates $1,256,253,000 for the national forest system instead of $1,266,688,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for wilderness management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management, $1,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the land agencies to begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104–19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will produce an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service sale accomplishment level of 5.6 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell products other than sawtimber should continue to report accomplishments in the same manner as used in the forest plans. The reports are also to provide information on both green and salvage sales.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104–19. The managers believe that funding such a review can be appropriately undertaken through the timber salvage sale fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103–551 specifically allows Forest Service managers to use scaling when selling salvage sales or thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103–551 for rapidly deteriorating timber, and to use sample weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to undertake a study to identify: (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and whether tree measurement discourages timber theft; (3) which measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency's ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service Handbook cruise standards, including identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contract with an established independent contractor skilled in both cruising and scaling and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish the Midewin National Tallgrass Prairie and urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation when enacted. The managers also urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years for the unemployed timber worker programs in the President's Forest Plan.

The managers expect the Secretary of the Interior and the Secretary of Agriculture to prepare a detailed accounting and report of the funds appropriated in fiscal year 1995 for the President's Forest plan. The report shall include a careful accounting of appropriated funding, including: funds appropriated for timber production; administrative expenses, including the number of Federal employees employed to administer the various aspects of the President's plan; funds appropriated for the various jobs programs allowed for under the President's plan, including but not limited to the Jobs in the Woods program; the number of individuals employed by these programs; and the average length of each job. The managers expect the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the reprogramming guidelines, and not reallocate funds until the Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible.

WILDLAND FIRE MANAGEMENT

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate, instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House instead of $381,485,000 as proposed by the Senate.

CONSTRUCTION

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $186,888,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $15,000,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for research.

The managers agree to the following earmarks within recreation construction:

Allegheny NF, rehabilitation	$150,000
Bead Lake, WA, boating access	60,000
Bead Lake, WA, roads	176,000
Columbia River Gorge Discovery Center, OR, completion	2,500,000
Cradle of Forestry, NC, utilities	500,000
Daniel Boone NF, KY, rehabilitation	660,000
Gum Springs Recreation Area, LA, rehabilitation phase II	400,000
Johnston Ridge Observatory, WA	500,000
Johnston Ridge Observatory, WA, roads	550,000
Lewis and Clark Interpretive Center, MT, completion	2,700,000
Multonmah Falls, OR, sewer system	190,000
Northern Great Lakes Visitor Center, WI	1,965,000
Seneca Rocks, WV visitor center, completion	1,400,000
Timberline Lodge, OR, water system improvements and new reservoir	750,000
Winding Stair Mountain National Recreation and Wilderness Area, OK, improvements	682,000

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for recreation roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and are concerned about the cost of the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional partnerships that can help cost-share required restoration work. The Forest Service should work with the Committees to provide a better understanding of the needs of Grey Towers and explore ways to reduce the cost to the Federal government.

The managers concur in the reprogramming request currently pending for Johnston Ridge Observatory and Timberline Lodge sewer system.

Amendment No. 96: Earmarks $2,500,000 and unobligated project balances for a grant to the ''Non-Profit Citizens for the Columbia Gorge Discovery Center,'' and authorizes the conveyance of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

LAND ACQUISITION

Amendment No. 98: Appropriates $41,200,000 instead of $14,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and inholding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $28,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes earmark for Kane Experimental Forest.

The managers expect that any movement of acquisition funds from one project to another regardless of circumstances must follow normal reprogramming guidelines. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges either nearing completion, or where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $40 million has been spent on land acquisitions in the Gorge, and the Forest Service estimates that nearly $20–$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges in the area, and while several exchanges have been completed, a substantial number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripartite land-for-timber exchanges.

The managers encourage the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees and adds a provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers agree that any relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by deleting the prohibition on changes to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office to Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance costs associated with the relocation of the Region 5 regional office to excess military property at Mare Island Naval Shipyard at Vallejo, CA, from any Forest Service account. However, the managers expect a reprogramming request which justifies the relocation and identifies the source of funds to be used before funds are reallocated for this purpose. The allocation of other regions are not to be reduced in order to finance the move.

Amendment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the ''Jobs in the Woods'' program for National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes House provision relating to songbirds on the Shawnee NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment No. 108: Modifies Senate provision requiring implementation of the Tongass Land Management Plan, Alternative P, during fiscal year 1996, and allows continuation of the current Tongass National Forest land management planning process which may replace or modify Alternative P. Language is also included relating to offering certain timber sales in Alaska, and making permanent section 502 of Public Law 104–19 relating to habitat conservation areas in the Tongass National Forest. The House had no similar provision.

The managers appreciate the critical need to resolve land and resource management issues relating to the Tongass National Forest in Southeast Alaska and further recognize that, to date, the Congress has provided sufficient guidance and funding for the Forest Service to develop a workable land management plan. Therefore, the Forest Service is directed to implement the preferred alternative identified in the Final Environmental Impact Statement dated October 1992 and its companion Record of Decision draft dated February 1993. The Forest Service may

amend that plan to include a signed agreement between the Forest Service and the Alaska Visitors' Association, and is directed otherwise to proceed with timber sales and other plan features in accordance with this plan. The current plan revision process may continue, provided that any proposed revisions shall, to the maximum extent possible, contain no fewer acres to suitable timber lands than in the plan selected by this bill and any revision shall not take effect during fiscal year 1996.

Amendment No. 109: Includes Senate provision which prohibits applying paint to rocks or rock colorization. The House includes no similar provision.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 110: Appropriates $417,169,000 for fossil energy research and development instead of $379,524,000 as proposed by the House and $376,181,000 as proposed by the Senate. The amendment also provides for the transfer of authority for health and safety research in mines and the mineral industry from the Bureau of Mines (see amendment No. 47). Changes to the amount proposed by the House for coal research include an increase of $2,000,000 for Kalina cycle testing and decreases of $1,500,000 in coal preparation research, $1,650,000 for HRI proof of concept testing and $1,000,000 for bench scale research in the direct liquefaction program, $1,000,000 for in house research in the high efficiency integrated gasification combined cycle program, $500,000 for filters testing and evaluation in the high efficiency pressurized fluidized bed program, and $300,000 for international program support and $1,000,000 for university coal research in advanced research and technology development. Changes to the amount proposed by the House for oil technology research include increases of $1,500,000 for a data repository, $250,000 for the gypsy field project and $250,000 for the northern midcontinent digital petroleum atlas in exploration and supporting research, and decreases of $1,000,000 for the National laboratory/industry partnership and $1,000,000 for extraction in exploration and supporting research, $2,000,000 for the heavy oil/unconsolidated gulf coast project in the recovery field demonstrations program, and $1,000,000 as a general reduction to the processing research and downstream operations program. Changes to the amount proposed by the House for natural gas research include decreases of $440,000 for conversion of natural gases to liquid fuels, $130,000 for the international gas technology information center and $30,000 for low quality gas upgrading in the utilization program and $1,000,000 for the advanced concepts/tubular solid oxide fuel cell program. Other changes to the House recommended level include increases of $40,000,000 for health and safety research ($35 million) and materials partnerships ($5 million) which are being transferred from the Bureau of Mines, $6,295,000 for cooperative research and development and $5,000,000 for program direction at the energy technology centers and a decrease of $4,000,000 for environmental restoration.

The funds provided for cooperative research and development include $295,000 for technical and program management support and $3,000,000 each for the Western Research Institute and the University of North Dakota Energy and Environmental Research Center. Within the funds provided for WRI and UNDEERC, the managers agree that a percentage comparable to the fiscal year 1995 rate may be used for the base research program, and the balance is to be used for the jointly sponsored research program.

The managers have included an increase of $5,000,000 for program direction, which is $1,000,000 less than recommended in the Senate bill. The managers expect the Department to allocate these funds commensurate with the program distributors in this bill. The various program and support functions of the field locators should continue to be funded out of the same line-items as in fiscal year 1995.

The managers are aware of proposals regarding the future field office structure of the fossil energy program. The managers take no position on the specifics of the various aspects of the strategic realignment initiative at this time as many of the details are not yet available. The managers expect the Department to comply fully with the reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the basis for estimated savings, personnel impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek competitively a non-Federal entity to acquire NIPER and to make such investments and changes as may be necessary to enable the private entity to perform high-value research and development services and compete with other organizations for private and public sector work. In the interim, to the extent the program level for oil technology allows, the Department is encouraged to maintain as much of the program at NIPER as possible.

With respect to the functions of the Bureau of Mines which have been transferred to the Department of Energy, the managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Secretary should maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding level provided for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research function should be filled with Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, and particularly the Office of Management and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health.

The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that a clean coal project was recently changed without addressing Congressional concerns that were raised before and during the application review period. The managers expect the Secretary, to the extent possible, to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operation when the elemental sulfur is available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with a private entity. The House had no similar provision. The managers expect the Department to make every effort to increase the percentage of non-Federal cost-sharing in its research and development projects.

NAVAL PETROLEUM AND OIL SHALE RESERVES

Amendment No. 112: Appropriates $149,028,000 for the Naval petroleum and oil shale reserves instead of $151,028,000 as proposed by the House and $136,028,000 as proposed by the Senate.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

ENERGY CONSERVATION

Amendment No. 114: Appropriates $553,293,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate. Changes to the amount proposed by the House for the buildings program include increases of $150,000 for the foam insulation project in the building envelope program, $100,000 for lighting and appliance collaboratives in commercial buildings in the building equipment program and $1,140,000 for energy efficiency standards for Federal buildings in the codes and standards program, and decreases of $400,000 for residential buildings/building America, $3,000 for residential efficiency/climate change action plan, and $1,500,000 for partnership America/climate change action plan in building systems; $150,000 as a general reduction to materials and structures in building envelope; $450,000 as a general reduction to lighting and $100,000 for appliance technology introduction partnerships/climate change action plan in building equipment; and $3,060,000 as a general reduction to the codes and standards program, consistent with the moratorium on issuing new standards (see amendment No. 157).

Changes to the amount proposed by the House for the industry program include an increase of $3,000,000 in industrial wastes to maintain the NICE3 program at the fiscal year 1995 level and decreases of $300,000 for combustion in the municipal solid waste program, $1,000,000 as a general reduction to the metals initiative in the materials and metals processing program with the expectation that none of the reduction is to be applied to the electrochemical dezincing project, $200,000 as a general reduction for alternative feedstocks and $700,000 as a general reduction for process development in the other process efficiency program, and $2,000,000 for environmental technology partnerships in implementation and deployment.

Changes to the amount proposed by the House for the transportation program include increases of $990,000 for metal matrix composites in vehicle systems materials; $200,000 for turbine engine technologies, $200,000 for the ceramic turbine engine demonstration project, $4,500,000 for automotive piston technologies, and $612,000 for combustion and emissions research and development in heat engine technologies; and $16,228,000 for on-board hydrogen proton exchange membrane fuel cells and $2,900,000 for fuel cell research and development in electric and hybrid propulsion development. Decreases from the House include $1,200,000 for fuel cells/battery materials and $500,000 as a general reduction in materials technology; $1,000,000 as a general reduction in vehicle systems materials; $6,462,000 as a general reduction to light duty engine technologies in

the heat engine technologies program; and $500,000 for battery development, $1,000,000 to terminate the phosphoric acid fuel cell bus program and $15,528,000 as a general reduction for fuel cell development in the electric and hybrid propulsion development program.

Changes to the amount proposed by the House for the technical and financial assistance program include an increase of $3,250,000 for the weatherization assistance program and a decrease of $295,000 for the inventions and innovations program.

The managers have agreed to the Senate bill language restricting the issuance of new or amended standards in the codes and standards program (see amendment Nos. 156 and 157).

The managers agree that:

1. The Department should aggressively pursue increased sharing;

2. Projects that prove to be uneconomical or fail to produce results should be terminated;

3. The fiscal year 1997 budget should continue the trend of program downsizing with the focus on completing existing commitments;

4. Ongoing programs should not be grouped under the umbrella of large initiatives and described as new programs in the budget;

5. There should be no new program starts without compelling justification and identified funding offsets;

6. The home energy rating system pilot program should be continued with the existing pilot States; within the funds available for HERS, the managers expect the Department to work with Mississippi and other non-pilot program States on the States' home energy rating systems;

7. There is no objection to continuing the student vehicle competition in the transportation program at the current year funding level;

8. The Department should work with the States to determine what other programs should be included in a block grant type program along with the consolidated State energy conservation program/institutional conservation program;

9. There is no objection to continuing the interagency agreement with the Department of Housing and Urban Development for public assisted housing and other low-income initiatives to the extent that HUD reimburses the Department for this work;

10. The Office of Industrial Technologies may procure capital equipment using operating funds, subject to the existing reprogramming guidelines;

11. The Department should work with the Office of Management and Budget and the General Services Administration to ensure that agencies fund energy efficiency improvements in Federal buildings;

12. The Department should increase private sector investment through energy savings performance contracts in the Federal energy management program and should develop mechanisms to be reimbursed for these efforts;

13. The Department should submit a new five year program plan for the transportation program in light of current funding constraints; and

14. There are no specific restrictions on the number of contracts to be let for the long term battery development effort or activities within the electric and hybrid vehicle program. Given the level of funding provided, the Department should examine carefully its options in these areas in close coordination with its industry cooperators.

Amendment No. 115: Earmarks $140,696,000 for State energy grant programs instead of $148,946,000 as proposed by the House and $168,946,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $137,446,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program as proposed by the House instead of $31,500,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation as proposed by the House instead of $8,038,000 as proposed by the Senate.

The managers agree that the Office of Hearings and Appeals should receive reimbursement for work other than petroleum overcharge cases and related activities as recommended by the House.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 119: Appropriates $72,266,000 for the Energy Information Administration instead of $79,766,000 as proposed by the House and $64,766,000 as proposed by the Senate. The managers expect the reduction to be applied largely to EIA's forecasting efforts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Amendment No. 120: Appropriates $1,722,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,815,373,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $1,500,000 for collections and billings, $750,000 for epidemiology centers, $200,000 for the Indians into Psychology program, and decreases of $2,000,000 for Indian health professionals, $3,000,000 for tribal managment, and a $400,000 transfer from hospitals and clinics to facilities and environmental health support.

Amendment No. 121: Earmarks $350,564,000 for contract medical care as proposed by the Senate instead of $351,258,000 as proposed by the House.

The managers agree that the Indian Self Determination Fund is to be used only for new and expanded contracts and that this fund may be used for self-governance compacts only to the extent that a compact assumes new or additional responsibilities that had been performed by the IHS.

The managers agree that the fetal alcohol syndrome project at the University of Washington should be funded at the fiscal year 1995 level.

The managers are concerned about the adequacy of health care services available to the Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendment No. 122: Appropriates $238,958,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 of the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS health facilities priority list for inpatient facilities. The Choctaw Nation has developed a financing plan for a replacement facility. The Choctaw Nation proposes various funding sources to support its project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, equip, and operate the newly constructed facility. The managers will consider these operational needs in the context of current budget constraints.

The managers have not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV–AIDS prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $309,471,000 as proposed by the House and $307,988,000 as proposed by the Senate.

The $200,000 increase is provided for the Center for folklife programs specifically for the 1996 Festival of American Folklife featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

Amendment No. 127: Appropriates $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation and is not to be used for new exhibits of expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for Construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center; $8,700,000 is included to complete the construction and equipping of the

Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a proposed master plan and initiate detailed planning and design to allow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan shall specify, in detail, the phasing of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of planning and design, will be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,140,100 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees' concerns are satisfactorily addressed, no funds may be used for this purpose.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 136: Appropriates $82,259,000 for grants and administration as proposed by the House instead of $88,765,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 138: Appropriates $17,235,000 for matching grants as proposed by the House instead of $21,235,000 as proposed by the Senate.

Amendment No. 139: Deletes House language making funding for NEA contingent upon passage of a House reauthorization bill.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $82,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,180,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.

While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for designating historic properties, providing financial assistance, overriding other Federal agencies, decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in covering these costs. The managers are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

PUBLIC DEVELOPMENT

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct that the orderly shutdown of the Corporation be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996. The managers agree that Pennsylvania Avenue Development Corporation staff associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 147: Appropriates $28,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 148: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103–413.

Amendment No. 150: Includes Senate provision that any funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA–HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from granting the NWSA a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of the agencies' missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language stricken by the Senate transferring certain responsibilities from the Pennsylvania Avenue Development Corporation to the General Services Administration, National Capital Planning Commission, and the National Park Service. The modification transfers all unobligated and unexpended balances to the General Services Administration. The Senate has no similar provision.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior

Columbia River Basin ecoregion management project (the Project). The House and Senate contained different language on the subject, but both versions were clear in their position that the Project has grown too large, and too costly to sustain in a time of shrinking budgets. In addition, the massive nature of the undertaking, and the broad geographic scope of the decisions to be made as part of a single project has raised concerns about potential vulnerability to litigation and court injunctions with a regionwide impact. The language included in the conference report reflects a compromise between the two versions.

Subsection (b) appropriates $4,000,000 for the completion of an assessment on the National forest system lands and lands administered by the BLM within the area encompassed by the Project, and to publish two draft Environmental Impact Statements on the Project. The Forest Service and BLM should rely heavily on the eastside forest ecosystem health assessment in the development of the assessment and DEIS's, in particular, volume II and IV provide a significant amount of the direction necessary for the development of an ecosystem management plan. This document has already been peer reviewed and widely distributed to the public. Therefore, the collaborative efforts by many scientists can be recognized.

The two separate DEIS's would cover the project region of eastern Washington and Oregon, and the project region of Montana and Idaho, and other affected States. The language also directs project officials to submit the assessment and two DEIS's to the appropriate House and Senate committees for their review. The DEIS's are not decisional and not subject to judicial review. The managers have included this language based upon concern that the publication of DEIS's of this magnitude would present the opportunity for an injunction that would shut down all multiple use activities in the region.

The assessment shall contain a range of alternatives without the identification of a preferred alternative or management recommendation. The assessment will also provide a methodology for conducting any cumulative effects analysis required by section 102(2) of NEPA, in the preparation of each amendment to a resource management plan.

The assessment shall also include the scientific information and analysis conducted by the Project on forest and rangeland health conditions, among other considerations, and the implications of the management of these conditions. Further, the assessment and DEIS's shall not be subject to consultation or conferencing under section 7 of the Endangered Species Act, nor be accompanied by any record of decision required under NEPA.

Subsection (c) states the objective of the managers that the district manager of the Bureau of Land Management or the forest supervisor of the Forest Service use the DEIS's as an information base for the development of individual plan amendments to their respective forest plan. The managers believe that the local officials will do the best job in preparing plan amendments that will achieve the greatest degree of balance between multiple use activities and environmental protection.

Upon the date of enactment, the land managers are required to review their resource management plan for their forest, together with a review of the assessment and DEIS's, and based on that review, develop or modify the policies laid out in the DEIS or assessment to meet the specific conditions of their forest.

Based upon this review, subsection (c)(2) directs the forest supervisor or district manager to prepare and adopt an amendment to meet the conditions of the individual forest. In an effort to increase the local participation in the plan amendment process, the district manager or forest supervisor is directed to consult with the governor, and affected county commissioners and tribal governments in the affected area.

Plan amendments should be site specific, in lieu of imposing general standards applicable to multiple sites. If an amendment would result in a major change in land use allocations within the forest plan, such an amendment shall be deemed a significant change, and therefore requiring a significant plan amendment or equivalent.

Subsection (c)(5) strictly limits the basis for individual plan amendments in a fashion that the managers intend to be exclusive.

Language has been included to stop duplication of environmental requirements. Subsection (c)(6)(A) states that any policy adopted in an amendment that modifies, or is an alternative policy, to the general policies laid out in the DEIS's and assessment document that has already undergone consultation or conferencing under section 7 of the ESA, shall not again be subject to such provisions. If a policy has not undergone consultation or conferencing under section 7 of the ESA, or if an amendment addresses other matters, however, then that amendment shall be subject to section 7.

Amendments which modify or are an alternative policy are required to be adopted before July 31, 1996. An amendment that is deemed significant, shall be adopted on or before December 31, 1996. The policies of the Project shall no longer be in effect on a forest on or after December 31, 1996, or after an amendment to the plan that applies to that forest is adopted, whichever comes first.

The managers have included language specific to the Clearwater National Forest, as it relates to the provisions of this section. The managers have also included language to clarify that the documents prepared under this section shall not apply to, or be used to regulate non-Federal lands.

Amendment No. 153: Includes a modified version of provisions included by both the House and Senate relating to a recreational fee demonstration program. This pilot program provides for testing a variety of fee collection methods designed to improve our public lands by allowing 80 per cent of fees generated to stay with the parks, forests, refuges and public lands where the fees are collected. There is a tremendous backlog of operational and maintenance needs that have gone unmet, while at the same time visits by the American public continue to rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which provides for the following:

(1) The maximum number of demonstration sites per agency is extended from 30 to 50.

(2) The time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period ends.

(3) Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.

(4) The more simplified accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.

(5) In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of the collection site or on an agency-wide basis. The other fees collected will be treated like they are at non-demonstration sites, except funds withheld to cover fee collection costs for agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.

(6) For those Fish and Wildlife Service demonstrations where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.

(7) The agencies have been provided more latitude in selecting demonstration sites, areas or projects. These demonstrations may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collections would adversely affect visitor use patterns.

(8) The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities on Federal lands, including facility, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.

(9) Vendors may charge a reasonable markup or commission to cover their costs and provide a profit.

(10) Each Secretary shall provide the Congress a brief report describing the selected sites and fee recovery methods to be used by March 31, 1996, and a report which evaluates the pilot demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected and how they represent the geographical and programmatic spectrum of recreational sites and habitats managed by the agencies. The diversity of fee collection methods and fair market valuation methods should also be explained.

(11) In order to maximize funding for start-up costs, agencies are encouraged to use existing authority in developing innovative implementation strategies, including cooperative efforts between agencies and local governments.

(12) Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreational fees should reflect the circumstances and conditions of the various States and regions of the country. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing additional data on tourism, recreational use, or rates which may be required by Congress in addressing the fee issue.

(13) The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Pacific Northwest, and substitutes language which makes a technical correction to the emergency salvage timber program, Sec. 2001(a)(2) of Public law 104–19 that changes the ending date of the emergency period to December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 2001(j). The Senate included no similar provision.

Amendment No. 155: Retains House language stricken by the Senate prohibiting the

use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended standards and reducing the codes and standards program in the Department of Energy by $12,799,000 and inserts language regarding grazing at Great Basin National Park. The codes and standards issue to discussed under the energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains Senate alternative language providing for a one-year moratorium on new or amended standards by the Department of Energy. This issue is discussed under the energy conservation portion of this statement.

Amendment No. 158: Strikes House language on mining patent moratorium and retains Senate language providing for fair market value for mineral patents exclusive of, and without regard to, the mineral deposits in the land or the use of the land instead of the House language which placed a moratorium on accepting or processing mine patent applications. The language also includes right of reentry by the United States if the patent is used for any purpose other than mining, requires the Department of the Interior to expedite processing of the backlog of pending patent applications, and requires the use of a third-party mineral examiner upon the request of a patent applicant.

Amendment No. 159: Includes the Senate provision which prohibits funding for the Office of Forestry and Economic Development after December 31, 1995. The House had no similar provision.

Amendment No. 160: Retains language inserted by the Senate prohibiting redefinition of the marbled murrelet nesting area or modification to the protocol for surveying marbled murrelets. The House had no similar provision.

Amendment No. 161: Retains language inserted by the Senate authorizing the Secretary of the Interior to exchange land in Washington State with the Boise Cascade Corporation. The House had no similar provision.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation of timber sales from the revenues generated from the section 318 timber sales that are released under section 2001(k) of Public Law 104–19. The House included no similar provision.

Amendment No. 163: Deletes language proposed by the Senate which would prohibit use of funds for travel and training expenses for the Bureau of Indian Affairs or the Office of Indian Education for education conferences or training activities.

The managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the cost of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funding constraints faced by the Bureau, the managers expect that priority will be given to funding those activities which directly support accreditation of Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 164: Retains language inserted by the Senate prohibiting the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House had no similar provision.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Administration's rangeland reform program until November 21, 1995. The House had no similar provision.

Amendment No. 166: Strikes Senate section 331 pertaining to submission of land acquisition projects by priority ranking. Priorities should continue to be identified in the budget request and justifications.

Amendment No. 167: Includes Senate provision that makes three changes to existing law relating to tree spiking. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree spiking, real or threatened, may be included as ''avoidance costs'' in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House had no similar provision.

Amendment No. 168: Modifies Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA. The House had no similar provision.

Amendment No. 169: Retains Senate language restricting NEA grants for sexually explicit material. The House had no similar provision.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996.

Amendment No. 171: Deletes language inserted by the Senate mandating energy savings at Federal facilities. The House had no similar provision.

Amendment No. 172: Deletes Senate amendment requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision.

Amendment No. 173: Deletes Senate amendment requiring the Indian Health Service to prepare a report on HIV–AIDS prevention needs among Indian tribes. The House had no similar provision.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 256(1)(2) of Public Law 99–177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term ''program, project, and activity'' for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives and the Senate is defined as (1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-owned or Government-operated facility; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$13,519,230,000
Budget estimates of new (obligational) authority, fiscal year 1996	13,817,404,000
House bill, fiscal year 1996	11,984,603,000
Senate bill, fiscal year 1996	12,053,099,000
Conference agreement, fiscal year 1996	12,114,878,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	−1,404,352,000
Budget estimates of new (obligational) authority, fiscal year 1996	−1,702,526,000
House bill, fiscal year 1996	+130,275,000
Senate bill, fiscal year 1996	+61,779,000

RALPH REGULA
(except amendment 35),
JOSEPH M. MCDADE,
JIM KOLBE,
JOE SKEEN,
BARBARA F. VUCANOVICH,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
JIM BUNN,
BOB LIVINGSTON,
NORMAN D. DICKS,
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
MARK HATFIELD,
CONRAD BURNS,
ROBERT F. BENNETT,
CONNIE MACK,
ROBERT BYRD,
J. BENNETT JOHNSTON,
PATRICK LEAHY
(except amendment 136, 138, 168, and 169),
Managers on the Part of the Senate.

1994 CALENDAR YEAR REPORTS FROM THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, together with the accompanying papers, referred to the Committee on Transportation and Infrastructure and the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the 1994 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1995.*

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. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

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

Mr. HANSEN, for 5 minutes, today.

Mr. BARR, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

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

Ms. SLAUGHTER, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. BONIOR.

Mr. KENNEDY of Rhode Island.

Mrs. MEEK of Florida.

Mr. STOKES.

Mr. COYNE.

Ms. ROYBAL-ALLARD.

Mr. STOKES in two instances.

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

Mr. EHLERS.

Mr. ROTH.

Mr. BURR in two instances.

Mr. GALLEGLY.

Ms. DUNN of Washington.

Mr. FRELINGHUYSEN.

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

Mr. BROWN of Ohio.

Mr. BONIOR in three instances.

Mr. BARCIA.

Ms. DELAURO.

Mrs. CUBIN.

Mr. PACKARD.

Mr. WILLIAMS.

Mr. CONYERS.

Mr. GEPHARDT.

Mr. DICKS.

Mr. CAMP.

Mrs. MORELLA.

Mr. GANSKE.

Mr. PASTOR.

Mr. GILMAN.

Mr. BALLENGER.

Mr. COOLEY.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 20. Joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 464. An act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An act to clarify the rules governing venue, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 1995, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1452. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1453. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, sections 810(2) and 810(h)(3)(B), USC; to the Committee on Veterans' Affairs.

1454. A letter from the Secretary, Department of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1455. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of the annual report entitled ''Monitoring the Impact of Medicare Physician Payment Reform on Utilization and Access,'' pursuant to Public Law 101–239; jointly, to the Committees on Ways and Means and Commerce.

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. GEKAS: Committee on the Judiciary. H.R. 2277. A bill to abolish the Legal Services Corporation and provide the States with money to fund qualified legal services; with an amendment (Rept. 104–255). Referred to the Committee of the Whole House on the State of the Union.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 226. Resolution providing for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes (Rept. 104–256). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 227. Resolution providing for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court (Rept. 104–257). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 228. Resolution providing for the consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station (Rept. 104–258). Referred to the House Calendar.

Mr. REGULA: Committee of Conference. Conference report on H.R. 1977. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–259). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1756. A bill to abolish the Department of Commerce; with an amendment (Rept. 104–260 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1815. Referral to the Committee on Resources extended for a period ending not later than September 29, 1995.

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. BUYER (for himself, Ms. WATERS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 2370. A bill to amend title 38, United States Code, to extend the veterans' adjustable rate mortgage demonstration project through the first 3 months of fiscal year 1996; to the Committee on Veterans' Affairs.

By Mr. ARCHER (for himself, Mr. CRANE, and Mr. DREIER):

H.R. 2371. A bill to provide trade agreements authority to the President; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN (for herself, Mr. CREMEANS, Mr. NEY, Mr. MOLLOHAN,

Mr. HANSEN, Mr. HAYWORTH, Mr. THORNBERRY, Mr. ALLARD, Mr. CALVERT, Mr. DOOLITTLE, Mr. POMBO, and Mr. COOLEY):

H.R. 2372. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that act with respect to surface coal mining and reclamation operations, and for other purposes; to the Committee on Resources.

By Mr. BONILLA (for himself, Mr. DURBIN, Mr. THORNBERRY, Mr. KIM, and Mr. MILLER of Florida):

H.R. 2373. A bill to provide that neither the President, the Vice President, nor any Member of Congress shall be paid during Federal Government shutdowns; to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, 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. GILCHREST (for himself, Mrs. MORELLA, Mr. SHAYS, Mr. BOEHLERT, Mr. CASTLE, Mr. GREENWOOD, and Mr. WELDON of Pennsylvania):

H.R. 2374. A bill to amend the Endangered Species Act of 1973 to encourage the continued conservation of America's natural legacy for future generations; provide incentives for States, local governments, and private landowners to conserve species; and otherwise improve the act through increased flexibility and broader cooperation; to the Committee on Resources.

By Mr. LANTOS:

H.R. 2375. A bill to amend title 5, United States Code, to modify the early-retirement reduction provisions with respect to certain Federal employees who are separated from service due to a base closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. MCHALE:

H.R. 2376. A bill to develop a program regarding career opportunities by making such information available on publicly accessible networks and other electronic media; to the Committee on Economic and Educational Opportunities.

H.R. 2377. bill to provide authority to executive departments and agencies to issue rulings respecting application of laws under their jurisdiction; to the Committee on Government Reform and Oversight,

H.R. 2378. A bill to amend the White House Conference on Small Business Authorization Act to require the final report of the national conference to be published in the Federal Register and distributed through the regional offices of the Small Business Administration; to the Committee on Small Business.

H.R. 2379. A bill to amend the Small Business Act to modify requirements relating to the personal net worth of individuals who may be considered economically disadvantaged for the purpose of receiving contract awards under section 8(a) of that act; to the Committee on Small Business.

H.R. 2380. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

H.R. 2381. A bill to amend the Internal Revenue Code of 1986 to disregard up to $15 million of capital expenditures in applying the provisions permitting a $10 million limit on qualified small issue bonds; to the Committee on Ways and Means.

H.R. 2382. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for 20 percent of the employee training expenses paid or incurred by the employer; to the Committee on Ways and Means.

H.R. 2383. A bill to amend the Internal Revenue Code of 1986 to modify certain rules relating to subchapter S corporations; to the Committee on Ways and Means.

H.R. 2384. A bill to amend the Internal Revenue Code of 1986 to restore the 10 percent regular investment tax credit; to the Committee on Ways and Means.

H.R. 2385. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for gain from certain small business stock to 100 percent for stock held for more than 10 years; to the Committee on Ways and Means.

By Mr. SCHUMER (by request):

H.R. 2386. A bill to save the lives of police officers; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mrs. MORELLA):

H.R. 2387. A bill to amend part E of title IV of the Social Security Act to require States to regard adult relatives who meet State child protection standards as the preferred placement option for children, and to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. BARTON of Texas):

H.R. 2389. A bill to combat fraud and abuse in the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. BILIRAKIS, and Mr. BARTON of Texas):

H.R. 2390. A bill to revise the restrictions under the Medicare Program against payment for services furnished by a facility in which the referring physician has an ownership interest, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. BALLENGER:

H.R. 2391. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees; to the Committee on Economic and Educational Opportunities.

By Mr. COOLEY:

H.R. 2392. A bill to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H. Con. Res. 103. Concurrent resolution expressing support for equal and fair access to higher education in the Albanian language in the former Yugoslav Republic of Macedonia; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIVINGSTON introduced a bill (H.R. 2388) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Shaka Maru*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

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

H.R. 28: Mr. HASTERT.

H.R. 65: Mr. TATE.

H.R. 104: Mr. KIM and Mr. PAYNE of Virginia.

H.R. 109: Mr. DOOLITTLE.

H.R. 303: Mr. TATE.

H.R. 326: Mr. GOSS.

H.R. 436: Mr. HOEKSTRA.

H.R. 468: Mr. GILMAN.

H.R. 789: Mr. ENSIGN.

H.R. 803: Mr. WHITE.

H.R. 892: Mr. LIPINSKI.

H.R. 941: Mr. KLECZKA.

H.R. 945: Mr. PARKER, Mr. COSTELLO, Mr. JEFFERSON, Mr. LIPINSKI, Mr. CHAMBLISS, Mr. DEFAZIO, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. WATTS of Oklahoma, Mr. HASTERT, Mr. ALLARD, Mr. CHRYSLER, Mr. BROWNBACK, Mr. CLEMENT, Mr. GILLMOR, Mr. EHRLICH, Mr. KINGSTON, and Mr. KLUG.

H.R. 957: Mr. COBLE and Mr. MCKEON.

H.R. 1003: Mr. HALL of Texas and Mr. MINGE.

H.R. 1061: Mr. HOLDEN and Mr. LAUGHLIN.

H.R. 1078: Ms. LOFGREN and Mr. ACKERMAN.

H.R. 1161: Mr. CLEMENT and Mr. SOUDER.

H.R. 1595: Mr. LONGLEY, Mr. CAMP, Mr. MARTINI, Mr. DURBIN, Mrs. MEYERS of Kansas, Mr. SCHIFF, and Mr. KENNEDY of Rhode Island.

H.R. 1619: Mr. FAWELL.

H.R. 1711: Mr. BAKER of Louisiana.

H.R. 1713: Mr. SMITH of Texas.

H.R. 1747: Mr. GREENWOOD and Ms. PELOSI.

H.R. 1776: Mr. SABO, Mr. DINGELL, and Mr. QUINN.

H.R. 1920: Mr. WELDON of Pennsylvania and Mr. HOLDEN.

H.R. 2146: Mr. COYNE, Mr. CAMP, and Mr. KLUG.

H.R. 2195: Mrs. SEASTRAND.

H.R. 2244: Mr. WELLER.

H.R. 2265: Mr. ZELIFF, Mr. HEFNER, Mr. SCARBOROUGH, and Mr. WARD.

H.R. 2271: Ms. LOFGREN.

H.R. 2326: Mr. BEREUTER, Mr. FROST, Mr. GEJDENSON, Mr. ENGLISH of Pennsylvania, Ms. MOLINARI, Mr. BARRETT of Wisconsin, and Mr. ACKERMAN.

H.R. 2338: Mr. ACKERMAN.

H.R. 2353: Mr. FLANAGAN, Mr. BISHOP, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms. BROWN of Florida, Mr. WELLER, Mr. CLEMENT, and Mr. BARR.

H.R. 2363: Mr. HOEKSTRA.

H. Res. 30: Mr. FRANKS of New Jersey and Mr. FIELDS of Louisiana.

H. Res. 134: Mr. FORBES, Mr. ENGLISH of Pennsylvania, Mr. BEILENSON, Mr. ENSIGN, Mr. GANSKE, Mr. GRAHAM, Mr. LUTHER, Mr. FOX, Mr. HAYWORTH, Mr. FOLEY, and Mr. CHRYSLER.

H. Res. 214: Mr. INGLIS of South Carolina, Mr. FORBES, Mr. LEACH, and Mr. LOBIONDO.

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. Res. 94: Mr. PETERSON of Minnesota.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, THURSDAY, SEPTEMBER 21, 1995 No. 148

Senate

(Legislative day of Tuesday, September 5, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, from whom no secrets are hidden, and to whom we are accountable for our lives and our leadership, we come to You humbly and with a longing to be in a right relationship with You. If there is anything between us and You that needs Your forgiveness and cleansing, we confess it to You now. If there is any broken relationship with others that needs healing, we ask for Your reconciling power. If we have done or said anything that has hurt or maliciously distressed others, help us make restitution. And if there is any area of our work in which we have resisted Your will and guidance, we open ourselves to Your spirit anew for the challenges of this day.

Father, You have shown us how crucial it is for us to be open, receptive channels for the flow of Your power. Our Nation needs leaders who are Your agents of change, advancement, and creativity. We commit to You all that we have and are that we may think Your thoughts and realize Your plan for our Nation. Accept us as we are in our deep need to You and help is to be all that You intend us to be for Your glory today. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from North Carolina is recognized.

SCHEDULE

Mr. FAIRCLOTH. Mr. President, this morning the leader time has been reserved, and there will be a period for morning business until the hour of 10 a.m. Following morning business, at 10 a.m., the Senate will resume consideration of the foreign operations appropriations bill and the pending Brown amendment regarding Pakistan. Under the consent agreement, following 60 minutes of debate, there will be a rollcall vote on the Brown amendment. All Members can, therefore, expect a rollcall vote at 11 a.m. this morning. Further rollcall votes can be expected throughout today's session in an attempt to complete action on the foreign operations appropriations bill.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business.

FORMER HOMEWOOD, AL, MAYOR ROBERT WALDROP

Mr. HEFLIN. Mr. President, I rise with great sadness to announce that former Homewood, AL, Mayor Robert Waldrop passed away on September 9. Mayor Waldrop spent 24 years at the Birmingham suburb's helm of city government and was an outstanding, progressive leader who moved his community forward in countless ways during his long tenure. One of his crowning achievements was the establishment of Homewood's excellent school system, widely recognized as one of the State's best systems.

To Bob Waldrop, being mayor came naturally. His father had served as mayor of the Walker County, AL, town of Parrish, serving until he was 86 years of age. Bob was a native of Parrish, an Army veteran, a Mason, and a member of Trinity United Methodist Church and Zamora Shrine.

Since Bob had already retired from his career with the Liberty National Insurance Co. by the time he was first elected mayor in 1968 at the age of 55, he was known as being a full-time mayor for part-time pay. Truly, the city of Homewood was his life.

When Bob Waldrop left the Homewood mayor's office 3 years ago, I did a tribute to him on the floor of the Senate. This was on October 3, 1992. The Homewood City Council had just recently passed a resolution in his honor, and I wanted to have it inserted into the CONGRESSIONAL RECORD. I ask unanimous consent that a copy of my statement and the accompanying resolution from 1992 be printed in the RECORD. It describes his many accomplishments and explains why he was so beloved by so many for so long.

I extend my sincerest condolences to Bob's wife, Louise, and their entire family in the wake of this tremendous loss.

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

[From the Congressional Record, Oct. 3, 1992]

TRIBUTE TO MAYOR ROBERT G. WALDROP

Mr. HEFLIN. Mr. President, we all know of those local elected leaders from our States who, because of their long tenures in office, accomplishments, dedication, and hard work, seem to define the term ''public servant.'' These are the ones who do not necessarily seek headlines, but whose satisfaction comes from doing good things for their communities. I know of no other leader who fits this definition and style of public service more aptly than Homewood, AL, Mayor Robert G. Waldrop. Mayor Waldrop, one of the longest serving mayors in the State, will be leaving his post on October 5, after 24 years of service. More than anyone else, he deserves credit for the success and growth of this Birmingham suburb over the last 24 years.

Mayor Waldrop originally entered the political arena after completing two other full careers: for 15 years, he was a pharmacist and for the 18 after that was a successful insurance agent for Liberty National Insurance Co. He has worked virtually his entire

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

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life. As if to portend his career as a pharmacist, his first job was at a drugstore when he was only 12 years of age in the small coal-mining town of Parrish, in Walker County. His own father was once mayor of Parrish.

Bob graduated high school in 1932, attended Auburn University for 1 year, then went to Birmingham to study at Howard College, now Samford University. In 1941, he and his wife Louise moved to Homewood. He left school a couple of years later to join the U.S. Army. After the war, he reentered Howard and completed his bachelor's degree in pharmacy.

By the 1960's, Bob had become well known in Homewood as president of the Lions Club and as a member of the library board. In 1968, several concerned citizens prompted him to consider running for mayor. There was a concern among Waldrop and local merchants about the number of small companies which had left the town. Since Homewood was his hometown and its concerns were his, he decided to run, and, if elected, serve one 4-year term. The rest, as they say, is history: he has been mayor ever since, remaining in office a little longer than he had anticipated.

Mayor Waldrop has been in the unique position of watching his city grow and expand from a budget of $1 million to over $7 million. He watched as the library doubled its number of books and services and moved to a new location. He watched Homewood break away from the county school system and establish its own, now recognized as one of the best in the State. He has seen Brookwood Hospital grow into one of the leading health care institutions in the State. He has served on the board of directors of Lakeshore Rehabilitation Complex, helping to make decisions that have resulted in a $7 million renovation of the facility.

During his six terms as mayor, over 100 acres of park land have been added to the city and three swimming pools built. Mayor Waldrop initiated assessment-free street paving and waste pickup. Brookwood Village was constructed, and the Green Springs area annexed into the city during his tenure. In appreciation for his many years of service, Homewood's high school stadium was named in his honor.

At the State level, Bob Waldrop was effective in addressing issues of importance to local officials. He served for a term as president of the Alabama League of Municipalities, which he recounts as a very exciting time for him. As its president, Mayor Waldrop was instrumental in getting the League's Workers' Compensation Fund established in 1976. He has served on the board of the fund since its inception, and as its president in recent years. He was also on the committee that created the Alabama Municipal Insurance Corp., a mutual insurance company offering liability, property, and casualty insurance to cities and towns. The mayor served on the first board of this company. He presided over the spouses' breakfast at the annual League of Municipalities convention for over a decade.

It is evident to all who know him that Mayor Robert Waldrop has served his community with a tremendous spirit and very apparent that he is a part of Homewood and Homewood a part of him. Although the voters in Homewood, like those in thousands of communities and jurisdictions across the country, opted for change this year, Mayor Waldrop can take pride in the fact that he did an outstanding job in looking after their interests and ensuring the progress of their city. He will long be remembered for his unique role in Homewood's history, and his legacy is one that mayors all over the State and country can look to as one to emulate.

It is my pleasure to commend Bob Waldrop for being the quintessential public servant. I am confident that his community has not seen the last of his tireless devotion. I wish him all the best in his future endeavors.

Mr. President, I ask unanimous consent that a resolution adopted September 14 by the Homewood City Council in honor of Mayor Waldrop be printed in the RECORD immediately following my remarks.

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

RESOLUTION NO. 92–21

Whereas, Robert G. Waldrop has served as Mayor of the City of Homewood, Alabama, since his election to that office in 1968 continuously to the present; and

Whereas, since Mayor Waldrop's election to office in 1968, the City of Homewood has enjoyed tremendous growth, expansion and success in business and opportunity for its residents; and

Whereas, during Mayor Waldrop's tenure as Mayor, he has received numerous awards and commendations, and has expended great energies to the benefit of the residents of the City of Homewood, Jefferson County, and the State of Alabama, which accomplishments include, but are not limited to, the following: (1) original organizer of the Jefferson County Mayor's Association in 1969 and served as its President from 1972 through 1974; (2) a motivating force and promoter of the Homewood School System; (3) honored by the Shades Valley Civitans as the Outstanding Citizen in Homewood in 1970; (4) elected the Boss of the Year in 1971 by the Alabama Business Women's Association; (5) honored by the Homewood Board of Education, by naming the football stadium the ''Robert G. Waldrop Stadium'' in 1976; (6) was elected President of the Alabama Workmen's Compensation Insurance Corporation for the State of Alabama; and (7) was elected President of the Alabama Legal Municipalities in 1976, and has served for the last fifteen (15) years on the Executive Board of the League; and

Whereas, Mayor Waldrop has provided the excellent leadership necessary for the development and growth of the City which accomplishments include development and expansion of a fine school system, development and expansion of Brookwood Hospital as a premier hospital in the southern portion of Jefferson County, annexation of numerous acres of property for residential and commercial development providing an excellent tax base and residential setting for Homewood residents, all of which growth and developments will be well chronicled in the history of the development of the City of Homewood, Alabama; and

Whereas, the members of the City Council of the City of Homewood desire to express officially, as well as individually, their appreciation for the outstanding services which Robert G. Waldrop has rendered to the City of Homewood and its residents during his twenty-four (24) years of service as Mayor of the City of Homewood; and

Now, Therefore, be it Resolved by the City Council of the City of Homewood, Alabama, at a regular meeting duly assembled, a quorum being present, as follows:

1. That the City Council of the City of Homewood, by the adoption of this Resolution, does publicly commend, thank and state as an expression of appreciation to Mayor Waldrop for the long and dedicated service which he has rendered to the citizens of Homewood as Mayor of the City of Homewood.

2. That the City Council of the City of Homewood desires to make a public statement of their thanks and gratitude to Robert G. Waldrop for his long and dedicated service to the City of Homewood and do by the adoption of this Resolution make such statement.

3. That the City Council of the City of Homewood does direct that a copy of this resolution, after its adoption by the City Council, be distributed to Robert G. Waldrop, members of his family and that appropriate certified copies thereof be forwarded by the City Clerk to such other persons or organizations as she deems appropriate in the premises.

4. That this resolution shall be made a part of the official minutes of the meeting of the Homewood City Council.

THE 80TH BIRTHDAY OF OSCAR HANDLIN

Mr. KENNEDY. Mr. President, September 29 is the 80th birthday of one of the Nation's great thinkers and historians, Oscar Handlin.

For decades, our country has been blessed by his insights and scholarship on our origins as a nation and our character as a people. His lively view of our history shows how America has drawn on the strengths of many nationalities as generation after generation works to build a better future for their children. It is this enduring lesson of our history that has inspired him, throughout his career, to project an optimism regarding our future. As he has often said, ''Perhaps our brightest hope for the future lies in the lessons of the past.''

Professor Handlin exhibited a scholar's curiosity and thirst for learning early in his extraordinary career. He completed college by the age of 19. Before turning 30, he was invited to join Harvard's faculty. At the time, he had not yet completed his doctorate.

He was a distinguished professor of history and directed various scholarly institutes devoted to the study of American history and ideas. His outstanding leadership as director of Harvard's Center for the Study of Liberty in America and, later, the university's Charles Warren Center for Studies in American History produced a remarkable body of scholarly work and countless young scholars of American history.

Professor Handlin is best known for his extensive works on immigration. Early in his career, he once said, ''I thought to write a history of immigrants in America. Then I discovered that the immigrants were American history.'' He has always maintained that America ''is not merely a nation, but a teeming nation of nations.''

His doctoral dissertation analyzed the adjustment of immigrants in Boston. It was first published in 1941 and was republished on its fiftieth anniversary in 1991 because of the continuing public interest in his scholarship. His basic work on immigration, The ''Uprooted,'' was first published in 1951. It won the Pulitzer Prize and to this day is considered a classic on America's immigrant history.

Professor Handlin's appealing writing style allowed him to touch a generation of Americans far beyond the confines of the academic world. His observations on our history dealt movingly with the experiences of immigrants from the beginning of our history. During his brilliant career, he published nearly a book a year, and each received wide acclaim.

As he notes, Americans have argued over immigration for centuries. To those concerned that today's immigrants will not adjust to America and contribute to American life, he replies that in 1850, 27 languages were spoken in Boston. Yet, these immigrants quickly learned English and joined our communities, just as immigrants are doing today.

When asked last month whether he still viewed our ethnic diversity a basic strength, he responded unequivocally, ''More so than ever.''

As we consider immigration reform today, we would do well to keep Professor Handlin's insights in mind. I know my colleagues join me in commending the contributions of this great scholar and outstanding American. I wish many happy returns as he and his family celebrate his 80th birthday this weekend.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that evening in 1972 when I first was 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 enormity of the Federal debt that Congress has run up for the coming generations to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, September 20, stood at $4,967,473,200,287.86 or $18,856.61 for every man, woman, and child in America on a per capita basis.

THE REED FAMILY OF POPLAR BLUFF, MO

Mr. ASHCROFT. Mr. President, today I rise to salute a family from southeastern Missouri whose dedication to providing a better life for their children and whose commitment to education serves as a model for parents and families across America.

Ferdie Reed had to leave school in the sixth grade to work in the cotton fields outside his home of Poplar Bluff, MO, and has worked as a night watchman at Three Rivers Community College for the past 28 years. He married Lillie Mae Arrington in 1950 and together they raised eleven children, stressing the values of hard work and responsibility as the keys to a successful future. Ferdie worked hard to provide for his family by farming, while holding other jobs. Lillie devoted herself to her family as a full time mother and was active in the work of the Reed's local church. She proved to be an inspiration for her children by going back to school and earning her General Equivalency Degree.

The emphasis the Reed family places on education and their example of hard work was followed by their 11 children, all of whom graduated from Three Rivers Community College in Poplar Bluff. Ten of the children have also gone on to earn bachelors' degrees at 4-year universities. Together, the 11 Reed children have more than 170 years of education.

Recently, the Reeds were honored in their home of Poplar Bluff for their dedication to education and the positive impact they have had on their children and their community. I join today in honoring Ferdie and Lillie Reed, as well as their children, Wendell, Ferdie Jr., Linda, Brenda, Sharon, Patricia, Kathryn, David, Karen, Paul, and Mary Ann for their significant achievements. I salute them for their dedication, determination, and perseverance in the pursuit of a better life through education.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of H.R. 1868, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996.

The Senate resumed consideration of the bill.

Pending:

Helms (for Dole/Helms) amendment No. 2707 (to committee amendment on page 2, line 25), to provide for the streamlining and consolidation of the foreign affairs agencies of the United States.

Brown amendment No. 2708 (to committee amendment beginning on page 15, line 17 through page 16, line 24), to clarify restrictions on assistance to Pakistan. (By 37 yeas to 61 nays (Vote No. 452), Senate earlier failed to table the amendment.)

Murkowski amendment No. 2712, to set forth requirements for implementation of the Agreed Framework Between the United States and North Korea Act relating to the Korean Peninsula Energy Development Organization.

AMENDMENT NO. 2708

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate on the Brown amendment No. 2708, equally divided.

Mr. BROWN addressed the Chair.

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

Mr. BROWN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. So ordered.

Mr. BROWN. Mr. President, this amendment is about simple fairness. We have taken their money. We have obtained a contract to deliver equipment, and we do not want to deliver that equipment. I understand the feelings of those Members who have that position. But, Mr. President, it is wrong to take somebody's money and not deliver the equipment and not give them their money back.

If this were Sears, Roebuck in the United States, we would lock them up. The consumer protection laws do not apply to the U.S. Government, but, Mr. President, simple fairness does. The American people understand this issue because they understand what it is like when someone who is selling something takes their money and does not deliver either the product or the money. That is what this amendment is all about. It is about fairness, and it is about saying either give them their money back or give them the equipment they contracted for.

Mr. President, I retain the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. BROWN. Mr. President, parliamentary inquiry.

Under the quorum call that just took place, how is the time charged to each side?

The PRESIDING OFFICER. It was charged to the Senator that suggested it.

Mr. GLENN. Would the Chair repeat?

The PRESIDING OFFICER. It was charged to the Senator who suggested it.

Mr. BROWN. Mr. President, my sense is that fairness would require that it be charged to both sides equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWN. I suggest the absence of a quorum and request the time be charged equally to both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

Mr. GLENN. Mr. President, I cannot disagree more with my distinguished colleague from Colorado when he says this is just a matter of fairness about giving money back as though we ordered something from Sears, Roebuck and did not get it so we ought to get our money back. That is such a simplistic view that it mocks what we have been trying to do with our nonproliferation policy, our nuclear nonproliferation policy for the last 30 years.

We have tried to prevent the spread of nuclear weapons around this world. That is what this issue is all about. It is a nonproliferation issue. The question: Are we serious about a U.S. leadership role in nonproliferation policy or are we not? I share the concern that Pakistan should get its money back, but not at the expense of dumping our nuclear policy and making our efforts around the world to further nuclear nonproliferation be mocked by the 178 nations that signed up under the Non-Proliferation Treaty. That is what this is all about.

Pakistan has been the most egregious violator. They refused to join the NPT and refused to cooperate and repeatedly told us untruth after untruth after untruth after untruth, lie after lie after lie, about their intentions on nuclear weapons.

They deliberately misled us—misled me personally. I was over there a couple times. Once I met with President Zia; with Yaqub Khan, the Foreign Minister; Mir Khan, from their atomic energy commission. They told me they had no program at all. They said that our intelligence was just flat wrong.

Prime Minister Benazir Bhutto repeatedly has made statements that they have no nuclear weapons objectives. And yet we know that is not true. So what this is about is not just about fairness of giving the money back as though a purchase had been made at Sears; this is a matter of nonproliferation and are we serious about it or not?

We all love to get up and make our press conference statements about how much we are against nuclear proliferation and we do not want to see nuclear weapons spread to more nations around the world. We, in fact, right now are getting control of our nuclear weapons stockpiles with the former Soviet Union, now the Russians, and we are scaling those down. At the same time we asked other nations, ''Please do not go ahead with nuclear weapons programs. We will cooperate with you if you do not.''

We cooperated with Pakistan when they were threatened and mutual interest indicated we should send weapons to the Mujaheddin in Afghanistan. It was in Pakistan's interest we do that, also. It was not just a gratuitous favor to the United States.

Through the years over and over we were assured Pakistan had no nuclear weapons program by their officials when we knew they did. During this time period we were successful in turning off a Taiwanese effort to start a nuclear weapons program. We were successful in turning off a South Korean effort to start a nuclear weapons program. South Africa, they finally gave up on their efforts after having a nuclear weapon or being close to it. Argentina and Brazil ceased their efforts. And 178 nations signed up under NPT. This is a great success story.

Do we mean it when we say we have a nonproliferation policy or not? I am very critical of this administration. I sent a long letter to the President with my position on this back in April. I included it in the RECORD last night. I think this is sort of a test case here. Do we mean it or not? If we let Pakistan go ahead and say we reward them then with all sorts of help, with economic aid, with all the things that are going on with the weapons program, with the spare parts, with things like that, with new missiles, and we reward them for these efforts, it makes a mockery—makes a mockery—out of our nonproliferation efforts when other nations say they may want to do the same thing that Pakistan has already done.

The international nuclear trade has been going up, I am sorry to say. We should be trying to cut it back. We passed legislation—we passed the Glenn–Symington amendment to deal with this way back. We passed the Pressler amendment later on that was Pakistan-specific, and should have been. It is the way it should be. But the Congress was unwilling to give a complete blank check to Pakistan, and stipulated in our waiver legislation that Pakistan would still be cut off if it received or exploded a nuclear device. ''Received''—in other words, gained that capability.

Congress stipulated that an annual report would be provided on Pakistan's nuclear activities so that Congress could confirm that the United States assistance was indeed inhibiting Pakistan's bomb program, as was confidently assumed by Reagan administration officers. Waiver after waiver after waiver, which I went through in detail last night, waiver after waiver after waiver for Pakistan. And every time one was granted, it was granted on the basis that we need to be their friends so they will not continue along this route.

And we have that whole trail of broken promises, one after another after another. The result of all of this, all the untruths that were told to us, all this mendacity, plus ongoing information that the program was progressing, resulted in the Pressler amendment.

Well, the CIA, to their credit, was skeptical that any of these things would work back at that time. And they were right. So now we have the effort to give the money back. And it is supposedly that they would like to have you think that the proposal from the other side was that they just paid all this money out there, and then we jerked the rug out from under them.

The fact is that out of the $858 million, $50 million was paid before Pressler; the rest of it was all paid after the Pressler amendment was adopted, and Pakistan knew full well what they were doing. They knew exactly what they were doing, and they continued and paid the rest of that money after the Pressler amendment was adopted, hoping that we would back down, that we were not serious about our nuclear nonproliferation policy, and they were right. We backed down. The United States of America is still backing down on nuclear nonproliferation.

It is not easy for the Pakis, because they are entitled to some sympathy in their national security plight in South Asia. They fought three wars with a much larger adversary, India, who was also pursuing a nuclear weapons program and had exploded a device in 1984, and mainly built their program because of China's nuclear efforts.

I do have sympathy for them in that regard, but I do not have much sympathy when they have deliberately misled us, lied to us all through the years.

Mr. President, one after the other, officials in Pakistan have not told us the truth. I said before my own personal experience in meeting with President Zia, the foreign minister, Yaqub Khan, and from the atomic energy commission, Mir Khan, was that they all assured us they had no program when we knew that they did.

Let me read a few quotes. Back in 1988, opposition leader Benazir Bhutto, shortly before coming Prime Minister:

> We don't want any controversy [with the U.S.] on the nuclear issue . . . We want it clear beyond doubt that we're interested only in energy, not nuclear weapons.

Again, interview with Time magazine, November 1988:

> We believe in a peaceful [nuclear] program for energy purposes and nothing else.

Prime Minister Benazir Bhutto, interview in Calcutta Telegraph, December 1988:

I can tell you with confidence that there is no bomb programme in Pakistan . . . There is no bomb programme . . . there is no bomb programme.

December, 1988:

We're committed to a peaceful energy program. We don't have any [nuclear] weapons policy . . . Pakistan doesn't have any intention to get a nuclear device or a nuclear weapon.

Another one in June 1989, Prime Minister Benazir Bhutto, in an address before a joint meeting of Congress, right down the hall, a joint meeting of Congress, and made this statement to all of us. I was in attendance at that meeting:

Speaking for Pakistan, I can declare that we do not possess nor do we intend to make a nuclear device. That is our policy.

New York Times, 1989 interview with Prime Minister Benazir Bhutto:

Pakistan has not, nor do we have any intention of putting together or making, a bomb, or taking it to the point where you can put it together.

So much for the word of Pakistan.

So when we say, Mr. President, that this is an issue of just giving the money back, as though we have made a deal at Sears someplace, that is extremely misleading, and I disagree with that characterization of what this is about.

What this is about is whether the United States has a nuclear nonproliferation policy and whether we are truly willing to stick to it or are we not. Do we have the guts to make the tough decisions in the interest of seeing nuclear weapons not spread further around the world, just at the same time we are trying to get our own nuclear weapons stockpiles and those of the former Soviet Union under control and doing a good job in that area.

Mr. President, that is what this vote is all about. I know from the vote yesterday what the vote is likely to be today. I think it is a wrong vote because it sends all the wrong signals to the 178 nonproliferation members around the world who are doing what we wanted them to do, what we tried to lead them to do and which they have continued to do, and that is try and stop the spread of nuclear weapons around the world. That is what this vote is all about.

I reserve the remainder of my time.

Mr. BROWN addressed the Chair.

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

Mr. BROWN. I yield myself 3 minutes.

Mr. President, there are several important points raised by the distinguished Senator from Ohio that I would like to address. One is the suggestion that we have somehow backed down on our nonproliferation objective or let Pakistan off the hook if this amendment is adopted.

I sincerely believe that is an inaccurate statement, and I want to draw the attention of the Members to the facts. The reality is, if this amendment is adopted that our restriction against military assistance stays in place and it stays in place even though Pakistan has significant national security problems, our restriction against military sales stays in place, and it does so even though they have a great need and want to buy equipment from the United States.

For a country that is in need of assistance and in need of weapons, those are significant and major restrictions, and to throw them away or ignore them, I think, ignores the facts. The fact is, they are strong sanctions that are in place and continue in place if the amendment is adopted.

We should not forget the fact as well that Pakistan signed a contract for these some 9 years ago, for other parts 8 years ago, and for other parts 7 years ago. They paid for those, and whether they paid all up front or paid in installments, as most people do, I think misses the point.

The fact is, they paid for these, they contracted for these. These items they have contracted for have sat around. Does anybody think military equipment that was due for delivery 5 years ago is as valuable today as when it came up? Of course, not.

So to suggest there have not been and do not continue to be enormously significant sanctions in place against Pakistan is to simply ignore the facts. It is misleading, I think, to say that there are not major penalties that we have demanded that the Pakistanis pay and will continue to pay in the future.

Mr. President, a great deal has been made about disingenuous statements by the Pakistanis with regard to their nuclear program. I, for one, think it is regrettable that that has happened. But, we should not be holier than thou when we talk about misleading statements regarding national security. Are our memories so short around here, particularly with regard to Pakistan? Does not anyone recall that Francis Gary Powers' flight took off from Pakistan, an area we asked the Pakistanis to make available to us, at a base we asked them to let us fly out of, to fly over and spy on the Soviet Union? Has everyone forgotten how important that was to national security?

Incidentally, does anyone remember what President Eisenhower said when he was asked about it? No one has mentioned that today. But if you want to talk about disingenuous statements, what about President Eisenhower? Are we so holy we have forgotten it? This emanated from Pakistan. President Eisenhower denied the flights. Was it an incorrect statement? Of course it was. Why did he do it? To protect our national security.

Does anybody remember what President Kennedy said with regard to the Bay of Pigs? We do not dwell on it, but before we get so holy, before we get too holy, remember, Americans have felt a need to protect their national security, too, and it is strange that people would talk about the phenomenon of nuclear weapons with regard to Pakistan and not be willing to talk about the phenomenon of nuclear weapons with regard to India.

My own view of this is that we want to be friends with both India and Pakistan. We want to stand beside them. We want to work with both of them. Perhaps it was not widely noticed, but I was the prime critic of the administration when it was slow to name an Ambassador to India. It seemed to me that was an important function to do, with a country that should be our friend and we want to work with.

I spoke out against the bashing of India over the question of Kashmir. I believe what we want is a balanced policy, but, Mr. President, we should not look at the questions regarding Pakistan's national security in a vacuum.

To assume that we are going to have a policy that denies Pakistan nuclear weapons and not comment about India's nuclear weapons is a mistake. To assume we are going to bash Pakistan for trying to find missiles and not say anything about India's missile program is a mistake. What we ought to have is a balanced policy in that part of the world, not a one-sided policy.

I retain the remainder of my time.

Mr. President, I yield 10 minutes to the distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I want to compliment the Senator from Colorado on his diligence and his effort to bring some rationality and reason to this debate, to try to get us to focus on fairness and equity in dealing with this part of the world.

I certainly would not want any of my comments that I made last night in the debate, or any I might make now, to be construed to indicate in any way that I have it in for India. That is not it at all. But I do believe that the history of our relations with Pakistan are such that we have to start dealing in a more evenhanded fashion in that part of the world.

Last night in my remarks, I went over the long history of Pakistani-United States friendly relations. I do not mean to belabor that again and go over that, other than to just say that going clear back to when Pakistan got its independence, Pakistan has always been oriented toward the United States. They supported us in the Korean war. As the Senator from Colorado pointed out, the flights of the U–2 over the Soviet Union came from Pakistan. After the U–2 was shot down, Nikita Khrushchev threatened Pakistan with nuclear weapons. Pakistan stuck with the United States. In the gulf war, Pakistan helped us out; they were on our side. In Somalia—and even in Haiti, Pakistan has sent troops to help restore democracy to Haiti.

So in almost everything that we have done, Pakistan has been our strong friend and ally. Yet, I believe we have not treated them evenhandedly. All this really is is a question of fairness.

Last night, I quoted—and I want to repeat that—the statement by the Secretary of State, Warren Christopher, in

a letter dated September 20 to Senator DASCHLE. He said:

We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorist programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including nonproliferation, it is essential to resolve this unfair situation.

That is what the Brown amendment does.

Again, Mr. President, I ask unanimous consent that this letter, dated September 20, from Secretary of State Christopher, be printed in its entirety in the RECORD at this point.

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

THE SECRETARY OF STATE,
Washington, September 20, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate.

DEAR SENATOR DASCHLE: As the Senate begins consideration of the FY 1996 Foreign Operations Appropriations bill, I would like to address several issues in the version of the bill as reported by the full Appropriations Committee.

At the outset I would like to thank Chairman McConnell and Senator Leahy for their willingness to work with us and to include priority initiatives such as a long-term extension of the Middle East Peace Facilitation Act (MEPFA) and a drawdown authority for Jordan in the subcommittee mark. We would oppose any amendments that would alter the carefully negotiated language for either of these initiatives. Also, we appreciate the Subcommittee's removal of objectional conditions adopted by the House on population assistance and aid to Turkey, Haiti, and Mexico. We hope to continue in this cooperative fashion to produce a Foreign Operations bill that can be presented to the President with bipartisan support.

Despite the favorable aspects of the legislation, there are several items that are of great concern to the Department of State. The funding levels throughout the bill are well below the President's request level. The Foreign Operations cuts, coupled with the cuts being proposed to international programs in the Senate's Commerce, Justice, State Department Appropriations bill, represent a serious threat to America's leadership in international affairs.

The bill also contains numerous earmarks and substantially restructures our foreign aid accounts. We expect international agencies to do their share in the effort to balance the budget as the President's budget plan makes clear. However, we, the Administration, should have the flexibility to apply funds to the programs that provide the best results. Earmarks in our programs for the New Independent States, International Counternarcotics, and economic assistance would prevent us from being able to respond to the crisis and unexpected requirements of the post-Cold War world. Further, the proportionality requirement in the new Economic Assistance account restricts our ability to change the distribution of these funds from year to year. We oppose these restrictions.

The bill also contains a number of objectionable policy provisions. Restrictions on our ability to contribute to the Korean Energy Development Organization (KEDO) would, in effect, prevent U.S. funding of KEDO and greatly hinder, if not destroy, the international effort to implement the Agreed Framework. We oppose linking KEDO funding to substantial progress on North Korean/South Korean dialogue. Imposing an artificial and unrealistic deadline on North/South talks, which have taken years to progress, will hold hostage the very funding that will facilitate the progress we all so desire. We remain convinced that the North/South dialogue will move forward substantially as a result of the Agreed Framework and the creation of KEDO. Our failure to contribute to KEDO will threaten its ability to meet its obligations under the Framework and, consequently, invite North Korean non-compliance. The Agreed Framework is working. North Korea has frozen its nuclear weapons program. We need Congressional support for KEDO to keep the freeze in place.

Regarding assistance to the New Independent States (NIS) and Russia, we have reached a critical moment in the reform process. Continued funding is essential. It can make a major difference in whether reformers in Russia, Ukraine, Armenia, Moldova and other states will be able to maintain momentum, or the opponents of reform will halt the development of democratic market societies. We need to stay the course for this transitional period, while normal trading and investment relationships develop in the former Soviet states. We very much appreciate the continued support we have received from the Congress, and the Senate Appropriations Committee in particular, for this critical effort, as reflected in this bill.

At the same time, however, we oppose new conditions on assistance to the NIS. It is of course tempting to withdraw our assistance as punishment when we do not agree with Russian actions or policies. But this would be a mistake. This assistance is in our national interest. Cutting or restricting aid would hurt reformers, the very people who have protested the war in Chechnya, criticized Russia's proposed nuclear sale to Iran, or insisted that Russia end cooperation with Cuba. We urge you to remove such conditions from this bill. Let me assure you that we share your concerns about Russia's policies in these areas; that is why we continue to work on other fronts to stop the Russian nuclear reactor sale to Iran and to prevent completion of the Cuban reactor project.

We also urge you to restore the national security waiver for the certification requirement on violations of territorial integrity, which has been removed from the Senate version of this bill. It is important that the President retain the ability to determine whether the national security of the United States justifies a waiver of this requirement. Moreover, removal of the waiver provision could have unintended consequences, such as prohibiting humanitarian assistance to the victims of regional conflicts in countries such as Armenia.

The language regarding restrictions on the termination of sanctions against Serbia and Montenegro also reflects objectionable House language carried over in the Senate bill. The recent combination of NATO's resolve and energetic United States leadership on the diplomatic front has led to some encouraging opportunities for a negotiated settlement to the conflict. To prematurely close off any avenues that may lead to a diplomatic settlement, including adjustments to the sanctions regime against Serbia, would complicate our efforts.

We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.

There remain other problematic issues in the bill, but we are encouraged by the willingness of the bill's managers to work with us, and we hope that these other issues can be resolved on the Senate floor or in conference.

Sincerely,

WARREN CHRISTOPHER.

Mr. HARKIN. Mr. President, there is also a letter from Secretary Perry, the Secretary of Defense, who said:

This is an effort to resolve issues involving ''fairness'' that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo, unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern.

We do not hear much talk about that around here. The nuclear programs and the missile programs of India ought to be a big concern of ours also.

Secretary Perry concluded:

If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

I ask unanimous consent that the letter from Secretary Perry, dated August 2, also be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, August 2, 1995.

Hon. SAM NUNN,
Ranking Democrat, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: For the past six months, the Administration has wrestled with the difficult problem of trying to build a stronger, more flexible relationship with Pakistan—an important moderate Islamic democracy in a troubled region which has been a long-time friend and has become a major partner in peacekeeping operations—while promoting the very important nonproliferation goals of the Pressler Amendment.

Based on a detailed review within the Administration and consultations with Congress, the President has decided to address this matter on three fronts:

First, he strongly supports provisions already contained in the House and Senate versions of the Foreign Aid Authorization bill that would permit us to resume economic assistance and limited military assistance affecting clear U.S. interests (including assistance in peacekeeping, counterterrorism and counternarcotics as well as IMET).

Second, the President has decided to seek authority, as provided by an amendment to be proposed by Senator Brown, that would release approximately $370 million worth of embargoed military equipment purchased by Pakistan before the imposition of Pressler sanctions. This authority would specifically exclude the release of the F–16s. Among the items that would be released are three P–3C

Orion maritime patrol aircraft, Harpoon anti-ship missiles, counter-mortar radars, howitzers, and support kits for F–16s and Cobra helicopters already in the Pakistani inventory. These items will not disturb the conventional arms balance in South Asia which overwhelmingly favors India.

Finally, the President has decided that, rather than releasing the 28 F–16s to Pakistan, he will seek to sell them to a third country and deposit the proceeds of any sale in the Pakistan Trust Fund to reimburse, as much as the sale permits, Pakistan's investment in these aircraft.

While we recognize that this is not a perfect solution, it is, we believe, the course which will best help us resolve a difficult problem with a country which has long been a friend. This is an effort to resolve issues involving ''fairness'' that have become a major irritant in our relationship with Pakistan—it is in no way an effort to resume a military supply relationship. Meanwhile, our ability to work with Pakistan to achieve nonproliferation goals is eroding. The status quo, unfortunately, offers few incentives for future cooperation or restraint by Pakistan—or by India, whose nuclear and missile programs are also of concern. If we succeed in putting this issue behind us, we will be in a better position to engage Pakistan in a constructive way on issues of concern to us, particularly nonproliferation.

The second aspect of this three-part effort—embodied in Senator Brown's pending amendment to provide authority to release the embargoed Pakistan equipment other than the F–16s—may be coming to a vote very shortly. I urge you to support our efforts to resolve this problem by supporting Senator Brown's amendment when it is offered.

Sincerely,

WILLIAM J. PERRY.

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

The total package has a value of $368 million—not $700 million as has been reported.

Although the P–3C Orion provides a long-range offensive capability, three aircraft would hardly disturb India's nearly 2 to 1 advantage over Pakistan in naval systems:

It is claimed that the P–3s provide a ''lethal stand off capability'' against Indian naval targets as far south as Cochin; however, it should be noted that because the Pakistan Navy has no aircraft carriers (of which the Indian Navy has two), the Pakistanis would be unable to provide fighters to escort these slow aircraft when operating at such a great distance from Karachi—thus leaving them vulnerable to interception by either land-based Indian Air Force fighters or carrier based Indian Navy aircraft.

It is incorrect to say that the P–3C represent a new weapons system for the region as the Indian Navy already has two squadrons of similar maritime patrol aircraft that include five Il–38 (the Russian version of the P–3) and eight Tu–142 Bear F aircraft. While these aircraft do not have a system equivalent to the Harpoon, they do have equipment to locate submarines and are capable of launching torpedoes.

The Indian Navy also possesses an anti-ship missile, the Sea Eagle, which is similar to the Harpoon. Although not capable of being launched from the maritime patrol aircraft mentioned above, the Indian Sea Eagles can be carried on the Sea Harrier jets and the Sea King helicopters which operate from India's two aircraft carriers—thus giving the Indian Navy a more formidable long-range strike capability than that provided by three P–3s.

C–NITE would enable Pak Cobra helicopters to launch TOW 2 anti-tank guided missiles at night; however, these 19 helicopters, so equipped, would hardly offset India's 2 to 1 advantage (by over 2000 tanks) over Pakistan.

The Pakistani F–16s are already equipped with the AN/ALR–69 radar warning receiver and AN/ALQ–131 electronic counter measures jamming equipment. These are defensive rather than offensive systems. The ALR–69 alerts the pilot that a radar has ''painted'' his aircraft; the ALQ–131 electronically deflects the hostile missile. The ALR–69 and ALQ–131 kits that would be released would enhance the reliability of these systems rather than provide any new military capability.

Since Pakistan has previously received over 200 AIM–9L air-to-air missiles, the release of 360 more will not provide any new capability. Furthermore, India will still enjoy an almost 2 to 1 advantage in jet combat aircraft over Pakistan to include a better than 2 to 1 advantage in aircraft equivalent to the Pakistani F–16s (i.e., MiG–29 and Mirage 2000).

The 24 howitzers that would be released to Pakistan are M198 155 mm towed howitzers. Given the fact that the Indian Army has over 3000 towed artillery pieces (almost twice the number in the Pakistani inventory), 24 more will not make a significant difference. It should be noted that during the nearly five years that these howitzers were embargoed, India acquired over 250 equivalent artillery pieces from Czechoslovakia and Russia/USSR.

In regard to MK–46 torpedoes, Pakistan will receive parts that constitute less than one operational MK–46.

As for the 2.75″ rockets, these constitute a resupply of ammunition for one of the weapons systems on the Pakistani Cobra helicopters—they do not give Pakistan any new capability.

BROWN AMENDMENT TEXT

Add the following subparagraph to section 620E of the Foreign Assistance Act of 1961:

( ) Applicability.—(a) The restrictions of section 620E(e) of the Foreign Assistance Act of 1961 shall continue to apply to contracts for the delivery of F–16 aircraft to Pakistan.

(b) Notwithstanding the restrictions contained in section 620E(e), military equipment, technology or defense services, other than F–16 aircraft, may be transferred to Pakistan pursuant to contracts of cases entered into before October 1, 1990.

IMPACT OF THE BROWN AMENDMENT

The proposed legislation would authorize the release of approximately $368 million worth of military equipment purchased by Pakistan before the imposition of Pressler sanctions (1 October 1995) but not delivered to Pakistan due to Pressler sanctions. Specifically prohibited from release to Pakistan under this legislation are the 28 Pakistani F–16s. Items to be released include:

Item	Stored quantity	Stored value (millions)	Funding source
Army:			
C–NITE modification kits	18	$24.1	FMF.
M198 Howitzers	24	18.7	FMF/Cash.
TPQ–36 radars	4	10.5	FMF.
M-Series rebuild parts	NA	6.8	FMF.
TOW launchers	135	6.1	FMF.
2.75 inch rockets	16,720	9.4	FMF.
Miscellaneous Army items	NA	1.7	FMF/Cash.
Army subtotal		77.4	
Navy:			
P–3C aircraft	3	138.1	FMF.
Harpoon missiles	28	30.8	FMF/Cash.
AIM–9L missile components	360	19.7	FMF/Cash.
MK–46/Mod 2 torpedo components	NA	.1	Cash.
Miscellaneous Navy items	NA	2.1	FMF/Cash.
Navy subtotal		191.8	
Air Force:			
Peace Gate II support equipment, 220E engine kits	30,968	28.5	FMF/Cash.
Depot engine spares program	4,746	8.0	FMF.
ILC kits: Spares for ILC, ALQ–131, F–100, ALR–69, support	2,035	7.9	FMF/Cash.
Peace Gate III support package:			
Peculiar support equipment	37	.9	FMF.
Engine spares	511	9.1	FMF.
Spares	154	1.6	FMF.
Standard support equipment	67	.4	FMF.
Peace Gate IV support package:			
Engine components	14	.1	Cash.
Developmental support equipment	144	8.0	Cash.
Standard support equipment	386	1.2	Cash.
Non-standard support equipment	9	.5	Cash.
Standard spares	204	1.3	Cash.
Test equipment	NA	.1	Cash.
ALQ–131 pods and spares	20	21.7	Cash.
Class A explosives	245,046	1.5	Cash.
Other Air Force items	NA	8.2	FMF/Cash.
Air Force subtotal		98.8	
Grand total		368	

INITIATIVE TO STRENGTHEN RELATIONS WITH PAKISTAN

After extensive review and consultations with Congress, President Clinton has decided to support legislation to permit a stronger and more flexible relationship with Pakistan, while maintaining the nonproliferation goals of the Pressler Amendment.

The President's decision builds on provisions already in the House and Senate versions of the Foreign Aid Authorization bills, which would permit the United States to resume economic assistance and limited forms of military assistance (including IMET, counternarcotics, counterterrorism and peacekeeping assistance) to Pakistan.

The President has decided to seek authority, as provided for in legislation proposed by Senator Brown, to release to Pakistan approximately $370 million in military equipment, exclusive of F–16s, contracted for by Pakistan prior to the imposition of Pressler sanctions in October, 1990.

This equipment includes air-to-air and anti-ship missiles, radars, howitzers, three P–3C Orion Aircraft, and support kits for the F–16s already in Pakistan's inventory. This non-strategic equipment does not have the symbolism that the F–16s have come to acquire in the region. Release of this equipment would be a one-time exemption to the Pressler Amendment. We do not seek repeal of the Amendment or a resumed military supply relationship with Pakistan.

The President also decided not to seek release of the 28 F–16s in the pipeline. Instead, he will seek to sell the aircraft and return the proceeds of any sale to Pakistan, to reimburse as much as possible of the $684 million that Pakistan has expended on these aircraft.

Putting these issues behind us will permit a more normal and productive relationship between Washington and Islamabad, without which real progress on nonproliferation and other issues of importance to the United States will remain difficult.

Finally, in making his decision, the President stressed the importance of there being no substantial change in the status quo in Pakistan with regard to nonproliferation issues of concern to the United States. In particular, we expect that Pakistan will exercise restraint in the nuclear and missile areas.

Mr. HARKIN. On July 28, to the National Press Club, Secretary of State Christopher responds to a question.

This gets to the heart of the arguments made by the Senator from Ohio and the Senator from Michigan about the so-called evidence that justifies the impositions of sanctions.

Here was the question:

Will the Clinton administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

SECRETARY CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions.

I ask unanimous consent that that be printed in the RECORD, also.

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

ADDRESS BY SECRETARY OF STATE WARREN CHRISTOPHER ON U.S. NATIONAL INTEREST IN THE ASIA-PACIFIC REGION, NATIONAL PRESS CLUB, WASHINGTON, DC, JULY 28, 1995

QUESTION. Will the Clinton Administration order additional sanctions against China for supplying missile technology to Pakistan and Iran?

Secretary CHRISTOPHER. As I mentioned in my remarks, we are concerned about proliferation issues, and we are certainly concerned about it as they relate to South Asia. We monitor it very carefully and very closely.

At the present time, although there is a fairly large body of evidence, we do not think there is the evidence there that would justify the imposition of sanctions. But I want to assure all that we feel an obligation to keep this matter carefully under review and to follow and comply with the law in this regard.

Mr. HARKIN. Again, I want to point out that under the missile technology Control Regime, which has been talked about by the Senator from Michigan and the Senator from Ohio, even under that, even if MTCR sanctions were imposed tomorrow, all of the items in the Brown amendment could still go to Pakistan, because MTCR violations only prohibited new licenses to Pakistan and China. These items were already licensed in the 1980's.

Again, Mr. President, there is a lot of talk about Pakistan not admitting certain things. I think the Senator from Colorado answered that quite adequately.

Again I would just ask a question: Has India ever admitted that they have a nuclear weapon? We know that they detonated one in 1974. Has India ever admitted that they have a nuclear weapon? If not, are they lying to us, also?

I think that is enough of that. Mr. President, I want to close my remarks by pointing out that Pakistan has always gone the extra mile to try to get a reasonable solution and compromise in that part of the world with India. Let us keep in mind what we are talking about here. We have India, a large nation with 981 million people, confronting Pakistan, a small country with only about 125 million people. We have to kind of keep that in context.

I want to review for my colleagues some of the proposals that Pakistan has put forward, going back over 20 years. First of all, Pakistan proposed to establish a nuclear-weapons-free zone in south Asia in 1974.

In 1978, they proposed to issue a joint Indo-Pakistan declaration renouncing the acquisition and manufacturing of nuclear weapons.

In 1979, they proposed to have mutual inspections by India and Pakistan of nuclear facilities.

Also in 1979, they proposed simultaneous adherence to the Non-Proliferation Treaty by India and Pakistan.

Again in 1979, they proposed to endorse a simultaneous acceptance of full-scope international atomic energy safeguards and to have the IAEA do inspections.

They proposed, also in 1987, an agreement on a bilateral or regional nuclear test ban treaty.

In 1991, Pakistan proposed to commence a multilateral conference on the question of nuclear proliferation in south Asia.

A couple years ago, they proposed to create a missile-free zone in all of south Asia.

Pakistan has proposed all this. What is the stumbling block? India will not accept any of these. They are the ones that have said ''no'' to all of these proposals. Yet, we are the ones that are sticking it to Pakistan. I do not understand this at all. It seems to me that this is the kind of regime that we want in south Asia. We ought to be behind these proposals, and we ought to be using our influence with India and other countries in that area to agree with Pakistan, to sit down and negotiate these proposals, which were made in good faith by Pakistan.

Last, Mr. President, two quotes, first by President Clinton, April 11, 1995:

I don't think what happened was fair to Pakistan in terms of the money . . . I don't think it is right for us to keep the money and the equipment. That is not right. And I am going to try to find a resolution to it. I don't like this.

President Clinton, April 11, 1995. That is exactly what the Brown amendment does.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN. Mr. President, I yield to the Senator from Iowa 2 additional minutes.

Mr. HARKIN. Mr. President, the President is supporting the Brown amendment because it reflects exactly what President Clinton said April 11.

On the same date, Prime Minister Bhutto said:

The Pressler amendment has been a disincentive for a regional solution to the proliferation issue.

April 11, 1995, Prime Minister Bhutto.

Mr. President, it is time to put this behind us. It is time for fairness and equity. It is time to recognize that if we want to support the democratic forces in Pakistan, if we want to give Prime Minister Bhutto the support she needs to consolidate the prodemocracy forces in Pakistan, then we have to put this behind us.

This will do more to help promote a regional solution to these problems than anything else we can do.

It is simply a question of fairness and equity. I hope that the vote will be overwhelming, overwhelming in favor of the Brown amendment. Let Pakistan know we will not turn our backs on Pakistan after all of these years of friendship and support that Pakistan has given to us.

I yield back whatever time is remaining. I thank the Senator from Colorado for his leadership on this.

Mr. GLENN. Mr. President, I yield 2 minutes to the distinguished Senator from Illinois, Senator SIMON.

Mr. SIMON. Mr. President, I will vote against the Brown amendment, though I agree with much of what my colleague from Iowa has to say. I will vote against any weapons in any amendment that go to Pakistan or India or China until we get this nuclear thing worked out.

Many of the things that Senator HARKIN says are correct; for example, Pakistan and India, Pakistan suggesting that they have mutual inspection of nuclear facilities and so forth. The difficulty is India also fears China. There has to be a tripartite agreement. I think that necessarily means United States leadership working together with Russia to bring that about.

There is no question Pakistan has some legitimate grievances. We ought to get those worked out. I think the Feinstein amendment that is going to be coming along shortly will help to move in that direction.

We want to maintain friendship with Pakistan. Pakistan has moved from a dictatorship to a functioning democracy. Like all functioning democracies, it has problems. We ought to be working with Pakistan more closely.

However, I do not think we ought to be sending weapons to any one of the three parties, who now have the greatest nuclear threat, I think, anywhere in the world.

I think it would be a mistake to approve the Brown amendment.

Mr. GLENN. How much time is remaining?

The PRESIDING OFFICER. The Chair will advise the Senator from Ohio that his side has 15 minutes.

Mr. GLENN. I yield 3 minutes to Senator LEVIN.

Mr. LEVIN. I thank the Chair and my friend from Ohio.

Mr. President, the Brown amendment moves us in the opposite direction of trying to restrain missile proliferation. We have a law on our books and it says that where there is a determination that a transfer of a missile with a certain range and payload has been made that we will then impose sanctions.

There is a large body of evidence. It is up on the fourth floor. We have had three briefings. The briefers left the

material for us to look at. It is right there, a couple floors above us, for any of us to look at, to see whether or not each of us are satisfied that, in fact, a missile of a certain range and payload in excess of the missile technology control regime has been transferred from China to Pakistan. Under American law, if that occurs, sanctions are supposed to be imposed.

Now, what the Brown amendment does is take us in the opposite direction. It would have us amend Pressler, to then allow for the transfer of significant military equipment to Pakistan.

Instead of looking at this evidence and deciding whether or not it proves incontrovertible that there has been a transfer of missiles in excess of the range and payload that is provided for in the missile technology control regime which we have incorporated in our law, the amendment before the Senate would say that still could apply, but we will move in exactly the opposite direction.

This amendment makes a mockery—if it passes this Senate—will make a mockery of our efforts to restrain the proliferation of missiles. That is the issue before the Senate. It is American law. American law says if there is a transfer of a missile or missiles that meet certain tests, sanctions will be imposed.

I do not think we can in good conscience say that we are fighting the proliferation of missiles if we ignore that evidence two floors above us, if we do not take the time to at least look at that evidence two floors above us, and instead of acting on it, whatever our conclusions are, under American law, we move in exactly the opposite direction, amend Pressler, allow for the transfer of military equipment which otherwise could not be transferred. That is the issue before this Senate.

I hope we will adopt the Feinstein amendment, which will provide that any appropriate funds that are owed to Pakistan that they have given to us, whatever is equitable, be returned to Pakistan, without trashing the missile technology control regime.

I thank the Chair.

Mr. BROWN. Mr. President, I yield myself 2 minutes.

Mr. President, I want to deal with an aspect of this that I think is a fundamental problem because we have not addressed it, and maybe we have not addressed it for a good reason.

This amendment is about fairness and about the inequity of keeping both their money and their arms. I think Americans will respond strongly to that. They understand it, and would be outraged at any retailer who did the same thing or anyone who signed contracts to sell as well.

Other Members have brought up significant issues and concerns about arms in Southeast Asia. That is appropriate, and they should, and it ought to be a concern. It is why I made sure with the adoption of this amendment that very strong sanctions stay in place that send a clear message that Pakistan is paying a price for having developed weapons.

Mr. President, the aspect of this that needs Members' attention is this: We have sanctions that will sanction Pakistan for developing nuclear weapons, but we do not have sanctions that will sanction India for developing nuclear weapons. They are two nations, side by side.

The fact is, Pakistan's program literally came about in part because India was Pakistan's adversary and India developed nuclear weapons. We cannot ignore that when you think about trying to solve this problem.

There has been a lot of concern raised about missiles. That is a valid concern. I think we need to do more in that area.

Mr. President, you cannot talk about it in a vacuum. The fact is, Pakistan developed their program after India developed weapons, and there are strong indications that the potential of Pakistan's missiles, if they have them and if they uncrate them, is somewhat similar to what the potential of the Indian missiles are. If anything, India has stronger missiles.

You cannot talk about this in a vacuum. If you do talk about it in a vacuum and you think about it in a vacuum, you are doomed to failure. We want a nonproliferation program that works, that is effective.

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. BROWN. Mr. President, I yield 3 minutes to the Senator from Iowa.

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

Mr. HARKIN. Mr. President, I want to respond, perhaps, to my colleague from Illinois who talked about the weapons going to Pakistan. I have looked over the list of the items that are going. I thought I might, just for the RECORD, point out what some people have said about these items. All of the experts agree, it will not in any way upset the regional balance.

Steve Cohen is the director of program in arms control, disarmament and international security at the University of Illinois. He said,

> In terms of the regional military balance, I don't think that the release of this military equipment . . . will have . . . significant impact on the balance one way or the other.

George Tanham, who was a vice president of the Rand Corp., says, "I agree." He said:

> In fact, there is no balance now. India dominates so strongly. They have twice as large an army as Pakistan, twice as large an Air Force, twice as large a Navy, twice as many tanks, twice as many airplanes. * * * India has overwhelming strength.

So this small amount of equipment will not upset any balance. All of the experts basically agree that this amount of items that we are sending over there would not in any way upset that regional balance.

James Clad, professor at Georgetown University said:

> They offer for Pakistan "exactly as Dr. Tanham pointed out, an equalizing hand in trying to somehow correct the subcontinental mismatch of conventional weaponry capability and geographical reality."

So, again, I have gone over this list. I do not know if anyone has ever put it in the RECORD. But of the military equipment, adding to about $368 million, the biggest items are three P-C3 aircraft, four-engine turboprop aircraft. They are very slow aircraft. They do not have the capability in any way to threaten India, and I would be glad to get into a discussion with anyone if they would like to discuss that.

I want to make sure this is in the RECORD. I ask unanimous consent a list of the items be printed in the RECORD and also a description of these items be printed in the RECORD at this point.

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

PUTTING THE RELEASE OF EMBARGOED PAKISTANI EQUIPMENT INTO PERSPECTIVE

The total package has a value of $368 million—not $700 million as has been reported.

Although the P–3C Orion provides a long-range offensive capability, three aircraft would hardly disturb India's nearly 2 to 1 advantage over Pakistan in naval systems:

It is claimed that the P–3s provide a "lethal stand off capability" against Indian naval targets as far south as Cochin; however, it should be noted that because the Pakistan Navy has no aircraft carriers (of which the Indian Navy has two), the Pakistanis would be unable to provide fighters to escort these slow aircraft when operating at such a great distance from Karachi—thus leaving them vulnerable to interception by either land-based Indian Air Force fighters or carrier based Indian Navy aircraft.

It is incorrect to say that the P–3C represent a new weapons system for the region as the Indian navy already has two squadrons of similar maritime patrol aircraft that include five Il–38 (the Russian version of the P–3) and eight Tu–142 *Bear* F aircraft. While these aircraft do not have a system equivalent to the Harpoon, they do have equipment to locate submarines and are capable of launching torpedoes.

The Indian Navy also possesses an antiship missile, the *Sea Eagle*, which is similar to the Harpoon. Although not capable of being launched from the maritime patrol aircraft mentioned above, the Indian *Sea Eagles* can be carried on the *Sea Harrier* jets and the *Sea King* helicopters which operate from India's two aircraft carriers—thus giving the Indian Navy a more formidable long-range strike capability than that provided by three P–3s.

C–NITE would enable Pak Cobra helicopters to launch TOW 2 anti-tank guided missiles at night; however, these 19 helicopters, so equipped, would hardly offset India's 2 to 1 advantage (by over 2000 tanks) over Pakistan.

The Pakistani F–16s are already equipped with an AN/ALR–69 radar warning receiver and AN/ALQ–131 electronic counter measures jamming equipment. These are defensive rather than offensive systems. The ALR–69 alerts the pilot that a radar has "painted" his aircraft; the ALQ–131 electronically deflects the hostile missile. The ALR–69 and ALQ–131 kits that would be released would enhance the reliability of these systems rather than provide any new military capability.

Since Pakistan has previously received over 200 AIM–9L air-to-missiles, the release

of 360 more will not provide any new capability. Furthermore, India will still enjoy an almost 2 to 1 advantage in jet combat aircraft over Pakistan to include a better than 2 to 1 advantage in aircraft equivalent to the Pakistani F–16s (i.e., MiG–29 and Mirage 2000).

The 24 howitzers that would be released to Pakistan are M198 155 mm towed howitzers. Given the fact that the Indian Army has over 3000 towed artillery pieces (almost twice the number in the Pakistani inventory), 24 more will not make a significant difference. It would be noted that during the nearly five years that these howitzers were embargoed, India acquired over 250 equivalent artillery pieces from Czechoslovakia and Russia/USSR.

In regard to MK–47 torpedoes, Pakistan will receive part that constitute less that one operational MK–46.

As for the 2.75″ rockets, these constitute a resupply of ammunition for one of the weapons systems on the Pakistani Cobra helicopters—they do not give Pakistan any new capability.

MILITARY EQUIPMENT (LESS F–16 AIRCRAFT) PURCHASED BY PAKISTAN BUT NOT DELIVERED DUE TO PRESSLER SANCTIONS

Item	Stored quantity	Stored value (millions)	Funding source
Army:			
C–NITE modification kits	18	$24.1	FMF.
M198 Howitzers	24	18.7	FMF/Cash.
TPQ–36 radars	4	10.5	FMF.
M-Series rebuild parts	NA	6.8	FMF.
TOW launchers	135	6.1	FMF.
2.75 inch rockets	16,720	9.4	FMF.
Miscellaneous Army items	NA	1.7	FMF/Cash.
Army subtotal		77.4	
Navy:			
P–3C aircraft	3	139.1	FMF.
Harpoon missiles	28	30.8	FMF/Cash.
AIM–9L missile components	360	19.7	FMF/Cash.
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ALQ–131 pods and spares	20	21.7	Cash.
Class A explosives	245,046	1.5	Cash.
Other Air Force items	NA	8.2	FMF/Cash.
Air Force subtotal		98.8	
Grand total		368	

Mr. HARKIN. Mr. President, I would just point out that, given the overwhelming superiority of India in this case, the small amount of items we are sending over in no way upsets the regional balance whatsoever. Keep in mind again: India, at 981 million people; Pakistan, 125 million people. The imbalance is already there on India's side.

It is interesting to note in all this debate, we talk about MTCR sanctions on Pakistan but no one is trying to put the sanctions on China. I make that note for the record.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I yield 5 minutes to the distinguished Senator from California. I would like to make one remark. For those who were not at the briefing yesterday—most of the Senate, by far; we had just a few up in S–407—I urge people to go up and look at the chart, look at the information we retained. It is available in S–407 right now. You could look at it before you come to the floor to vote. I yield to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to tell you how I look at this. If one were to take the top trouble spots of the world and say which are most likely to have a nuclear confrontation, I would have to name India and Pakistan as one of the top two.

So what are we doing? We are adding to the arsenal of one of those two countries at a very sensitive time, at a time which is a few months before a general election in India, when flames of hatred between the two countries are now being fanned by politicians on both sides of the India-Pakistani border. We are taking this time and we are sending several hundred million dollars worth of equipment.

The P–3C aircraft capable of sophisticated surveillance; the 28 Harpoon missiles capable of air-to-surface or surface-to-surface launch; 360 AIM–9L surface-to-air missiles; 135 TOW–2 missile launchers; spare parts for F–16's, and other sophisticated equipment, and we are launching that into the middle of this situation.

I heard the same experts testify. None of them could answer the question, ''What does India do, then?'' That seems to me to be the central question.

I will tell you what I think India does. I think India deploys the Prithvi missile. That certainly changes the balance in the area, if it happens. And that is a very likely result of what we are doing here today.

Is Pakistan a friend? Yes. Has Pakistan been helpful in a number of different pursuits? Yes.

I say there is a way we can say thank you in an amendment which some of us will offer following this amendment, that will take what I consider to be the good parts of the Brown amendment, the economic help, the military networking, the antiterrorism help, the antinarcotic help, and also carry with it a sense of the Senate that will say, the honorable thing and the fair thing for us to do is sell the F–16's, repay the money to Pakistan, and provide whatever equity requires. That is the right thing to do. That is something that is not going to change the balance of power.

So, I believe very strongly that the Brown amendment is a mistake. I have had three security briefings. Those briefings run directly counter to statements made by Pakistan. Let me tell you what they run directly counter to.

''We are a very responsible country and we do not believe in the proliferation of nuclear weapons.'' That is not true. That was a statement made by the Pakistani Foreign Minister in 1994. It is simply not true.

''I want to say categorically and finally that Pakistan has not made nuclear weapons. Pakistan does not intend to make nuclear weapons.'' The Pakistani Foreign Minister, 1994. That statement is categorically untrue.

''We have made a sovereign decision not to produce nuclear weapons.'' Again, a foreign ministry spokesman—untrue.

''We have not detonated one, nor have we got nuclear weapons. Being a responsible state and state committed to nonproliferation, we in Pakistan, through five successive governments, have taken a policy decision to follow a peaceful nuclear program.''

I do not believe, based on three classified briefings, that these statements are true and correct. Therefore, I believe it is a mistake in judgment to add to the proliferation in the area by putting sophisticated weaponry in the hands of one of these countries at a time where there is a very sensitive and very difficult situation between the two countries.

I yield my time.

Mr. HARKIN. May I ask the Senator to yield?

Mr. BROWN. I yield to the Senator from Iowa 2 additional minutes.

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

Mr. HARKIN. Mr. President, surely the Senator from California does not want to imply in any way that the articles on this list add one iota to any nuclear capability of Pakistan? That is simply—that belies common sense. You can look at the list. There is nothing on there that has anything to do with nuclear proliferation or nuclear weaponry. Talk about a P–3C aircraft as being some kind of offensive aircraft? I happen to have flown in P–3 aircraft. It is a four-engine turbo-prop, basically built as an antisubmarine reconnaissance aircraft. The fact is that India already has two squadrons of similar type of patrol aircraft. I also point out that India has two aircraft carriers which Pakistan does not have.

They talk about the P–3 aircraft being able to penetrate and go as far south as Cochin in India. The fact is that it would have to do so without any fighter escorts whatsoever. This is a very slow airplane. India could shoot that thing down in a minute.

So the arguments made by the Senator from California I find are just off the mark because this in no way disrupts any balance or in any way adds to any kind of nuclear capability whatsoever.

I yield back any time I may have.

Mr. GLENN. Mr. President, I yield to the Senator from Massachusetts 2 minutes.

Before of I yield, I yield myself such time as I may require.

I would just add that a good part of this package is F–16 parts to keep the

F–16's flying. They are a nuclear delivery system. That is the part of this that is very critical.

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

Mr. KERRY. Mr. President, I thank the Senator from Ohio.

Mr. President, I believe the amendment of the Senator from Colorado is a great mistake. The question is really a very simple question. Why would you relax sanctions that were put in place because of one proliferation problem at the exact moment when Pakistan is involved in another proliferation issue? Every one of us understands the reality from briefings and otherwise about the M–11 controversy. In 1989, Pakistan knew exactly what the sanctions would be and exactly what the results would be with respect to a continued nuclear development program, and they knew in 1995 what the consequences would be of pursuing ballistic missiles. They have done both. We know they have done both.

So, if we send a message that we are willing to undo the sanctions on the first proliferation issue, we are making it very clear that the second proliferation issue does not matter at all, I think. It is really that simple. And when you couple that with what the Senator from Ohio just said with respect to the nuclear delivery capacity and the type of weapons being sent, it is a mistake.

The Senator from California is absolutely correct. There is a matter of equity here. It is unfair for the United States to hold onto money which they delivered for products. So, obviously, we ought to rectify that as a matter of fairness and as a matter of proper judgment and proper relationships, and we need to cooperate with Pakistan. There is much we have in common and that we want to work on. But it would be an enormous mistake. We do not have a relationship with India with respect to the selling of weapons. And we have always had a certain tension over Western nuclear program proliferations.

We must hold the line on the question of people who break the law when we say that there will be a certain set of sanctions if certain actions are taken and, notwithstanding those warnings, those actions are taken. To do anything less than that would make a mockery of nonproliferation efforts.

I thank the Senator from Ohio.

Mr. BIDEN. Mr. President, I rise in strong opposition to the amendment of the senior Senator from Colorado.

I am deeply concerned about the signal that adoption of this amendment would send to the rest of the world, particularly to the numerous countries with nuclear ambitions. The effect of allowing the proposed transfer of sophisticated military equipment and the resumption of economic aid would be to legitimize Pakistan's nuclear program.

The issue here is much larger than just Pakistan and the military equipment they want to take delivery of—it is about the credibility of our entire nuclear non-proliferation policy.

The proposal before us rewards a country that repeatedly lied to us about its nuclear ambitions. It tells other would-be nuclear states that there is no price to be paid for seeking the most destabilizing weapon a country can acquire.

Mr. President, I want to make clear my view that Pakistan was a valuable ally in resisting the Soviet occupation of neighboring Afghanistan. In the course of our common fight against Soviet expansionism, we forged a strategic relationship that served both of our countries.

But, Mr. President, the Soviet threat was not the sole concern in our dealings with Pakistan in the 1980s. Throughout this period, this body repeatedly expressed its concerns regarding Pakistan's nuclear program. It is instructive to examine the record, because what many people forget is that at the time we were given ironclad assurances that Pakistan was not pursuing nuclear capability.

In fact, the Reagan administration told us that if we did not amply supply Pakistan with military hardware, then we would be encouraging it to pursue the nuclear option. Thus, high levels of assistance to Pakistan became an integral part of our nuclear nonproliferation policy.

Well, Mr. President, we supplied Pakistan with over $4 billion in military and economic aid during the eighties, and I must say that I have yet to see any evidence that massive American aid in any way deterred Pakistan's nuclear program.

One could argue that our assistance had the opposite effect. It freed up resources which would otherwise have been used for conventional defenses. And in fact, if you piece together the evidence, you will find that Pakistan's greatest nuclear strides correspond with the highest levels of American aid. This can only lead you to conclude that we helped to underwrite the Pakistani bomb.

The proposal which is before us today at the request of the Clinton administration strikes me as suffering from the same flawed logic as those advanced during the Reagan and Bush administrations. In exchange for easing the Pressler ban, we are getting absolutely nothing to address our non-proliferation concerns: No rollback, no freeze, not even a pause. The supporters of this amendment want to lavish Pakistan with destabilizing conventional weapons while that country proceeds full throttle with its nuclear program.

The Pressler amendment unambiguously states that no assistance can be supplied to Pakistan unless the President certifies that Pakistan does not possess a nuclear explosive device. It is unambiguous. It does not allow for any fudging. And fudging is what the Brown amendment amounts to.

The proposed transfer of military hardware not only contradicts the Pressler ban, it also fails to meet the standards of the licensing policy for commercial military sales to Pakistan. I might add that many in Congress strenuously objected to the Bush administration's decision to license commercial sales in the first place. Under that policy, any equipment which could upgrade Pakistan's military capability is to be denied a license. By the administration's own admission, many of the items they want to transfer now would be denied a license according to this standard.

There you have it. The administration is willing to eviscerate the Pressler amendment, and it is willing to waive its already lax standards while getting nothing in return.

If we are asked to undo a decade-old pillar of our non-proliferation policy, then the least we can ask for are some restraints on Pakistan's nuclear program.

I expect that some will say that Pakistan already paid for this equipment—it is rightfully theirs, and we ought to send the goods or return the money. Setting aside the argument that Pakistan knew a situation like this would result if it failed to be certified, I would favor finding a way to compensate Pakistan in some manner.

I would propose that the administration sell this equipment to third parties, and send the proceeds from such sales to Pakistan, just as it plans to do in the case of the F–16s.

Mr. President, invoking the Pressler amendment achieved what billions of aid dollars could not—a halt to fissile material production by Pakistan. Congress is not always right, but in this case we were.

Now is not the time to discard a policy that has worked. Press reports indicate that Pakistan has clandestinely acquired M–11 missiles from China, that it is quietly cooperating with Iran's nuclear ambitions, and that it has openly engaged in military exercises with Iran.

Mr. President, unless we reject the Brown amendment, we will be putting our imprimatur on these very dangerous developments.

The late Zulfikar Ali Bhutto, the present prime minister's father, once declared that his countrymen would eat grass in order to acquire nuclear capability. And Mr. President, Pakistan, like neighboring India, has more or less followed through on this promise. It has built a clandestine nuclear weapons program of unknown safety at tremendous cost, while doing nothing to improve the plight of its tens of millions of citizens trapped in poverty.

Well, Mr. President, if Pakistan's leaders choose to sacrifice the greater welfare of their people to further develop a nuclear arsenal, then that is a decision they will need to justify to their citizens. We should not make their job any easier in this regard. Unfortunately, that would be the effect of resuming economic assistance.

I fully understand the complex security situation that exists among India, Pakistan, and China. And I believe that we should be doing more to address the sources of instability among these three countries if we are to successfully deal with the nuclear menace in that part of the world.

But I do not think that the nuclear capability of Pakistan's neighbors should be an excuse for not enforcing our laws with respect to Pakistan.

The fact is there is no Pressler amendment for India, but there are laws that have been used to invoke sanctions to blunt India's nuclear weapons ambitions. I would also note that India, unlike Pakistan, did not receive billions of dollars in aid for the expressed purpose of preventing the development of a nuclear weapon.

The point is that we have to uphold the laws that are on our books. Pakistan was well aware of the Pressler amendment. It supported the amendment's adoption. And it chose to ignore the consequences of non-compliance with the amendment.

It is that simple. And it is up to us to demonstrate that on an issue of such vital importance to our national security, we mean what we say.

Mr. President, we must not reward the kind of behavior Pakistan has demonstrated. Others are watching this debate closely, and how we act in this situation could well affect the decisions of many other potential nuclear states.

Mr. GLENN. Mr. President, I ask unanimous consent to have printed in the RECORD a table identifying the military items to be transfered to Pakistan pursuant to the amendment.

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

MILITARY EQUIPMENT (LESS F–16 AIRCRAFT) PURCHASED BY PAKISTAN BUT NOT DELIVERED DUE TO PRESSLER SANCTIONS

Item	Stored quantity	Stored value (millions)	Funding source
Army:			
C–NITE modification kits	18	$24.1	FMF.
M198 Howitzers	24	18.7	FMF/Cash.
TPQ–36 radars	4	10.5	FMF.
M-Series rebuild parts	NA	6.8	FMF.
TOW launchers	135	6.1	FMF.
2.75 inch rockets	16,720	9.4	FMF.
Miscellaneous Army items	NA	1.7	FMF/Cash.
Army subtotal		77.4	
Navy:			
P–3C aircraft	3	139.1	FMF.
Harpoon missiles	28	30.8	FMF/Cash.
AIM–9L missile components	360	19.7	FMF/Cash.
MK–46/Mod 2 torpedo components	NA	.1	Cash.
Miscellaneous Navy items	NA	2.1	FMF/Cash.
Navy subtotal		191.8	
Air Force:			
Peace Gate II support equipment, 220E engine kits	30,968	28.5	FMF/Cash.
Depot engine spares program	4,746	8.0	FMF.
ILC kits: Spares for ILC, ALQ–131, F–100, ALR–69, support	2,035	7.9	FMF/Cash.
Peace Gate III support package:			
Peculiar support equipment	37	.9	FMF.
Engine spares	511	9.1	FMF.
Spares	154	1.6	FMF.
Standard support equipment	67	.4	FMF.
Peace Gate IV support package:			
Engine components	14	.1	Cash.
Developmental support equipment	144	8.0	Cash.
Standard support equipment	386	1.2	Cash.
Non-standard support equipment	9	.5	Cash.
Standard spares	204	1.3	Cash.
Test equipment	NA	.1	Cash.
ALQ–131 pods and spares	20	21.7	Cash.
Class A explosives	245,046	1.5	Cash.
Other Air Force items	NA	8.2	FMF/Cash.
Air Force subtotal		98.8	
Grand total		368	

Mr. BROWN. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 4 minutes on each side.

Mr. BROWN. Mr. President, I having offered the amendment, and I would like to close and retain the remainder of my time.

Mr. GLENN addressed the Chair.

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

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, there appears to be no appreciation in the remarks on the Senate floor by the supporters of the Brown amendment of the history of Pakistan's violation of our laws. I do not condone India's nuclear weapons program, and I do not think there is any Senator in the Senate who has been more outspoken about that matter than I have.

I was in opposition to India's program. I led the fight in 1980 that ultimately resulted in the cutoff of nuclear materials to India because of her guarded nuclear program. So I certainly do not come down on India's side on this either. But India has not violated United States nonproliferation law.

When we passed the Glenn–Symington amendment in 1970, we did not have Pakistan in mind. The law applied to everyone; it was not aimed at a particular country. But Pakistan violated our law. As a result, the Carter administration—going clear back that far—cut them off from military and economic assistance. Then the Reagan administration got a waiver from the law for a temporary period for Pakistan only. We tilted in favor of Pakistan, for Pakistan only, in order to send aid after the Afghan invasion occurred.

Because relief from our nonproliferation law was given to Pakistan, the Congress set up a new line in the sand. We said we really mean it now. And we mean it, Pakistan. We passed the Pressler amendment, and it was Pakistan-specific.

So it is incorrect to say that we are not being evenhanded. It is not unevenhanded to say that those who violate our laws should not then be given the benefit of our shipments of economic and military help. They should be punished, those who do not abide by our laws. Those who abide by our laws should not be punished.

So I do not and will not defend the Indian program, but they did not violate our nonproliferation laws. And to claim that fairness requires that we ignore a violation of our laws time after time after time and not telling us the truth about what was going on, is to just condone behavior that we do not want to see exist. So I will not support changing our laws just to accommodate violations of our nonproliferation laws.

Mr. President, this is not a matter of fairness that we are talking about. It is a matter of nonproliferation. Are we going to have a nonproliferation policy for the United States of America and mean it? Or are we not? And that is the question.

I want to give Pakistan's money back even though most of it was paid in after the Pressler amendment was passed, so they knew what they were doing. They are not dummies. They knew exactly what they were doing. Now they want to say—they got caught and want us to make them whole. I want to see them get their money back—if we can sell the airplanes to somebody else.

To stand back and make a mockery of our nonproliferation laws when we have 178 other nations signed up under NPT and are trusting us to deal with them fairly—that is the issue. Are we a nation that stands for nonproliferation and backs up the laws we have to that effect, or are we not? That is what this vote is all about.

I know Senator Pressler is on the floor.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. PRESSLER. I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, does the Senator ask for 1 additional minute on each side?

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado has the remaining time.

Mr. LEVIN. Will the Senator from Colorado yield for a unanimous-consent request?

Mr. BROWN. I would be glad to yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that there be 1 additional minute on each side so that Senator PRESSLER can speak for 1 additional minute.

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

Who seeks recognition?

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota,

Mr. PRESSLER. Mr. President, I thank the Senator from Ohio for his remarks. His leadership on this issue has been remarkable.

Last night I traced the beginning of this amendment. It started out as a way to give Pakistan money and to give Pakistan arms. And Pakistan supported this amendment as the original thing. It was Pakistan's not telling the truth to then Vice President George Bush and JOHN GLENN and others that led us into this problem. They bought the airplane under false pretenses. That is the whole problem that has led to where we are today. I do not want to go back and punish anybody for any right and wrong. But, if we pass the Brown amendment today, it will be opening the door to proliferation. We are rewarding a proliferator. We are rewarding a country that has violated an agreement on nuclear nonproliferation. And it is an amazing thing, because if it happens, all bets are off on nuclear nonproliferation.

I want to commend Senator GLENN for his leadership on this issue. He has fought it for years.

I made my speech last night. This is an amazing thing; if our country is for nuclear nonproliferation, we will be rewarding a country for proliferation.

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

Mr. BROWN. Mr. President, I yield myself the remainder of my time.

Mr. President, I am concerned about nonproliferation, and all Members ought to be concerned about it. They ought to be aware that if this amendment is agreed to, very strong, tough sanctions remain in place against Pakistan—a bar on military sales, a bar on military assistance, and a variety of other tough sanctions.

A lot has been said about the nonproliferation policy. The fact is this. Our current nonproliferation policy with regard to India is that India may build and develop nuclear weapons and there are no sanctions. That is a fact. Our policy is also that Pakistan may not do that, and there are heavy sanctions. That is not even-handed any way you slice it.

There are a couple considerations I hope Members will keep in mind as they consider this question. We have gone to the Pakistanis year after year and asked them for their help.

In 1950, we asked them to condemn the invasion of South Korea, and they gave us unqualified support and a strong condemnation of the North Korean invasion.

In 1954, we asked them to be an initial member of the Central Treaty Organization and help contain communism, and they gave unqualified support and joined.

In 1955, Pakistan joined the Southeast Asian Treaty Organization, SEATO, at our request and helped stem the tide of communism.

In 1956, we offered a resolution in the United Nations and asked Pakistan to support that 1956 resolution, condemning the Soviet Union's invasion of Hungary. Pakistan supported us. India abstained on the vote.

In 1959, we asked Pakistan to sign a mutual defense treaty with the United States at a tough time, and they did. Later on, we asked that the Pakistanis allow us to build a base in Pakistan to fly military aircraft out of it and spy on the Soviet Union, and they said yes.

In 1960, the Soviets shot down Francis Gary Powers and threatened to wipe the Pakistani base off the face of the Earth, and the Pakistanis still stood by us.

In 1970, Pakistan helped us open up China by staging the trip of Henry Kissinger, incurring the further wrath of the Russians.

From 1971 to 1989, we asked the Pakistanis to join us in fighting the Soviet invasion of Afghanistan, and they did.

Mr. President, in 1984, we asked for a vote in the United Nations condemning the Soviet invasion of Afghanistan and asked for the Pakistanis' support. They voted with us in condemning that invasion. India voted no.

In 1990, we asked Pakistan's help in the war against Iraq, and they delivered troops.

In 1992 and 1993, we asked Pakistan's assistance for troops in Somalia, and they said yes and responded.

In 1993, we asked for their help with troops in Haiti, and they again said yes.

In 1995, we went to Pakistan and asked their help in apprehending a terrorist and returning him to the United States, the mastermind, at least the one we suspect was the mastermind, of the World Trade Center bombing, and they said yes.

Mr. President, when we have needed help Pakistan has responded and been there to help us. This amendment has specific language in it that makes it clear that any ballistic missile sanctions are not affected by this.

And last, the President of the United States has gone out on a limb. He has negotiated a compromise. He has shown leadership. This is not the time to condemn him.

Mr. President, I will yield the remainder of my time to the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair.

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

Ms. MOSELEY-BRAUN. Mr. President, I wish to see the United States as a country that keeps its word in international affairs.

We entered into a contract with Pakistan to sell military equipment and accepted more than $1 billion for that equipment. Likewise, we have made it quite clear that we will not do business with countries that proliferate. We all understand that the transfer of the F–16's cannot be completed now because Pakistan has chosen not to work with the United States on proliferation issues. However, the United States cannot continue to retain both the planes and the money and in the process break its word. I believe this issue is as simple as that. Since the sale cannot be completed, I believe we have an obligation to come to an agreement to reimburse the Government and the people of Pakistan.

The President has offered a thoughtful solution which is being offered by the distinguished Senator from Colorado. I support it and I encourage my colleagues to support it.

I know my time has expired. I thank the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 454 Leg.]

YEAS—55

Ashcroft	Grams	Moseley-Braun
Baucus	Grassley	Murkowski
Bond	Gregg	Murray
Brown	Harkin	Nickles
Bryan	Hatch	Packwood
Burns	Heflin	Reid
Campbell	Helms	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Shelby
Cochran	Inouye	Simpson
Cohen	Jeffords	Smith
Craig	Johnston	Snowe
Dodd	Kassebaum	Stevens
Dole	Kempthorne	Thomas
Domenici	Kyl	Thompson
Faircloth	Lott	Thurmond
Ford	Lugar	Warner
Gorton	McCain	
Graham	Mikulski	

NAYS—45

Abraham	Dorgan	Levin
Akaka	Exon	Lieberman
Bennett	Feingold	Mack
Biden	Feinstein	McConnell
Bingaman	Frist	Moynihan
Boxer	Glenn	Nunn
Bradley	Gramm	Pell
Breaux	Hatfield	Pressler
Bumpers	Hollings	Pryor
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Coverdell	Kerry	Sarbanes
D'Amato	Kohl	Simon
Daschle	Lautenberg	Specter
DeWine	Leahy	Wellstone

So the amendment (No. 2708) was agreed to.

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

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADVANCED TELECOMMUNICATIONS

Mr. BURNS. Mr. President, I have been a supporter of the possibilities offered to this Nation's public and private sector by the burgeoning growth of the telecommunications industry. Coming from a rural Western State

with vast distances between our communities, I realized that advanced telecommunications was likely the only avenue to Montana that could overcome the burdens of distance and geography to allow rural Americans to compete in a rapidly changing economy.

This spring, three United States universities—Montana State University, Virginia Commonwealth University, and Portland State University—combined with two universities from Northern Ireland—Queens University of Belfast and Armagh and the University of Ulster—to form the Distance Learning Consortium for International Management in the United States and European Union. This consortium has been formed for the purpose of providing interactive video and voice technologies. The consortium will offer programs in the area of international business, focusing on such topics as joint market opportunities, issue topical and germane to the U.S. and E.C. markets.

The project would make it possible for a businessman in Billings, MT, and anywhere else in America to walk into one of the participating universities and receive a real-time, interactive block of instruction on the latest in European Community regulations, or distribution channels, or constraints regarding their exports. These programs would be taught by some of the leading European experts. Conversely, a businessman in the European Community would be able to access the latest information on U.S. trade, commerce, regulations, and opportunities in a similar fashion.

While the consortium will utilize their own match, the consortium needs initial support of $500,000 to develop their interrelated curricula and harmonize their separate distance learning technologies.

I hope the manager of this bill will consider this project during its conference with the House.

Mr. McCONNELL. I appreciate Senator BURNS bringing this project to my attention, and I will be happy to work with him on this project.

Mr. President, it is my understanding that the distinguished Senator from South Carolina is going to address the Senate for a few moments, and then we will move along with our agenda. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

DRAWDOWN AUTHORITY FOR JORDAN

Mr. THURMOND. Mr. President, I rise in opposition to section 576 of H.R. 1868, the Foreign Operations Appropriations Act, which would provide authority for the President to drawdown $100 million of defense articles from Department of Defense stocks.

I oppose the inclusion of this provision in the bill because there are no funds appropriated in the bill to reimburse the Department of Defense for the defense articles, services, training, or military education that would be provided. In fact, this provision would waive section 506(c) of the Foreign Assistance Act of 1961, which requires that there be an authorization and appropriation. The provision would also waive the requirement under section 632(d) of the Foreign Assistance Act of 1961, which would require the Department of State to reimburse the Department of Defense for the defense items which have to be replaced. In short, the Army will have to find $61 million in its operations and maintenance budget to pay for the training, transportation and handling, as well as repair and defense items which are to be sent to Jordan.

Mr. President, I believe it is important to support nations who work with the United States to achieve peace in regions where we have national interests, and where it is consistent with our other security priorities around the world. I appreciate the role that Jordan played in the Middle East peace process. I believe Jordan should have the defense items, services, and military training, that enable them to protect their borders and respond to terrorist threats. However, there are no funds authorized and there are no funds appropriated in this bill or the foreign aid bill for this drawdown. This is a function of the international affairs budget and there should be an appropriate authorization and appropriation within the foreign aid and foreign operations bills.

Mr. President, when the Defense authorization bill was before this body, the administration sought support for a similar provision. In a letter supporting the proposed amendment to the Defense authorization bill, the Secretary of Defense stated that without replacement of the nonexcess items and reimbursement to the military services for transportation and other costs, military readiness will suffer.

Mr. President, once again, I believe the United States should provide Jordan with the defense items that would be authorized by this drawdown. However, I cannot support the use of Defense funds without reimbursement to pay for this authority.

I will not offer an amendment to strike this provision from the bill. However, I want all Members to understand that the Senate Armed Services Committee worked very hard to ensure the Defense budget was not used for nondefense items.

This provision would use Defense funds to provide the defense articles and services to a foreign nation. The Department of State should reimburse the Department of Defense for these items. If there is no reimbursement, the Army will have to use money in fiscal year 1996 and future years, which has not been included in the future years defense plan, to replace these items. This cannot help but be detrimental to the future readiness of the U.S. Army. We should stop these raids on the Defense budget.

Mr. McCONNELL. Mr. President, with regard to the Jordanian drawdown, the $100 million drawdown will allow the United States to keep its commitments to King Hussein to address legitimate security concerns of Jordan in a post-peace environment. The King's courageous decision to provide refuge to the Iraqi defectors only increases his security problems.

Moreover, this drawdown package demonstrates America's resolve to support those who support peace in that area of the world. We are at a very critical time in the peace process and it is important we maintain our credibility if we are to maintain our leadership role in brokering further peace agreements.

The drawdown is designed to address the immediate needs of the Jordanian Armed Forces primarily for border security. In the immediate post-peace treaty era with Israel, Jordan finds itself hard-pressed to prevent infiltration of its border with Israel by potential terrorists and smugglers. They desperately need to increase their capability to survey the border, especially at night.

I am well aware of the economic constraints our Nation faces as it fights a bulging deficit, which is precisely why the drawdown package is tailored so that it has a minimum impact upon our force readiness.

Mr. President, I will also say, while not typically being a spokesman for the administration, they are strongly in support of the Jordanian drawdown, as well.

I yield the floor.

Mr. LEAHY. Mr. President, I concur with what the distinguished chairman has said. I think this is extremely important. I have met a number of times with Jordanian officials, and a number of times with King Hussein regarding this and other issues involving Jordan.

Jordan is in a critical, pivotal position. I remember last year—actually, about 11 months ago now—when I had the privilege of accompanying the President of the United States to the signing ceremony of the peace agreement between Jordan and Israel, signed out in the desert in Al Aqabah, in 110-degree weather. I remember the day as though it was yesterday. There was a stiff desert wind blowing. People from Israel and Jordan and from the United States were there to witness the signing of this historic peace agreement. There was a very moving speech by Prime Minister Rabin and by King Hussein. The President of the United States was speaking for all Americans about our pride in this historic agreement.

Every commitment that King Hussein has made, he has kept. Every step he has said he would take, he has taken—many with great courage and great foresight.

This is not an easy time in the Middle East. Prime Minister Rabin, who

justly deserves his Nobel Peace Prize, has pushed so hard to keep a peace agreement going in the face of political opposition and terrorist attacks. He and Foreign Minister Peres have worked so hard on this. There is really a handful of people in the Middle East who are trying to bring about peace—not so much for their generation, because their generation will soon reach a time when it fades from the scene, but for the generation of children, Arab and Jew alike. They are facing a potential for peace which their parents did not have, but a potential they now have. This is an area where we can help. The United States has strong and real security interests in that part of the world. We should help.

So I strongly support the administration's position. I think the President and Secretary of State are right.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent, on behalf of Senator WELLSTONE, to allow a fellow on his staff, Paul Mazur, the privilege of the floor during the consideration of H.R. 1868, the foreign ops bill.

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

TRANSFER OF EXCESS NONLETHAL DEFENSE ARTICLES TO ALBANIA

Mr. LEVIN. Mr. President, I rise to discuss section 557 of this bill, a provision which I support. Last year, the Senate adopted my amendment to allow a waiver of transportation fees for nonlethal excess defense articles being transferred to Albania. I am pleased to see that this provision is being extended this year in both the Senate and House bills, and that it is in fact being expanded to cover all countries eligible to participate in NATO's Partnership for Peace Program, including Albania.

Albania is one of the poorest countries in Europe. Somehow, despite decades of isolation, tyranny and brutal Communist rule, the seeds of democracy survived in the people and have begun to sprout. The people of Albania still look to the United States as a model, admiring our values and desiring our support. In just a few short years, Albania has become an important ally of the United States in the fragile region of the Balkans and is working closely with NATO.

Albania is classified by the United Nations as the least-developed nation in Europe. Albania is trying to establish free markets and free institutions there, and they have a good chance of succeeding. Albania is one place where a little help from the United States can go a very long way to fostering democracy and building stability in the region.

The United States is properly providing some modest assistance to Albania. And one aspect of that assistance can be strengthening civilian control of the military in Albania, and the construction of modern, reformed national defense forces. Helping Albania in this way is clearly in the interest of United States security and European stability. Under the assistance provision adopted last year, Albania has received shipments of uniforms and other nonlethal excess defense materials from the United States without having to bear the cost of transporting those materials. That cost would have been prohibitive for Albania, but it is a small cost for us and one that yields a real benefit. Now, under section 557 of this bill, we will be able to continue waiving the transportation fees for such assistance to Albania, and to other countries eligible to participate in the Partnership for Peace Program.

Our efforts are helping. With United States advice and assistance, the Albanian military has been reorganized. The entire ministry staff was changed, and all of the people who had worked for the Albanian secret police were dismissed. The army was restructured from 21 divisions into just 9. Fifty percent of the commissioned officers and 30 percent of the enlisted officers were dismissed, reducing the total number of officers from 18,000 to 8,200. The heavily politicized military academies, based on old Soviet doctrine, were shut down and replaced with a new noncommissioned officer academy based on a United States model. A new rank system and promotion track was established.

The Albanian military is also shedding its isolationist policies and seeking extensive cooperation with the West and integration into regional security structures. Albania has been very cooperative with NATO efforts to help halt the conflict in the former Yugoslavia. Albania has allowed United States reconnaissance drones to be based at the Gjader base there since mid-summer, and those drones have been very useful in observing military activities in the former Yugoslavia.

Albania has participated in seven joint military exercises with United States and other NATO forces, most recently the Peaceful Eagle exercise last week, which trained Albanian units to be deployed in future U.N. peacekeeping missions. Notably, some of these joint exercises have brought Albanian forces together with troops from its neighbors in the region, including Greece, Bulgaria, and Romania, building important positive links where there have been historic animosities. And these exercises have also trained Albanian and other troops for peacetime missions, such as coordinated emergency disaster response.

Last week, Albania offered air bases in Albania for United States F–117 Stealth fighter-bombers that we may want to use in Bosnia. We had been unable to get agreement to base those planes in Italy. So we and NATO are seeking to build a valuable ally in Albania, and it is important to continue that assistance.

This month, Albanian President Sali Berisha traveled to Washington and met with President Clinton, Vice President GORE, Secretary of State Christopher, Secretary of Defense Perry and other officials. President Clinton praised Berisha for the country's economic and democratic reforms.

On the thorny problem of relations with its neighbor Greece, the two nations recently initiated talks on the rights of Greek and Albanian minorities in each other's country, at the urging of United States Assistant Secretary of State Holbrooke who was visiting the region.

Mr. President, there are other ways we can provide assistance to Albania at a small cost to ourselves. Last week President Clinton offered to help establish a training program for judges, prosecutors and police and to equip and outfit the Albanian peacekeeping contingent under the NATO Partnership for Peace Program. Albania still needs development assistance, help with legal structures, environmental protection and planning, and foreign investment. But we have made a good start, and section 557 of this bill helps permit that to continue.

OVERSEAS POLICE TRAINING

Mr. SPECTER. Mr. President, for 20 years the United States Government has been prohibited from training foreign police forces. Section 660 of the Foreign Assistance Act reflected earlier congressional concern that U.S. personnel should not train security forces in repressive regimes.

But for more than a decade we have realized that some overseas police training is necessary and important—particularly in the area of antiterrorism. This year's pending foreign operations appropriations bill adds another important exemption: It allows the training of overseas police forces to monitor and enforce sanctions. But I believe that another exemption is needed. The President, civilian officials, and U.S. military commanders, need the authority to conduct public-safety training during and after significant military operations.

As the United States discovered in Grenada, Panama, and Haiti, public order is likely to collapse when existing regimes collapse. In each of these cases, U.S. forces were unable to depart until order was restored—and a mechanism for maintaining public safety was created. In none of these cases was this done smoothly or efficiently. The U.S. Justice Department's International Criminal Investigative Training Assistance Program [ICITAP], which is permitted under current law to perform training in this hemisphere, did not perform well. Given the relatively small size of its training organization, and the demands created by hostile and demanding environments, this was not surprising.

During the past 10 years, there has not been an effective civilian organization for conducting public-safety training in the context of a U.S. military operation. In the words of the Commission on Roles and Missions of the Armed Forces, ''our recent experience in Latin America, the Caribbean, and

Africa shows that there are no civilian agencies capable of short-notice law-enforcement operations and training in hostile, demanding environments.''

In the absence of an effective civilian training organization, the U.S. military was compelled to perform public-safety training. Military commanders worked hard to ensure that they did so without violating section 660. In Somalia, for example, marines trained ''auxiliary security forces'' rather than police forces. But because of section 660 restrictions, U.S. military commanders could not plan and train for this mission. In short, it was done on an ad hoc, reactive basis.

Mr. President, I am pleased the Senate has accepted my amendment on overseas training, which would permit the President to use whatever agency of Government was most appropriate to train public-safety forces during and after a military operation. In some cases, such as Haiti, the environment was relatively peaceful, and the training mission could be carried out by the Justice Department. But in other, more dangerous situations, such as Panama, the President might direct local military commanders to conduct short-term training. Once order is restored, civilian agencies could take over longer-term training and assistance.

In the post-cold-war world, the United States in my judgment will from time to time be compelled to use military force to protect our interests, and to carry out other operations where public safety will be an issue. Mr. President, I believe this amendment will help U.S. military commanders perform this mission much more effectively in the future. I thank the distinguished managers of the pending legislation for accepting my amendment.

I thank the Chair and yield the floor.

Mr. D'AMATO. Mr. President, I rise today to discuss United States aid to the PLO, as it has been included in the fiscal year 1996 foreign operations appropriations bill and to explain my vote on the subject.

We have to face the facts. The PLO is not complying with its responsibilities. It has failed to restrain the radicals in Gaza; failed to extradite terrorist murderers in its custody to Israel; it has failed to change the PLO Covenant; and it has failed to come clean with the amount of its assets. Most importantly, the PLO's overwhelming failure to restrain the radical elements within its areas of control is an insult to Israel and everyone who had placed hope in Yasir Arafat's ability to deliver the peace.

Mr. President, I am angered that the PLO will be funded in this foreign aid bill, and moreover, with the fewest of strings attached. The PLO is not living up to its end of the bargain, but the United States is rewarding this band of murderers, nonetheless. I would venture to say that the PLO has no plans to live up to its bargain. They were created with murder in mind, and they will continue that way.

I must say that I fear for Israel. While we provide aid and comfort for the PLO, Yasir Arafat concludes deals with Hamas, rediverts aid, and continues business as usual, laughing all the way to the bank. The United States should be ashamed of itself for giving aid and comfort to these murderers. In the end, though, it will not be the United States that suffers first. It will be Israel, and for them I feel sorry.

I want it known very clearly, I voted for the foreign operations appropriations bill so that Israel could receive the aid that it needs at this crucial time. It is in no way a vote in favor of aid to the PLO. However virulently against funding the PLO in the manner in which it will be funded, I am not willing to hurt Israel by voting against the entire bill. In fact, I think that it was wrong to link the two aid packages together because Senators, such as myself who support aid to Israel but not the PLO, are put in a difficult position. If one votes to kill the aid to the PLO by voting against the overall bill, he or she also votes to kill the aid to Israel. This is wrong and it distresses me greatly.

Mr. President, I ask to have printed in the RECORD, a letter to me from four grieving mothers, whose children have been taken from them by terrorist acts carried out by the very people to which the United States will be providing aid. This letter pleads for extradition by the PLO to Israel of the murderers of their children. I urge my colleagues to read this heartrending letter to further understand the mistake we are committing by providing this aid to the PLO with so few strings attached.

Mr. President, I also ask to have printed in the RECORD, copies of documents that are purported to be from the Palestinian Economic Council, Development and Reconstruction, otherwise known as PECDAR. These documents, which I make no claim to their authenticity, highlight a series of alleged economic diversions and schemes by the PLO to buy up property in the West Bank to leverage against Israel. Finally, I ask to have printed in the RECORD an article on this same subject by A. M. Rosenthal that details the documents in question.

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

September 20, 1995.

Hon. Senator ALFONSE D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR: We are the mothers grieving for our precious children, of blessed memory, who were brutally murdered by merciless terrorists as they innocently hiked the countryside of the land of Israel. We, as mothers, have never been active politically. For years we tirelessly and lovingly dedicated ourselves to raising our children. In one day, our dreams were shattered when we received the bitter news that unconscionable murderers, with their knives in hand, butchered our beloved offspring.

We turn to you at this critical hour with regard to the granting of financial aid to the Palestinian Authority. We beseech your assistance regarding one specific issue—the extradition of the murderers who were apprehended by the Palestinian Authority and are currently being held in Jericho.

According to the agreement signed with Mr. Arafat, the State of Israel has the right to obtain the transfer of murderers of its citizens in order that they be tried in the courts of the State of Israel.

The State of Israel has turned to the Palestinian Authority and has requested the extradition of the murderers. However, the Palestinian Authority has refused to comply and transfer the killers of our children to the Israeli authorities.

We are terribly pained, anguished and distraught by the Palestinian's outright refusal to comply. We have turned to the Prime Minister, to Cabinet Ministers, and to members of the Knesset with our plea for compliance and justice. We recently met with the President of the State of Israel, Mr. Ezer Weitzman, who unequivocally stated to us his support of halting the peace talks as long as the Palestinian Authority refuses to comply and extradite the murderers to the State of Israel.

We look upon this issue of the extradition of the savage murderers of our children as not simply a political issue, but rather as a moral issue of the highest order.

The United States of America has been courageously battling terrorism for many years. In view of this honorable policy, it behooves this great country to insure the extradition of terrorists as a primary condition for the continuation of aid to the Palestinian Authority. Compliance with this matter by the Palestinian Authority will be a true test of the sincerity of the P.L.O., heretofore a terrorist organization, now professing to be a peace seeking organization.

As mothers struggling to cope with the incessant pain and sorrow of our losses, we wish to have a dialogue with members of the Senate. It would be scandalously immoral to provide the P.L.O. with funds as long as they continue to refuse to allow the State of Israel to bring the terrorists to justice.

Dear Senator, your intervention is our only hope. Our children cannot return to us. We dare not compromise their honor.

Please accept our heartfelt appreciation for your efforts regarding this critical issue.

Sincerely,

YEHUDIT SHACHOR.
BILHA BACHRACH.
RIFKA FORER.
BATYA BACHAR.

[From the New York Times, June 12, 1995]

On My Mind:

THE P.L.O. PAPERS

AID, CONGRESS AND A MOTHER-IN-LAW

(By A. M. Rosenthal)

Should the United States continue giving hundreds of millions of dollars to the Palestine Liberation Organization, and under what conditions?

Has Yasir Arafat lived up to the existing conditions of American aid? For instance, is all international money distributed through the P.L.O. being used for the economic benefit of Palestinians in territory turned over by Israel? Or has he used foreign help for his own personal and political purposes?

That is what is going on, according to copies of 28 letters in my possession. They deal with orders from Mr. Arafat's top finance aide in the Palestinian National Authority to Pecdar, the Palestinian economic development organization, which handles international aid and is supposed to be independent of political direction from Mr. Arafat.

With admonishments of secrecy, the letters contain instructions, and pecdar notices

of compliance, to allocate money to such projects as buying a large chicken farm, other land, apartments and companies for P.L.O. notables, enlarging holdings in Jerusalem—and $2.5 million for an expanded propaganda apparatus, the money to be channeled through Mr. Arafat's mother-in-law.

Pieces of the correspondence have been printed in Israel, but have not surfaced publicly in the U.S. until this column.

The P.L.O. says they are forgeries. The Israeli Government does not want anything to interfere with U.S. aid to the P.L.O., as these letters could, but has been interestingly non-committal about the letters.

The Clinton Administration also does not want any glitches about U.S. aid to the P.L.O. But American intelligence has been asked to examine the letters by Representative Ben Gilman, New York Republican, chairman of the House International Relations Committee.

I got them from Israeli and American sources who feel the labor Government's negotiating techniques with the P.L.O. and Syria amount to a giveaway of Israeli security that will not bring a lasting peace but make it impossible.

Iraeli officials finger Yigal Carmon, former adviser on terrorism to the previous and current Israeli Prime Ministers, as the source. He certainly was not mine. After I showed him the letters a month ago he returned with a reply he said he wished he did not have to make: certain informalities in Arabic usage gave him pause. Now he says that after consultations with other Palestinian and Israeli specialists, his linguistic questions are answered and the letters are authentic. Other anti-terrorist experts, who spent four months checking the letters, say they are not forgeries.

Spokesmen for the U.S., Israel and the World Bank tell me that the political projects outlined in the letters do not come from their contributions. They volunteered that the money could have come from other contributing nations or that international funding could have freed up more P.L.O. funds for secret political actions.

The letters are not the only question that the House and Senate will have to consider about continuing the $500 million U.S. aid to the P.L.O.

Why has Mr. Arafat not lived up to the condition that the P.L.O. eliminate the death-to-Israel clauses from its convenant? Will he ever stop encouraging Palestinians to believe that the peace negotiations are the first phase toward the convenant goal of control over all of what is now Israel? Why have more Israelis died in terrorist attacks since the Oslo agreement than before?

But the basic question before Congress is this:

Will peace be killed by insisting on P.L.O. compliance with conditions already outlined by the U.S. but unfulfilled by the P.L.O.? That is what Israeli and U.S. officials say they believe. Or could that make a lasting peace somewhat more possible? (My belief.)

In the Senate, Alfonse M. D'Amato, a Republican, demands proof of P.L.O. compliance on anti-terrorist action and changing the convenant as a price of aid. In the House, Democrats and Republicans have introduced wording that would also reduce aid if any is misspent. Among them are Democrats Eliot Engel and Charles Schumer of New York and Republicans Jim Saxton of New Jersey and Tom DeLay of Texas.

That's one great thing about Congress—there are always members of both parties around who insist on bringing up issues about which the Administration of the day wants only considerable shut-up.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR),

December 17, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 12.12.1994 No. MP/30/305 concerning the founding of a corporation of the name of corporation of advancing for import and export Palestinian sited in the city of Ramallah which shall be managed by the comrade Jameel Titarify with the participation of the national palestinian authority by 60% (six million US DOLLARS) a contact has been established with the comrade Jameel Altarify and the following steps have been taken:

1. The required amount has been shifted to the account of the comrade Jameel Altarify abroad for covering the financial commercial credits.

2. The receiving bank has confirmed reception of the transfer.

3. We have obtained a written commitment from the comrade Jameel Al tarify that the amount is a deposit in his hands.

We request to inform the comrade leader Abu Amar about the details and performance of the matter.

Respectfully,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 25, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

In accordance with the desire of the comrade leader Abu Amar the President of the National Palestinian Authority to found a company for importing and exporting Ltd, according to the necessity and in order to ensure full and effective control on the commercial market it has been decided to assign this matter to the comrade Jameel Altarify with the participation of members of the frame of FATAH in the West Bank in the following manner:

1. To found a company in the name of ''the Palestinian advanced company for importing and exporting under the management of the comrade Jameel Altarify who shall choose such appropriate people from the frame of FATAH.

2. The capital of the company shall be ten million dollars.

3. The National Palestinian Authority shall participate for 60% and its participation shall be registered in the name of sworn members of the frame of FATAH.

4. The central office of the company will be in the city of Ramallah. It may open branches in any part of the West Bank and Gaza Strip.

Please take all necessary steps for full execution of the matter and have us informed.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,
Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR)

December 15, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 28.11.1994 No. MP/30/227 in the matter of founding a general contracting company for importing huge apparatus for construction similar to what is in international companies under the control and management of the comrade Jameel Altarify, the part of the National Palestinian Authority in the capital being thirty million dollars from fifty million dollars namely a proportion of 60%, we are to inform you the following:

1. The required transfer of the amount has been effected to the account of the comrade Jameel Altarify according to his request in his personal account abroad.

2. The bank has confirmed receipt of the transferred money.

3. We have taken a commitment from the comrade Jameel Altarify that the amount is a trust in his hand on behalf of the national palestinan authority.

Please do inform the leader comrade Abu Amar the President of the National Palestinian Authority about the matter in the due way.

Respectfully,

Chairman, Palestinian Economic Council, for Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 28, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

The comrade leader Abu Amar has communicated to us his wish for the formation of a general contracting company for building and importing of the huge apparatus for building like bulldozers and cars and modern supplies. Since the brother Jameel Altarify has a wide experience in this field it has been decided to assign to him this matter in the following manner:

1. A limited company shall be founded with shareholders from inland and abroad and it ought to compete with the international companies.

2. The capital of this capital shall be one million American dollar.

3. The company shall be sited in the city of Ramallah.

4. The national authority shall participate by 60% in the capital and its participation shall be registered in the names of men belonging to the cadre of FATAH who are reliable.

5. The approved capital of the company shall be fifty million dollars.

6. The necessary measures shall be taken for a speedy foundation of the company.

Please ensure taking the necessary financial and secondary measures to inform the comrade leader Abu Amar the President of the National Palestinian Authority.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,
Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR),

September 25, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return:

Referring to your letter dated 17.9.1994 No. MP/30/155 we inform you immediately that all the measures for the execution of the orders of the comrade leader Abu Amar President of the National Palestinian Authority in the matter of financing the special central computer, in the following way:

1. On the basis of banking arrangements with the brother Dr. Nabeel Sha'ath minister of planning and international cooperation, it appears that he prefers to deal with his sons Ali and Maxin in this project.

2. The required informations have been obtained on the sons accounts abroad.

3. There was accomplished the transfer of eight dollars as required.

4. The bank has confirmed receipt of the transfer.

Please inform the leader comrade Abu Amar President of the National Palestinian Authority that his orders have been executed in due form.

Respectfully,

_____ _____

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Following our letter of 3.9.1944 No. MP/30/126 and relating to the instructions provided there by the comrade leader Abu Amar, President of the National Palestinian Authority and in pursuance of performing the projects (the comrade Dr. Nabeel Sha'ath) chairman of the Palestinian Economic Council for development and reconstruction, the second project concentrates on the following:

1. The private special central computer: There shall be founded a corporation for the private (or special) central computer in addition to the one which is the National Palestinian Authority.

2. The said corporation shall instruct and councel in the technical and scientific operation of the central computer of the Authority in all places of the Gaza Strip. This activity shall further extend to the West Bank and to Jerusalem, capital of the Palestinian State.

3. The capital of the private corporation shall be eight US million dollars which shall be paid by the National Authority immediately to the corporation.

4. The corporation shall immediately appoint the necessary staff from the country and abroad, and they should be highly qualified.

5. The direct managers shall be the sons of Dr. Nabeel Sha'ath, Ali and Mazin, who are experts in this field.

The comrade leader Abu Amar, President of the National Palestinian Authority shows the highest interest in this scientific and technological project and urges to deal with it diligently.

Respectfully,

_____ _____

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

October 7, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 30.9.1994 No. MP/30/168 we are to inform that the necessary measures for the setting and enlarging of the corporation TEAM in Jerusalem has been effected with MM. Ali and Mazin sons of the comrade Dr. Nabeel Sha'ath Minister of Development and Reconstruction at the National Palestinian Authority in a way which is convenient to them. We shall add the following:

1. We have suggested to them a building in the suburb of the Bareed which comprises eight flats with a preliminary consent

2. A special budget has been assigned for purchasing of apparatus according to what was decided

3. A budget has been assigned for expenses and wages

Please convey to the comrade leader Abu Amar President of the National Palestinian Authority the content of this letter

Respectfully,

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

Following our letter of 17.9.1994 No. MP/30/155 and in performance of the instructions, provided there, of the comrade leader Abu Amar, President of the National Palestinian Authority and in pursuance of performance of the projects which have been attributed to Dr. Nabeel Sha'ath, the chairman of the council of planification and international cooperation, we are to inform you that the third project to be executed will concentrate on the following:

1. The international planning corporation for administration which is managed by the sons of the comrade Dr. Nabeel Sha'ath, and which have branches in Egypt and Lebanon and through it the Palestinian Authority will be able to obtain private informations and set clubs and congress in the country and abroad.

2. It will be agreed to purchase a building in Arab Jerusalem or its suburbs for an amount of two million dollars, to be the residence of the said corporation.

3. An amount of one million dollars shall be given to purchase the necessary office furnitures and appliances.

4. A budget of expenses in administrative matters and current expenses for an amount of two million dollars for a start. Therefore the required amount is five million dollars.

We stress the importance of the project and the necessity to provide diligently the required amounts.

Respectfully,

MUHDI ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION, (PECDAR),

October 15, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 7.10.1994 No. MP/30/305 concerning the development projects which are under the management of the comrade Dr. Amin Hadad one of the pillars of the PECDAR member of the economic delegation which was negotiated in Paris and on the basis of the decree of the comrade leader Abu Amar, the transfer of fifteen million dollars has been effected according to the bank informations which have been brought to us by him.

We have checked the effective transfer of the said amount to his personal account in due course. Please inform the comrade leader Abu Amar that it has been done according to his wish.

Respectfully,

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

On the basis of a decree of the comrade leader Abu Amar, President of the National Palestinian Authority and his full faith in one of the elements of the Palestinian Economic Council for development and Construction (PECDAR) and its unrelenting efforts for the setting of the institutions of the Authority, the leader symbol has decided to nominate Dr. Amin Haddad to manage the private projects. He shall have the power to appoint the faithful and reliable elements from among the cadre of ''FATH''. In order that the Authority should stay away from these projects the following shall be done:

1. The projects shall have the special stamp ''A private or public shareholders corporation'', its shareholders shall be Palestinians from the country and from abroad.

2. The foundation of construction which shall be named ''The Palestinian corporation for projects and construction'' shall build dwelling flats in the city of Ramallah with a capital of fifteen million US dollars.

3. There is no objection in having landowners participating in the said corporation.

4. A financial arrangement shall be provided with Dr. Amin Haddad to pay the approved amount in a way convenient to him.

5. The properties of this corporation shall belong to the National Palestinian Authority.

We stress that the comrade leader Abu Amar has the highest interest in this matter.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

September 11, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 3.9.1994 No. MP/30/126 Dr. Nabeen Sha'ath minister of planning and international cooperation—for the founding of a technological architectural corporation in both the Gaza Strip and West Bank, we inform you the following:

1. We have contacted the comrade Dr. Nabeel Sha'ath. He has furnished us the necessary banking informations.

2. The required transfer has been effected from the ''special accounts''.

3. The bank has confirmed receipt of the amount and its transfer in the account of the comrade Dr. Nabeel Sha'ath.

Please convey these informations to the comrade leader Abu Amar, President of the National Palestinian Authority and that his orders have been fully executed.

Respectfully,

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

September 3, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

In accordance with the instructions of the comrade leader Abu Amar, and whereas it is mandatory to initiate a technological scientific activity in the Gaza Strip and West Bank on a desirable scientific level, it has been decided to bestow this function on the Minister of Planning and International Cooperation Dr. Nabil Sha'ath, since these are private and personal projects and they should not contradict the interests of the other party who could exploit them politically in international circles among the donors and the Americans and thus may cause hard problems to the National Palestinian Authority. Therefore, the comrade leader Abu Ammar has decided to start as follows:

1. To found a technological architectural corporation having the required qualifications. It will start its activities first of all in the Gaza Strip and then shall go to the West Bank and the Arab villages and their suburbs.

2. The said corporation shall deal with instructing and counseling in the architectural and technological matters in the private and public sectors.

3. The capital of the corporation shall be five million US dollars. It may be increased, if necessary, by setting a shareholders corporation with the participation of Palestinians from the country and abroad.

We emphasize that the comrade leader Abu Amar considers the matter of setting the corporation as specially important.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR)

October 28, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greatings of Return.

Referring to your letter dated 20.10.1994 No. MP/30/225 in the matter of the industries and antiques of Naplus that will be assigned to the comrade Amin Hadad and in accordance with the wishes of the comrade Abademar, the following financial procedures have been accomplished:

1. by arrangement with the comrade Dr. Amin Hadad instructions have been given for the transfer of the required amount six million US dollars.

2. A notice has been received to the effect that the amount has been received and entered in the personal account of the comrade Dr. Amin Hadad.

3. He has given a commitment personal that this project (according to the share) is the property of the National Palestinian Authority.

4. He has given a commitment that he will involve the maximum number of industrials in the city of Naplouse in this project.

Please convey to the comrade leader President of the National Palestinian Authority about the execution of his order.

Respectfully

_____ _____,

Chairman.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

October 20, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return

In execution of the order of the comrade leader Abu Amar the President of the National Palestinian Authority to bestow on the comrade Dr. Amin Hadad the function of developing industries in Naplus and mainly the soap industry and the antiques in the city and the neighbouring villages by founding a corporation which will gather all industrials in the city with a capital for an amount of ten million US dollars in which the National Authority shall participate with six million dollars it being 60% of the capital.

We request to take the necessary measures for the setting of this corporation on the aforesaid conditions. The National Authority shall be represented by Dr. Amin Hadad in his name and on behalf of persons from our staff reliable and having a good name.

In accordance with the desire of the comrade leader Abu Amar President of the National Palestinian Authority, the amount of six million US dollars should be diligently paid in a due way.

Respectfully

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

November 11, 1994.

To the comrade Mohammad Zudhi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 30.10.1994 No. MP/30/241 concerning the Palestinian corporation for importation of iron and steel Ltd which the comrade Dr. Amin Hadad member of (PEDCAR) intends to found we are to inform you the following:

1. An understanding has been reached with the comrade Dr. Amin Hadad on the manner he prefers for the operation of financing.

2. A commitment has been obtained from the comrade Dr. Amin Hadad that the said corporation belongs to the Palestinian Authority and that it is a deposit in his hands.

3. You will be informed at the completion of the procedures of financing and reception of the amount and its deposit in the account of the comrade Dr. Amin Hadad soon with the wish of God.

Please inform the comrade Abu Amar president of the National Palestinian Authority on the details of the procedures.

Respectfully,

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 25, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PEDCAR), Jerusalem.

Greetings of return

The matter: A Palestinian Corporation for importation of iron and steel.

According to the instruction of the remarkable leader the comrade Abu Amar President of the National Palestinian Authority for the formation of a corporation which shall start to import iron and steel and to develop, the comrade leader has decided to put the comrade Dr. Amin Haddad in charge of this enterprise in the following way:

1. A limited corporation shall be registered under the name of the Palestinian Corporation for importation of Iron and Steel Ltd.

2. The corporation shall be sited in the city of Naplus.

3. Its capital shall be twenty million US dollars.

4. The National Palestinian Authority shall participate with a capital of 60% namely twelve million dollars and the balance shall be provided by shareholders (eight million dollars).

5. Activating the construction in the city and putting to market with favorable prices iron and steel and also for local industrial organizations.

The comrade leader Abu Amar the President of the National Palestinian Authority stresses the acting in a speedy way in taking the necessary measures in order to publicise this corporation in the region.

Respectfully

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

September 8, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 12.8.1994 No. MP/30/85 which includes the decree by the comrade leader Abu Amar concerning the setting and founding of a poultry farm in Beer Zeit (Ramallah) which will specialize in strengthening the palestinian economy we inform you as follows:

1. We obtained all the plans and necessary informations concerning this project, we have studied it and have decided as follows:

2. We have contacted the comrade pressman Mr. Ibrahim Alkarain and obtained from him the necessary bank informations

3. The transfer of the required amount has been effected from the ''special accounts''

4. The bank has confirmed to us receipt of the amount and its transfer in the account of the comrade Ibrahim Alkarain

Please convey these informations to the comrade leader Abu Amar President of the National Palestinian Authority and that his orders have been fully executed.

Respectfully

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE

August 12, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return

Whereas the National Palestinian Authority acts through the faithful palestinian elements to build and execute the economic projects and to help our people to progress and to be self-sufficient in our local markets and to rely on our products provided by our faithful people, therefore the comrade leader Abu Amar has decided as follows:

1. To set a huge poultry farm on a space of land of ten dounams. The place has already been chosen in the region of Beer Zeit (district of Ramallah). It will require the purchase of machines for . . . and whatever is needed by the farmer in order to compete with the international farms.

2. The capital of this farm shall be 1.5 million US dollars at the start.

3. The farm shall be managed by the pressman Mr. Ibrahim Alkarain owner of the review ''Alawda'' (The Return) and of the Palestine Press Office to him and his partners.

We stress that the comrade leader Abu Amar has the highest interest in the matter as it will provide work to palestinians.

Respectfully

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

November 11, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

We refer to your letter dated 19.11.1994 No. M/30/266 and are to inform you immediately that all the measures for the execution of the instructions of the comrade leader Abu Amar President of the National Palestinian Authority concerning the financing of the Palestinian Press Office Review Alawda, as follows:

1. The necessary informations have been obtained from the pressman Ibrahim Tlkarain on his personal account in France he and his partners Remonde Altaweel.

2. The transfer has been effected of 2.5 million American dollars.

3. The bank has confirmed receipt of the transfer.

4. The way of transfer is sophisticated and the other party cannot in any way discover the way and style which has been taken in the transfer.

5. We have received an excessively important letter from the comrade Remonda

Altaweel confirming receipt of the whole amount and thanking the comrade and beloved father Mr. Yasser Arafat ''Abu Amar'' with thanks from the Palestinian diaspora in France.

Please inform the comrade Abu Amar president of the National Authority that his orders have been executed properly.

Respectfully,

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction (PEDCAR).

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

November 19, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PEDCAR), Jerusalem.

Greetings of return.

Whereas the National Palestinian Authority encourages the saying of truth which stands above all, and encourages the development of a Palestinian press and journalists that they utter the truth with no fear of any danger anywhere and pursue the enemies of the homeland and unveil them to the public, therefore the comrade leader has proclaimed as follows:

1. The Palestinian Press Office shall support the comrade journalist Ibrahim Alkarain, the owner of the office which is sited in Arab Jerusalem, the capital of Palestine (Journal of the Return) and helping him to purchase modern printing machines and sophisticated computers and the purchase of press offices and providing for payments of employees and pressmen.

2. The center of the said office shall be in the Arab Jerusalem, the capital of the state of Palestine.

3. A preliminary amount of 2.5 million US dollars shall be provided in installments to be decided on.

4. A financial arrangement shall be provided to expend the amount in a way which will be convenient to (him).

Please take the necessary steps to execute the aforesaid and have us informed.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR),

August 23, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of return.

Referring to your letter dated 15.8.1994 No. MP/30/1994 which includes the matter of the decree promulgated by the comrade leader Abu Amar concerning the ''inland Palestinians'' from among members of the Knesseth and parties and philanthropic and cooperative organizations and local councils and private councils and churches ''helps and contributions'' and that this matter should be held directly and intensively by the brother Dr. Ahmad Tiby, we are to inform you as follows:

1. We have contacted Dr. Ahmad Tiby who has visited our office personally and he prefers not to talk on the telephone.

2. He has assured us of the necessity to pursue the transfer in the same way.

3. We should inform him by code of the receipt of the amount in his account special abroad.

4. The amount has been transferred and entered in his account in due form.

Please inform the comrade leader Abu Amar that the matter has been effected in the most secret way due to the sensitivity of the operations.

Respectfully,

_____ _____,

Chairman.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 5, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR), Jerusalem.

Greetings of return.

Following our letter dated 7.8.1994 No. MN/30/75 in the same matter on the basis of building the auxiliary apparatus, the comrade leader Abu Amar has decided that the activity of the National Palestinian Authority should spread inside Israel and concentrate on the Arabs and inland Palestinians and that this function should rest on the comrade Dr. Ahmad Tiby and the comrades ought to be chosen from among the members of the Knesseth, the Municipal and Local Councils, the philanthropic organizations, the cooperatives, the villages and the churches in view of gaining their collaboration in achieving the following:

1. Helping the various parties which support the foundation of the Palestinian State which will include Jerusalem.

2. Helping such local councils as are suffering from financial deficit.

3. Contributing to the philanthropic and cooperative associations.

4. Contributing to the village councils.

5. Contributing to the bishops and religious persons who lead the churches of various communities.

6. For these activities an amount of twenty million US dollars shall be immediately reserved.

As it was mentioned in my previous letter the comrade leader Abu Amar recommends that the activities of the said committee should not be noticed by the public and they should be far and away from journalists and statesmen.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL, DEVELOPMENT AND RECONSTRUCTION (PECDAR)

August 31, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

Referring to your letter dated 25.8.1994 No. MP/30/111 concerning the building of dwelling flats in Arab Jerusalem and its suburbs by decree of the leader comrade Abu Amar and assigning the matter to Dr. Ahmad Tiby with direct responsibility we are to clarify the following:

1. The transfer of the amount of twelve million dollars in the same way is not easy now.

2. Half of the amount may be transferred immediately (namely six million dollars) and the other half may be paid after a month from today.

3. The comrade Dr. Ahmad Tiby has consented to divide the amount and has affirmed that there is no urgency now and no prejudice will come out of the postponing.

Please convey the actual picture to the comrade leader Abu Amar and clarify that the amount of six million dollars has been brought in the account of the comrade Dr. Tiby when this letter will reach you.

Respectfully,

_____ _____,

Chairman, Palestinian Economic Council, Development and Reconstruction.

It is forbidden to read this document without the special authorization of the President.

THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 25, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR)—Jerusalem.

Greetings of return.

In pursuance to our letter dated 15.8.1994 No. MF/30/93 (Dr. Ahmad Tiby) I am to inform you that the comrade leader Abu Amar has instructed me to convey to you his desire for the construction of dwelling flats in the Arab Jerusalem and its suburbs in buildings of ten flats each or more in accordance with the Town Planning Law (authorized) and that for this purpose an amount of twelve million US dollars should be assigned and the project should not be registered in the name of the National Palestinian Authority lest it would attract reactions from the other party which will be difficult for us to solve. Therefore, it shall be arranged as follows:

1. The comrade Dr. Ahmad Tiby shall be responsible for the setting of this commission with reliable people under his chairmanship.

2. There is no objection to the participation in this project of landlords who wish so.

3. An architectural tactic shall be followed whereby, if circumstances allow that, the same maps shall be used so that the building in all regions will be similar.

3.The moves of the commission should not attract any attention.

Please deal with the matter in the most secret way due to its sensitiveness and to the position of the comrade Dr. Ahmad Tiby in the region.

Respectfully,

MUHAMMAD ZUHDI ALNASHASHIBY,

Finance Minister.

PALESTINIAN ECONOMIC COUNCIL (PECDAR)

August 17, 1994.

To the comrade Mohammad Zuhdi Alnashashiby, Finance Minister—Gaza.

Greetings of Return.

With reference to your letter dated 7.8.1994 No. MP/30/75 relating to the decree of the leader comrade Abu Amar concerning the setting of a land corporation sited in the city of Jerusalem which will specialize in purchasing lands in Arab Jerusalem (Eastern) the capital of the Palestinian State with the will of God and in the Old City, we are to inform you the following:

1. We have contacted the comrade Dr. Ahmad Tiby and have obtained from him the bank informations and the way and style which he prefers for the transfer of the required amount at the inception of this project.

2. The method of transfer of the amount is sophisticated and convincing. The other party will never be able, to discover the way and method whereby the transfer is effected.

3. We have contacted the bank to which the transfer has been effected and it has confirmed its receipt.

Please assure the comrade leader Abu Amar that the matter has been executed precisely and most secretly.

Respectfully,

_____ _____,

Chairman.

It is forbidden to read this document without the special authorization of the President

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THE NATIONAL PALESTINIAN AUTHORITY, MINISTRY OF FINANCE,

August 2, 1994.

To the Chairman of the Palestinian Economic Council for Development and Reconstruction (PECDAR)—Jerusalem

Greetings of return.

Since the National Palestinian Authority, with the assistance of faithful palestinian elements, is building various assisting apparatus in view of strengthening the basis of the palestinian state to which all aspire with the help of God in our beloved homeland while concentrating on the holy Jerusalem in order to strengthen our position there and intensify our presence in an active and strong way;

And whereas we don't want to have this activity appear in the name of the National Palestinian Authority lest it would be exploited counter for political aims in international circles by the other party and consequently jeopardize the peace process and the good name of the Palestinian Authority in the international circles by the (missing word) and mainly the American administration;

Therefore the comrade leader has decided as follows:

1. To found a land corporation which will be sited in Jerusalem, which will purchase lands in East Jerusalem and in the Old City and only in the name of this corporation.

2. The capital of the corporation shall be fifteen million american dollars at the start.

3. The manager of the chairman of the board will be Dr. Ahmad Tiby and the members of the Board will be the following:

1. Bassam Tcdel Hameed Alsa'ih, 2. Haj Faiz tk'ubaidy, 3. Abd Abu Diyab, 4. The lawyer Ali Guzlan, 5. Abdel Rauf Abu Assab (Abu Kaid), 6. Haj Tewfik Abu Zahra.

We stress that it is the desire of the comrade leader Abu Amar that the meetings of this group should be held secretly and its activities should not be noticed and it should keep its documents and registries away from the other party.

Respectfully,

_____ _____.

Mr. LEAHY. Mr. President, if nobody else is seeking recognition, 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. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 2724

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

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 2724.

Mr. COHEN. 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 an appropriate place in the bill, insert the following new section:

SEC. . REPORT ON RUSSIAN MILITARY OPERATIONS.

(a) No later than three months after the date of enactment of this act, the President shall declassify, to the maximum extent possible, and resubmit to the Congress the report submitted to the Congress pursuant to Section 528 of Public Law 103–236, with an addendum updating the information in the report.

(b) The addendum referred to in subsection (a) shall be unclassified to the maximum extent possible and shall address, inter alia—

(1) Russian compliance or lack of compliance with the Russian-Moldovan agreement of October 24, 1994, providing for the withdrawal of Russian military forces from Moldova, subsequent Russian deployments of military forces to Moldova and Russian efforts to secure long-term military basing rights in Moldova;

(2) possible Russian complicity in the coup attempt of September-October 1994 against the government of Azerbaijan and the exertion of Russian pressure to influence decisions regarding the path of pipelines that will carry Azerbaijan oil;

(3) Russian efforts or agreements to assume partial or complete responsibility for securing the borders of countries other than Russia, using troops of the Russian Ministry of Defense, Ministry of the Interior or any other security agency of the Russian Federation;

(4) Russian efforts to integrate its armed forces, other security forces, or intelligence agencies with those of any other country and the relationship of such efforts to the development of institutions under the Commonwealth of Independent States; and

(5) Russian compliance with the Treaty on Conventional Armed Forces in Europe and the Organization on Security and Cooperation in Europe's Code of Conduct on the Politico-Military Aspects of Security.

Mr. COHEN. Mr. President, early last year, Mr. President, the Senate adopted an amendment I offered to require the President to submit a report on the revised Russian military doctrine and Russian military operations outside Russia's border.

The report was necessary because Russia has been engaging in a systematic effort to regain effective control over the countries that formerly made up the Soviet Union. The tools Moscow has been using in this effort have included economic, political, and military, including blatant military intervention and covert military actions.

Moscow fomented secessionist war on Georgia, bringing the government of Eduard Shevardnadze to the brink of defeat. Once Moscow had coerced him to capitulate to its demands to join the Commonwealth of Independent States and give Moscow permanent military bases, Russian troops rushed in to keep the peace.

In Moldova, Russian troops assisted ethnic Russian secessionists establish a self-proclaimed independent republic sandwiched between Moldova and Ukraine's western border.

In oil-rich Azerbaijan, Russian troops provided assistance to rebel forces that overthrew the democratically elected government and then may have supported coup efforts against the new government once it refused to succumb to Moscow's effort to dictate to it on oil policies.

Russian troops are heavily involved in the civil war in Tajikistan and patrol the borders of Tajikistan and Armenia, putting them once again on NATO's border.

The revised Russian military doctrine asserts Russia's right to intervene militarily throughout the territory that was the Soviet Union.

And so the Senate adopted the amendment requiring the President to tell us and the American people what the Russian military was doing and what the implications were for American and allied security.

But when the President submitted the report last September, it was classified from cover to cover, even though much of the report did not warrant being restricted by a security classification. The decision to throw a cloak of secrecy over this report probably was not related to the fact that it was submitted just a few days after his Washington summit with President Yeltsin. I am only speculating here, but perhaps the administration did not want to embarrass President Yeltsin, although it is not clear that he would have been embarrassed at all. Just prior to the summit, President Yeltsin embraced a Russian Foreign Intelligence Service report calling for reintegration of the former Soviet republic into a single economic and defense zone, complete with a unified military command and a Russian nuclear umbrella.

Perhaps the administration was worried about being embarrassed itself given its acquiescence to Russia military adventures.

In any case—no need to speculate about this—the decision to classify the report from cover to cover has prevented Congress from conducting a complete public debate about Russian actions and the administration's policy toward Russia, and it has prevented the American people from becoming fully informed on these matters.

And so I am offering an amendment today to require that the report be declassified to the maximum extent possible. The amendment also requires submission of an addendum, unclassified to the maximum extent possible, updating the information in the report.

Among the more recent issues that need to be addressed in the addendum are the agreement Prime Minister Chernomyrdin signed last October to withdraw Russian troops from Moldova within 3 years, which Moscow now seeks to nullify by pressuring Moldova for permanent basing rights. There have been further coup attempts in Azerbaijan in which Moscow might have had a hand as part of its intense effort to compel Azerbaijan to ship its oil through a Russian pipeline. Moscow continues its pressures to unify the defense policies of the newly independent states, with President Yeltsin personally endorsing the effort just last week. And Moscow seems intent on blatantly violating the Treaty on Conventional Armed Forces in Europe, the so-called CFE Treaty, which the administration has called the cornerstone of post-cold-war European military stability but

which the administration is not proposing to amend in response to Russian threats to abandon the treaty.

Ironically, the Russians now object. After having negotiated and signed and ratified the CFE treaty—they now object to its provisions.

So, clearly, the need for a well informed public debate is greater today than when the Senate voted on this last year, calling for the President's report. The amendment I offer would ensure that such a debate can take place in Congress, in the media, and in other public fora. So I urge my colleagues to accept, or if not accept, adopt the amendment.

Mr. McCONNELL. I thank the Senator from Maine for bringing up a really, I think, significant issue, just the continued presence of Russian troops in the former Soviet Republics, and how that intimidates those young democracies.

So I think the amendment of the Senator is very well advised. This is the kind of information, it seems to me, that ought to be shared. I commend him for his amendment and I am prepared to support it. I am aware of no opposition on this side.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have earlier discussed his amendment with the Senator from Maine. There is much I find very appealing, for a number of the reasons that he has laid out. There have been just a couple of questions raised on this side. I wonder if we might delay any action just for a few more minutes.

What I am going to do is suggest the absence of a quorum, but it will be only for a very few—I see the chairman may have something else to say about it. But I suggest, in a few more minutes we may be able to resolve this whole issue. I am sure that would be agreeable to the Senator from Maine.

Mr. COHEN. I have no objection.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me say in conclusion on the Cohen amendment, I think Senator KERRY will be here shortly to, as well, offer an amendment upon which a rollcall will be required.

Mr. D'AMATO. Mr. President, I rise to discuss with the chairman of the subcommittee an issue of importance regarding the opening of offices for the Federal Bureau of Investigation and the Secret Service in the triborder area of Argentina, Brazil, and Paraguay. This area has been identified as extremely dangerous with criminal and terrorist elements running rampant in the area. Today's organized terrorist and criminal organizations are international in nature and the presence of these agencies is of paramount importance to the security of the United States and its elected officials. The subcommittee, in its deliberations saw the preponderance of these criminal activities and appropriated funds for the establishment and maintenance of offices for both agencies. The bill in its current form allocates $5 million for both agencies to establish and maintain offices. It is my understanding that this appropriation is to be split evenly between the Federal Bureau of Investigation and the Secret Service, $2.5 million per agency. I realize that this was the intent of the subcommittee and I merely wanted the opportunity to ensure that the RECORD accurately reflects this appropriation.

Mr. McCONNELL. Mr. President, the Senator from New York is correct, and I thank him for his concern. This appropriation is intended to fund the establishment and maintenance of offices for the Federal Bureau of Investigation and the Secret Service. The intent of the subcommittee is for these funds to be split evenly between the two agencies. I understand the ambiguity of the wording in the bill and I hope this dialog will answer any questions or uncertainties.

Mr. D'AMATO. I thank my friend and colleague for that clarification. I feel the importance and immediacy of filling these law enforcement positions should not be delayed to bureaucratic debate on the amount of funds awarded to the different agencies.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call roll.

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

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

AMENDMENT NO. 2724

Mr. McCONNELL. Mr. President, we have now cleared the Cohen amendment on both sides. I am not aware of any need for further debate.

Mr. LEAHY. Mr. President, as I noted earlier, I support the Cohen amendment. I wanted to doublecheck with a couple of people on this side. I appreciate the Senator from Maine and the Senator from Kentucky delaying action while we did that. That checking has been done.

I compliment the Senator from Maine on his amendment. It is acceptable on this side.

The PRESIDING OFFICER. If there is further debate, the question is on agreeing to the amendment of the Senator from Maine.

The amendment (No. 2724) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the situation before the Senate right now?

The PRESIDING OFFICER. The pending amendment is No. 2712 offered by the Senator from Alaska.

Mr. HARKIN. Mr. President, so my understanding is that for any amendment offered there has to be unanimous consent to lay aside that amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent to set the amendment aside.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL. Mr. President, I might say I would like to discuss the matter with Senator HARKIN. For the time being I would object to laying the amendment aside until I see what he would like to achieve.

Mr. HARKIN. Mr. President, I have a sense-of-the-Senate resolution which I am going to offer on the bill at some point. I figured since there was a lull in the proceedings, we do not need to take much time.

Senator FEINGOLD and I have an amendment which we would enter into a time agreement on. It is a sense-of-the-Senate resolution. I figured there was no one else doing anything around noontime.

Mr. McCONNELL. Mr. President, I would be happy during the quorum to discuss with the Senator from Iowa what he has in mind. Maybe I would not have an action to laying aside the current amendment. I would like to have a sense of what we are doing here.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges be granted to Stephanie Eglinton, a Javits fellow currently on Senator BIDEN's staff, for the duration of debate on the Foreign Operations Appropriations Act.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, I say to my friend from Iowa, would he be agreeable to vote on a motion to table his amendment at a quarter to 1?

Mr. President, I ask unanimous consent that there be a vote on the Harkin amendment, on or in relation to the Harkin amendment at 12:45.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HARKIN. I thank the Senator.

Mr. President, did I understand the unanimous consent that there would be a tabling motion at quarter to 1 with no amendments to my amendment?

The PRESIDING OFFICER. There is a vote ordered on the amendment or in relation to the amendment at 12:45.

Mr. McCONNELL. I might say to the Senator from Iowa, it would be my intention to offer a motion to table at that point.

Mr. HARKIN. A plain motion to table?

Mr. McCONNELL. Yes, a plain motion to table.

Mr. LEAHY. Mr. President, could we ask unanimous consent that no other motions or amendments be in order?

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I have no objection.

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

Mr. HARKIN. I thank the Chair. I thank the floor managers.

AMENDMENT NO. 2725

(Purpose: To express the sense of the Senate on the conference on S. 4., the Line-Item Veto Act)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration on behalf of myself, Senator FEINGOLD, Senator DORGAN, and Senator BRADLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. FEINGOLD, Mr. DORGAN, and Mr. BRADLEY, proposes an amendment numbered 2725:

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON THE CONFERENCE ON S. 4., THE LINE ITEM VETO ACT.

(a) FINDINGS.—The Senate finds that—

(1) the line item veto was a major plank in the House majority's ''Contract With America'' and has received strong bipartisan support in the 104th Congress;

(2) the House of Representatives on February 6, 1995, passed H.R. 2, the Line Item Veto Act of 1995, on a vote of 294–134;

(3) the Senate on March 23, 1995, passed S. 4, the Separate Enrollment and Line Item Veto Act of 1995, on a vote of 69–29;

(4) the House of Representatives passed S. 4, with the text of H.R. 2 inserted, by voice vote on May 17, 1995, 50 days after passage by the Senate;

(5) notwithstanding the failure of the House of Representatives to request a conference, the Senate disagreed with the House amendment, requested a conference, and appointed conferees on S. 4 on June 20, 1995;

(6) the House of Representatives appointed conferees on September 7, 1995, 168 days after both Houses of the Congress had passed line item veto legislation;

(7) with the passage of time, it increasingly appears that the Congress may pass and send to the President not only the appropriations bills for fiscal year 1996 but also the reconciliation bill required by H. Con. Res. 67 (the concurrent resolution setting forth the congressional budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002) without first passing and sending to the President a line item veto bill;

(8) it is now only 9 days until the end of the fiscal year when the fiscal year 1996 appropriation bills need to become law in order to avoid disruption of the Government services; and

(9) the conferees on S. 4 still have not met.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the conferees on S. 4 should meet by September 26;

(2) the conferees should expeditiously resolve the differences between the 2 bills in sufficient time for the House of Representatives and the Senate to consider the conference report on S. 4 prior to the time the President is required to act upon the first fiscal year 1996 appropriation bill; and

(3) if the conferees do not complete action on the conference report in time to allow for the House of Representatives and Senate to consider the conference report prior to the time the President is required to act upon the fiscal year 1996 appropriation bills, S. 4 should, to the extent possible, contain provisions making the provisions of S. 4 applicable to the fiscal year 1996 appropriation bills and the 1995 reconciliation bill.

Mr. HARKIN. Mr. President, this resolution provides that the conferees meet on the line-item legislation by next Tuesday, September 26.

This sense-of-the-Senate amendment provides that Congress move forward and send the line-item veto legislation to the President expeditiously. It calls on the conferees, as I said, to meet by next Tuesday, and further calls on the conferees to resolve their differences and bring a conference report to the floor in time for the President to use the authority of the line-item veto on the first fiscal year 1996 appropriations bills. And if the conferees do not complete action by that time, the amendment provides that it is the sense of the Senate that the conferees should include a provision to make it effective for the fiscal year 1996 bills already signed.

Mr. President, this body passed a line-item veto bill on March 23. The other body passed it on February 6. It was part of their so-called 100-day Contract With America. But we had to wait not 100 days, or 130, or 140, or 150, we had to wait 168 days for the other body just to appoint conferees.

One of the major items that they wanted—it took them 168 days just to appoint conferees. Days rolled by, weeks rolled by, months rolled by. Still no conferees. Finally, on August 1 Senator DORGAN proposed a sense-of-the-Senate resolution calling on the other body to appoint conferees on the line-item veto legislation. It passed on a vote of 83–14 in this Senate.

And on September 7, the conferees were finally appointed. But to this very day they have not even met. And they have not even scheduled a day to meet. Imagine that? Passed the House on February 6. It passed here on March 23. They appointed the conferees 168 days later. Still have not even met. Unfortunately, we have just 10 days before the end of the fiscal year. And we are not much further than we were a half-year ago toward passing a line-item veto.

Mr. President, I must confess, I am a little confused. I thought this was supposed to be priority legislation of the majority party. I thought we needed it now—not next month, not next year, not next decade, but now. And I thought I heard that the line-item veto was too important to take a back seat to partisan politics.

Well, I know what the cynics might say, ''Wait a second. I know what is going on here. The majority does not want to hand this new power over to a Democratic President.''

I have to say that could not be the case. After all, on the day that the line-item veto passed the House, the Speaker of the House, Speaker GINGRICH said:

> It does show our sincerity, I think, that we are prepared to deal with giving President Clinton increased power because we think it is good for America.

On the day the legislation passed the Senate, our majority leader, Senator DOLE, said:

> During the 1980's, opponents of the line-item veto used to say that Republicans supported it only because a Republican happened to be President at the time. With the passage of this measure we hope to dispel that myth once and for all. We believe that any President of the United States, as Chief Executive, should be given more power to reduce Federal spending. . . . Now we are in the majority, and we are prepared . . . to give this authority to a Democratic President.

So, Mr. President, this could not certainly be about partisan politics. This could not be about a Republican Congress and Democratic President. So let us move forward.

Now, Mr. President, I do not think that the line-item veto is a panacea for everything. I had concerns and still have some concerns about it. But I also see the huge job we face in responsibly balancing the budget. I believe the time has come to use all the tools we have. And the line-item veto is one of those tools. We need every effective tool to weed out the wasteful spending and cut the pork and not the people. It will help this country reach a balanced budget more easily and hopefully more quickly.

Let me repeat the words of the majority leader.

> We all believe that any President of the United States, as Chief Executive, should be given more power to reduce Federal spending. If we cannot control ourselves—maybe the Chief Executive can help.

I believe that the conferees and the congressional leadership owe the American people a proposal that will pass the House and the Senate and be sent to the President so he has the ability

to exercise the line-item veto on appropriate provisions in the 13 appropriations bill that we are now passing. It can and should be done. Let us have a conference report before the House and the Senate by the end of this month so this President can exercise the line-item veto that the majority party has said for so long that they want to give to the President.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair, and I especially thank my colleague and friend from Iowa, Mr. HARKIN, who has taken the lead on this. I am delighted to participate with him, along with the Senator from North Dakota, Mr. DORGAN, and the Senator from New Jersey, Mr. BRADLEY, in expressing the sense of the Senate that the conferees on S. 4, the line-item veto bill, should, by September 26, expeditiously resolve the differences of the two Houses in time to consider the conference report on S. 4 prior to the President needing to sign the fiscal year 1996 appropriations bills and also this year's reconciliation bill.

If the conferees do not complete action on the conference report in time to allow Congress to consider the report, prior to the President signing of the fiscal year 1996 appropriations bills and this year's reconciliation bill, as the Senator from Iowa pointed out, this amendment further expresses the sense of the Senate that the line-item veto conference report should, to the extent possible, contain provisions making the bill applicable to the fiscal year 1996 appropriations bills and the 1995 reconciliation bill. Simply stated it would give this President, President Clinton, the opportunity to clean out some of the pork in the bills that we may pass in next few weeks this year instead of having to wait until next year.

Mr. President, the Senate passed S. 4, the Line-Item Veto Act of 1995 on March 23, many months ago. A few weeks earlier, in early February, the other body had passed their own version of this important legislation. And this was trumpeted quite loudly throughout the country as one of the leading items in the so-called Contract With America. For something other than an emergency appropriations bill, that was very rapid consideration, and I would say in this case rightly so.

The line-item veto proposal, in one form or another, in my view, could be a useful tool to help reduce the Federal deficit and balance the Federal budget and more importantly to bring reform to the whole budget process. Indeed the line-item veto was part of the so-called Contract With America agenda and initially being given this kind of expedited treatment.

But, Mr. President, the expedited treatment of the line-item veto ended some time ago. The line-item veto bill began to slow and eventually it stalled and it remains stalled. The other body did not ask for a conference committee until mid-May, and it was a month before the Senate appointed conferees. Until last week the other body had still to appoint its own conferees.

Now, Mr. President, some have suggested that the failure of the other body to appoint conferees in a timely manner and the general slowing down of the measure was partisan in nature, the delay was a deliberate effort by leadership to deny President Clinton an effective budget tool during this very crucial period of time when we have to consider appropriations bills and reconciliation and the overriding need to balance the budget as soon as possible.

I hope this is not the case. Certainly in this body it has to be said that one of the leading proponents of the line-item veto has been the senior Senator from Arizona [Mr. MCCAIN], a Republican. Now, I know he supports moving rapidly on this question and to give this President this new authority in time to address this year's budget measures.

It has been my privilege to work with Senator MCCAIN on a number of reform measures including a number that target these very budget practices that tend to load up our bills with pork and they cannot be eliminated because of the lack of a line-item veto. I was especially pleased that an amendment we offered to the line-item veto bill relating to emergency appropriations was also included in the Senate version of the measure. So this also is dependent on moving quickly on the line-item veto issue.

Senator MCCAIN is committed to budget reform. And I believe many of his Republican colleagues in this body share that commitment. I believe that they are ready and willing to provide President Clinton with the line-item veto authority in time to exercise it during this budget cycle.

However, Mr. President, as I noted, it was not until last week that the other body finally appointed conferees that allowed Congress the opportunity to come to an agreement on this important issue and give this President, President Clinton, the flexibility that he needs to shape this Federal budget. With the fiscal year almost at an end, and work on various appropriations bills and reconciliation measures scheduled to be completed in the next few weeks, this delay in hammering out a line-item veto measure may well jeopardize our ability to provide President Clinton with this very important additional authority.

This amendment we are offering today speaks to this very issue by expressing the sense of the Senate that if a new line-item veto authority is created, that this President be able to act on that authority on this year's appropriations measures and this year's reconciliation bill.

This amendment allows Members to go on record to refute those who would suggest that the line-item delay is partisan. And in doing so, it also expresses clear support to allow the President to begin to exercise the kind of specific budget pruning that many of us feel is a necessary response to the budget abuses that do persist in this year's appropriations bills. Pork did not end in this place on November 8. I have a suspicion it increased over the 103d Congress.

Just last month, my friend and colleague, Senator MCCAIN, who has helped form a number of colleagues into a group of pork busters, took to the floor and specifically identified a number of problems with the fiscal year 1996 defense appropriations bill. He mentioned an appropriation of $20 million to fund an unauthorized transfer of federally owned educational facilities on military installations to local education agencies.

He mentioned a transfer that was not even reviewed by the Armed Services Committee. He mentioned a $1 million earmark for the marine and environmental research and training station, also unauthorized, and he mentioned that this was contrary to the wishes of the Navy.

Senator MCCAIN also mentioned the granting of authority for the Coast Guard to draw $300 million from the defense business operations fund, a new authority that I am informed was not considered by the Armed Services Committee.

So, Mr. President, there are many examples, but these are good examples of the kinds of provisions that could and should be eliminated with the appropriate application of the line-item veto, and there are equally good candidates for line-item veto review by the President in other appropriations bills as well.

I do not think any fairminded person would suggest that this year's crop of appropriations bills is sufficiently pure of budgetary mischief that the line-item veto authority should be postponed until next year. There is plenty that needs to be taken out now.

That should be reason enough to act on a line-item veto in a timely manner, but I also believe there is another, possibly more important reason for acting quickly, and it goes to the heart of the original line-item veto debate.

Mr. President, I supported the line-item veto measure as it passed this body, and hope to support a conference committee agreement as well, but the question is a very close one for me.

I have deep concerns about the potential abuse of an overly expansive line-item veto authority.

In Wisconsin, we have seen the abuse of an overly broad veto authority by a number of Governors, and it is safe to say that no one anticipated the extent of those abuses when the line-item veto authority was first contemplated.

The current Governor, Governor Thompson, has used the veto authority not only to rewrite entire laws, but to increase spending and increase taxes.

In the hands of a President, that kind of abusive authority would not only defeat the intent of those who have advocated expanded veto authority, it could well upset the checks and balances so carefully designed by the Framers of the Constitution.

That is the potential peril of the line-item veto, and I believe it is shared by many of my colleagues who supported S. 4 as it passed the Senate.

If the cynics are right, and the line-item veto measure is being deliberately stalled to gain partisan advantage by denying a Democratic President the opportunity to use this new tool, then there may be real cause for concern about what the end product of the conference committee will be.

Partisan political advantage is an irresponsible and reckless basis on which to establish this additional authority for the President.

A new line-item veto authority crafted on such a foundation may well be susceptible to being overly broad, and one that is subject to Presidential abuse when the authority is finally granted.

Instead of fashioning a useful tool to help shape a better, learner budget, a line-item veto authority that is driven by partisan considerations could dramatically shift the balance of power between the legislative and executive branches that was so carefully crafted by the Framers of the Constitution.

Mr. President, I very much view our amendment as an insurance policy against just such a disaster.

If the Republican-controlled conference committee knows that a President of the opposing party is to have this new expanded authority, they will be less likely to structure a line-item veto that would allow the kind of abuse we have seen in Wisconsin.

And the taxpayers are doubly winners.

First, because a modest line-item veto authority will be exercised all the sooner.

And second, because future Presidents of either party will not become backdoor emperors that can dictate to Congress.

Mr. President, I urge my colleagues to support this amendment, to demonstrate to cynics that at least this body is sincere in its support of a line-item veto, and to ensure that this year's budget gets the kind of thorough review to which taxpayers are entitled.

I will conclude by saying that I see that the Senator from North Dakota, who has been a great leader on this issue, is here. I defer to him at this point, given the limited time that is available.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, this vote is currently scheduled for quarter to 1. I ask unanimous consent that the vote occur at 10 minutes to 1 and that—how much time does the Senator from West Virginia desire?

Mr. BYRD. I would like to have about 5 days on it, but since you only have 5 minutes, that will be fine.

Mr. McCONNELL. The Senator from West Virginia will have the last 5 minutes before the vote, at which point I be recognized to make a motion to table.

Mr. HARKIN. Reserving the right to object, since we have about 20 minutes left for debate, I wonder if we can at least equally divide whatever time is remaining.

Mr. McCONNELL. I think that will be fine, divide the remaining time until 10 minutes to 1 evenly.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, may I inquire of the Senator from Iowa if I might speak for 5 minutes?

Mr. HARKIN. How much time do we have, Mr. President?

The PRESIDING OFFICER. There are 20 minutes remaining, and each side has 10 minutes.

Mr. HARKIN. I yield 5 minutes to the Senator.

Mr. DORGAN. Mr. President, it is very rare these days that I disagree with my friend, the distinguished Senator from West Virginia, Senator BYRD. I have watched him on the floor, and he almost always comes to the floor right on the bull's eye of an issue.

In this case, however, we have a disagreement. He will no doubt speak eloquently, as he does, in his opposition to the line-item veto, but I reached a different conclusion on this issue.

I voted for and supported a line-item veto when President Reagan was President, believing as a Democrat that this President, President Reagan, ought to have a line-item veto. I felt the same way and voted the same way when President Bush was President, and I feel the same way now that President Clinton is President.

The Senator from Iowa says, ''Let's get moving.'' We passed a line-item veto bill, the Senate passed a line-item veto bill, it is in the Contract With America, and yet it has been stalled. Why? I assume it has been stalled because some folks want to talk about it more than they want to do it. They prefer that a line-item veto be given to a Republican President but not a Democratic President.

Let me describe to you why I think a line-item veto might be appropriate for the interest of the taxpayers in this country. We recently had a Defense bill on the floor of the Senate, both an authorization bill and an appropriations bill. If you take a look at the Defense bill, No. 1, it spent $7 billion more than the Department said they wanted to defend this country. In other words, the Defense Department said, ''Here are our needs for defense purposes,'' and then the Senate added $7 billion more.

They decided that we should buy trucks that the Defense Department says we do not need; we should buy submarines the Defense Department says we do not want; we should buy jet fighter planes that the Defense Department did not ask for.

And the hood ornament, in my judgment, on all of the pork that exists in these bills, especially that bill, was in the Defense authorization bill. Someone wrote in, with no hearings and no discussion, that we should buy blimps, $60 million to buy blimps in the Defense authorization bill. It apparently is the *Hindenburg* strategy of defense. It demonstrates that hot air exists all over this town, even in the bowels of the Defense authorization bill to spend $60 million without a hearing and without thoughtful discussion to buy blimps.

I speak only as one, but I guess I would like to see when the Defense authorization committee or Appropriations Committee says, ''Let's buy trucks'' that we do not need, that somebody might be able to say, ''Well, I'm going to veto that line. There is no sense buying trucks we don't need for the military.''

Or when somebody says, ''let's buy blimps,'' without a hearing on why we need blimps to defend America, maybe someone can get out a veto pen and say, ''I'm sorry, in the interest of the American taxpayer, that is something we ought not do.'' That is why a line-item veto makes sense; you can go into those bills and do it.

In the recent defense bill, they resurrect star wars. They have $300 million to build a new star wars project with an accelerated deployment in 1999. The President says, ''That does not make any sense. In my judgment, it is an awful waste of the taxpayers' money.'' If the President had the line-item veto, the President could go into that appropriations bill and just veto the line for star wars, veto the line that says, ''Let's spend $300 million we don't have to build something we don't need.''

I would like the President to have that veto power. Why does he not have it? Because we have a lot of folks who are stalling and foot dragging. They talk about the line-item veto, but they really do not believe in it. Had they believed in it, they would have brought that back from conference.

Mr. President, do you know something? They have not even been to conference—have not even been to conference. Month after month after month they roar and bellow around here having press conferences and all kinds of charades on the steps of the Capitol talking about what they stand for, what they fight for. The fact is, what they fight for is evident on the floor of the Senate and the House. They do not fight so hard for the line-item veto. Apparently, they are willing to pass it and talk about it, but they are not ever willing to go to conference.

The Senator from Iowa is saying, let us get this thing to conference, get it back and get it done. If you believe in it, as you say you do, join us, let us finish the job. Let us give this President the opportunity with the line-item veto to write a line through some blimps, strike a line through some star wars, get rid of some trucks, yes, even get rid of a few submarines that this country does not need and is now going to apparently ask the taxpayers to pay for it.

That is why we should have the line-item veto. I hope we adopt the amendment Senator HARKIN offers. I intend to support it.

Mr. President, I yield back the remainder of my time.

Mr. MCCONNELL. How much time do I have, Mr. President?

The PRESIDING OFFICER. Ten minutes.

Mr. MCCONNELL. I yield 8 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky [Mr. MCCONNELL].

Mr. President, I was not informed that there was about to be a time limitation on this amendment. I just happened to be eating one of those ''coal miner's steaks,'' one of those bologna sandwiches, downstairs in my office when I heard the booming voice of my friend from Iowa, Mr. HARKIN, coming across the TV screen advocating this piece of foolishness.

I was somewhat surprised that nobody had called me to see if I had any objections to limiting the time on this amendment. I think everybody in the Senate, including all the staff, knows that I do not enter into time agreements on line-item veto amendments or constitutional amendments to balance the budget.

Nevertheless, ''the moving finger writes; and, having writ, moves on,'' so we are limited as to our time.

I hope that the Senate will table this silly amendment and do so with an overwhelming vote. Number one, the Senate should not be trying to tell the other body what it should do. Under the Senate rules, Senators on this floor are not supposed to criticize any Member of the other body or criticize the other body concerning its work. Certainly, we are not supposed to attempt to instruct, in any way, the other body as to how it should act.

Now, we are going to get ourselves into a situation where, in the House, they will be making speeches critical of the Senate or adopting measures that seek to instruct Senate conferees, as this amendment would instruct House conferees. I think we ought to be very careful about floor action or debate that can disturb the comity between the two Houses.

It works two ways. This rule is a good rule.

Secondly, Mr. President, this is truly a political maneuver. I want, as much as anybody, to oppose many of the efforts being made by Senators on both sides of the aisle, and Members on both sides of the Capitol, to cut or emasculate vital programs. Some programs need to be cut. Some funding programs need to be reduced. Some, perhaps, need to be eliminated. But I think that we are going too far in some of the things that are being advocated by the party that is now in control of both Houses.

I expect to see the President use his veto on occasions when merit would require it. I will be among the foremost in defending some of the programs that stand to be cut or in opposing misguided policies. As ranking member on the Senate Appropriations Committee, I am confronted with such problems every day. So I am not at all happy with some of the actions that are taking place around here.

But this amendment is a political move. I do not think it is a very worthy one. It is never worthy to play politics with the Constitution of the United States. I will say it this way. I have great respect for the Senators who are advocating this approach. Their intentions are good. But I must say that I am a little surprised at some of those who are advocating it. I am under the impression that some of the supporters of this amendment have been against the line-item veto in the past. Yet, now they, apparently, are advocating that this President be given the line-item veto.

I do not advocate that any President be given the line-item veto. I was against it when Mr. Reagan was President. I was against it when Mr. Bush was President. I am against it now that Mr. Clinton is President. I do not think it is appropriate for us on the Democratic side to be against a line-item veto when there is a Republican President in the White House and then to be for it when we have a Democrat in the White House. It tinkers with the Constitution and flies in the face of the separation of powers, and checks and balances, which constitute the very pillar of our republican system of Government. I think it is a mistake for us on the Democratic side to advocate giving this President, President Clinton, a line-item veto.

In the final paragraph, the amendment advocates or proposes that the conference report on S. 4 contain language making the provisions of S. 4 applicable to the fiscal year 1996 appropriations bills and the 1995 reconciliation bill—in other words, making it retroactive. I think that is a mistake, Mr. President. I am sorry that I have to come to the floor at this time and make these few comments. But I feel so deeply about the line-item veto. I think it is a surrender of the authorities and powers of the legislative branch to the executive branch.

I think Members will rue the day if the line-item veto ever becomes part of the Constitution or part of the law of this land. Frankly, I do not think the line-item veto can be given to the President by legislation. I think that it would require a constitutional amendment to give the President a line-item veto. We cannot change the Constitution of the United States by legislation—resolution or otherwise. Now, this is just a sense-of-the-Senate amendment and, therefore, it will not have much impact anyhow. However, it is the wrong direction in which to move.

Mr. President, Nero, the Roman Emperor who reigned from 54 to 68 A.D., was condemned by the Senate. When he heard that the Senate had passed a decree condemning him, he fled. He was in the company of one of his servants and two or three friends, and they fled to a country house, where he sought to remain hidden from the Senate. When he heard the sound of horses' feet approaching—bearing the Senate-appointed enforcers of the execution decree—he tried to get one of those persons who were with him to die first so as to show him—Nero—how to die, and thus give him the courage to die. But he had no takers. So when the horses' hooves sounded louder and louder and were almost upon him, he put a dagger to his throat and said, ''I die shamefully.''

Mr. President, the day that the Congress hands to the President the line-item veto, the Congress will put a dagger to its own throat and it will ''die shamefully.''

I hope that the manager of the bill will move to table this iniquitous amendment and that it will be tabled overwhelmingly.

Mr. MCCONNELL. Mr. President, I will soon move to table the Harkin amendment and ask for the yeas and nays.

The PRESIDING OFFICER. The motion is not in order until the Senator has utilized his time.

The Senator from Iowa.

Mr. HARKIN. I thank the Chair. I understand the opposition of the Senator from West Virginia, which has been long, constant, consistent, and eloquent. I understand that.

However, I point out that some of the words he used, like ''foolish'' and ''silly'' and all that—I simply point out, Mr. President, that on August 1 of this year, the Senate passed a similar resolution, stating it is the sense of the Senate that the Speaker of the House should move to appoint conferees on S. 4 immediately so that the House and Senate may resolve their differences on this important legislation.

That resolution passed 83 to 14 in this body.

Mr. BYRD. Will the Senator state whether or not it had my vote?

Mr. HARKIN. Of course, it did not have the vote of the Senator from West Virginia. I wanted to point out that it was a sense-of-the-Senate resolution. It dealt with the Speaker of the House. We have done this before many times. It passed 83 to 14. I also point out to the Senator from West Virginia that

there was a 30-minute time limit, also, on that resolution on August 1. So we operated under a 30-minute time limit at that time.

Mr. President, again, this is similar to the Dorgan resolution of August 1. It passed 83 to 14.

All we are saying in this resolution is, wait a minute, it is time for the conferees to meet.

Now, I have been informed that there is maybe tentatively possibly a meeting on September 27, not that it has been published or anything like that. I hope that takes place.

I hope we pass this overwhelmingly so that the conferees will get these instructions to meet and to report the bill expeditiously back to the Senate and the House so that the Senate and House can work its will and send this on to the President.

Again as I said, Mr. President, I may also have misgivings about line-item vetoes, but I think the time has come because of the great deficits we are operating under that we need to give this President the line-item veto.

I could not agree more with the Senator from North Dakota when he said it just looks as though the majority party is trying to hold this up so that the President cannot line-item veto some of the pork, some of the profligate spending, some of the wasteful spending, that is in these appropriations bills. The time to give the President that power is now.

This resolution is very similar in tone and in verbiage to the resolution that passed here on August 1 by 83–14. We should not back down. We should continue the effort. We should demand that the conferees meet. We should get this bill before us and give the President the line-item veto that he needs to cut some of the wasteful spending out of this bill.

Mr. FEINGOLD. How much time is remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. HARKIN. I yield 30 seconds to the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Iowa. I have a lot of misgivings about any notion of a constitutional amendment for a line-item veto and would oppose it.

However, what passed the Senate was a 5-year sunsetted line-item veto. I think, obviously, we are going to have an experiment with a line-item veto. That is going to be the result of this Congress.

The purpose of this amendment is not to say that the line-item veto is automatically a good idea. But it says since we are going to have this experiment anyway, since that is going to be an outcome of the 104th Congress, get on with it, and let this President have that opportunity.

Mr. MCCONNELL. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 2725 offered by the Senator from Iowa [Mr. HARKIN].

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. KYL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 455 Leg.]

YEAS—76

Abraham	Glenn	Moynihan
Akaka	Gorton	Murkowski
Ashcroft	Gramm	Murray
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Boxer	Gregg	Packwood
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Helms	Reid
Byrd	Hutchison	Rockefeller
Campbell	Inhofe	Roth
Chafee	Inouye	Santorum
Coats	Jeffords	Sarbanes
Cochran	Johnston	Shelby
Cohen	Kassebaum	Simpson
Conrad	Kempthorne	Smith
Coverdell	Kyl	Snowe
Craig	Levin	Specter
D'Amato	Lott	Stevens
DeWine	Lugar	Thomas
Dodd	Mack	Thompson
Dole	McCain	Thurmond
Domenici	McConnell	Warner
Faircloth	Mikulski	
Frist	Moseley-Braun	

NAYS—24

Baucus	Feingold	Kerry
Biden	Feinstein	Kohl
Bingaman	Ford	Lautenberg
Bradley	Graham	Leahy
Breaux	Harkin	Lieberman
Daschle	Hollings	Robb
Dorgan	Kennedy	Simon
Exon	Kerrey	Wellstone

So the motion to lay on the table the amendment (No. 2725) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, first let me make a general statement.

As Members on both sides know, we are trying to work together so we can finish all the appropriations bills by next Saturday on the 30th. I do not think there will be a Saturday session this week because, frankly, some of the Members who would have to manage the bills are not here. We have not had much success in working out that Saturday session. So I would hope that we can keep the Medicare amendments and line-item veto amendments, and others, off the bill. But if they have to be offered, do not come around next week to me and say, ''Why can't we go home?'' So I will just leave it up to whatever. We probably will not go home in any event because maybe it does not make any difference.

AMENDMENT NO. 2707

Mr. DOLE. Mr. President, I want to make a few comments about the Dole-Helms amendment offered yesterday. Our amendment will save money, make government more efficient, and better protect American interests overseas. The Foreign Affairs Reinvention Act of 1995 streamlines and consolidates U.S. Foreign Affairs agencies. Our amendment builds on the hard work by Senator HELMS and his staff in their months of effort to reduce bureaucracy, and reinvent the international agencies for the U.S. Government.

In July, the Senate considered S. 908, the Foreign Relations Revitalization Act of 1995. At administration prodding, Democrats filibustered the bill. The Senate fell five votes short of invoking cloture on two successive votes on August 1. Because of the lack of Democratic willingness to allow consideration of reorganization legislation, I was forced to return S. 908 to the Senate Calendar.

During debate on S. 908, Democrats conceded the need for reorganization. Senator LIEBERMAN, for example, said:

> Senator Helms and his committee, I say, have acted on sound impulse, which is that we do need to do a searching reappraisal of the way we conduct our foreign policy in the post-cold-war era. The committee has produced a coherent new architecture for our Foreign Affairs agencies.

Democrats supported reorganization, but they expressed concern over Congress mandating the details of reorganization. Give the President flexibility they said. Senator KERRY of Massachusetts, for example, said:

> All we are suggesting is give the President a mandate from the Congress to make the cuts, but allow the President to determine exactly how they are going to be made.

Mr. President, that is exactly what the Dole-Helms amendment does.

The amendment requires the President to submit a plan in 6 months with the following guidelines:

Achieve cost savings of $3 billion over 4 years; Abolish at least two of three major Foreign Affairs agencies; and Specify how the consolidation of all personnel and functions will occur.

The plan is enacted automatically within 60 calendar days unless Congress passes a resolution of disapproval. If the President does not submit a plan which meets these guidelines, the three agencies are abolished. Finally, transition funds are authorized to allow an orderly transfer.

So the Helms amendment—it is primarily Senator HELMS' amendment; I am very honored to be a cosponsor—streamlines bloated bureaucracies and eliminates duplication. It increases the control of the Secretary of State over the conduct of American foreign policy. That is why five former Secretaries of State from Henry Kissinger to Jim Baker endorsed Senator HELMS' original effort. The Dole-Helms amendment also meets the stated concerns of Senate Democrats about Presidential flexibility in reorganizing Foreign affairs agencies.

The scaremongers in the administration claim reorganization is a ploy by

isolationists—some kind of veiled effort to help America withdraw from the world. Nothing could be further from the truth. Our plan is a way to better support American engagement in the world. Five Secretaries of State are not isolationists and would not endorse a plan that diminished America's ability to protect its global interests. After sitting on the budget sidelines all year—we have had all this talk about line-item vetoes since March; we have had this all year long—the administration now says funding cuts will imperil American diplomacy. Yet the best way to avoid deep cuts in programs is to save money by reducing duplication and by streamlining bureaucracy. I do not want to complicate action on Senator MCCONNELL's legislation. Much of this plan is consistent with legislation proposed by Senator MCCONNELL earlier this year.

We have tried to reach agreement with other Senators, and I believe the Senate should know what offer has been made and rejected. Senator KERRY yesterday suggested he would support an agreement along the following lines: Pull the amendment from this bill; bring up freestanding legislation which requires the President to submit a plan abolishing only one agency—only one agency; vote after 4 hours of debate; release all 15 State Department nominees currently on the Executive Calendar; resume the normal business of the Foreign Relations Committee on nominations and treaties.

Mr. President, that is a very fair deal. No one guarantees the outcome of the vote or the outcome of the conference or the eventual fate of any conference report. Nominees would be confirmed immediately, like today, or whenever we had the vote, and more would be reported to the Senate. Unfortunately, after Chairman HELMS indicated his willingness to accept the terms proposed by Senator KERRY, the White House said no. One State Department official said, ''There's nothing in that deal for us.''

I must say we also made inquiries, I made inquiries to the White House, saying this seems to be a reasonable proposal to me to have all these Ambassadors confirmed, talking about eliminating one agency. I thought it was a rather reasonable effort. We would do it freestanding. It would have to go through the House. The President could veto it if he wished. There are all kinds of options the President has.

So it would seem to me that the partisanship out of the White House and State Department does not serve our country well and only jeopardizes important issues from Ambassadors to China, Indonesia, Panama, and other critical countries to ratification of the START II treaty.

I do not know if President Clinton knows what his advisers turned down because he has not been in town much the last few weeks, but I do know that 15 nominees and their families know what has happened. They ought to know what has happened and they ought to know who turned it down.

I do not know why the Clinton administration would want to keep gridlock going on foreign affairs. I do not know why they are now afraid of the reorganization proposed by Secretary Christopher earlier this year. I hope they quit saying ''no, no, no'' and begin to engage honestly in the legislative process. If they have a counteroffer, let us hear it.

So it would seem to me, if the President had this information, he would be saying, ''Take the Kerry proposal.'' Let us set it aside, take it off this bill, and have 4 hours of debate. I hope the President would weigh in; if not, the Vice President, or, if not, somebody in the administration. I think we have made a lot of agreements around here, and I certainly think this is a very reasonable effort—one agency, freestanding bill, 4 hours of debate. It has to go to the House. The President can veto it. The nominees are confirmed immediately. The other nominations pending in the Senate go back through the orderly business and come back to the floor.

So I would hope there could be some disposition because I know the Senator from North Carolina shares the view of the Senator from Kentucky. We want to get this bill finished. We want to finish the bill this evening. Then we want to take up the District of Columbia appropriations, maybe follow that with State-Justice—if not, VA/HUD. And there is one other one floating around out there somewhere, but it is a major one.

So I would just hope that we could resolve this issue. I know the manager wants to move very quickly. There are other relevant amendments. But I must say—and this is a relevant amendment—if we are going to continue to have a lot of amendments that have nothing to do with this bill, then I do not know what the managers have in mind. But hopefully we can complete action by early this evening.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I wanted to just take a moment to offer my congratulations to Senator MCCONNELL and Senator LEAHY and the Appropriations Committee for presenting the Senate with a useful and constructive foreign operations bill. Unlike most or many of the foreign and defense-related bills that have come to the Senate floor in this budget cycle, this bill tries to be forward looking and positions America to continue to play an important role in the world.

The committee, under the leadership of Chairman MCCONNELL and the ranking member, Senator LEAHY, was able to work within a tight budget constraint and still find extra funding for the truly essential programs for America in this post-cold-war world.

Particularly, I would like to point to the former Soviet Union and Eastern Europe where the committee increased funding from the House levels by $125 million for the NIS assistance and $11 million for Eastern Europe and the Baltic States. Now, of course, it is up to the administration to use this money on good programs that help the people of the NIS, Eastern Europe, and the Baltics, and not use this money for American consultants.

The committee also managed to squeeze out an extra $37 million to combat drug trafficking.

Mr. President, I note the committee's action on international financial institutions. Every $1 of U.S. assistance to these institutions results in $20 of donor support for developing countries. So I was very pleased to see the committee find almost $200 million over the House level.

These are just a few examples of the way Senator MCCONNELL and Senator LEAHY and their committee staffs and their committee were able to do more with less. In light of the overall reduction in foreign assistance resources, the committee decided to provide the administration with a great deal of flexibility and reduced the number of earmarks. As a strong supporter of the international children's vaccine program, basic education programs and primary health care programs for children in developing countries, I would urge the administration to use this flexibility the committee provided to adequately fund these programs.

Again, Mr. President, I would like to offer my congratulations on a job well done to Chairman MCCONNELL and his ranking member, Senator LEAHY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, the distinguished majority leader said he would be back in a moment. I know Senator HELMS was here a minute ago.

I would like to make sure the RECORD accurately reflects where we have traveled with respect to possible agreements or nonagreements. I thought that Senator DOLE made a very fair summary of most of the journey that the discussions have traveled. But I think there is one incorrect judgment made, and that is whether or not I had at any time signed off on what was a negotiation in progress, and in fact as part of the negotiation we had proposed that the START treaty be permitted to come to the floor of the Senate, and that was not mentioned as a component, or one of the ingredients that we were waiting to hear back on. And so we never had reached any kind of final agreement.

It is true that I did say that reducing it to the one Agency abolition would suit me because that was in keeping with an amendment that I had proposed in the committee itself. But with respect to our ability to move forward here and now, there were other elements under discussion at that time, and I think appropriately. For instance, the unanimous consent request of the Senator from North Carolina suggested 4 hours on the bill itself as a

freestanding bill, but it allowed no amendments. And we had a number of Members on our side who were obviously, as I think anybody would be here, concerned about this thing being presented fait accompli without the ability to be able to amend it.

So that was also under discussion at the time, and we never had any cloture with respect to this. In fact, I have never had any sort of final conversation with either Senator HELMS or his staff. Now, it is also true, however, that the administration did signal back directly to Senator DOLE as well as to Senator HELMS that some form of whatever was under discussion was not acceptable, and that I am aware of, and that message was indeed conveyed.

Mr. DODD. Will my colleague yield for a point?

Mr. KERRY. I am happy to yield.

Mr. DODD. Mr. President, I appreciate the points my friend and colleague from Massachusetts is making.

I just wanted to ask my colleague from Massachusetts as well if he would not agree with me, having listened to the majority leader, with all due respect, talk about the families of these nominees who are now being held up because we do not agree to this formulation he has presented, that it was in fact the very holds that were put on those nominations—this is almost October—back in July. If we are going to express sympathy for these families of the nominees, let us not try to blame the Clinton administration or Democrats here who have a legitimate substantive disagreement over an important substantive point where all these nominations are being held up because we do not agree with it. The very holds were placed by the majority on those nominees, and if the families want to be upset, they ought to be asking the people who put the holds on those nominations, not blaming Democrats or the administration for their unwillingness to agree to something that substantively has some profound implications. Does my colleague not agree?

Mr. KERRY. I do agree. I think the Senator is absolutely correct, that the business of the committee has obviously been wrapped up almost entirely in the effort to try to ram this through.

And one of the things that concerned a great many of us—I think the distinguished chairman knows this because I expressed it to him personally and in private conversations—was the sense that there was not really a bipartisan effort to try to mold the bill. It was a bill created, and that at a subsequent point we only entered into last-minute negotiations before the markup. And I said that to the Senator at the time.

Now, I would like to say to the chairman, I would like to see if we could find some measure of agreement here. I am prepared to move forward on the one-agency abolition that I talked about previously. I am not backing down on that.

But the other components of my amendment had a different sum of money in them. Now, the Senator is looking for $3 billion. And my amendment, which he keeps suggesting that he is embracing, had a $2 billion savings. And there is a very strong reason for that. I mean, in the last decade the appropriations for function 150 have declined by $15.6 billion constant. They have gone from $36.8 to $21.2 billion in 1995. And under the budget resolution, the discretionary function, 150 plummets from $17.1 billion in budget authority down to $15.1 billion in 1999 and $14.7 billion by the year 2002. So we have gone from $36.8 billion down to $14.7 billion by the year 2002.

There is nobody examining the various functions that are effected who cannot suggest that this is not going to have just, you know, a gargantuan impact in the capacity of this country to affect its foreign policy around the world.

Now, I am prepared—certainly speaking just for myself, this Senator—if we could—in fact, yesterday in the last discussion that we had we suggested that there was some problems with the numbers. And we wanted to try to come closer to the House structure on numbers.

Now, I believe that if we were to embrace the House structure on numbers, we could conceivably proceed forward. But there did not even seem to be a response to that. So we had no sense of whether or not that might be possible.

Mr. McCONNELL. Will the Senator from Massachusetts yield?

Mr. KERRY. I will be happy to yield.

Mr. McCONNELL. Does the Senator from Massachusetts support the underlying bill?

Mr. KERRY. Apart from this?

Mr. McCONNELL. Yes. Would you like to see it become law?

Mr. KERRY. I think the rest of the bill is, generally speaking, acceptable.

Mr. McCONNELL. One of the concerns I have is the Vice President indicated to me yesterday in conversation that the President is going to veto this bill if the HELMS amendment on reorganization is in this bill.

Now, I personally support, in concept, what the Senator from North Carolina is trying to do.

What I am mystified by is why it is not possible, on the assumption that my friend from Massachusetts and other Democrats support this bill, why it is not possible to reach an agreement that would take this issue off of this bill and have it dealt with free standing. It seems to me it serves everybody's interest, the Senator from North Carolina, the Senator from Massachusetts. Certainly it serves my interest, because I would like to see this bill become law.

I am mystified as to why we are not able to work out an agreement, particularly since the Senator from North Carolina generally offered to allow—how many nominees?

Mr. HELMS. All of them.

Mr. McCONNELL. All of them, whatever nominees may be currently pending in the Foreign Relations Committee to go forward. I am stunned that we cannot reach an agreement here because it seems to me the agreement that has been suggested serves everyone's interest.

Mr. KERRY. Well, I know that the Senator from Kentucky is not easily stunned. So I understand that this must be one of those major legislative brouhahas. But I am not sure that it really is. I do not think it is that stupefying. At this moment in the legislative process, a consolidation in a format that the administration does not accept at a level of reduction that the administration does not accept is not going anywhere.

Mr. McCONNELL. Right.

Mr. KERRY. But if, merely because the chairman holds up all the nominations, and then attaches himself to a bill that his colleagues on his side of the aisle want very badly, all of a sudden we on this side of the aisle are supposed to give up our legislative prerogative and reward the holding of hostage of all of these ambassadors with the creation of a legislative agenda that is totally contrary to the administration's interests, I do not find it very puzzling why people would oppose that.

Mr. McCONNELL. Would the Senator yield?

Mr. KERRY. Yes.

Mr. McCONNELL. You would not be giving up a thing. Presumably, as a freestanding measure, the President would veto it and it would not become law. You would not have lost a thing. All you would have allowed is the underlying bill to become law.

Mr. KERRY. That is not, in fact, accurate, because I think, as the Senator well knows, there is a world of difference whether or not colleagues are asked to vote on a motion to table and whether or not they have to vote to sustain a veto of the President, No. 1. That is just No. 1.

No. 2, it seems to me that there is also a world of difference as to whether or not we should give up our legislative prerogatives, which at this point are shared by many that is sort of a one-sided, rather heavy-handed effort to drive home simply one point of view.

I mean, usually—let me give you an example. Last year we jointly worked on this. We sat down and worked on every aspect of the authorization bill together. It came to the floor. And I think we passed one of the first authorizations in a record amount of time.

This year, under a new regime, none of those sorts of preliminary discussions ever took place. We wound up with every single Democratic member of the committee voting against this bill even coming to the floor. So here we are with a not even marginally bipartisan effort now being presented to us in a way that requires us to give it freestanding life that it does not have on its own.

Now, if the Senator from North Carolina, which I am very happy to do—I am prepared to vote for some consolidation requirements. I am prepared to

vote for a one-agency abolition requirement. But the Senator seems completely unwilling even to embrace the notion that we would move closer to the structure of the House on numbers or we could agree to have the START treaty come to the floor.

Mr. HELMS. Mr. President, I object to the thrust of the Senator's comments.

Mr. KERRY. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I have always been willing to yield, by an appropriate request, to a colleague.

I would be happy to yield.

Mr. HELMS. No. I thank the Senator for his generosity, but I want the floor in my own right before I begin to discuss what the real facts are.

When the Senator is ready to yield the floor, I want the floor.

Mr. KERRY. Well, let me ask the Senator from North Carolina, if I may. I would ask the Senator, is it not a fair representation on my part that the committee amendment that I proposed—that the Senator from Massachusetts proposed, embraced the notion of the $2 billion reduction as well as a one-agency abolition?

Mr. HELMS. That is correct. That part of it is correct, yes.

Mr. KERRY. So it is correct then that the Senator is appropriately representing that there has always been a difference in the amount of money that we have been willing to embrace as appropriate for a mandated reduction.

Mr. HELMS. But the amount in question depends on which of the conversations the Senator is referring to.

Mr. KERRY. Well, let me ask the Senator——

Mr. HELMS. With all due respect, Senator, you have been all over the map with what you have been saying.

Mr. KERRY. I am happy to have it right out in the open. I want it to be very clear to everybody, then there cannot be any question about any conversation.

Is it not also fair to say that I mentioned yesterday that we were more interested in the House numbers than in the ones that the Senator from North Carolina was proposing?

Mr. HELMS. Well, I understand that you said that to my able assistant here. You did not say it to me.

Mr. KERRY. I did not say to the Senator when we were standing by the cloak room door that I was interested in some numbers, and that the Senator then left the conversation and left us to discuss it as he went into the cloakroom?

Mr. HELMS. Mr. President, perhaps the Senator will yield some time for me to discuss the very point he is making?

Mr. KERRY. Well, I will in one moment. I do not want to keep the floor.

Mr. HELMS. I need only 30 seconds.

Mr. KERRY. I would be happy to.

Mr. HELMS. Now, we checked on that very point, with everybody associated with me, on the issue of numbers. House versus Senate, it was an issue raised by the Senator from Massachusetts very late in the day after I had acceded to your first suggestion. Yes, but very late in the conversation and day. The Senator kept stipulating additional things, but the Senator did not discuss the issue of numbers with the Senator from North Carolina.

Mr. KERRY. Let me say to my friend, because I think these kinds of dealings are very important and I do not want the Senator from North Carolina to feel somehow this was a moving target. The Senator from Massachusetts recalls having——

Mr. HELMS. That is precisely what it is, a moving target.

Mr. KERRY. Beg your pardon?

Mr. HELMS. The Senator has been a moving target from the very beginning.

Mr. KERRY. Let me say to my friend from North Carolina, there was a conversation over here with Senator LEAHY, and we subsequently engaged in a conversation. I do not think I had any late-in-the-day conversations at all yesterday. The entire discussion was in the morning and in the early afternoon. I came over immediately and said to your able assistant that there were concerns by other Senators being expressed, and those concerns entailed whether or not we could get the full agenda of the committee liberated, and I specifically mentioned not just the START treaty but also the CWC treaty.

We were told the CWC treaty was out of the question, but the START treaty we would see. I never personally had a response with respect to the START treaty, and I do know that the administration in between that had some conversations and made it clear to the Senator that the numbers were simply unacceptable.

It seems to me that the key here is to try to see whether or not we could get an agreement on the numbers. I think we have an agreement on the rest of the framework. I am prepared to vote for a consolidation requirement—always have been; I was in the committee. But the issue is whether we are going to do it under a stricture of numbers that are so draconian that we are leaving no discretion and no capacity for the Department itself to operate properly.

And facing that, it is not inappropriate for us to be concerned about creating a freestanding entity that then could go over to the House—for instance, it could go to the House, and it could then be attached to the authorization bill in the House. The authorization bill could be what comes back, and we are faced with sort of this same round robin, unless there is some meeting of the minds

Mr. President, I will be happy to see if we can engage in some discussion on that. In the meantime, I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the exchanges on this floor sometimes may sound a little more heated than they really are. My reaction to some of the things that have been said is more amusement than anything else.

It is a fact that Senator PELL did not want to manage the State Department reorganization bill offered by the Senator from North Carolina and approved by every Republican Senator.

It is also true that three Senators on the Democrat side came to me and told me what a great bill this was. In addition to that, I do not think the Senator from New Jersey [Mr. BRADLEY], will object to my mentioning the conversation we had at a dinner sponsored by the Senate wives. He came over to the table where Dorothy Helms and I were seated with others, and said, ''That's a great bill. I want to help you with it any way I can.''

I did not realize, until Senator PELL, my good friend, one of the kindest, most gentle men I have ever known, advised me that Senator KERRY was his designee to oppose my bill, and I think Senator PELL will verify what I have just said.

Mr. PELL. Will the Senator yield for one correction?

Mr. HELMS. Certainly.

Mr. PELL. I yielded to the Senator from Massachusetts not to oppose but to manage the bill. There is a difference.

Mr. HELMS. All right, I accept that. I understood it the other way. But if the Senator remembers it that way, that is fine. I have no quarrel with Senator PELL. He is a thoroughbred gentleman. Always has been, always will be.

The moment that we began discussion of the State Department reorganization bill, which by the way, Mr. President, let me reiterate, five former Secretaries of State came before the committee or wrote to the committee, or both, and say, in effect, this is the greatest thing since sliced bread, it needs to be done. As soon as the markup, as we call it, began, there was one protest, one suggestion after another. I do not know how many times the distinguished Senator from Massachusetts and I went to the back room. We recessed the committee; he would make a proposition, and I would agree to it.

Then someone would insist on another concession, and another and there would always be something else, another suggested concession. And that is the way it has been on this floor each time legislation comes up regarding State Department reorganization.

The truth of the matter is, Mr. President, the State Department does not like this bill—well, half of the State Department. You would be surprised, Mr. President, at how many State Department people tell us privately that they want this bill. The opposition from the bureaucrats has been vociferous because they do not want to lose their well-paying positions.

Here you have, for example, the Agency for International Development,

the foreign aid giveaway program, if you please, which has lobbied everybody in sight. They had a session down at the National Press Club where they engaged in personal ridicule. Brian Atwood for example said, ''Well, HELMS drew up his reorganization plan on the back of an envelop.''

Immediately the media came to me: ''Did you hear what Brian Atwood said?''

''Well, yes, I did,'' I acknowledged.

''What is your response?''

I said, ''Abraham Lincoln did pretty well on the back of an envelope. I hope I do one-tenth as well.''

That is the way it has been.

The Vice President is in charge of reinventing Government and has done so with much fanfare. He pledged that ''we are going to do this, and we are going to do that.'' I myself talked with the Vice President on the telephone and said, ''Mr. Vice President, let's work together on this thing.'' All we got was a little bit of doubletalk and to this day—to this day—not one scintilla has come from the reinventing office. I will tell you what they reinvented up there, or down there. They have reinvented a horse and buggy, and that is about all.

Senator KERRY came on the floor back in July—July 31. There was a concerted effort from the Democrats: ''Don't vote for cloture,'' they intoned, including the three Senators—four Senators actually—who told me what a great bill it was. But not one Democrat, except the distinguished ranking member of the committee, voted for cloture. And I do not want to speak for Senator PELL, I believe I am correct in my understanding that he has never voted for cloture. There was a phalanx of opposition. They were not going to allow it to be voted on because they do not want to trim down the bureaucracy, they do not want to cut foreign aid, and I would not yield to demands that we bring down our bill to the point that it was absolutely meaningless.

Now, we have moved from abolishing three agencies to abolishing two agencies to abolishing one. I believe Senator KERRY has already acknowledged that this is the case. My recollection is that he accepted the $3 billion savings provision when I offered my proposition—one agency abolition.

Mr. KERRY. Will the Senator yield for one point?

Mr. HELMS. Yes, briefly.

Mr. KERRY. The Senator said he accepted the $3 billion. The $3 billion was originally in his bill. We proposed $2 billion. So nothing was accepted.

Mr. HELMS. Mr. President, when we agreed to move it to one agency—I will ask the Senator what he recalls he said yesterday about the amount of money?

Mr. KERRY. Mr. President, I say to my friend that what I said—his able aide, Steve, was there at the time. We were interested in trying to see if we could use the structure of the House numbers, because under that structure we felt there was sufficient discretion within the capacity of the administration to do the consolidating that would be required. It seems to me that given the fact that we know we are going to wind up in a conference anyway, and the House has a position, it was a reasonable proposal to try to make in the spirit of cooperation. His staff informed me, Mr. President, at that time that there was a contingency fund contained within the Helms legislation of about $125 million, and that that fund ought to be able to be sufficient to take care of some of the concerns of the administration because it had flexibility.

So I then went back to examine that, but found, in fact, that there are other problems presented because the money is not there. So you have a serious problem if the money is, in fact, not there, No. 1. And we never actually got back to a further conversation.

Mr. HELMS. Mr. President, I cannot yield for the Senator to make a speech.

Mr. KERRY. I am trying to explain.

Mr. HELMS. Please, Senator. There is no money in this amendment, none. So on what does the Senator base his conversation about that?

Mr. KERRY. To answer the question, the Senator is absolutely correct. There is no money in his amendment.

Mr. HELMS. That is not what the Senator has been saying.

Mr. KERRY. The money is in the appropriations bill, but it is not in the appropriations bill in the amount that the money is in the Senator's amendment. So for us to accept his staff's word that because it is authorized, somehow the problem goes away, is incorrect. The problem remains because the appropriators have not given us the money.

Mr. HELMS. Mr. President, maybe we are getting somewhere. I think before this exchange with the distinguished Senator from Massachusetts began, he said something to the effect, ''perhaps we can get together.'' Is that what the Senator said?

Mr. KERRY. I am always prepared to try to see if we can work things out.

Mr. HELMS. All right. Let us see how far the Senator is willing to go. May I ask the Senator if he is suggesting a reduction in the $3 billion savings as required in the amendment?

Mr. KERRY. Mr. President, I have suggested an alternative figure.

Mr. HELMS. I did not understand the response.

Mr. KERRY. That is affirmative. We have suggested an alternative figure and structure.

Mr. HELMS. Well, there is only one figure. There is only one figure in the amendment. Do you want to go to $2.7 million in savings as a compromise?

Mr. KERRY. Mr. President, first of all, I would love to put in a quorum call and have a moment to talk to my friend and see if we can work through it. Again, let me outline what we have suggested as a fair approach. We would like to know a date certain that the START Treaty could come to the floor and have a vote.

Mr. HELMS. Mr. President, I cannot allow my friend to take off on a rhetorical gambit. I did not mention the START Treaty.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. The Senator from Massachusetts knows as well as anybody that neither of us can set the date for a START Treaty in this bill or in this amendment. The leadership will set that date, not Senator KERRY, not JESSE HELMS, not in this legislation and not in the amendment.

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

Mr. HELMS. If I know the answer, I will, yes.

Mr. KERRY. I know the Senator knows the answer to this because he taught most of us how to do it. That is, through a unanimous-consent request, when there is this kind of a legislative impasse, you can accomplish anything on the Senate floor; is that not true?

Mr. HELMS. Well, yes, but agreements involving the scheduling of treaties has happened on either side. The Senator knows what he is doing when, at the last minute, as another feature of his compromise, he wants to stipulate when the START Treaty will start.

Mr. KERRY addressed the Chair.

Mr. HELMS. I have the floor, do I not?

The PRESIDING OFFICER. The Senator has the floor.

Mr. HELMS. Let me tell you the position the Democrats are in and the administration is in. They moan and groan about the Ambassadors being held up. They remind me of the fellow who shot his mother and father and then asked the court for mercy because he was an orphan. They have deliberately blocked consideration of the original State Department reorganization bill, beginning on the first day of debate.

Who was the Senator whom they brought in for 2 hours 12 minutes? The distinguished senior Senator from Massachusetts, who wanted to talk about the minimum wage. For the past 2 years, during his chairmanship of the relevant Senate committee, the senior Senator from Massachusetts did not even mention minimum wage.

So, obviously, a filibuster began at the beginning. The instructions had been handed down. And, yes, I am perfectly willing to clear the deck and clear all of the Ambassadors and all the rest of it to the extent I am able to. But I cannot speak for the majority leader, BOB DOLE, and I will not, or for the minority leader, to work out to their satisfaction.

Let me state a few things that I will be willing to do. If the Senator from Massachusetts wants to present, representing the majority of his side, a reduction in the $3 billion savings required in the amendment, we will talk about it. I want to know how much reduction they want in the savings. But I

will tell you one thing, Mr. President; the American people want at least $3 billion saved in the foreign aid giveaway. That is the meat of the coconut. That is what the Democrats oppose. That is what Brian Atwood is opposing.

Somewhere in these discussions, I am going to bring up the arrangement by the Agency for International Development to move into a sort of Taj Mahal, at $55 per square foot. It is going to cost—in the bill there is about $40 million just for moving expenses for the Agency for International Development—the foreign aid giveaway program which, by the way, began as one of those Federal temporary programs. Mr. President, there is nothing so close to eternal life as a temporary Federal bureaucracy. This is a demonstration of it. That is the reason they are fighting so hard. I have never seen such lobbying. Wendy Sherman, a nice lady, has absolutely reached the ultimate in ferocity in campaigning against this legislation from the very beginning.

She is good at what she does. I acknowledge that. I have told her so.

The fight is about whether the U.S. Senate and the U.S. Congress is going to do what the people demanded in last year's election, and that is to cut Federal spending. One of the top things on the minds of 80 percent of the American people is cutting foreign aid.

That is the problem with this bill. That is the reason we keep getting this stone stew sort of a thing.

I see the distinguished Chaplain of the U.S. Senate sitting there, our good friend, Dr. Ogilvie. I related to him the story about the farmer who had a visitor one day who claimed he could make a delicious stew out of a stone, water, and nothing more.

His friend said, ''I want to see you do it.'' So he got a stone, put it in a pot of water. He said to his friend, ''This would be a better stew if you had a few carrots in it.'' So his friend got a few carrots. ''And it would be better if it had a few beans, beef,'' and added various other ingredients. In the end, his stone stew was tasty.

That is the way our dear friend from Massachusetts negotiates. He comes and says, ''We will do this but it needs more of that. How about more of something else?'' I agree but it doesn't come to an end. This happened in committee, as well as here on the floor yesterday.

Then he said, ''Well, you have to do this, too.'' I have tried to be accommodating. From three agencies to two agencies to one agency. See? Then Senator KERRY comes back and he ends up requesting the great big piece of roast beef, that is something that he knows I cannot do. That is to guarantee when the START treaty is going to be considered by the Senate. That is his coup de'tat, the way to kill any hope of any negotiation.

Now, I will accept the Senator's statement as his word. His word is his bond. If he wants to sit down in good faith and specify what he is willing to do, I am willing to work with him.

Now, I have been provided with some figures. The moving of the quarters of the Agency for International Development for fiscal year 1994 and 1995 at a cost to the taxpayers of $14 million. That is just the move. In fiscal year 1996 it will cost another $17 million. For fiscal year 1997, another $9 million. This little temporary agency that started way back yonder is going to take 3 years to move, one bureaucratic mess to the Taj Mahal at $55 a square foot.

Anyway, let me say again for the RECORD, I will not debate further with the Senator from Massachusetts, if he decides to sit down and negotiate in good faith, and specify what he is willing to do and stick by it, he has a deal. I will either accept it or reject it in equally good faith.

I yield the floor.

Ms. SNOWE. I thank you, Mr. President.

I certainly want to join in this discussion because I think it is critical as chair of the Subcommittee on International Operations in this Senate, and I have been the ranking member of the same subcommittee in the House of Representatives for the last 10 years.

It is surprising to hear the tenor of this debate here today about the consolidation proposal.

First of all, I think it should be understood that the administration never submitted a State Department authorization, which is a first, at least to my knowledge and with the experience I have had on that subcommittee for the last 10 years, there has never been a case where the President has not submitted his own proposals with respect to the State Department authorization.

This consolidation issue is not something that just developed in recent days or weeks. In fact, it was first initiated by the current Secretary of State, Warren Christopher, back in January, only to be rejected by the President.

Interestingly enough, the Secretary of State's proposal for consolidating the State Department and the other agencies that we are referring to today, by Chairman HELMS, pretty much approximates what this consolidation proposal is all about.

In response to Secretary Christopher's proposal and in rejecting it by the administration, on January 26, Vice President GORE issued a press release announcing the second phase of the national performance review. ''It is anticipated that the overall review of international affairs programs and agencies will result in savings of at least $5 billion over 5 years and a substantially enhanced capacity to deliver more effective programs overseas and provide value to the American taxpayers.''

I remind my colleagues that the administration and, indeed, the Vice President, proposed $5 billion over 5 years. This consolidation proposal is referring to $3 billion over 4 years. The $3 billion was determined by the Budget Committee, but it is less than what the administration proposed for consolidating and cutting within the State Department and its related agencies.

I think the bottom line here is that the administration, the President on down—and what we are hearing today and is reflected in the comments made by the Senator from Massachusetts—is that they do not want any consolidation proposal.

I should remind you we started out consolidating three agencies, and the Senator from Massachusetts and I had a number of conversations. In fact, we had hearings at the subcommittee level and at the full committee level. This is an issue that has been discussed throughout this year.

The President does not want a consolidation proposal. We started out with three agencies to be merged into the State Department. Chairman HELMS recommended yesterday that we will take two agencies.

In fact, the Senator from Massachusetts, before the committee, had recommended one agency for consolidating and merging to State Department. In fact, Chairman HELMS said he would accept that. Now we are down from three to two to one, and we are still not able to reach an agreement.

Yes, it should not be on this bill. We hoped we could complete the State Department authorization bill. That should have been done long before the recess. In fact, it was here on the floor, but it was clear we were not making any progress, that a stalemate had occurred because of this consolidation proposal.

So really that is what it is all about, that the President does not want to consolidate these agencies. The President will not even submit a plan to tell us how we reach this goal of $3 billion or tell us where he stands on anything other than opposing consolidation. He does not even put forward his own proposals.

So we have to move forward because the American people deserve to have a more innovative approach to the problems we are facing. They certainly deserve to have consolidation and savings within the State Department. We want to do it on a reasonable basis. I think going from three agencies to consolidate to two, to one is a very fair compromise. It is more than compromising. Yet we do not seem to be making any progress.

Over this last year we were told time and again, ''We want to work with you to produce an agreement.'' We started out last winter, we had our hearings, we had more hearings because they said they needed to examine this issue further. And I say that is fair because this is serious business. We do not take this consolidation lightly. We do not say we have all the right answers with respect to this proposal. Clearly we could not be that far off the mark since Secretary of State Warren Christopher proposed essentially the same proposal for consolidating.

Then it came to the committee markup, and the Senator from Massachusetts did propose an alternative at the last minute but we said again ''Let's work before we go to the floor.''

We went to the floor and nothing happened. It went on and on, and it was clear we had to move on to other subjects pending before the Senate. So here we are now on the appropriations bill.

What we would like to know is, how do we move beyond this so we can resolve this question, complete the State Department authorization, and also do what we need to do with respect to savings? We have to achieve $3 billion in savings, and that is the issue here. I cannot believe that the President would oppose consolidation within the State Department. There are five former Secretaries of State and two former National Security Advisers who have endorsed this proposal. That represents many years of experience with respect to foreign relations.

I cannot believe we would just systematically reject out of hand the idea of consolidation. At a time when we are driving to balance the budget over the next 7 years, we are saying we are not going to do it with respect to the State Department and related agencies. A proposal was put forward—come your way, down to one agency—and we have still yet to make any progress.

I think that is regrettable. I certainly have not experienced this in all the years in which I have addressed this issue. Believe me, we had many contentious issues with previous administrations on the State Department, but we were able to resolve them. At the very least, we had a President who was willing to submit a proposal. This President has not.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Vermont.

Mr. LEAHY. Mr. President, I am concerned that we have a proposal to reform U.S. foreign affairs agencies on this bill. It is a major proposal. It restructures the way we administer our foreign aid programs. It merges most foreign affairs functions into the Department of State.

The reason I am concerned is it is in this bill. This is an appropriations bill. We have had a lot of hearings on appropriations. We had a lot of hearings on where we spend money on everything from the security interests of the United States abroad to how we help in humanitarian programs. We have not had hearing one on how we might rewrite, in the appropriations bill, a formal change in our whole foreign policy apparatus.

If we are going to have that debate, we have an excellent Foreign Relations Committee. They can bring an authorization bill to the floor. They have once. Bring one down, get it passed. That is where it should be. But to suddenly take the appropriations bill—not even the State Department appropriations bill, but the foreign operations appropriations bill—and say let us rewrite the Department of State and our whole foreign policy apparatus, that makes very, very little sense to me.

It would be like saying we are going to take the District of Columbia appropriations bill and while we are doing it, let us redo the Department of Housing and Urban Development. Because, after all, the District of Columbia is an urban area and the Department of Housing and Urban Development handles urban matters. It is about that related. To do it here, simply because the Senate rejected attempts to do it in another guise, does not make much sense to me.

I have long advocated better coordination among the executive branch agencies and foreign policymaking. I have done that in both Democrat and Republican administrations because both Democrat and Republican administrations have had problems in such coordination. But I think the proposal we see here would result in U.S. national interests being less well, not better, served.

Why is the Foreign Agriculture Service administered by the Department of Agriculture, not by the State Department? Because farmers know they can count on USDA to represent their interests better than the Department of State. And all experiences have proven that.

Why, 15 years ago, did we take the commercial function away from the State Department and create a foreign commercial service in the Department of Commerce? It was because State had for years neglected export promotion. They would sacrifice export interests to foreign policy priorities. They treated their own commercial officers as second-class employees, and it was because the American business community demanded we do something better.

The reason we have separate Foreign Service bureaucracies is that many of our foreign policy interests are actually domestic policy interests and they are best pursued abroad by technical experts from domestic policy agencies, not by foreign policy generalists from the State Department. You go to the domestic policy agencies that know a particular area and send them.

I do not know about North Carolina farmers or Maine farmers but Vermont farmers are not all anxious to see the State Department expand its influence over U.S. foreign agricultural policy. If you shift power from domestic agencies to the State Department, that is not going to strengthen representation of United States interests and United States policy, but it will strengthen representation of French interests and Argentine interests and Russian interests and interests of other parts of the world.

I have been advocating reform of our foreign aid program ever since the fall of the Berlin wall so I am happy to see a discussion of this issue. Sponsors of the amendment say our foreign aid program should further our national interests. I do not know anybody who agrees more with that than I do. But I do not agree with the definition of the problem.

The problem is not that the Agency for International Development is somehow ignoring America's national interests. The problem is, since 1961—going back to a time before I was old enough to vote—when the Foreign Assistance Act was enacted, much of our foreign aid was allocated to winning allies in the fight against communism. Billions went to rightwing dictatorships with little or no commitment to democracy or improving the living conditions of their people or even allowing business competition—either our business competition or their own business competition.

So a lot of that aid failed by standards that we, all of us, would apply today. But it is unfair and I believe it is even disingenuous to judge AID's effectiveness today against the failures of the past, because in the past our goals were fundamentally different.

The Secretary of State has full authority under statute to give policy direction to AID. The State Department, we all know, influences AID's activities every day. If AID's projects deviate from State Department policy, it is not because AID is out of control. It is because the people at the State Department are not paying enough attention to what they are doing.

I think the amendment ignores the considerable efforts of administration to improve AID's performance. There have been years of neglect—we all have to admit that—under the previous administrations. But, with Brian Atwood at the head of the AID, with the efforts of an awful lot of people and with the support of an awful lot of Members of Congress, Republican and Democrat alike, there have been significant improvements.

Over the past 2 years, we have seen dramatic progress at the Agency for International Development and the Treasury and State Departments in redefining our foreign aid priorities. They focus resources where they can achieve the most advance in U.S. interests abroad. They have done that, in spite of the constraints of an obsolete Foreign Assistance Act—as I said, a Foreign Assistance Act that passed later in that year when I finally became old enough to vote. It has been a long time. That could require some changes.

We are not going to do it in the appropriations bill. As I said before, it would be like trying to reorganize HUD on the District of Columbia appropriations bill. We have enough trouble trying to take care of the problems of the District of Columbia.

Here we have major issues. Chairman MCCONNELL and I and others on both sides of the aisle have worked very closely to try to improve things and try to work within the constraints of the amount of money we have for those

programs specifically under this bill. To ask us somehow to take on something our committee has not handled, that we have had no hearings on, and to write it in, pages and pages and pages and pages of authorizing legislative language on this appropriations bill, I cannot accept that.

I cannot accept the fact that it ignores what has happened. I mentioned AID Administrator Brian Atwood before. He has made extensive changes at AID. He initiated an agencywide streamlining effort that resulted in plans to close 27 missions. Incidentally, that is a reduction of 1,200 staff. He is installing state-of-the-art data processing systems that links headquarters in Washington with project officers in the field in real time which ensures that the information available at the one end of the pipeline is also available at the other. That is going to increase efficiency and improve decisionmaking. It is going to be a quantum leap forward from what it was just a few years ago.

Administrator Atwood has decentralized decisionmaking. People closest to the problems have now the full opportunity to design solutions. AID is improving its performance because, for the first time since the mid-1980's, it has hands-on leadership that is really committed to making our foreign aid program have effective leadership that actually cares that it works in the best interests of the United States.

Can they make that performance better? Sure. It is like every one of us who may feel we run our offices very, very well. Every one of us can honestly say there have to be ways we can make it better. Anything can be made better. But the question here has to be not can AID make it better, especially with the tremendous steps forward which they have made, the question has to be: But can you take it away from AID, turn it over to the State Department and have them do it better? I doubt it. If you abolish AID, if you ask the regional Assistant Secretaries of the State Department to manage its functions, I think that would be a serious mistake. These Assistant Secretaries are very good. But they are chosen for their expertise in broad foreign policy. They do not have the experience—many of them—in managing money and programs as AID does. Lord knows. Many of them are up to their necks in alligators trying to deal with the daily emergencies and complexities of our political relationships with the countries in their regions.

Even former Secretary of State Lawrence Eagleburger, a man whose management skills I have always admired, and whose political policy savvy I also have admired—and a Republican—expressed doubt about this proposal in his testimony before the Foreign Relations Committee on March 23. I quote Secretary Eagleburger. He said:

> The State Department is not well suited, either by historical experience or current bureaucratic culture, to assume many of these new responsibilities.

I might put it a little more bluntly. The State Department speciality is making policy. It has never—and probably never will—manage these kinds of programs well. Secretary Eagleburger offered the hope that with Cabinet selection of Under Secretaries it might do better. But I am reluctant to trade a bureaucracy that is doing reasonably well and getting better every day at delivering foreign aid with one that has no competence or outside chance that it might get better. If we disperse the responsibility of foreign aid among Assistant Secretaries of State, we are going to hear more stories about misguided failed projects—not fewer—and more questions about why we have foreign aid—not fewer.

AID performs a wide array of tasks that enjoy overwhelming support among the American people. Every year they managed programs worth $1 billion aimed at protecting the Earth's environment. Does protecting the Earth's forests and oceans and atmosphere matter to us as Americans? Why, it should. Does it further our foreign policy interest? Of course, it does. A century from now we are not going to have any foreign policy unless we join with other countries today in protecting our environment because we will be spending all of the time just trying to stay alive in an environment not suited for the habitat of humans.

Every year AID manages hundreds of millions of dollars to international health programs. Is this money wasted? Is tuberculosis infectious? Is AIDS infectious? Of course, they are. Tuberculosis just does not sit in one country. AIDS just does not sit in one country. They go worldwide. I tell you right now. There are 250 million Americans who will tell you unequivocally that we can do things to try to wipe out these diseases worldwide so they do not come across our borders they would be for it.

Every year AID commits a large part of its budget to promoting free markets and democratic development in countries where the United States has important interests. That is not diplomacy. It is hands-on assistance that requires people with special expertise on the ground who can get the job done, working with foreign governments and private organizations on the nuts and bolts of solving real problems. That is what AID does.

When we get those free markets going, when we get that democracy going, do you know who profits by it? Many, many times companies in my State, and the other 49 States, because they export. We all know that we are getting far more exports, and a far greater increase in our exports, I should say, in the developing world than we do in the developed world. The greatest percentage of new export jobs are created in exporting to the developing world. AID helps in that.

We have a strong need to rewrite the Foreign Assistance Act. We define the framework for foreign aid. That is the job of the Foreign Relations Committee. They had an opportunity earlier this year to do that. I suspect that they will work at it again, and will bring it to the floor. And we will have a real debate, and we will agree with some, disagree with others, and finally the Senate will work its will on such legislation; but not on an appropriations bill.

AID can continue downsizing and improve its efficiency. Let us not abolish an agency that is aggressively adapting itself to the changed world we live in to a shrinking foreign aid budget.

Mr. President, I strongly hope that this legislation will not be considered on this bill. The distinguished leadership can bring it up as an authorizing piece of legislation if it wants. We can argue and debate other things. Let us get our appropriations bill through. If we stick to the items that are within the jurisdiction of the Appropriations Committee, if we vote on matters that are within the jurisdictions of the Appropriations Committee, if we vote on matters that are actually part of this bill, why, we could be done before the Dracula hour of legislation.

My colleagues know the Dracula hour is what I refer to as the time when too often we end up voting. Those are the hours after darkness when people who work for family-friendly organizations tend to see their families. And those who want to be home tend to be there. Where we with a sense of camaraderie and perhaps people who do not have families tend to stay here together eagerly looking forward to vote after vote into the wee hours of the night.

Frankly, Mr. President, if we could just talk about appropriations matters on this, we could all go home for supper tonight. Think what a novel idea. Think of opening the door and having children say, ''You look so familiar. Didn't I see your picture in the paper once?'' To have, if you have one, a pet responding perhaps with some dim memory of who you are, and not bite you as you come in the door; to have your neighbors look out and say, ''I know him'' or her.

Perhaps they might even ask for an autograph, or at least not call the police thinking you are a stranger.

Think how wonderful it would be and we would probably have a good piece of legislation.

I see the distinguished Republican leader on the floor. I see others seeking the floor.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The majority leader.

Mr. DOLE. Mr. President, I think the Senator from Rhode Island is also seeking recognition.

I am going to offer an amendment and make a brief statement, and then I think there will be statements made in support or maybe even in opposition.

I ask unanimous consent that all pending amendments be set aside.

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

AMENDMENT NO. 2726

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

I ask that the amendment be read. It is very brief. I think that will sort of explain the purpose of the amendment as well as I can.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself, Mr. SIMON, Mr. HELMS, Mr. HATFIELD, Mr. D'AMATO, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 2726.

The amendment is as follows:

At the appropriate place in the Bill, add the following:

LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE

SEC. . (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.

Mr. DOLE. Mr. President, I ask unanimous consent that in addition to Senator SIMON, Senator HELMS, Senator HATFIELD, Senator D'AMATO, Senator FEINSTEIN, and Senator CAROL MOSELEY-BRAUN be added as cosponsors.

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

Mr. DOLE. Mr. President, I rise today to thank my colleagues for their support of the Humanitarian Aid Corridor Act. The amendment that has been offered, I think, is clear and precise, not very long. We just had it read. It has strong bipartisan support, and it furthers an important American foreign policy objective, which is to facilitate the prompt delivery of humanitarian aid.

The amendment, which overwhelmingly passed the House, prohibits U.S. foreign assistance to countries that impede or prohibit the delivery or transport of U.S. humanitarian assistance to other countries. This legislation also recognizes there may be a compelling U.S. national security interest which would override the principle of noninterference with humanitarian aid.

For this reason, U.S. foreign aid to nations in violation of this act may be continued if the President of the United States determines that such assistance is in the national security interest of the United States.

Let me say, Mr. President, this bill does not single out or exempt any one country. All nations are held to one standard. The intent is simple, to ensure that American humanitarian aid can be delivered where it is needed and when it is needed.

Currently, there is one country that is clearly affected by this legislation. Turkey, a valuable ally in NATO and in Operation Desert Storm, continues to receive a large amount of assistance in the form of grants and concessional loans financed by the American taxpayers. At the same time, however, they continue to enforce an immoral blockade on Armenia.

Mr. President, today marks the fourth anniversary of Armenia's independence from the Soviet Union. We as Americans welcome their independence and through our humanitarian efforts strive to help this fledgling democracy grow and prosper. Their road has not been an easy one, but the United States has been willing to provide the assistance they need. The delivery of humanitarian assistance to aid those in need is consistent with the fundamental values of our Nation. This legislation will also strengthen our ability to deliver such assistance, which, as I stated before, is an important component of our foreign policy.

Just let me conclude by saying it does not make sense to offer U.S. taxpayer dollars unconditionally to countries that hinder our humanitarian relief efforts. And in light of budgetary constraints, it is imperative that U.S. relief efforts be timely and efficient. The Federal budget deficit and spending constraints require maximum efficiency in the usage of U.S. foreign assistance. And no doubt about it, countries that prevent the delivery of such assistance or intentionally increase the cost of the delivery of such assistance do not deserve unrestricted American assistance.

I urge my colleagues to support this amendment, not for partisan politics, but for the belief in the fundamental values this Nation is built on.

Let me repeat. If some country out there is receiving American aid and they are preventing delivery of assistance paid for by the American taxpayers or if they circumvent delivery or make it almost impossible or impede delivery, or increase the cost of delivery, then I do not believe they should receive American assistance. And that is all this amendment is about. It does not exempt any specific country. It does not apply to a particular country. Right now, it applies to Turkey, but in the future it will apply to any other country that would follow the same practice.

I hope, if the amendment cannot be accepted, it can be voted on rather quickly.

I also ask unanimous consent to add my colleague, Senator MURRAY, as a cosponsor, and my colleagues, Senator KERRY from Massachusetts, Senator PRESSLER from South Dakota, and the manager of the bill, the Senator from Kentucky, Mr. MCCONNELL as cosponsors.

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

Mr. DOLE. I see my primary cosponsor, Senator SIMON, is in the Chamber, and I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me just say very briefly I wish to commend the majority leader for this amendment. Like many of my colleagues, I share the desire to see that countries are not allowed to block delivery of U.S. humanitarian assistance. Senator DOLE has led a bipartisan coalition of Senators in promoting this ideal through the cosponsorship of this amendment. I applaud his efforts and am glad to be a cosponsor of this amendment.

This particular measure enjoys widespread support in both the House and the Senate. Earlier this year, the House International Relations Committee approved the bill by a vote of 27 to 7. The Senate Foreign Relations Committee followed suit and voted in favor of the bill by a vote of 14 to 4. And most recently the House voted to include the provision in its foreign operations appropriations bill which passed the House overwhelmingly.

Countries which choose to blockade the delivery of U.S. humanitarian assistance exponentially increase the cost of that assistance. Currently, we find ourselves facing a situation where we are forced to stretch every dollar in the foreign assistance account. Allowing a nation to needlessly increase the cost of our assistance, thereby further limiting the amount of aid we are able to provide, is just simply unacceptable. We have a responsibility to the American taxpayer to ensure that their hard-earned money is sufficiently utilized.

If the United States is going to remain actively engaged in world affairs, as I believe it should, it must be allowed to provide assistance which is needed. This amendment makes good budget sense and is an important moral statement.

Clearly, we cannot afford to leave this issue unaddressed. I think Senator DOLE's proposal offers a reasonable and intelligent solution to this problem. I deeply appreciate his efforts and leadership on the issue.

In addition, I would like to thank him for including an emergency waiver provision in the proposal. While we want to ensure countries do not block our efforts to deliver assistance, it is important that we provide the President the ability to waive this provision in the event of humanitarian or security emergencies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

I am pleased to be a cosponsor of this legislation.

As Senator DOLE pointed out, this does not apply specifically in the language to any one country. Now, it does apply immediately to our relationship with Turkey because Armenia faces a very, very grim situation. And I have

to say I was a little appalled when, I guess about 2 years ago, I flew to Armenia with colleagues in the Senate and we could not fly over Turkey, after all the aid we have given Turkey. We had to go around to get to Armenia. But when you get there, you see the countryside in many areas with trees taken down, what once were beautiful trees on great avenues, because they are desperate for fuel. It is a tough situation.

Ironically, Turkey would benefit economically by entering into normal diplomatic and trade relations with Armenia. Azerbaijan wants to have an oil line going from Azerbaijan, through Armenia, through Turkey to supply the world with oil. Turkey benefits. Armenia benefits. Azerbaijan benefits. This is not an anti-Turkish resolution, but it does say in simple words, if you get American aid, you cannot stop humanitarian assistance to another country.

That has been what Turkey has been doing. I regret that. Turkey has been a valuable ally. I am old enough, perhaps unlike the Presiding Officer; I can remember the Korean war very well when Turkey was one of the few countries that really provided assistance. In many ways I feel grateful to Turkey, but I believe the message beyond this is that Turkey ought to be getting along better with her neighbors. That means Greece, that means Armenia.

But the principle that is in this legislation is sound: You do not get American foreign aid if you block humanitarian assistance to a nation that needs it. I am pleased to be a cosponsor. And I hope the Senate will overwhelmingly accept the amendment.

Mr. COCHRAN. Mr. President, I hope this amendment will not damage the longstanding alliance between the United States and Turkey.

Located in one of the most volatile regions of the world, bordered by Greece, Bulgaria, Iraq, Iran, Syria, and several former Soviet Republics, Turkey acts as a stabilizing force in the region. She has stood with the United States in all its conflicts since the Second World War, from the Korean war to the gulf war. She was the bulwark of NATO's southern flank during the cold war, defending 37 percent of the NATO-Warsaw Pact land frontier, as well as her Black Sea coast and the straits controlling Soviet access to the Mediterranean.

Turkey is connected geographically, ethnically, or politically to the problems of Iraq, Iran, Armenia, Azerbaijan, Bosnia, Cyprus, Greece, Bulgaria, Russia, Tajikistan, Syria, and Islamic fundamentalism. As one journalist has written, ''Turkish foreign policy today is a 360-degree nightmare.'' Now more than ever, the United States should work with Turkey as she continues to be the strong bridge between the Moslem world and the West, her Western orientation serving as a model for many of the republics of the former Soviet Union.

I believe that both Turkey and Armenia recognize their need to lessen tensions and to cooperate with the United States to resolve regional problems, including the Armenian-Azerbaijan conflict over Nagorno-Karabakh. As a good will gesture toward Armenia in April 1995, turkey opened an air corridor connecting Erzurum to Yerevan, previously closed for 2 years. I hope that Armenia will reciprocate and that the process toward improved relations—already well under way—will continue.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the proposed amendment to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian aid. This is a basic matter of principle: No country should have the right to interfere with the delivery of humanitarian assistance anywhere. When the United States provides food, medicine, and clothing to suffering civilian populations, in response to war or natural disaster, there is simply no justification for a country to block this assistance, especially when that country receives assistance from the United States itself.

The United States goes to great lengths to ensure that nations in dire need for humanitarian aid receive it in the most expedient and efficient way. Supplying humanitarian aid to people in need is consistent with the basic values of our Nation, and we should not ignore attempts to hinder its delivery.

This amendment would apply to all countries which receive U.S. assistance. However, as we all know, the major problem in this area today lies with Turkey's blocking of United States humanitarian aid to Armenia, a contemptible practice which has gone on for over 2 years.

While Turkey has made some progress on this issue, agreeing to open an air corridor to Armenia, this does not begin to address the problem of humanitarian assistance which must be transported over land. The bulk of the assistance we send to Armenia requires such land conveyance.

It is my hope that the administration will work with Turkey to ensure that all routes available for bringing humanitarian aid to Armenia are opened. Opening an air corridor is only the first step toward resolving this serious problem. Perhaps by working with Turkey on this issue, we can help to avoid ever having to invoke the aid cutoff called for in this amendment.

It is important to note that this amendment includes a national security waiver, thereby recognizing the fact that there may be compelling national security interests which require U.S. assistance to countries even when the recipient is blocking humanitarian aid to others. This waiver also appropriately preserves the President's prerogative to conduct U.S. foreign policy.

Turkey is an important United States ally, and I realize that assistance to Turkey is an integral part of our foreign policy to ensure regional security in that part of the world. However, we simply cannot continue to assist Turkey, or any other nation, which impedes the delivery of humanitarian aid to others. Again, this is a matter of principle, and it is my hope that my colleagues from both sides of the aisle will support it.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

REORGANIZATION AND THE FOREIGN RELATIONS COMMITTEE'S BUSINESS

Mr. PELL. Mr. President, earlier today some statements were made on the floor of the Senate concerning the proposed reorganization plan for the State Department. The suggestion was made that Democratic Members—specifically those on the Foreign Relations Committee, are responsible for holding up the processing of Ambassadorial nominations and other business by delaying the passage of the reorganization plan.

I think that suggestion warrants a response. Why? The reorganization plan at issue is not a bipartisan plan. I only wish it was. Its existence was made known only yesterday, and it was crafted without the knowledge or input of even one Democratic Member. Already, it is clear that there are serious differences and much disagreement about the plan.

I have other thoughts about this plan which should be expressed later.

But I just wanted to respond to the suggestion that somehow it is the Democratic side of the committee that is delaying the consideration of nominations, legislation, treaties, and other important matters.

The truth is that there is not, nor has there ever been, a Democratic hold on the Foreign Relations Committee's business. It is entirely the prerogative and within the power of our Republican colleagues to resume the committee's business. The halt in activity is an attempt to force an amendment that is supported and written and endorsed only by Republicans. We should not succumb to it simply because the proponents state erroneously that Democratic Members are responsible for the delay.

Mr. President, during the years that I chaired the Foreign Relations Committee, I always tried to move every nomination and conduct business in both a timely and collegial fashion. Never—never—during those years—and indeed during those years of service on the committee—since 1964—can I recall a time when the committee was stopped dead in its tracks to force the consideration of a controversial measure. I do not think that is a proper way to conduct business and a tactic I have always—always resisted using over a great many years.

I would hate to see it being used now, and the Senate becoming a battlefield, saying some of the Members will not do what they should do anyway, what they were hired to do, plus the treaty, plus the nomination, and in the meantime say, ''We will not do what we are

supposed to do until you do what we want you to do.'' And I think it is a bad precedent.

I would hope that the Senate turns it down.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2726

Mr. LEAHY. Mr. President, I understand that we may have one or two others who might want to speak—that we may not have any others that want to speak on the pending amendment.

Am I correct, Mr. President, in understanding that the pending amendment is the Dole amendment on humanitarian corridors?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I agree with the distinguished Republican leader on this amendment. In fact, I would ask to be named as a cosponsor of the amendment.

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

Mr. LEAHY. Mr. President, one of the greatest things the United States can do as a country with worldwide reach is to help in humanitarian matters. We are very, very fortunate as a country. Periodically, we have faced devastating situations in our own country. We did in Los Angeles, of course, during the earthquakes. We did in Florida during the hurricanes. We have seen devastation of Americans in the Virgin Islands, in Puerto Rico in the past few days. But we are such a powerful nation and such a wealthy nation that we can help each other out. Whether it is the flood of a couple years ago in Montpelier, VT, my hometown, we are America; and through our Federal Government, we came together to help with the floods in the Midwest of a year ago. But there are other countries that are so small and so poor that when they are faced with an earthquake or faced with tornadoes or faced with flooding, devastation, they have nowhere to look to but the international community. And the United States, along with many of our allies, have always responded.

I remember earthquakes in Armenia, flooding in Bangladesh, famine in Africa, earthquakes in other parts of the world—Mexico, for example—we have responded. We have the ability to reach out and fly supplies literally anywhere in the world. We have the ability to send medical technicians and experts and rescue operations and others anywhere in the world. It is something that, just to stop and think, in our lifetime, for most of us in our lifetime it was impossible for any nation to even think of doing this in the way that we do with the communications, the logistics, just the resources. And a child suffering loss of family because of an earthquake, anywhere in the world, is a child suffering; or an adult who has had their whole livelihood washed away in a flood, is an adult suffering, no matter where they are in the world.

If the United States and the American people, through everything from Red Cross, Catholic Charities, Decatur, and the Federal Government, respond, we respond not to say, well, we will respond to this child because they are politically correct, but not this child because they have a different ideology or something, we respond because they are human beings suffering. We responded in countries that technically were countries that were adversaries of ours. We responded to people. We will always continue to do so. But I think when we do it, and I think when our allies do, we should not be blocked from giving that humanitarian aid because we give it not to advance a political agenda of the people aided or of our own. We do it to help people suffering.

So this amendment is not intended to embarrass or cause problems with Turkey or any other country. It is a matter of principle. It says that the people's needs should not be denied aid for political reasons. We have given aid. I remember a time even during the cold war when those allied with the Soviet Union who were in need, and the United States, like our allies, responded to that need when called upon to. It is like a ship hearing another ship in distress. You do not ask what flag they carry; you say they are under distress, and we go to help them.

So, I would say to any of our allies who may be concerned about such an amendment, this is not intended to embarrass you. It is intended to carry out what has always been the policy of the United States. People desperately need help. If we can help, we do. We do this in Vermont. If a neighbor's home or barn is on fire, or they are suddenly incapacitated, we go to help. We do this as world neighbors, too.

Mr. President, I would hope that the amendment would be accepted. And while we check to see if there are others coming, I was going to put in a call for a quorum, although I see the distinguished chairman on his feet. I yield to him.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am unaware of anyone who wants to speak on this side, nor am I aware of any calls for a rollcall vote. So if the distinguished ranking member can check his side, we will be ready to vote.

Mr. LEAHY. I wonder in the meantime if we might just suggest the absence of a quorum.

Mr. McCONNELL. 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, the purpose of my offering an amendment—I ask unanimous consent that all pending amendments be laid aside temporarily.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. There is objection.

The PRESIDING OFFICER. Objection is noted.

Mr. HELMS. In that case, I will discuss the amendment. I can certainly do that.

The PRESIDING OFFICER. That is in order.

Mr. HELMS. Mr. President, let me read the text of the amendment that I shall offer presently. It is entitled, ''Prohibition on use of funds for relocating Agency for International Development to Federal Triangle Building.''

Section 577. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this act may be used to relocate the Agency for International Development, or any part of that agency, to the Federal Triangle Building in Washington, District of Columbia.

When I send this amendment to the desk and it is stated, the Senate will have before it a rather interesting set of circumstances. While the Senate Foreign Relations Committee was busy approving legislation to abolish the Agency for International Development, this very same entrenched bureaucracy at AID was preparing to spend $40 million to move its offices into some of the most expensive real estate in the entire Washington area.

Apparently, AID officials must believe they are playing with Monopoly money, and that the Agency for International Development has just landed on Boardwalk.

In any case, the building known as the Federal Triangle and dubbed by one of the Washington newspapers as ''a blueprint for a boondoggle,'' was originally supposed to cost $362 million. But its cost ended up being in the neighborhood of $700 million. Tom Sherman, former Assistant Administrator at the General Services Administration called it ''the project from hell.''

Yet, despite congressional efforts to abolish the Agency for International Development, that agency now intends to burrow in at this plush, new Taj Mahal on Pennsylvania Avenue, further isolating itself from the Department of State.

(Mrs. HUTCHISON assumed the Chair.)

Mr. HELMS. Now, you will recall, Madam President, that early on I referred to the fact that five former Secretaries of State have endorsed—and now Senator DOLE has joined in sponsorship—my plan was to reorganize the State Department and to abolish three independent Federal agencies. When I say independent, I mean independent.

All three of these agencies were established as temporary Federal agencies. As I said earlier today, there is nothing so near eternal life as a temporary Federal agency. The Agency for International Development is one of the three agencies that would be abolished under my plan to reorganize the

State Department. And AID itself says its proposed move has already cost the taxpayers $13.6 million in fiscal years 1994 and 1995, and will cost at least an additional $27 million in fiscal years 1996 and 1997.

When a Federal agency contemplates such a move, it usually does so with the goal of saving taxpayers' money. But that is not the goal of the Agency for International Development. AID, obviously, intends to go in exactly the opposite direction. Right now, AID pays $20 million for its leases in the DC area, but after the move, AID will spend more than $32 million a year in rent. So this move would, in fact, increase the Agency for International Development's annual rent by more than a third.

The pending amendment, which I shall send to the desk momentarily, would save at least $16 million next year alone by prohibiting AID from spending any money to facilitate its move out of the State Department.

So let me explain why this move will be so costly to the American taxpayers, 80 percent of whom do not like the foreign aid program anyhow. On the chart next to me is the cost of USAID's luxury offices. The average cost of office space, per square foot, is $37 in DC, $23 in Northern Virginia, and $20 in suburban Maryland. Had the Agency for International Development chosen one of those sites. But, oh, no, AID chose the luxury building. Look at the cost—$55 per square foot. You can see what that is. The chart clearly shows that the average cost to lease space in either Virginia or Maryland is less than $29 per square foot. Even in central Washington the going rate for leasing space is $37 per square foot. But, at this moment, under the terms negotiated by the Agency for International Development and the General Services Administration, AID intends to lease space in the Federal Triangle building for a minimum—that is a minimum—of $55 per square foot, which is far more than any private business in Washington would agree to pay. It does not take a rocket scientist to perceive that the people at the Agency for International Development have been snookered in this deal—whether they knew it or not is yet to be determined.

More shocking, I suppose, is that the Agency for International Development intends to lease a substantial amount of what it calls structurally-changed space for more than $97 per square foot, and that is three times the fair market value of this space.

So, Madam President, while some of us in Congress are working to abolish the Agency for International Development, the Agency for International Development, itself, has been busily figuring out ways to spend even more Federal Government money—meaning the taxpayers' money—with this new move to this high-rent district.

So I say, Madam President, I hope the Senate will vote to give the taxpayers a break for a change. The Agency for International Development neither needs, nor deserves, to be an occupant of a Taj Mahal. This facility, by the way, is the second largest in the District of Columbia, the Pentagon being the largest.

Now then, Madam President, I send my amendment——

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The pending question is the Dole amendment.

Mr. LEAHY. Does that have to be set aside, or is this an amendment to the Dole amendment?

Mr. HELMS. It was set aside, I inform the Chair.

Mr. LEAHY. The understanding of the Senator from Vermont is that it was not set aside.

The PRESIDING OFFICER. I am told by the Parliamentarian that the Senator from Rhode Island objected to the Dole amendment being set aside. So the pending business is still the DOLE amendment.

Mr. HELMS. I think what he objected to—but I will not contest the issue—was my sending the amendment to the desk. If that is the Chair's ruling, fine. But, Madam President——

Mr. LEAHY. If the Senator will withhold, let me explain the situation, the way I understand it is.

Madam President, I do not want to stop the Senator from bringing this or any other amendment up, unless it is something that requires a point of order. But we have one amendment pending, and that was set aside to take up an amendment by the distinguished Republican leader. I would like to start getting some of these things that are backed up here voted on one way or the other. I would like to get the humanitarian one done and then go to others.

I say that only because I am afraid we will keep having amendments after amendments out here in ether and about 9 o'clock or 10 o'clock tonight when everybody will be coming to the distinguished Senator from Kentucky and myself saying, ''When will we go home? on the outside chance we will see our family again,'' and then we start voting.

I know that is not the intent of the distinguished Senator from North Carolina, but I wonder if maybe we could get rid of the one that is there once the Senators who wish to speak on it do, and then go on to more.

I know that an objection was made by the distinguished Senator from Rhode Island, and I will at least for the moment—I am sure the Senator from North Carolina understands we have to protect that objection.

The PRESIDING OFFICER. I am told by the Parliamentarian that the Senator from North Carolina could offer a second-degree amendment to the Dole amendment without unanimous consent.

Mr. HELMS. Let me ask a parliamentary question of the Chair. I know the answer before I ask.

Suppose I should call for regular order?

The PRESIDING OFFICER. If you call for regular order, the question would be on the Senator's first amendment, No. 2707, which is pending to the first amendment.

Mr. HELMS. I am not going to do that.

Mr. LEAHY. Further parliamentary inquiry.

Mr. HELMS. I have not yielded the floor.

I am perfectly willing, for my part, to offer my amendment as a second degree to the otherwise pending Dole amendment, of which I am a cosponsor, by the way.

But I think I ought to do him the courtesy of asking if he has any objection to that.

Therefore, 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. BYRD. 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. BYRD. I shall not detain the Senate long. I apologize to Senators for the delay, but I have to say that there are too many things happening today.

I was tied up in an appropriations conference on the Transportation appropriations bill when I understood that Mr. Dole had offered his amendment and hoped to have a vote soon.

Therefore, with that explanation, I shall proceed now to what I have to say otherwise.

Senator DOLE has offered an amendment which, although it does not spell out by name the country Turkey, it is clearly aimed at Turkey. The amendment, a repeat of S. 230, the Humanitarian Aid Corridors Act, cuts U.S. assistance to countries that ''prohibit or restrict the transport or delivery of United States humanitarian assistance'' to other countries. It is clearly aimed at Turkey's refusal to allow aid to pass through Turkey to Armenia.

I would like to say I have been listening to statements that have been made and I would like to, as Paul Harvey says on the radio—or used to say, I do not get a chance to listen to him anymore—tell ''the rest of the story.'' Why does Turkey restrict the passage of aid to Armenia? Or, I should say, why did Turkey restrict the passage of aid to Armenia, since Turkey opened the air corridor from Erzurum to Yerevan on April 20, 1995, subject to the establishment of direct communication links and an aviation protocol between the two countries?

Prior to 1993, Turkey allowed hundreds of tons of third party assistance to pass through its territory and airspace to Armenia. But in 1993, Armenia escalated the conflict in Nagorno-Karabakh, an autonomous region of ethnic Armenians located within the

Republic of Azerbaijan. Azerbaijan and Armenia are both neighbors of Turkey. Currently, more than 20 percent of Azerbaijani territory is occupied by Armenia, and one of every seven Azerbaijanis is a refugee in his own country. At the time, the official U.S. reaction was to condemn the Armenian offensive, which undermined the CSCE-sponsored—Conference on Security and Cooperation in Europe—CSCE-sponsored peace process. Human rights groups have chronicled the human rights abuses against Azerbaijan. In February 1995, the Human Rights Watch/Helsinki group published a 118-page report on the subject, entitled ''Azerbaijan: Seven Years of Conflict in the Nagorno-Karabakh.'' Madam President, if human rights were the real issue here, perhaps aid to Armenia should also be reduced.

So, I say this just to say that this is a matter that is so more complicated than has been presented thus far. The government of Turkey is not to be said to be acting capriciously. It has responded to the concerns of its own citizens, who are culturally closer to the Azeris than to the Armenians. Public opinion in Turkey, something that we respect a great deal in this country, would not support assistance going to Armenia. Humanitarian aid to Armenia, which would allow that nation to concentrate on a military offensive in Azerbaijan while still addressing the needs of its own people, while Azeris were being turned into refugees, simply could not be tolerated. Cutting off the passage of aid was a political decision, designed to help push for the end of the conflict between Armenia and Azerbaijan as quickly as possible. This is not unreasonable, but it is understandable.

I would also note, as an aside, that Armenia is slated to receive $85 million in U.S. assistance from this bill. However, as there is some question as to Armenia's cooperation in allowing humanitarian aid to reach Azerbaijan, it is not entirely clear that Armenia will not also be caught in the net that is being woven in this amendment for Turkey.

Finally, I would like to again remind my colleagues of the many sound reasons the United States has for maintaining a strong relationship with Turkey. I have only yesterday noted the unique position of Turkey as a moderate, predominately Muslim nation, a representative democracy in a region that is increasingly becoming radicalized and extremist. Turkey was among the first nations to recognize Israel, and it has been an example and a supporter of peace in the Middle East.

Turkey is also a member of NATO, and during the Cold War was responsible for defending 37 percent of the NATO/Warsaw Pact border, along the strategically critical Southern Front. Turkey continues to maintain a large military, like the United States, but unlike most other NATO allies. This military security allowed Turkey to stand bravely with the West, in the face of some internal opposition, against Saddam Hussein, and all this despite a 331 kilometer border with Iraq. Turkey has paid the price for that cooperation. It closed the oil pipeline from Iraq, losing millions in revenues. It has supported the economic sanctions against Iraq, previously its second largest trading partner. It made quite a sacrifice in doing that. Over 2,700 air sorties to strike Iraq originated in Incirlik, Turkey. Since the war, over 23,000 sorties flown over Iraq to protect the Kurds in northern Iraq have been flown from bases in Turkey. The U.S. Operation Provide Comfort to support the Kurds in Iraq would not be possible without the support of the Turkish government and its people.

Both Secretary of Defense Perry and Chairman of the Joint Chiefs of Staff, General Shalikashvili, have written letters in support of a continued strong U.S.-Turkish relationship. A continued strong relationship with Turkey is in our interest. It is in the interests of Turkey. It is in the interests of Israel. It is in the interests of Greece.

Poorly disguised pro-Armenian, anti-Turkish amendments and bills serve only to undermine the support that the United States needs to serve our interests in sustaining Iraqi sanctions, honoring our promise to protect the Kurds in northern Iraq, promoting moderation in Middle East politics, and maintaining the NATO alliance.

Madam President, this amendment does contain a waiver for national security reasons. I hope that, should this amendment be adopted, the President will exercise that waiver and maintain a strong and important U.S.-Turkish relationship.

I ask unanimous consent to have printed in the RECORD the letter from the Secretary of Defense, Mr. William Perry, dated May 24, 1995, in which letter Mr. Perry writes as follows:

> I am also disturbed by some provisions of H.R. 1561 which would impose unnecessary restrictions on the ability of the President to conduct U.S. foreign policy. Its prohibition on assistance to countries which in any way restrict the flow of U.S. humanitarian aid would unduly damage our important security relations with Turkey.

And, also, a letter written to representative SONNY CALLAHAN, member of the House Appropriations Committee, and signed by the chairman of the Joint Chiefs of Staff, John M. Shalikashvili, in which he states—I will include this in the RECORD:

> Imposing more restrictions on this valued ally will only hinder our attempts to encourage progress and bring about lasting change. The Turks are proud people, and respect for the military is a time-honored tradition. By withdrawing support for them and taking on the role of adversary, we lose access to key decision makers. Recent progress combined with Turkey's unquestioned strategic importance, should drive the United States to increase support to Turkey in order to achieve our objectives, not destroy bilateral relations.

Madam President, I ask unanimous consent that the letter be printed in the RECORD in its entirety at this point, as well as a statement by Nick Burns, Office of the Spokesman, U.S. Department of State, dated April 30, 1995, and I yield the floor.

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

THE SECRETARY OF DEFENSE,
WASHINGTON, DC,
May 24, 1995.

Hon. RICHARD GEPHARDT,
Minority Leader,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GEPHARDT: I am deeply concerned by some of the recommendations of the Committee on International Relations regarding the American Overseas Interests Act of 1995 (H.R. 1561), particularly as they affect the President's International Affairs (150) budget request. The 150 budget is critical to our ability to protect our nation's security interests. Though these funds are provided in the 150 account, the Department of Defense has a direct stake in the outcome of this debate, because they directly support our national security program.

H.R. 1561, as reported by the Committee, would authorize 150 programs at significantly reduced levels. Adequate International Affairs funding, however, is essential to crisis prevention and gives us an alternative to unilateral U.S. action in support of our interests. For example, foreign affairs spending can mitigate internal and regional conflicts that, left to fester, could require U.S. military logistical involvement and possibly direct intervention, with escalating human and material costs. The costs of such contingencies are borne primarily in the DOD budget at the expense of military readiness. Underfunding the International Affairs budget, in my view, runs the risk that the United States will be unable to protect its interests except with military force.

I am also disturbed by some provisions of H.R. 1561 which would impose unnecessary restrictions on the ability of the President to conduct U.S. foreign policy. Its prohibition on assistance to countries which in any way restrict the flow of U.S. humanitarian aid would unduly damage our important security relationship with Turkey. Cutting off security assistance to this important Western-style democracy would only hurt our efforts to contain the threats in the Middle East. Other restrictions in H.R. 1561 would hinder our ability to implement and fund the Agreed Framework with North Korea, undercutting our achievements in preventing the spread of nuclear weapons. Finally, H.R. 1561 would restrict our ability to contribute to international organizations which can help shoulder our security burden.

I appreciate the support for military assistance activities, particularly IMET, included in H.R. 1561. However, for the reasons stated above, I would recommend that the President veto the bill if it were presented to him in its present form.

Sincerely,

WILLIAM J. PERRY.

Hon. SONNY CALLAHAN,
House Appropriations Committee,
Washington, DC.

DEAR MR. CALLAHAN: Thank you for the opportunity to provide my views on the military importance of Turkey. Now that Turkey occupies the new front line in the post-Cold War era, the strategic value to the United States of having a staunch and steadfast ally situated in a critical strategic location in the flanks and Middle East cannot be overstated.

Turkey has had a tradition of supporting Western interests over the past 50 years. From 1950 to 1953, Turkey provided a 4,500-man infantry brigade to join the United States in the U.N. effort in Korea. Turkish forces fought with enormous valor and distinction. Turkey was also the bulwark of NATO's southern flank during nearly the entire Cold War, defending 37% of the NATO-Warsaw Pact land frontier, as well as Turkey's Black Sea coast and the straits controlling Soviet access to the Mediterranean.

During Operations Desert Shield and Desert Storm, Turkey was a stalwart supporter of the United States and coalition efforts. Turkey allowed the deployment of Joint Task Force Proven Force fighters and other aircraft to Incirlik Air Base. The Turks allowed strike missions against Iraq from Incirlik—almost 2,700 sorties were flown from Turkish territory. The Turks have paid a heavy price for their support of the coalition during the Gulf War, due not only to the closing of the Turkish-Iraqi oil pipeline but also as a result of sanctions against Iraq, formerly Turkey's second largest trading partner. As of 19 June, the coalition has flown over 23,000 sorties out of Incirlik in support of humanitarian operations protecting the Kurds of northern Iraq. Further, without Turkish military support, our humanitarian operations in Provide Comfort would have long since been terminated and Saddam Hussein would have subjugated the Kurds of northern Iraq.

Additionally, the Turks have stood with us in Somalia, contributing 350 troops and the commander of the military elements of the U.N. force after U.S. forces withdrew. They also support current operations in Deny Flight and Sharp Guard with over 1,500 troops in UNPROFOR in Bosnia. Turkey represents a positive role in the Middle East peace equation and uses traditional influence with the Central Asian Republics to spread democratic values, secular principles, and to promote market-based economies. In our endeavors to reduce tensions in the Aegean between Greece and Turkey, the Turkish military has been forthcoming in providing unilateral good faith gestures toward the Greeks and working with us to establish military-to-military Confidence Building Measures to bring about a reduction in tensions.

Turkey's continued participation NATO as a strong ally of the U.S. remains vitally important as new security arrangements evolve in Europe. Next to the U.S., Turkey maintains the largest standing army in NATO. We have supported their efforts to modernize commensurate with the threats they face in this rough neighborhood. While some of Turkey's neighbors continue development of weapons of mass destruction, Turkey faces increasing fiscal constraints in efforts to modernize and remains vulnerable to the threats posed by these weapons.

It is my understanding some individuals would eliminate military assistance to Turkey based on human rights concerns. The Turkish military is actively engaging in efforts to improve human rights awareness among its personnel. Progress is visible in their newfound willingness to discuss this sensitive issue openly. They have instituted new rules of engagement for all military operations and provided additional training to many soldiers assigned to anti-terrorist operations. While the recent operations in northern Iraq drew sharp criticism from many of Turkey's European neighbors, evidence indicates that Turkish military went to great lengths to protect the lives of innocent civilians while destroying terrorist base camps. There has been, in short, significant progress on the human rights front.

I have personally engaged General Karadayl, Turkey's Chief of Defense, in dialogue regarding human rights and found him to be willing to assist in moving forward with new measures aimed at enhancing Turkish democracy and human rights. The Turkish military leadership is backing progress on human rights and is ready to make a concerted effort to see democratization legislation pass. Imposing more restrictions on this valued ally will only hinder our attempts to encourage progress and bring about lasting change. The Turks are proud people, and respect for the military is a time-honored tradition. By withdrawing support for them and taking on the role of adversary, we lose access to key decision makers. Recent progress combined with Turkey's unquestioned strategic importance, should drive the United States to increase support to Turkey in order to achieve our objectives, not destroy bilateral relations.

Your support in ensuring continued military assistance to Turkey is appreciated. Please do not hesitate to call if I can be of further assistance.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman, Joint Chiefs of Staff.

U.S. DEPARTMENT OF STATE,
OFFICE OF THE SPOKESMAN,
April 20, 1995.

[Statement by Nick Burns, Spokesman]

TURKEY: OPENING OF AIR CORRIDOR WITH ARMENIA

The United States is pleased to note that the government of Turkey has decided to reopen an air corridor to Armenia. This should help the flow of humanitarian aid to Armenia. It represents the first concrete step in what appears to be a warming trend in Turkish-Armenian relations, and can help further efforts for peace in Nagorno-Karabakh and stability in the region.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Madam President, let me respond just briefly to my friend from West Virginia, and he is my friend. I have tremendous respect for him, and he gives us a historical perspective not only in the Senate but from the centuries. If you visit the Simon household you will see in our dining room a print of a painting by a young ROBERT BYRD done some years ago. I forget the year. I am sure ROBERT BYRD could tell us the year of that painting.

Mr. BYRD. It would have to be at least, Madam President, 100 years ago for me to have been young.

[Laughter]

Although I feel that my spirit is still young.

Mr. SIMON. But let me, Madam President, respond to what Senator BYRD had to say. When he called this a poorly disguised anti-Turkey amendment, both Senator DOLE and I mentioned in discussing the amendment initially that it would immediately affect Turkey. There has been no attempt to hide that. Though the principle, we think, is sound, a nation that denies humanitarian assistance to another nation should not get American foreign aid.

On the situation in Karabakh, I have not visited that region. I have visited Yerevan, the capital of Armenia, and Baku, the capital of Azerbaijan. Karabakh is a region where the large majority of people are Armenian by heritage. Again, I say this as someone who has not visited the area, but there is a division of opinion within Karabakh. Some of them want that as an independent country. Some of them want Karabakh to be part of Armenia.

But the Government of Armenia, while clearly the sympathy and public opinion in Armenia is powerful just as it is in Turkey—Senator BYRD mentioned public opinion in Turkey—the Government of Armenia has assisted by providing electricity to Karabakh, and there is at least the strong possibility, maybe a probability, that they have provided some weapons to assist the government there. Whether that has been done by the government or whether it has been done surreptitiously just by volunteers I frankly do not know. But there is in that region now a cease-fire, and there is movement toward negotiation.

There have been small steps forward. And one of the small steps forward was mentioned by Senator BYRD. When the Prime Minister of Turkey—and right now the Prime Minister of Turkey is trying to reorganize the Government of Turkey, as I am sure Senator BYRD is aware. But she has shown some small steps toward reconciliation with Armenia. We ought to be encouraging those small steps, and other steps to be taken. That is the aim of this resolution.

Mr. BYRD. Will the Senator yield just at that point?

Mr. SIMON. I am pleased to yield.

Mr. BYRD. We should be encouraging additional steps. I am just not sure that this is the way to go about it.

Mr. SIMON. That is where my friend and I differ. I think this is a way to send a message, and as the Senator from West Virginia has pointed out, we have flexibility in here. The President can negate this. The President can say it is in our national interest to go ahead despite this violation. So I think it is wise.

One other point Senator BYRD makes that I think is a point which we should keep in mind—not only in this but in other things. Turkey is predominantly a Moslem country. We are going to have to be more sensitive to the Moslem world than we have been. We have in the United States more Moslems than we have Presbyterians today, one of the amazing statistics, at least as it applies to me when I learned it. That is why I think what we did in Somalia by helping the people of Somalia was very important, and I think it was one of George Bush's finest hours despite the criticism that sometimes is made of our small reaction.

But the principle that is established here in the Dole amendment I think is sound. Does it apply to Turkey right now? Yes. Will it apply in other situations in the future? Yes. Do we have flexibility with it? Yes. Because we permit the President of the United States to have a waiver.

So I think the resolution should be adopted. I hope we will accept it, and move ahead.

Again, I make clear that neither on the part of Senator DOLE nor on my part is this designed as an anti-Turkey amendment. It is a message, however, to the Turkish Government.

Madam President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, my distinguished friend says that this amendment sends a message. He interprets the message in a different way from the way I interpret it. That is what I am concerned about. It will not be interpreted in Turkey as the way, perhaps, Senator SIMON wants it to be. I cannot speak authoritatively, of course. But I do not believe this is the way to send a positive message to the Turks. I am concerned that we will send a message that backfires. I have no particular ax to grind for Turkey, or for Greece, or for Israel. I am not anti-Turkey. I am not anti-Armenian. I am not anti-Israel, and I am not anti-Greek. I am pro all of them. But I am even more pro-American. My first interest and my last interest, and my interest all the time, is in what I feel to be the best interests of the United States of America.

I think we sometimes offer amendments that may appeal to this, or that, or some other special interest group or lobby, and there are some pretty powerful ones that can sway a lot of votes in this Senate. I suppose in that regard, I might wish that Turkey had a more powerful American lobby. Turkey does not have a powerful lobby in this country. And for that matter neither do the American people.

I am here lobbying for the American people. I do not claim to be more patriotic than any other Senator. I do not ascribe any ulterior purpose to anyone. We are all patriotic. But I am afraid that we may weaken and undermine the interests of our own country when we become a little overly enthusiastic at times in sending so-called messages to countries that are our friends, and that have demonstrated time and time again their friendship towards the United States.

Look at the strategic position of Turkey on the map. The people of Israel, and the people of Greece should recognize that there is a strong Turkey protecting their flanks and their security interests. There are forces within Turkey that are striving to turn Turkey's face away from the West and may someday succeed in converting Turkey into another Iran. Then where would Israel be? Then where would Greece be? Then where would NATO be? Our own security interests would suffer. I am just pro United States, and I see Turkey as a friend, an ally. So we cannot afford to insult her. It seems that we have a proclivity for wanting to slap Turkey around—to send a ''message.''

Madam President, I respect the views of other Senators, but I hope the Senate will not adopt this amendment. If it does, I hope that the President will exercise the authority to waive this provision.

I yield the floor.

Mr. MCCONNELL. Madam President, I do not believe there are any other speakers on this side of the aisle on the Dole amendment, nor do I have a request for a rollcall vote. So I think we are ready to move forward.

Mr. LEAHY. Madam President, I would be perfectly happy, since no one is requesting a rollcall vote on this side, to go with a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2726) was agreed to.

Mr. MCCONNELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. 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. 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. I wish to inquire of the managers or acting manager, as the case may be, is there now any objection to my setting aside temporarily the pending amendment so that I can have stated the amendment that I have already discussed?

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I am not sure I understand the question. There was some noise here, and I literally could not hear the Senator.

The PRESIDING OFFICER. Is the Senator from North Carolina asking that the pending amendment be set aside so that he can offer his amendment?

Mr. HELMS. All pending amendments.

The PRESIDING OFFICER. All pending amendments. That is the question.

Is there objection to setting aside all the pending amendments so the Senator from North Carolina——

Mr. HELMS. Madam President, if I inferred or if I implied that I want to set aside the committee amendment, I do not want to do that.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Madam President, I am not sure. Has the Senator made that request, or was he asking Senator MCCONNELL as the manager, and myself as the ranking manager whether we would accept such a request? That was my problem.

Mr. HELMS. The communication will go all the way down. I do not understand what the Senator said.

Mr. LEAHY. We seem to have a communication problem.

Might we enter a quorum call for just a moment?

Mr. HELMS. Fine.

Mr. LEAHY. 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. HELMS. Madam President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2727 TO COMMITTEE AMENDMENT ON PAGE 2, LINE 25

(Purpose: To prohibit the use of funds for relocating the Agency for International Development to the Federal Triangle Building, Washington, District of Columbia)

Mr. HELMS. Madam President, oh, about 30, 40 minutes ago I was delayed in having my amendment, which is now at the desk, stated.

When I asked unanimous consent to have all amendments laid aside, except the committee amendment, there was an objection. Now there is no objection, as I understand it. So I now ask that the amendment be stated.

The PRESIDING OFFICER. Is there objection?

If not, the clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2727 to the committee amendment on page 2, line 25.

The amendment is as follows:

At the appropriate place in the committee amendment insert the following:

PROHIBITION ON USE OF FUNDS FOR RELOCATING AID TO FEDERAL TRIANGLE BUILDING

SEC. 577. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used to relocate the Agency for International Development, or any part of that agency, to the Federal Triangle Building in Washington, District of Columbia.

Mr. HELMS. Mr. President, while the Senate Foreign Relations Committee was busy approving legislation abolishing the Agency for International Development, the entrenched bureaucracy at AID has been preparing to spend $40 million to move its offices into some of the most expensive real estate in the entire Washington area. Apparently, AID officials think they are playing with monopoly money and that AID has just landed on Boardwalk.

The building, known as the Federal Triangle and dubbed by the Washington Times a ''Blueprint for a Boondoggle,'' was originally supposed to cost $362 million but its cost has soared to $700 million. Tom Sherman, former assistant administrator of GSA called it the project from Hell. Yet, despite congressional efforts to abolish AID, they intend to burrow-in at this plush,

new Taj Mahal on Pennsylvania Avenue, further isolating AID from the Department of State.

According to AID, its proposed move has already cost taxpayers $13.6 million in fiscal years 1994 and 1995 and will cost at least an additional $27 million in fiscal years 1996 and 1997. Now, when a Federal agency contemplates a move, it usually does so with the goal of saving taxpayers money. But AID intends to do just the opposite. Right now, AID pays $20 million annually for its leases in the D.C. area. After the move, AID plans to spend more than $32 million a year in rent—so this move would actually increase AID's annual rent by more than one-third.

The pending amendment would save at least $16 million next year by prohibiting AID from spending any money to facilitate its move out of the State Department.

Let me attempt to explain why this move will be so costly to the taxpayers. The chart next to me illustrates how much AID intends to spend per square foot for this new lease as compared to lease costs elsewhere in the Washington area.

The chart clearly shows that the average cost to lease space in Washington is less than $29 per square foot. Even in central Washington, the going rate for lease space is only $37 per square foot. But right now, under the terms negotiated between AID and the General Services Administration [GSA], AID intends to lease space in the Federal Triangle building for a minimum of $55 per square foot—far more than any private business in Washington would agree to pay. It does not take a mathematician to know that the folks at AID have been snookered on this deal.

More shocking, AID intends to lease a substantial amount of what it calls structurally changed space for more than $97 per square foot—triple the fairmarket value of this space. So, while Congress is working to abolish AID, AID is busy figuring out ways to spend more Federal money with this move to the high-rent district.

Mr. President, let us give the taxpayers a break. AID does not need a new Taj Mahal.

I yield the floor.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to the amendment.

So the amendment (No. 2727) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, it is my understanding we are down to about four or five amendments left that would require a rollcall vote, other than amendments that the distinguished chairman of the Foreign Relations Committee may have and that the majority leader may have. So I would like to encourage—and I see one of those Senators here on the floor, the distinguished Senator from New Mexico.

Again, let me repeat, we are down to about four or five amendments that will require a rollcall vote, other than the amendments that may be offered by the distinguished chairman of the Foreign Relations Committee and by the majority leader. So that is where we are at the moment. I see Senator BINGAMAN here.

Mr. LEAHY. Madam President, the Senator includes in that—so we make sure we understand—one that would obviously require a rollcall. That would be the major reorganization amendment that we debated earlier today.

Mr. McCONNELL. I say to my friend from Vermont that is one of the amendments of the distinguished chairman of the Foreign Relations Committee.

Mr. LEAHY. Madam President, while we are waiting for just some administrative work being done on an amendment which is about to be offered, we have here, at least as it came out of committee, basically a very straightforward appropriations bill. The distinguished chairman and myself worked very, very hard on this. We tried to accommodate the concerns and desires of Republicans and Democrats alike in the Appropriations Committee and others who came to us with amendments. Those things that we could not agree on when we did it, we had votes in the committee on them.

We are now, on the 21st of September, 9 days before the end of the fiscal year, on one of the 13 major appropriation bills that have to be passed. Frankly, I would like to see—and I suspect the distinguished chairman agrees with this—I would like to see if sometime by early evening we could just vote and pass all of these; either vote these amendments up or vote them down, and then vote up or vote down on the final bill. And I urge our colleagues to work toward that end.

Frankly, my willingness to accept or accommodate amendments diminishes as the Dracula hour approaches. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico is recognized.

AMENDMENT NO. 2728

(Purpose: To allow residents of the United States to send to their immediate family members in Cuba small amounts of money to pay for basic necessities such as food, clothing, and medical care)

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

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2728.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicine, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

Mr. BINGAMAN. Mr. President, this amendment, as the language of the amendment just read indicates, is an effort to put the Senate on record and the Congress on record as favoring protection of some basic humanitarian efforts made by Americans on behalf of the Cuban people.

More importantly, it also allows Cuban-Americans currently residing in the United States to ease the suffering of immediate family members who they may have still remaining in Cuba.

First, the amendment would allow Cuban-Americans and American citizens who currently reside in the United States to provide modest cash remittances of not more than $200 a month to immediate family members.

The reason that this is an important provision is that, as I understand it, we presently have in place a policy or Executive order that is prohibiting those remittances. That has been in place ever since we were negotiating sometime last year with the Cuban Government. I do not believe that this will hurt any efforts to bring democracy to Cuba or aid the Cuban Government, but it will go a great distance in aiding or in easing the suffering of the Cuban people.

Second, the amendment would protect the rights of Cuban-Americans to travel to Cuba in the event of a medical emergency or death in their immediate family. Cuban-Americans would be able to travel for periods of up to 30 days for such emergencies. I am sure my colleagues would agree that any individual should be able to freely travel in order to attend the funeral of a family member or deal with a family medical emergency.

Finally, the amendment says that the United States would not be prohibited from participating in humanitarian efforts of multilateral organizations in the aftermath of any natural

disaster that might occur involving the island of Cuba. These international efforts or humanitarian efforts referred to would be efforts initiated by multilateral organizations of which we are already a member, and we, of course, would be aiding in relief efforts through those organizations.

Mr. President, I am sure that all Members of the Senate will agree that the protection of these basic humanitarian efforts by Americans and Cuban-Americans on behalf of the Cuban people and family members is the right thing to do. We may have serious disagreements about United States policy and how that policy can best achieve democracy in Cuba, but surely we can all agree that such a policy should not be inhumane to the people of that country.

Our Government's dispute with the Cuban Government should not interfere with clearly humanitarian efforts and basic family rights of Cuban-Americans residing in this country.

Mr. President, I believe it is important for the Senate to be on record in support of this, particularly in light of some of the Executive orders that have been issued recently.

I urge my colleagues to support the amendment. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator PELL, the Senator from Rhode Island, be listed as a cosponsor of the amendment.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, will the Chair inform me as to what the lineup of amendments is as they now stand?

The PRESIDING OFFICER. The Senate is considering an amendment of the Senator from New Mexico, amendment No. 2728.

Mr. HELMS. That is the pending business. There are three other amendments in line, are there not?

The PRESIDING OFFICER. Two other amendments were set aside. One is an amendment of the Senator from Alaska, Mr. MURKOWSKI, and the other an amendment by the distinguished Senator from North Carolina for himself and for Senator DOLE.

Mr. HELMS. May I ask the manager of the bill, do they intend to accept the amendment? Does the Senator from New Mexico intend to ask for the yeas and nays on his amendment?

Mr. BINGAMAN. In response to the Senator from North Carolina, I was hoping to have a vote on the amendment that I have offered. I would be glad to do that at this time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. McCONNELL. Mr. President, we need to withhold from going to the vote. We have not cleared the time yet on this side.

Mr. President, I suggest the absence——

Mr. HELMS. If the Senator will withhold. Would the Senator like to set aside the pending amendment so I can call up another amendment?

Mr. McCONNELL. Mr. President, is the distinguished Senator from North Carolina suggesting that we handle the—I do not see a number on this—PLO amendment?

Mr. HELMS. Middle East peace, yes.

Mr. McCONNELL. It is my understanding that that has been cleared by both sides. Is that Senator LEAHY's understanding?

Mr. LEAHY. I am doublechecking that right now. If it is, we can dispense with it in about 2 minutes. Maybe we can save ourselves even more time if we can withhold for just a couple of minutes.

Mr. HELMS. In any case, if the Senator will yield, I do have a statement which would take 5, 10 minutes in connection with the amendment.

Mr. LEAHY. I have no problem with that at all. That might kill two birds with one stone.

Mr. HELMS. I thank the managers of the bill. I shall be as brief as possible. This amendment, as I understand it, has been cleared on both sides. I hope that is correct.

Mr. President, Senator PELL, the distinguished Senator from Rhode Island and ranking member of the Foreign Relations Committee, and I and the several other cosponsors of the Middle East Peace Facilitation Act of 1995 introduced our bill, S. 1064, on July 21, with the now-obvious overly-optimistic assumption that it could and would be incorporated into the State Department authorization bill.

I shall not recount the well-known reasons why the Foreign Relations Committee's State Department authorization bill was given such scant consideration by the minority of the Senate, except to say that it ran into bureaucratic bombardment from the State Department, the White House, and a coterie of independent agency bureaucrats who were tormented by the very idea that their multibillion dollar playpens might be broken up, which, I might add, was precisely the intent of my piece of legislation.

In any case, here we are with the Foreign Relations Committee's authorization bill now in part tacked onto the appropriations bill.

I certainly find no joy in that set of circumstances. The authorization bill, S. 1964, had bipartisan support, in part because there was a fairly explicit presumption that Chairman GILMAN, the distinguished gentleman over in the House, chairman of the House International Relations Committee, and I would be able to act on our respective reservations about the authorization bill when it went to conference. Now all of that is out the window—at least for the time being. So, as it turned out, BEN GILMAN and I never got the chance.

There are a number of improvements that can and should be made to this legislation. But let me offer some purely personal and fundamental problems that I have with the so-called Middle East Peace Facilitation Act, which is now pending.

If you wonder if I trust Yasser Arafat, the answer is ''no.'' His hands are bloody; his career is smeared with unspeakable acts of terrorism. I will never fully understand how the leaders of Israel could reach the decision to turn over land to Arafat, a man whose creed calls for the destruction of the nation of Israel, and whose co-conspirators have referred to Israel as the ''eternal enemy.''

Will this peace process convince Arafat that he cannot promote peace while he is winking at gun-toting terrorists in Hamas? I do not know, but I frankly doubt it. Will it matter to Arafat that the Congress of the United States regards Jerusalem as the capital of Israel, and that this Congress has not the slightest predisposition or intent to help finance PLO offices in Jerusalem? I think not.

One thing is certain about the Middle East Peace Facilitation Act of 1995, the pending amendment. One thing or the other is going to happen. Yasser Arafat will have a final opportunity to demonstrate that for once a leopard can change its spots. He will have an opportunity to astonish everybody by demonstrating that he does indeed wish to join the ranks of the decent and honorable in this violent and troubled world. He may astonish me, and I pray that he can and that he will.

All around are leaders willing to risk giving Yasser Arafat one last chance. I fear that I know what is going to happen down the road, and not very far down the road. As is so often said, ''let's give peace a chance,'' even if it proves to be one last exercise in futility.

I have several amendments to offer, none of which will kill the peace process, and the PLO can comply with each and every one of them if Yasser Arafat has even a spark of genuineness in him.

First, although Senators may not be aware of it, the PLO has at least 10 offices operating within the city limits of Jerusalem. The PLO does not belong in Jerusalem. If those offices are not shut down within 6 months, then under this amendment, all U.S. aid to the PLO would be cut off.

Second, 2 years ago Yasser Arafat pledged he would cooperate in providing information regarding the fate of

an Israeli-American soldier captured by a PLO faction. To the best of anybody's knowledge, he has not done that. No doubt there is information in Mr. Arafat's hands about other Americans held by the PLO and those affiliated with the PLO.

The President of the United States, under this amendment, must certify that Yasser Arafat is being specifically helpful in the search by the United States for information regarding victims of terrorism. Surely this is a small request in return for assistance that the United States provides.

Third, this Middle East Peace Facilitation Act is to be 18 months in duration. Several Members of the House of Representatives have argued for a 12-month bill. I happen to believe they are right. The situation in the Middle East is so fluid that 12 months will serve everyone better, in my judgment.

Then I have two technical amendments which will follow shortly to clean up some unclear language regarding the Palestinian covenant and the participation of active terrorist groups in Palestinian elections. I doubt that anybody in this Chamber will find either of these objectionable.

In summary, there has been a great deal of discontent and doubt about this peace process. I hope we can relieve some of that. I do hope that all Senators who have suggested alternatives or amendments to MEPFA, I hope they will offer them for an open discussion that will, of course, benefit all of us.

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

Mr. LEAHY. Mr. President, this amendment of the Senator from North Carolina is acceptable on this side.

I wonder if the distinguished floor manager would be interested in doing it this way: That we pass by voice vote the amendment by the Senator from North Carolina and then go for rollcall, the yeas and nays having been ordered on the amendment of the Senator from New Mexico.

Mr. McCONNELL. Mr. President, approving the Helms amendment is fine.

I indicated to the Senator from New Mexico that the Senator from Florida, Senator MACK, will want to speak on his amendment, so we will not be able to go forward on the Bingaman amendment yet.

I see no problem in moving ahead on the Helms amendment that is currently before the Senate. I am aware of no opposition to it, Mr. President.

The PRESIDING OFFICER. The amendment has not yet been offered.

Mr. LEAHY. I am referring to the amendment that the Senator from North Carolina has been speaking about.

AMENDMENT NO. 2729 TO THE LAST COMMITTEE AMENDMENT

(Purpose: To Amend the Middle East Peace Facilitation Act)

Mr. HELMS. I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2729.

Mr. HELMS. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 113, lines 25 and 26, strike ''eighteen'' and insert ''twelve''.

On page 119, line 15, insert ''and thereby nullified'' after the phrase ''effectively disavowed''.

On page 120, lines 3 and 4, strike ''in accordance with the terms that may be agreed with Israel'' and insert ''that neither engage in nor practice terrorism or violence in the implementation of their political goals''.

On page 120, line 15, strike ''and''.

On page 120, line 19, strike the period and insert ''; and''.

On page 120, between lines 19 and 20, insert the following:

(7) the P.L.O. has not funded, either partially or wholly, or has ceased funding, either partially or wholly, any office, or other presence of the Palestinian Authority in Jerusalem.

(8) the P.L.O. is cooperating fully with the Government of the United States on the provision of information on United States nationals known to have been held at any time by the P.L.O. or factions thereof.

At the appropriate place in the Committee amendment, insert the following new section:

COERCIVE POPULATION CONTROL METHODS

SEC. . Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term ''coercion'' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 2729) was agreed to.

Mr. HELMS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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. LEAHY. 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. LEAHY. Mr. President, a few minutes ago we passed the humanitarian corridor amendment, of which I was a cosponsor. I ask unanimous consent that the distinguished Senator from Nevada [Mr. REID] be added as a cosponsor.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I have an unprinted amendment—it is a printed amendment—at the desk. I ask it be stated.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to set aside the pending amendment?

Mr. HELMS. Yes, sir. I thank the chair.

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

AMENDMENT NO. 2730 TO THE COMMITTEE AMENDMENT

(Purpose: To restrict the availability of funds for the U.N. Population Fund (UNFPA))

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2730 to the committee amendment.

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 in the Committee amendment, insert the following new section:

COERCIVE POPULATION CONTROL METHODS

SEC. . Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term ''coercion'' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

Mr. HELMS. Mr. President, the pending amendment is directed toward the U.N. Population Program familiarly known as UNFPA. It is directed at the U.N. Population Program and the People's Republic of China.

The arrest earlier this year of my friend, Harry Wu—and he is a friend of a lot of Senators here—again highlights, I think, China's dismal human

rights record. And of course all Senators have heard the horror stories associated with the brutal population control program of the People's Republic of China.

The pending bill proposes to hand over another $35 million to UNFPA—$20 million less than the Clinton administration proposed in my judgment, and I think the judgment of many other Senators, it is still $35 million too much. I, therefore, expect a few UNFPA defenders to come down to the Senate floor and say that U.N. Population Program activities in China really don't matter because UNFPA does some good things elsewhere. Others will claim that language specifically restricting the United States contribution from being used in China is all that is needed. But, I do not buy that, and neither do the American people, if I am any judge of the attitude of the people.

Either UNFPA is mixed up in China's grotesque and cruel population control program, or it is not. And the fact is, UNFPA helped design China's one-child-per-family population control program 20 years ago, and it has actively supported the program ever since. Indeed, UNFPA holds up China's program as a model for the developing world.

The pending amendment insists that the U.N. Population Program terminate its activities in China or the United States Government will terminate its association with UNFPA. It is as simple as that. The amendment is identical to language in the House version of this bill, and should be included in this bill.

Let me say, parenthetically, that a foreign aid conference report may experience some trouble in the House unless this and other pro-life, pro-child provisions remain. Foreign aid is as unpopular in the House as it has ever been, and I do not think that pro-life Congressmen will be inclined to vote for this bill without language protecting unborn children.

Mr. President, let us be clear about the kind of abuses that occur in China under the nose of UNFPA. Women are dragged into government clinics and forced to have an abortion if they already have one child. Women and men are forced, like animals, to undergo sterilization procedures if they violate the one-child policy. This inhumane program—of which UNFPA is so proud—has caused an alarming increase in abortions of baby girls because many Chinese value boys more.

In light of this cruelty against the most innocent and helpless members of the human race, the Christian Coalition's Contract with the American Family specifically targets eliminating funding for UNFPA. A cogent explanation of why UNFPA is targeted is on pages 72–74 of the contract. I shall do everything I can to require that UNFPA pull out of China, or face termination of United States taxpayers' funding.

Mr. President, this bill carries another provision—as have previous foreign aid appropriations bills since 1985—designed to prohibit funding UNFPA, but without identifying UNFPA by name. The provision, known as the Kemp-Kasten amendment, prohibits funding of any ''organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization.'' Senator Kasten and Congressman Kemp had Communist China in mind, where UNFPA operates one of its cornerstone programs.

From 1986–92, the Reagan and Bush administrations determined that UNFPA was in violation of the Kemp-Kasten amendment. Indeed, President Bush vetoed the fiscal year 1990 foreign operations appropriations bill because it gutted the Kemp-Kasten amendment. President Bush opposed funding UNFPA because it was the only organization that violated the Kemp-Kasten amendment and because, as Mr. Bush put it:

> The [U.N. Population Program] participates in and strongly defends the program of a particular foreign government [China] which relies heavily upon compulsory abortion. This fund received no United States assistance since 1985, precisely because of its involvement in the coercive abortion policy.

It is well known that one of the first actions taken by President Clinton, when he assumed office, was to reverse this longstanding policy—despite the administration's full knowledge of China's cruel program and UNFPA's close relationship with it. That is why the pending amendment is the pending business in the Senate right now.

AID Administrator Brian Atwood told the chairman of the House Foreign Operations Appropriations Subcommittee, in an August 6, 1993, letter, that ''* * * if there are not significant improvements in China's population program, the United States will not support continued UNFPA assistance to China beyond 1995 when the current program ends.''

The fact is, Mr. President, the situation in China has worsened, but UNFPA does not intend to pull out of China, and the Clinton administration has every intention of contributing money to UNFPA. The administration apparently gives UNFPA a wink and a nod in New York, and then glibly tells Congress, ''trust us, the United States doesn't support UNFPA assistance to China.''

Let me say this in conclusion. Mr. President, Americans already believe that too much of their tax money goes to the United Nations. Poll after poll after poll shows that. And they certainly do not want any administration to give money to the U.N. Population Program, thereby condoning that organization, including its involvement with China's grotesque population control program.

Since China clearly has made no improvement on human rights, and since UNFPA's relationship with China remains unchanged, I strongly urge Senators to support the amendment to force UNFPA out of China.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, as the Senator from North Carolina, I believe, mentioned in his statement, the amendment he offered was in the original chairman's mark which was then stripped out at the subcommittee level, so I obviously support the amendment of the Senator from North Carolina.

One of the thoughts that my friend from Vermont and I were discussing is the possibility of a hour and half, or a 2-hour time agreement on the amendment, if that is acceptable to the Senator from North Carolina. That would give Senators notice that there would be a vote at a time certain in a couple of hours from now.

I am curious. I would ask Senator LEAHY if he has any feeling about the appropriateness of such time agreement.

Mr. LEAHY. Mr. President, I strongly support it if we are ever going to finish this bill in our lifetime. I understand one Senator is not on the floor, and he would be on the floor in about a minute or two.

I would suggest this, that we go off this amendment for about 3 minutes, bring back the Bingaman amendment during that time, and then 3 minutes from now go back to the Senator from North Carolina.

Mr. President, I ask unanimous consent that we go off the pending amendment, go back to the Bingaman amendment, and I assure my colleague I will be asking that we go back to the Helms amendment in a matter of 3 or 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. On the Helms amendment?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Is there objection to the request? Hearing no objection, is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I thank the managers.

Mr. BINGAMAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair informs the Senator from New Mexico that the pending amendment is the amendment of the Senator from New Mexico.

AMENDMENT NO. 2731 TO AMENDMENT NO. 2728

(Purpose: To allow residents of the United States to send to their immediate family members in Cuba small amounts of money to pay for basic necessities such as food, clothing, and medical care)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2731 to amendment No. 2728.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $195 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent that we temporarily lay aside the Bingaman amendment and that we go back to the Helms amendment we were discussing just a moment ago.

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

Mr. McCONNELL. Mr. President, what I was going to suggest, subject to the approval of the other side, is that we schedule the vote on the Helms amendment for 6:30.

Would that work?

Mr. BINGAMAN. Mr. President, reserving the right to object, would it be possible in that same unanimous-consent agreement to have a provision for a vote on the second-degree amendment that I just offered giving sufficient time for debate?

Mr. McCONNELL. I say to my friend from New Mexico, we are still trying to get the input from one Senator on his amendment now as amended. So at this particular moment I think that would not be possible.

Mr. BINGAMAN. I will not object, Mr. President.

Mr. LEAHY. Mr. President, I have absolutely no objection. In fact, I think it would be a good idea to have the vote on the Helms amendment in an hour and a half, with the time equally divided under control of the managers.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the vote on the Helms amendment occur at 6:30 and that the time on the amendment be equally divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2730

Mr. LEAHY. Mr. President, I yield 15 minutes from the side in opposition to the distinguished Senator from Wisconsin [Mr. FEINGOLD].

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 15 minutes.

Mr. FEINGOLD. Thank you, Mr. President. I thank the manager very much for the 15 minutes in order to oppose the Helms amendment on UNFPA and to support the committee language on population and abortion.

Everyone understands that this is the same debate we had in the Senate Foreign Relations Committee this summer, when the committee voted by a decisive 11–5 vote to authorize $35 million in funding for UNFPA.

The UNFPA is the world's leading family planning agency, with approximately one-third of all population assistance to developing countries channeled through it.

It provides funds and training for maternal and child health care, family planning devices, and technical assistance for population programs.

UNFPA, by its own mandate, is not involved in abortions or abortion-related services. It is family planning agency.

So, this is a debate on population. It should not be a debate on abortion.

That is why the amendment by the Senator from North Carolina demonstrates a fundamental misunderstanding of what the UNFPA does, and will do nothing to end the horrific practice of coercive abortion.

Nowhere in the world—including China does the UNFPA involve itself with abortion policy or the delivery of abortion and abortion-related services. Indeed, if I believed that UNFPA or any U.S. Government program was being used to support coercive abortion, I would vehemently object.

Like the chairman, I too, am the father of two daughters and am horrified by the Chinese policies on baby girls. To insinuate that anyone in this body supports such a practice is really disingenuous.

That is one of the reasons I introduced legislation with the chairman to revoke most-favored-nation status for China. I believe it should be at the forefront of our human rights agenda with China.

It should be an issue at bilateral and multilateral fora;

It should be linked to benefits, such as MFN, which the Chinese desire;

It should be a subject for the U.N. Commission on Human Rights;

And it should be an issue for foreign corporations in China as they are sincerely interested in improving the quality of life for their Chinese employees.

But withdrawing from the UNFPA would do nothing to combat coercive abortion because UNFPA is not involved in the policy, and current law governing the United States contribution to UNFPA wholly separates United States funds from being used in China altogether.

That law was reaffirmed by a strong, bipartisan 11–5 vote in the Senate Foreign Relations Committee last month when we debated the UNFPA issue in an amendment to the foreign aid authorization bill.

Current law not only explicitly prohibits United States funds from being used in UNFPA's China program, it also mandates that UNFPA must hold United States funds in separate accounts to ensure that they are not comingled with other moneys which may be supporting family planning services in China.

Our provisions also require that the administration certify that China is receiving only the $7 million which the UNFPA 5-year plan allocates. Under current law, if the report shows that UNFPA invests more than $7 million in China, then the United States contribution to UNFPA will be deducted by that proportional amount, so there is no way that additional funds from the United States can be put in in this way.

Mr. President, we will do more to influence the China program if we stay involved with UNFPA. The current program ends in December 1995. If we are not contributors to UNFPA, then we will not be at the table at the end of the year to help decide if and how this organization will work in China. That is certainly no way to stop coercive abortion.

Further, if we withdraw, we will pull no other country with us. Let me remind my colleagues that when the United States withdrew from UNFPA in 1984, not one single other country joined in our boycott. In any event, it makes no sense to withdraw from this organization since it is in fact exactly the services performed by UNFPA that make abortion less likely and less frequent.

Let us talk about that for a minute. Let us talk about the threat of overpopulation to our national security interests and what UNFPA and global population programs are doing to address it. The world population is exploding. From 1800 to 1930, our planet grew from 1 to 2 billion people. Today, we are up to 5 to 6 billion people, with 1 million born every 96 hours. At this rate, we will have quadrupled our population by the end of this century.

Overpopulation hampers economic development, harms world health standards, threatens food security. It stresses the environment, it harms the status of women, and it often forces dangerous migration and refugee patterns. These are among the most serious threats in the 21st century. We must be able to use the achievements of the 20th century; namely, family planning, to counter them. With the UNFPA in the lead, contraceptive use worldwide has quintupled in the past 20 years while the average family size has been halved. Yet, according to the World Health Organization, approximately 350 million couples still completely lack access to family planning services and information.

Mr. President, population will be the key to whether improved economic policies succeed; whether we will coexist with our environment or deplete it; and whether political crises become large-scale humanitarian disasters or not.

There are fortunately, Mr. President, many success stories to illustrate this point.

The so-called Asian Tiger economies—Indonesia, Malaysia, and Thailand—have been very successful in family planning programs, and they have been put together with assistance from UNFPA.

I have also visited, Mr. President, a family planning clinic in Tunisia which has one of the most successful programs in the world. It is also a country which is fast modernizing and developing a strong middle class. In my view, there is no coincidence that the economies of these countries are doing so well. There is no coincidence that the role of women in these societies is improving. Like human rights, global population concerns are U.S. national concerns.

Let me say again, while I share the outrage of the Senator from North Carolina about China's abortion policy, I believe that it makes no sense to sacrifice UNFPA for China's abortion policy in which that organization plays no role. If we can focus on what the real issue is here, I think my colleagues will be persuaded that a U.S. contribution to the UNFPA is clearly in our national interest and does not contradict our national values.

Mr. President, this amendment really spawns a false debate, and I urge the Senate to follow both the Foreign Relations Committee and also the Appropriations Committee and to defeat it.

I thank the Chair and yield the remainder of whatever time I have back to the manager. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Washington is informed that time is controlled. Does she wish to ask unanimous consent to take a certain amount of time from the Senator from Vermont?

Mrs. MURRAY. How much time remains on our side?

The PRESIDING OFFICER. There are 43 minutes and 7 seconds.

Mrs. MURRAY. Will the Senator from Vermont yield 10 minutes?

I thank the Senator.

The PRESIDING OFFICER. Without objection, the Senator from Washington has 10 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I rise in support of the committee position on funding for international family planning programs and against the Helms amendment to cut and restrict family planning aid.

The Helms amendment before us today is a wolf in sheep's clothing. It pretends to be antiabortion but in fact it is antifamily planning and does not effect the question of abortion funding at all.

In addition, the Helms amendment pretends to address the horrendous problem of forced abortions in the People's Republic of China, ostensibly trying to solve that terrible problem by denying United States support for the U.N. Population Fund.

Mr. President, the debate surrounding UNFPA began over a decade ago during the Reagan administration. Foes of UNFPA claimed then, as they do today, that the United States should withdraw support for UNFPA because of the fund's presence in China where there have been persistent reports of government sanctioned forced abortions.

There is no question that the Chinese do many things that I abhor. Forcing women to have abortions or forcing individuals to undergo sterilization is a gross violation of human rights and should be condemned by our Government at the highest levels.

Likewise, the killing of female infants in China is widespread in the country and appears to often go unpunished by Chinese officials. But it would be illogical—and counterproductive—for the United States to pull out of those international agencies that give aid to children in China because of the horrific practice of female infanticide that plagues that nation.

So why should we ask this organization to carry the sins of China on its shoulders when it comes to the question of family planning? The facts have never supported this approach. When the question of UNFPA funding was first debated during the Reagan administration, officials under President Reagan investigated the issue and found, and I quote from an AID document from that time, ''that UNFPA is a benevolent factor in China which works to decrease the incidence of coercive abortion'' in China by providing effective family planning services.

That same Reagan administration investigation found absolutely no evidence that the UNFPA participated in or supported in any way China's coercive family planning practices. Sadly, caught up in the pro-life politics of the time, UNFPA was nonetheless defunded by President Reagan. President Clinton has since resumed U.S. support for this agency and therein lie the roots of today's debate. Through all of this, however, the facts have been clear, that UNFPA has been part of the solution in China by helping to reduce the incidence of abortion in that country and others by providing high-quality voluntary family planning services. UNFPA's goal is to eliminate the need for abortions. They do so by providing maternal and child health care and voluntary family planning services. These are the kinds of programs that are unquestionably the most effective means of preventing abortion. And the majority of UNFPA's assistance goes toward projects in these areas. Ironically, by denying support to this most effective international family planning agency, the Helms amendment might well have the unintended effect of increasing the incidence of abortion in China.

As has been pointed out by others during this debate, the committee bill before us continues the longstanding policy of banning the use of U.S. funds for abortions overseas. That ban, commonly known as the Helms amendment, has been part of the permanent foreign aid statutes since 1973 and remains unchanged in the committee's bill.

In addition, the bill prohibits the use of U.S. funds for abortion lobbying.

So the real question facing the Senate today is this: The committee bill is already stringently antiabortion, but by disqualifying one of the most tried and true family planning organizations from receiving U.S. support, do we really want to make this bill antifamily planning as well?

Let me take a minute to review for my colleagues the important work that is being done by UNFPA and why U.S. support for this agency is so important. The United States played a key role in establishing the UNFPA in the late 1960's, seeking to form an organization where we could work with other nations to address the problem of overpopulation. Since that time, UNFPA has become a respected and trusted source of safe and effective family planning services for women and families in poor and developing nations.

With programs in over 140 countries, UNFPA is the world's largest voluntary family planning program. The guiding philosophy behind UNFPA's work in the developing world is to invest in women. UNFPA recognizes that

by investing in women, we strengthen entire communities as well as national economies. In addition to family planning services, UNFPA provides life-saving maternal health care programs.

While childbirth anywhere carries certain risks, in the developing world mothers face grave statistics. In Africa, for example, 1 out of every 21 women will die as a result of pregnancy or childbirth, making the African women 200 times more likely to die as a result of bearing her children than a European woman.

The kinds of programs provided by UNFPA can prevent many of these maternal deaths. So when we support UNFPA, we are supporting those women and families across the developing world who seek the means to space their births and avoid high-risk pregnancies.

Equally important, when we support UNFPA we are increasing the chances that child survival rates will rise across the developing world. We know that babies born in quick succession to a mother whose body is not yet recovered from her previous birth are the least likely to survive.

UNFPA programs seek to support child survival efforts and help women understand the vital link between child survival and family planning.

For the record, let me outline UNFPA's position on abortion. UNFPA does not and never has supported abortions or abortion-related services in any country it operates in. According to the UNFPA's governing council, it is ''the policy of the UNFPA not to provide assistance for abortion, abortion services, or abortion-related equipment and supplies as a method of family planning.''

So, as I noted in my earlier remarks, the Helms amendment will do nothing to prevent abortions in China or elsewhere, but it will prevent vital health services from being delivered to women and children in the world's poorest nations.

I urge my colleagues to remember what is really at stake here. This is a public health issue and an extremely serious one. Family planning saves lives. Experts estimate that the lives of 5.6 million children and 200,000 women could be saved every year if all the women who wanted to limit their families had access to family planning. I ask my colleagues to really think about those statistics; 5.6 million children and 200,000 women every year.

So when we debate this issue of whether to support voluntary family planning programs like UNFPA, let us keep this debate focused squarely where it belongs—on the world's young women who struggle against impossible odds to better their lives and who desperately need reproductive health care services. Let us keep this debate squarely focused on young mothers around the world who have small children or babies and need family planning assistance to ensure that they do not become pregnant again too quickly and endangering their own lives and that of their babies and young children. Let us keep this debate squarely focused on thousands of women in poor nations who, lacking access to reproductive health care, resort to self-induced abortions and too often tragically lose their lives. Experts estimate at least 500,000 women will die from pregnancy-related causes, roughly 200,000 from illegal abortions which are prevented when women have family planning services.

The issue of refunding the UNFPA came before Congress again and again when Presidents Bush and Reagan were in office. Congress repeatedly voted for the United States to resume funding. So let us move on to the task of ensuring that women in the developing world have access to the kinds of reproductive health services they deserve, the kinds of services that will save their lives and the lives of their children.

In closing, Mr. President, I urge my colleagues to remember that this is a public health issue and an extremely serious one. We should reject the Helms amendment and vote in support of women and children across our globe. I thank you and I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining for those in opposition to the amendment?

The PRESIDING OFFICER. You have 32 minutes 30 seconds.

Mr. LEAHY. Mr. President, I yield myself such time as I may require.

Mr. President, I strongly oppose this amendment. What it does is it reverses the action taken by the subcommittee in legislation that was then in the full bill as reported out of the full committee.

By a vote of 8–5 the Foreign Operations Subcommittee passed my amendment to strike the kind of restrictions imposed by the House and proposed in this amendment that were in the bill that came before the Foreign Operations Subcommittee. I moved to strike the House language, taking the same position as the distinguished Senator from Washington, and before her, the distinguished Senator from Wisconsin. The Foreign Operations Subcommittee approved of my amendment. And that is the condition we are in now.

When you look at what we have done, the bill simply continues current law and practice. We are not asking for anything radically different. This is what we have always done. At a time when support for voluntary family planning programs and women's reproductive health is growing around the world, it would be foolhardy for the United States to once again, as we did in the early 1980's, surrender our leadership in this area.

This bill has the same prohibition on funding for abortion that we have had for years. Now, I have listened to some speaking around this Chamber. I want to make sure everybody understands. No funds in this bill can be used for abortion. It is not just the case that there is not any money in there for abortion; there is an explicit prohibition against money being used for abortion. So, basically, we are putting up a straw person to knock down here.

And then the question is, what might happen in China? No funds in this bill can be used in China. None, nada, neant, rien.

So what is the problem? The whole point of the program in this bill is to promote contraceptive and other alternatives to abortion—alternatives to abortion. We are trying to have alternatives to abortion. We say none of the money can be used for abortion and none of the money can be used in China where they have forced abortions, and, instead, the money can be used for alternatives to abortion. We all ought to jump on board with that one. Every dollar is for voluntary family planning.

So, if you support this amendment, you are opposing voluntary family planning. If you support the amendment on the floor right now, you are against voluntary family planning. Provisions relating to the U.N. population fund would enable us to contribute to this organization, which is the largest international family planning agency in the world.

UNFPA does not fund abortions. It funds contraceptives and information, education about family planning in 140 countries. It is absolutely vital that the United States play a leading role in this agency, especially when the decisions we make today will determine if the world's population doubles or triples.

Can you imagine what this bill would look like, the overall foreign aid bill here, if the world population doubled or tripled?

That is not our population of the United States, that is the rest of the world, most of it in the area where we have the gravest concerns in this bill.

The bill does not earmark funding for UNFPA, but it would permit up to $35 million for UNFPA, which even in the unlikely possibility that that amount is available, is still $15 million below last year's level, and it contains all the restrictions on our contributions. There is an explicit prohibition against using U.S. funds in China, despite the fact UNFPA's program in China promotes voluntary family planning and human rights.

Let us not go backward in this bill, not when so many governments are finally seeking help in limiting the growth of their own population growth. Many of these countries are already impoverished, and the poverty increases because the population grows. We have the technology, the expertise, and we ought to help.

This amendment would require UNFPA to withdraw from China. That is not a decision UNFPA can do, nor can we pass a law to require it to do. It is a decision of its governing board. It

is made up of donor governments and a large majority support UNFPA's program in China. By attaching a requirement that UNFPA cannot meet, we cut off funding in 139 other countries.

There is no money for abortion, no money for China. There is no reason to vote for this amendment, unless somehow you are against voluntary family planning altogether. If you have that attitude, then I guess there is nothing I can say.

I ask unanimous consent that a letter from Stirling Scruggs, the chief of information at UNFPA, be printed in the RECORD.

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

UNITED NATIONS POPULATION FUND,
July 26, 1995.

Senator PATRICK LEAHY,
Senate Russell Building,
Washington, DC.

DEAR SENATOR LEAHY: It has just come to my attention that on June 28, 1995 during a debate on the House floor, Representative Chris Smith quoted Dr. Sadik, Executive Director of UNFPA, ''China has every reason to feel proud of and pleased with its remarkable achievements made in its family planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries.'' Senator Jesse Helms used the same quote in the Senate Foreign Relations Committee Report accompanying S–961.

I believe this quote comes from China Daily, an English language newspaper published in Beijing. I was with Dr. Sadik when she was interviewed for this article in 1991. This article was a terrible distortion of what she actually said. Dr. Sadik did say that China should be proud of its record of improving women's and children's health since 1949. She commended China's continuing efforts to improve maternal and child health by discussing a joint UNFPA and UNICEF project in 300 poor counties in China that especially focuses on improving children's health through training and supplies for treatment of acute respiratory infection and diarrhea, promotion of prenatal care and nutrition, breast-feeding, assisted deliveries and family planning that assured several contraceptive choices and informed consent. She went on to say that this project was a model that could be replicated in other countries.

I have no idea why Dr. Sadik was misquoted. I tried unsuccessfully at the time to secure a retraction from China Daily. I remember during her visit being very proud of Dr. Sadik's tenacity and courage and my disappointment with the China Daily article which was not only wrong, but contradictory of her real position.

In fact, during this trip, Dr. Sadik attended a series of meetings that included: the Ministers of Family Planning and Health, the Head of the People's Congress and several of his colleagues and the General Secretary of the Communist Party of China. During these meetings she was very critical of new laws in several provinces requiring sterilization of the mentally retarded. She also successfully negotiated projects designed to increase training for informed consent and voluntary participation in family planning, and research that would examine the safety and efficacy of the Chinese steel ring IUD. The first project, currently ongoing, provides interpersonal counseling training and promotes contraceptive choice for grass-roots family planning workers in several provinces. The second resulted in a Chinese ban on steel ring IUD's in favor of copper based IUD's which in ten years will prevent 35.6 million abortions. It would also prevent 16,300 maternal deaths; 365,000 potential infant and 28,000 potential child deaths.

For 3½ years I served as UNFPA's Country Director in China. I know first hand what we did and said in China and I can tell you that the way we are frequently portrayed, such as in the statement in question, is absolutely and unequivocally untrue.

UNFPA has always represented international norms and human rights standards as articulated in several U.N. documents including the Universal Declaration of Human Rights, the World Population Plan of Action and the Programme of Action of the International Conference on Population and Development. For example, Chapter VII, para. 12 of the Programme of Action which states ''. . . the principle of informed free choice is essential to the long-term success of family-planning programmes; that any form of coercion has no part of play, that governmental goals or family planning should be defined in terms of unmet needs for information and services; and that demographic goals, while legitimately the subject of government development strategies, should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients''.

In particular, Dr. Sadik has been a champion of human rights, women's equality and reproductive rights. In the 14 years I have known her, I have never heard her use the phrase ''population control.''

We deeply appreciate your past and continuing support and hope you can help set the record straight regarding the quote used by Representative SMITH and Senator HELMS.

Sincerely,

STIRLING D. SCRUGGS,
Chief, Information and
External Relations Division.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-six minutes.

Who yields time?

Ms. MIKULSKI. Mr. President, I rise in opposition to the Helms amendment to end U.S. participation in the United Nations Population Fund, UNFPA. It will have a disastrous effect on women's health. It would weaken the most effective organization we have for delivering family planning services to the world's poorest women. And it ignores the fact the United States funds are not used for abortions and are not used in China.

Over 100 million women throughout the world cannot obtain or are not using family planning because they are poor, uneducated, or lack access to care; 20 million of these women will seek unsafe abortions. Some will die, some will be disabled. Only 25 to 35 percent of women in Africa and Asia receive prenatal care. Many of these women are very young—still children themselves. When children have children, they often lose their chance of schooling, a good job, self-sufficiency.

Why is the UNFPA so important? Because it has the infrastructure, the expertise, and the personnel to be the most effective program for providing family planning services around the world. It specializes—it does nothing but provide family planning and maternal and child health. And it is in 140 countries—whereas U.S. bilateral programs are only in 56 countries. At a time when foreign aid is being cut to the bone—UNFPA makes the most use of scarce U.S. foreign aid dollars.

We should be clear about what is in the bill—and what isn't. There is no money for abortions or abortion lobbying. Federal funds cannot be used to fund abortions—this bill retains this prohibition. That is why opponents of this amendment include Senators who strongly oppose abortion—because they know that effective family planning actually reduces abortions.

There is no money for China in this bill. We all agree that coerced abortions and sterilization are despicable. That is why no United States funds may be spent in China now. The bill retains this policy. United States contributions to UNFPA are segregated from other UNFPA funds; none of the United States funds may be used for China; and the United States contribution would be fully refunded if any United States funds were used for China or for abortions. These provisions ensure that not one cent of United States funds can be used in China.

What is in the bill? We simply maintain current law. We continue to provide modest funding for UNFPA. Without U.S. funds—there is no U.S. influence. We would have no say on how and where international family planning services are delivered.

In this bill we seek to maintain our modest role in providing family planning to the world's poorest women. I wish we could do more to ensure that all women have access to family planning. But the bill passed by the committee ensures that we continue to do something to help the world's poorest women to control and improve their lives. I strongly urge my colleagues to oppose the Helms amendment.

Mrs. BOXER. Mr. President, I rise today in opposition to the Helms amendment, which would defund the United Nations Population Fund [UNFPA].

UNFPA is the largest internationally funded source of population assistance, directly managing one-third of the world's population assistance to developing countries. The United States was instrumental in creating the UNFPA in 1969 and until 1985 provided nearly 30 percent of its funding.

The UNFPA is the principal multilateral organization providing worldwide family planning and population assistance. Operating in over 140 countries, in the poorest and most remote regions of he world, nearly half of the UNFPA assistance is used for family planning services and maternal and child health care. Another 18 percent is allocated for related population information, education, and communication.

The fund also provides support for population data collection and analysis, demographic and socio-economic research, and population policy formulation and evaluation.

In 1993 UNFPA supported 1,560 projects in 141 countries, including 44 countries in sub-saharan Africa, 33 countries in Latin America and the Carribean, 39 countries in Asia and the Pacific, and 25 countries in the Arab States and Europe.

UNFPA programs contribute to improving the quality and safety of contraceptives, to reducing the incidence of abortion and to improving reproductive health and strengthening the status of women. These programs have saved the lives of countless women and children.

UNFPA also helps to promote male participation and responsibility in family planning programs, address adolescent reproductive health, and reach isolated rural areas with high demands for family planning services.

The Helms amendment is really just a back door assault on family planning and that is a big mistake. Experts now recognize that population is an explosive problem and the committee has responsibility recommended steps to deal with it.

This is not about China. Existing law specifically states that none of the funds made available to the UNFPA shall be made available for activities in the People's Republic of China. I strongly support this prohibition and oppose any coercive population practices around the world.

I urge my colleagues to recognize the importance of family planning and oppose the Helms amendment.

Mr. BINGAMAN. Mr. President, I rise to speak in opposition to the amendment offered by my colleague from North Carolina.

I would like to take a few moments to talk about the United Nation's population program more generally, because quite clearly, the underlying intent of the amendment is to eliminate U.S. funding for all of UNFPA's population stabilization efforts.

Mr. President, I believe direct, substantial, and long-term benefits flow to American families from our national investment in sustainable development and population efforts.

Today, as we approach the 21st century, we are facing a world that will be more economically competitive and more challenging than ever before. This is not the time to be weakening our role as the world leader in these areas.

Instead, I believe it is in the best interest of America's children and families for the Congress to reaffirm and solidify our commitment in to population stabilization, reproductive choice, and other critical health and sustainable development programs.

For the past 12 years or so, I have spent a lot of my time here in the Senate focusing on the domestic and international high tech industries. I have worked to develop strategies to strengthen the technology and manufacturing bases in this country and to secure higher-wage jobs for Americans.

I have focused on these issues because of my concern for the long-term economic viability of our Nation. I believe that to secure our economic future, the United States must be fully equipped to compete long-term with Japan and other highly developed countries.

But at the same time, I believe we cannot have a successful economic strategy in this country if we do not devote serious attention to the economies of the developing world.

Over the past 10 years or so, growth in U.S. exports to the developing world has exploded; and today, developing countries account for about 40 percent of a growing U.S. export market.

In fact, trade with the developing world is growing at a rate that far exceeds the growth rate of U.S. exports to developed countries:

Between 1990 and 1993, U.S. exports to developed countries grew by 6.2 percent.

In 1993 alone, U.S. exports to developing countries grew more than 14 percent. Over the period between 1990–93, exports to developing countries rose nearly 50 percent—49.8 percent.

In terms of dollars, Latin America is a good example. In Latin America, United States exports rose by nearly $30 billion between 1989 and 1993—from $44 billion to $71 billion—representing a 61-percent gain.

I believe a significant factor in this growth has been the modest U.S. commitment to development and population assistance in the developing countries. Thailand, Costa Rica, Mexico are examples of countries in which a small United States investment in population and development assistance has repaid itself many times over in increased trade opportunities.

It is in our economic interest to continue support for UNFPA. The concerns raised by the Senator from North Carolina are addressed under current law and in the bill before the Senate today.

I urge my colleagues to reject this amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time run equally.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, there is currently laid aside an amendment which is in the second degree, I believe, by the Senator from New Mexico, Senator BINGAMAN. I ask unanimous consent that a vote on or in relation to the Bingaman amendment occur immediately at the end of the currently scheduled vote at 6:30, and that the duration of time on that vote to immediately follow the Helms amendment be 10 minutes.

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

Mr. LEAHY. Mr. President, the distinguished Senator from Maine is on the floor and wishes to speak. I ask her how much time she would like.

Ms. SNOWE. About 8 minutes.

Mr. LEAHY. I yield 8 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I want to thank the Senator from Vermont for yielding me time. I certainly want to express my position on this issue with respect to international family planning and the amendment that was offered by Senator HELMS, because I think that this is a very important issue.

I certainly oppose the restrictions that would be placed by the Helms amendment with respect to funding for UNFPA, which has been a very effective organization in providing for family planning services throughout the developing world.

I think it is important to understand, first off, that the current law already contains strong conditions on U.S. contributions to UNFPA. For more than a decade, no United States funds provided to UNFPA have been spent in China. In addition, it requires half of the United States contribution to UNFPA to be spent after March 1 so that Congress can review the amount that UNFPA has budgeted for activities in China as reported to Congress in mid-February.

This is important because it provides us with the opportunity to ensure that UNFPA has not taken any action to increase the amount of money it spends in its programs in China so there is no direct correlation between the United States contribution to UNFPA and the amount that it provides to China.

It also will ensure, for those who have been critics of our contributions to UNFPA, that our funds are not fungible and that United States funds are used in China even indirectly. I think it is important to note that our contributions to UNFPA cannot be commingled with UNFPA's funds at all. They are maintained in separate accounts and cannot be spent on UNFPA's activities in China. I think that is important, because we want to make sure that our funds are in no way linked, No. 1, but second, to ensure we are not doing anything directly or indirectly to enhance their program activities in China.

But I think we should understand what the funding of UNFPA is not about. First of all, it is not about abortion. UNFPA has a firm policy against any involvement in abortion services advocacy.

Second, and I think we all recognize and are concerned about China's controversial population program, human rights abuses in China have continued despite, not because of, UNFPA's small presence in China. It is unfortunate this has occurred not only at the central level of Government in China but also that the abuses and the policies have been promoted by the independence of the provincial governments as well in China.

So many of the worst abuses appear to be happening at the provincial level. But I think it is essential to underscore the fact that UNFPA's presence in China is to do everything that it can to prevent those abuses from occurring.

UNFPA has had a very successful voluntary program with respect to family planning throughout the developing world. It has had a presence in more than 140 countries, and nearly half of UNFPA's support is in the area of maternal and child health care and family planning.

There are other areas, including education, population data collection and analysis and research on demographic and socioeconomic relationships. I would like to reemphasize, because it is important, that UNFPA does not provide support, nor has it ever provided a policy of support for abortions or abortion-related activities anywhere in the world.

UNFPA was established back in 1969, interestingly enough, with strong encouragement from the United States. It happens to be the largest multilateral provider of population and family planning assistance to the developing countries. Approximately one-third of all population assistance to developing countries go through UNFPA.

So it has a presence in a number of countries where it plays a very critical role. Consider the facts. According to the World Health Organization, of the 500,000 women who die each year of pregnancy-related causes, 99 percent are in the developing world. So we should be doing everything as a country to support the activities of organizations like UNFPA and what they are doing in many of these Third World countries. We should be for family planning programs. We should not be doing everything to undermine the value of family planning programs in these countries.

As a matter of fact, the United States was the leader, the forerunner in support of these family planning programs internationally. We did everything to encourage, as I said, organizations like UNFPA and IPBF to do everything that they can to support strong programs in the developing world regarding family planning programs.

So I think that it is unfortunate that, as we discuss our contributions to such valuable organizations, we are now getting it interspersed and intertwined with the abortion debate. We all have our disagreements on the issue of abortion. But no one should be able to disagree on the issue of family planning. That is why we should be supporting such organizations, because the more they can do in providing family planning services to these countries, the more we will reduce not only the incidence of death, but of abortion as well.

So I hope that Members of the Senate will oppose the Helms amendment. We all know that rapid population growth is becoming a very critical problem. If you consider the fact that the world population is going to grow by 90 million people this year alone, this is like adding a new country the size of Nigeria to the world every year, or a city the size of New York City every month. Based on various assumptions about fertility rates, the U.N. population projections for the middle of the next century range between 8 and 12 billion people.

This rapid population growth has serious implications for global economic, and social stability. Ground water supplies are dwindling; rivers and lakes are fouled with pollutants from industries, municipalities, and agriculture. Tropical forests are being cleared at the rate of 17 million hectares a year.

Rapid population growth, especially when overlaid with sharp social or economic divisions, places great strains on political institutions. So to the extent that population pressures contribute to weakening economic and political structures, the adversely affect international stability and peace. This directly affects our own national security interests around the world.

Let us consider for a moment the benefits of population assistance, because they are substantial. A cost-benefit analysis of Thailand's family planning program, which reduced the average number of children per woman from 6 in the late 1960's to 2.1 in 1991, found that the average return on each dollar invested was estimated to be more than $7.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. SNOWE. I ask for 5 additional minutes.

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. There are 16 minutes 40 seconds remaining.

Mr. LEAHY. I know the Senator from Wyoming needs some time. How much will he need?

Mr. SIMPSON. Six minutes.

Mr. LEAHY. I yield the Senator from Maine an additional 5 minutes.

Ms. SNOWE. A similar study in Mexico concluded for every peso invested in family planning, 9 pesos are saved that would have to be spent on maternal and child health care. In Indonesia, each dollar spent on family planning will result in $12.5 of savings in public expenditures for health and education. This does not even take into account the benefits that accrue to every single person on this planet from reduced environmental trauma, reduced immigration pressures, improved standards of living, and improved social and political stability.

So I think that the benefits are clear of international family planning programs, and that is why we should not impede the ability of organizations, like UNFPA, that have done so much to enhance family planning services in the developing world.

In the 28 countries with the largest U.S.-funded family planning program, the average number of children born per family has dropped from 6 in the 1960's to 4 today, a decline of one-third. Since the 1960's, births for women in developing countries have dropped 37 percent, child mortality by 50 percent, and primary school enrollment is up by 38 percent. None of this would have been accomplished without U.S. leadership in international family planning. To forestall the still-looming world population crisis, we need to strengthen and continue our leadership and not pull away from our leadership.

So I hope that we will defeat the Helms amendment because I think we have to do everything that we can to support these services. I want to repeat, once again, that UNFPA is not involved in any of the abuses or coercive programs that have been advanced by the Government of China, or the provincial government within China. In fact, they have done everything to discourage it. It is more important that they have a presence there. But the fact is that they will, at the end of their 5 years, be reexamining their program. They are doing everything they can to reduce the abuses that are occurring in China. We should do everything that we can to assist them in the process. We have limited our contributions to UNFPA in the past. We know that our funds are not being used for UNFPA's program in China. Our appropriation process already places restrictions so that our funds are not comingled in any way with UNFPA's program in China.

So we have already in place the necessary procedures and restrictions to ensure that our money is not being used in any way, directly or indirectly, in China. So I urge my colleagues to support the committee position and oppose this amendment, so that we can continue to permit our U.S. leadership in the effort to stabilize the world's population through voluntary family planning services. We can only do this by supporting the efforts of UNFPA and the private organizations that have had a proven record of effectiveness and efficiency. We must maintain our international leadership, not just to assist the poor countries of the world that need our assistance, but, first and foremost, we need to continue our leadership in international family planning programs for our own Nation and our own future.

With that, Mr. President, I yield the remainder of my time.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Wyoming on the floor. I yield to him 6 minutes.

Mr. SIMPSON. Mr. President, I thank the Chair. I particularly thank my friend from Maine, who has been such a stalwart worker in this area. Senator SNOWE has proven time and time again, on these issues and other issues of reproductive choice, that this issue is not about abortion. It is sad, actually, that somehow this issue of funding the U.N. Population Fund settles back on the issue of abortion. That is not so.

I support this U.S. funding. I commend my colleague from Maine and thank her for her consistency and the energy that she puts into this program and all programs of this nature. It is wonderful to have an ally like that because it has sometimes been a rather lonely venture over here on these particular issues. But you have to, in this situation, give President Clinton some credit, because during the Reagan-Bush administrations, these programs fell into disarray on the issue of abortion, which is very unfortunate.

This year, we are looking at funding levels of $35 million. I do understand where we are, obviously, with the budget. I just left a room where we will talk about how we are going to get $270 billion in savings in Medicare and some $180 billion in Medicaid. We all know what is confronting us. But I do not like to see these programs unfairly targeted. It sends a wrong message to the rest of the world. I was a congressional delegate at a conference in Cairo with Senator JOHN KERRY. There were not a great deal of our colleagues seeking passage to Egypt at that time.

I have always very much admired President Mubarak and the Government of Egypt. They gave us a remarkable convention and convocation, and I was impressed with the leadership of the Vice President in that effort as that consensus document was formed concerning maternal and child health care, strengthening family planning programs, promotion of educational opportunities for girls and women, improving the status of rights of women across the world, discussion of all issues, including contraception, fertility, and many other serious things.

Of all of the challenges that face the country—and, boy, there are plenty of them all around the world—none compares to the increasing of the population of the Earth. Every single effort we use or try to do here to protect the environment, promote economic development, jobs, everything is compromised and severely injured by the staggering growth in the world's population.

I hope we realize that there are currently 5.7 billion people on the Earth, and in 1950, when I was a freshman at the University of Wyoming, not that long ago, there were 2.5 billion people on the face of the Earth. Mr. President, 2.5 billion in 1950; 5.7 billion today.

Where do we think we are going if current birth and death rates continue? The world's population will again double in 40 years. We will not have to worry about methane gas from cows and how much propellant there is in a shaving cream can. There will not be anything left of the Earth. It will be totally overpopulated.

Then what happens to the babies, the old, and the people we all talk about all day who have not enough to sustain them. Civilizations have gone down in that fashion in years past.

Here we are again, this same issue. I think we should show our support here. The fund is supported entirely by voluntary contributions, not by the U.N.'s regular budget. There are donors ready to assist, budget has been cut back, and it would be a real shame if the United States were to back away from its commitment to the world's largest source of multilateral assistance for population program.

This is subject to all the restrictions in the past, as Senator Snowe has said. These restrictions are already in place to address concerns about U.S. funds being spent in China. Under current appropriations law, foreign aid funding is denied to any organization or program that supports or participates in the management of a program of coerced abortion or involuntary sterilization in any country. That is in the law.

Furthermore, current appropriation law assures that none of the United States contribution to this program may be used in China. The United States is not funding any of the population activities of China. The U.N. Population Fund does not fund abortions or support coercive activities. UNFPA funds go toward family planning services and maternal and child health care across the developing world.

No U.S. funds may be commingled with any other of these U.N. funds, and numerous penalties exist in the law for any violation of the requirement.

For those reasons, I strongly oppose the pending amendment introduced by the Senator from North Carolina to require the United States to stop funding this program unless the fund withdraws from China.

I have serious concerns about China, its abortion policy, its coercion in that area, but forcing the U.N. population fund to withdraw from China will not affect that policy. In fact, without the careful monitoring that the fund performs, conditions in China will just simply get much worse.

The world and the United States cannot turn its back on what is currently going on in China. We certainly cannot turn our back on the necessity of these funds for the rest of the world, for the sake of humanity.

I thank the Chair.

Mr. LEAHY. How much time is remaining?

The PRESIDING OFFICER. On your side 6 minutes 20 seconds, and the other side has 49 minutes.

Mr. McCONNELL. I believe under the unanimous consent agreement, time runs equally charged, is that right?

I suggest the absence of a quorum, and I ask that the time be equally charged.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. McCONNELL. Mr. President, I am told that Senator LEAHY is controlling the time on the other side and is more than happy to yield at least 3 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, there are few issues that bear more directly on the future of the globe, and on our own health and way of living, than population growth. If the world's population continues to grow at the current rate, our prosperity and the potential for prosperity in much of the developing world are at grave risk. And if we are slow in stepping up to the challenge of controlling population growth, then it just might be too late.

Experience has proven that it does not take a lot of money to have a large effect upon population growth. However, it does take efficient programming, consistency, and a commitment for the long term. The U.S. Agency for International Development runs the premier bilateral family planning program, and UNFPA runs the largest and most effective multilateral program.

I am troubled by certain aspects of this debate. For many years we have hashed over the issue of what kind of conditions we should place on organizations that receive U.S. population assistance. A majority of this body repeatedly spoke up in opposition to imposing stricter conditions upon family planning activities overseas than we impose on U.S. organizations receiving family planning funding at home. This policy seemed to be clearly in our best interest and was certainly the most effective way of supporting the best international family planning programs. We thought that debate had been settled. Yet here we are again.

Mr. President, I do not think a lot has changed in the rest of the world since we last revisited this issue. Our family planning assistance is still urgently needed. UNFPA is still the premier international family planning organization. And it is still in our best interest to cooperate with those groups which are doing the best work. Imposing stringent conditions upon our assistance will merely undercut our own long-term goal—which is to prevent unchecked growth of the world's population from robbing all of us of the opportunity to give our children a better future.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky.

Mr. McCONNELL. Is the Senator from Kentucky correct that the time will be charged equally to both sides if there is an absence of a quorum suggested?

The PRESIDING OFFICER. That will require unanimous consent.

Mr. McCONNELL. Mr. President, I ask unanimous consent that during the quorum call time be equally charged to both sides, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, and Members of the Senate, the situation is this: Senator KERRY is now on the floor prepared to offer an amendment. It will be our intention to debate the Kerry amendment between now and the first vote at 6:30 and then stack the vote on the Kerry amendment. All Senators should be aware that in all likelihood there will now be three votes beginning at 6:30.

I see Senator KERRY is here. I am certain that he will shortly send his amendment to the desk.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Thank you, Mr. President.

AMENDMENT NO. 2732 AND AMENDMENT NO. 2733

Mr. KERRY. Mr. President, I send two amendments to the desk and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KERRY) proposes amendments numbered 2732 and 2733.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2732

On page 26 of the bill, strike lines 4 through 22.

AMENDMENT NO. 2733

On page 29 of the bill, strike the word ''Appropriations:'' on line 17 and all that follows it on that page and insert in lieu thereof: ''Appropriations.''.

Mr. KERRY. Mr. President, these two amendments are in sequence. They amend two different committee amendments but they go to the same issue. Obviously, if the first one fails, on a vote, I will be happy to have a voice vote sequentially on the other.

This amendment is an amendment to the bill in order to strike earmarks that designate a total of $23.7 million which is taken from the Department of State's budget for international narcotics control and anticrime assistance, and it is transferred to the Federal Bureau of Investigation. And in one case, a small amount of money transfers to the Secret Service.

In my judgment—and particularly in the judgment, more importantly, of both the Justice Department and the State Department—this earmark has a number of problems. First, it appears to be a very significant back-door funding of the FBI going around the normal appropriations process of the Senate in order to obtain from the foreign operations bill what it could not obtain from its own appropriations bill.

It is my understanding that Senator HOLLINGS advised the FBI very directly that he wanted the FBI, and the committee wanted the FBI, to concentrate first on its efforts of crime fighting here at home in the United States, and that, while foreign crime fighting is important, he did not think they ought to place their principal thrust on operations so far away from home.

So when the FBI asked for money and in its own budget placed agents abroad, the subcommittee looked at those requests and decided not to give the FBI that money that it wanted. The FBI now has come back through a different appropriations bill and received an earmark taken out of the State Department's appropriations.

I believe—again more importantly the Justice Department and the State Department believe—that this back-door approach creates a lot of difficulties. It is not simply that both the Departments of State and Justice oppose it, but the FBI's earmark takes funds not just from the State Department it winds up taking money from every other U.S. law enforcement agency engaged in fighting crime abroad. It takes money from the Drug Enforcement Administration. It takes money from the U.S. Customs. It takes money from the Financial Enforcement Center of the Treasury Department, from the Internal Revenue Service, from the Secret Service, and from diplomatic security.

The result is that the money that is grabbed here by the FBI in this earmark outside of its own appropriations bill would shut down operations and training programs that the United States has placed in a number of different countries and which link up all of these law enforcement agencies, each of which are operating as part of a team.

What this earmark does is destroys the team, eliminates the training programs, and winds up plunking the money down in the hands of the FBI, when the committee that has jurisdiction over the FBI said we do not want to do that.

Let me tell you some of the programs that will be lost by virtue of this earmark, this very special earmark for the FBI. We would lose the training program in Byelarus by the U.S. Customs for enforcing limits on contraband which help our own customs here at home make cases involving smuggling out of Byelarus.

We would lose the funding for the Newly Independent States by the IRS which is specifically trying to fight the multibillion-dollar problem of money laundering. There would be no more cases made as a result of the relationship which we would lose from that money.

We would lose the training by the Secret Service in computer crime investigations in the former Soviet Union, and there would be no further crime computer tips to the Secret Service or its counterparts in Russia or the Ukraine because the Secret Service would be taken out of that linkage altogether.

In addition, there would be no further training in Russia in postblast investigation of the kind that was needed to figure out who shot the embassy the other day. Maybe the FBI can do this on its own. But the fact is that if they cannot, you will have cut off the assistance of those other agencies that currently exist.

We would lose the training program of people in the former Soviet Union or Central Europe that deals with fraudulent passports, visas, travel documents. This is not a specialty of the FBI—never has been a specialty of the FBI. It is a specialty of the State Department diplomatic service and their programs will be robbed of money because of this earmark.

We would lose the antidrug training by the DEA in Byelarus, Georgia, Kazakhstan, Ukraine, Turkmenistan, and Uzbekistan.

We will lose the training with the Hungarian police to develop witness protection programs that would help the United States to fight organized crime, and we would shut down the airport interdiction program that we currently have in Budapest which is conducted by the DEA. The Baltics would lose their drug enforcement programs. We would lose the training in dealing with fraudulent travel documents. We would see a shutdown of our courses and training in Central European law enforcement agencies on how to deal with gunrunners and also with the information sharing that we have currently set up with our own law enforcement agencies.

In Poland, we would lose the efforts to combat economic crime and counterfeiting, activities that threaten United States citizens and particularly our businesses and our currency.

We would have to shut down the advance counterfeit investigations that our Secret Service is currently engaged in with the Polish Government. And we would have to shut down our postblast training in Poland as well as our microcomputer training.

In Rumania, we would lose the combating of economic fraud and counterfeiting as well as the postblast training

taking place there, and we would lose the United States capacity currently developed against the use in Rumania of fraudulent visas and passports.

In summary, Mr. President, if the FBI gets this money earmarked at the expense of the State Department that currently metes out this money to these various activities, we would be shutting out these other agencies, unless the FBI decided out of their good will to somehow bring them in and parcel it out. You would lose many of these relationships throughout Central Europe and the Baltics in order simply to augment FBI agents' incapacity. In some cases, this earmark would actually provide money to the FBI that they have never even requested. For example, the Bureau has never asked to maintain offices in Kazakhstan, and according to the Department of State there currently is not a lot of work there for the FBI to do even though they have other specialized efforts that they want to perform in Kazakhstan.

In addition, Mr. President, because of the structure, the way each of these entities work in another country, it is entirely possible that even with this earmarking the FBI would not be able to put the money to use because the Ambassador in the country could decide that the Ambassador does not want those moneys used or those people positioned, and the Ambassador, as the personal representative of the executive in a foreign country, has the right to determine what entities will be based in a country. That is why these efforts are coordinated out of the State Department in the first place.

What that means is that if the FBI wants to have someone abroad and the Ambassador does not believe it is a good idea for that person to be there, given the underlying political situation, the FBI is not permitted to base somebody there.

So here we are taking the money away from the people who have the right to decide who is going to be there doing it, and you might in effect wind up not only cutting the money from the people who are there now that the Ambassadors want to have use it, but you might give it to somebody who in effect the Ambassador would decide they did not want to have use it. There are all kinds of political reasons why an Ambassador in some country might not want the fabled FBI involving itself in some of the activities of a particular country.

It seems to me there are a series of problems raised by this. The political situation in a particular country or certain forces in a particular country might well want to use the FBI presence in that country to raise political issues such as leaking information for political purposes, and it would hardly be advantageous to the United States to have the FBI conceivably become used or involved in those kinds of activities.

Those are kinds of things the DEA, CIA, or a host of other agencies have used before and they are best left under the control of our Ambassadors, under the control of our executive.

I might add that neither the Justice Department nor the Treasury Department believe this is a good idea, and I do not believe that it is a wise idea for the Senate to end run Cabinet Secretaries and other entities and go to a subagency and wind up funding it through the back door of a whole different department's arena.

Mr. President, I will reserve some time here. I know my colleague wants to say a few words. We can come back and revisit it. But I really think that we should stick with the original intention of the Appropriations Committee that has jurisdiction over this issue.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Kentucky.

Mr. McCONNELL. My good friend from Massachusetts could not be more wrong. The amendment does not take $23.9 million out of the State Department; $17.1 million of the funds are drawn from the NIS account, an account we substantially increase over the House level.

The fact of the matter is, Mr. President, if we are going to continue this program, which has been extremely effective, the only way to do it is the way that we have done it in the underlying bill. The FBI—the letter from Director Freeh to me of September 18 makes the point, ''The FBI does not have funding for these international training efforts in our budget. It is from the support that you and your colleagues provided last year that we were able to undertake these endeavors. Because the FBI has no separate appropriation for this purpose, we must rely upon the Department of State for grants.'' That was the situation last year, Mr. President.

Let me tell you what happened, Mr. President and Members of the Senate. Last year the Senate provided $30 million for this purpose. The FBI had begged for the money from the State Department. The State Department begrudgingly gave them $6 million.

In other words, the State Department does not like this project. They are against this project. The $12.6 million earmark in this underlying bill will support the International Law Enforcement Center in Budapest, as well as short-term training sessions in Poland, Estonia, Lithuania, Latvia, Kazakhstan, Moldova, the Czech Republic, Slovakia, Kyrgystan, and Slovenia. They are earmarked for the FBI but will support the DEA, BATF, Secret Service, and other law enforcement agencies working in the center in Budapest.

What is this about, Mr. President? Russian organized crime is impacting us here in this country. And if there is any provision in this foreign operations appropriations bill that directly affects us here at home, it is the efforts the FBI has been making to help the Newly Independent States begin to deal more effectively with their own criminal problem which is spilling over to our shores.

Now, some people say that foreign aid is something they have a hard time understanding. They have a hard time seeing how it has any impact here. Well, of all the items in this bill, the one that has the most direct bearing on us here at home is the efforts we are making with the Russians and with the others in that part of the world to begin to get a handle on an extraordinarily serious crime problem that is spilling over to our shores.

The reason these earmarks are necessary is because if it is left up to the State Department like it was last year, Mr. President, they will not give this program anything or very little, because they do not care about it.

This is about priorities. And what the underlying bill says is that it is a priority for us to help them do a better job of dealing with an organized criminal effort that not only adversely affects them, but adversely affects us. So the Kerry amendment is completely inappropriate, and I certainly hope that it will not be approved.

Earlier this week the Russian Ambassador was in my office, and we discussed a number of issues, including this very issue, the devastating impact that crime was having on Russia's economic and political process. And Ambassador Vorontsov lamented the fact that corruption and violence over there has reached epidemic proportion. Last Tuesday, the New York Times provided a disturbing analysis of the weaknesses of the banking sector over there.

To quote the New York Times article:

> Banking in Russia has developed a reputation as a risky business, especially for bankers who are gunned down—

Gunned down—

> with horrifying frequency by mobsters intent on intimidation and extortion.

At the end of August, the Washington Post ran an editorial titled, ''Murder Inc. in Moscow.'' The editorial called attention to an unusual demonstration outside the secret police headquarters. Middle-aged businessmen with briefcase and bodyguards in tow were protesting the murder of a colleague Ivan Kivalidi. As the Post pointed out, Mr. Kivalidi, chairman of the Russian Business Round Table, was a ''notable figure in the world of Russian finance; a casualty in the war now underway between the two kinds of private enterprise in Russia—the legitimate and the violently criminal.''

Although a $1 million reward was offered for information on his murder, his colleagues were pessimistic.

One commented: ''We have grounds to think that the police are closely related to the killings. None of the investigations of contract killings in the last year produced results.''

When Prime Minister Chernomyrdin announced new tough anticrime measures, he was scorned—scorned—by the local news media. Izvestia questioned the 70 pages of crimefighting declarations already issued by the Government, and the result, they asked? ''The government is unable to fight crime.''

Now, everyone is impressed by the remarkable progress Russia has achieved. But as the Washington Post warns, if the crime trend continues, ''Russians are going to believe that democracy means confusion and that respect for law means weakness. Uncontrollable violent crime is turning into a greater threat than any political force now on the scene.''

This is not a new problem. Since our trip to Moscow in 1993, Senator LEAHY and I have repeatedly raised the crime problem. It was the principal concern expressed by the business community, our business community. Indeed, the principal impediment to expanding foreign investment over there—the principal impediment; there are plenty of impediments to Americans doing business in Russia—but the principal impediment is this: Beginning in 1993, we encouraged the administration to provide adequate funds to support legal reforms and the drafting and implementation of a tax, criminal, and commercial code.

Last year, Mr. President, we voted 100 to 0 to support this effort by earmarking resources for the FBI and for local law enforcement training. We were just beginning to see how problems in the NIS were spilling over and infecting Europe.

We were also beginning to see evidence that the 5,000 organized criminal enterprises which were strangling Russia were expanding their bank fraud, smuggling and narcotics trafficking to U.S. shores.

Mr. President, Russian crime is now American crime. There are no longer borders or boundaries. The problem has swept across the ocean and arrived here at home.

In July, the FBI arrested five Russians in New York City involved in a string of international extortion and murder cases.

And extortion is not the worst of the problems we can expect. For the past 2 years, Judge Freeh has warned of the ominous rise in arrests of individuals involved in smuggling nuclear material—smuggling nuclear material, Mr. President.

Yet the administration keeps citing the need for flexibility, just as they did last year when they prevailed upon the conferees to strip out $30 million for law enforcement activities.

In the meantime, the problems have gotten worse. Crime is a serious problem. The solution requires a serious effort and investment on our part.

This spring with congressional support, the FBI opened an international law enforcement training center in Budapest. In addition, the FBI cobbled together short term, in country training programs. But those activities have been ad hoc and funded on a shoestring.

Concerned about this crazy quilt approach, I asked the FBI for an unofficial and rough estimate of the costs for several initiatives which would address our interests in the region.

Roughly $12 million is needed to sustain training, exchanges and investigative and technical assistance both at the center in Budapest and in country. I believe these programs should be complemented by an ongoing presence of legal attaches in the region, so I have also provided funds to support legal attachés in Estonia, Ukraine, and Kazakhstan. Given the magnitude of the problem, this is really a relatively modest investment.

I ask unanimous consent to have printed in the RECORD a recent exchange of letters I had with Judge Freeh about my decision to expand the Bureau's role and an August 26, 1995, newspaper article.

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

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, September 15, 1995.

Hon. MITCH MCCONNELL,
Chairman, Subcommittee on Foreign Operations, Senate Appropriations Committee.

DEAR MR. CHAIRMAN: I am writing to advise you the Departments of State and Justice are adamantly opposed to any earmarking of funding for the Federal Bureau of Investigation in the Foreign Operations, Export Financing, and Related Programs Appropriation Bill, 1996. Pursuant to those objections, I respectfully request the Committee not to use this mechanism to fund the FBI programs in question.

The programs for which this funding is being made available remain critically important and the FBI remains committed to the democratization process in Central Europe, Russia, and the New Independent States. Quite frankly, it has been through the support and commitment of people like yourself that the FBI in the past year has been able to make a significant impact in the region. As you know, in the past year, we have brought training to over 1,700 middle to upper-level police officers in their countries, at the FBI Academy in Quantico, and through innovative efforts at our newly created International Law Enforcement Academy in Budapest.

As we continue our efforts, we are hopeful that the Department of State will continue to support our efforts to confront the problems of international organized crime, drug trafficking, nuclear trafficking, and terrorism.

Sincerely yours,

LOUIS J. FREEH,
Director.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, September 18, 1995.

Hon. MITCH MCCONNELL,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of this date. My view, remains that the law enforcement training initiatives we have undertaken and cop-to-cop relationship that will flow from these endeavors are absolutely essential to the long-term public safety and national security of the United States. In addition to the contributions these efforts provide toward democratization, we have seen tangible results from the joint investigations and subsequent prosecutions of international criminals made possible only because of these initiatives.

The FBI does not have funding for these international training efforts in our budget. It is from the support that you and your colleagues provided last year that we were able to undertake these endeavors. Because the FBI has no separate appropriation for this purpose, we must rely upon the Department of State for grants.

In a related issue, I understand that the Commerce, State, Justice appropriations bill for Fiscal Year 1996 would provide some funding that could be used for limited expansion of our Legal Attache program. These offices are essential in our effort to combat international crime.

I hope this information has been helpful to you.

Sincerely yours,

LOUIS J. FREEH,
Director.

U.S. SENATE,
Washington, DC, September 18, 1995.

Hon. LOUIS J. FREEH,
Director,
Federal Bureau of Investigation,
Washington, DC.

DEAR JUDGE FREEH: I have received your letter of September 15th, and appreciate the difficult circumstances you find yourself in.

As you know, I share your belief that combating the growing international crime problem is essential. I am sympathetic to the State Department's objections to earmarks but worry that eliminating this provision would deny funds to this worthwhile effort. Would the FBI be able to fund these programs without support from the Foreign Operations Appropriation Bill?

I look forward to your reply, and congratulate you on the success this initiative has enjoyed to date.

Sincerely,

MITCH MCCONNELL,
United States Senator.

[From the Washington Post, Aug. 26, 1995]

MURDER INC. IN MOSCOW

As demonstrations go in Moscow, it was decidedly unusual. The participants were middle-aged businessmen carrying briefcases, surrounded by their bodyguards, gathered near the building that houses the secret police for the purpose of protesting the murder of a banker—and calling attention to the very slight chance that justice will ever catch up with the people who did it. The victim, a man named Ivan Kivelidi, was also chairman of the Russian Business Round Table and a notable figure in the emerging world of Russian finance. He was a casualty in the war now underway between the two kinds of private enterprise in Russia—the legitimate and the violently criminal.

Mr. Kivelidi's death is important because it is typical of many in a country where racketeering has become pervasive. Anyone who hopes to see Russia develop as a prosperous democracy can only read with dread about this epidemic of killings, the great majority of which remain unsolved. If Russia's elected government cannot organize effective law enforcement, it risks being replaced by other kinds of government as public fears increase.

Russia's police and system of justice is disorganized and demoralized, frequently corrupt and generally ineffectual. The post-Soviet government has, with reason, wanted to change it from the instrument of repression that it used to be into something else. But

the transformation has gotten bogged down, leaving the system uncertain and incompetent, with salaries eroded by inflation and with no consensus regarding its purpose and its powers.

If this condition continues, Russians are going to begin to believe that democracy means confusion and that respect for law means weakness. Russia is an inherently rich country, with immense natural resources and a well-educated population. In less than four years since the collapse of the Soviet Union, its private sector has grown with remarkable speed. After a sharp economic decline, a recovery now seems to be well underway.

But this promise of growth and steadily improving living conditions depends on political and social stability. Uncontrollable violent crime is turning into a greater threat to it than any political force now on the scene. That little funeral demonstration on a summer evening in Moscow, in memory of Mr. Kivelidi, was a warning. Anarchy is not a popular form of government.

Mr. McCONNELL. On Monday, Judge Freeh wrote to advise me that the State Department and the Justice Department opposed earmarking funds for the FBI in the foreign operations bill. Frankly, he felt obliged to register their concerns. He did go on to point out, however, that congressional support last year was what was responsible for training over 1,700 middle- to upper-level police officers at Quantico and at the new center in Budapest.

I wrote back and asked Judge Freeh if these programs were important and whether they could be sustained from existing FBI resources. And here is what he said, Mr. President.

JUDGE FREEH: My view remains that the law enforcement training initiatives we have undertaken and cop-to-cop relationships that flow from these endeavors are absolutely essential to the long-term public safety and national security of the United States.

Of this country.

In addition to the contributions these efforts provide toward democratization, we have seen tangible results from joint investigations and subsequent prosecutions of international criminals made possible only (only) because of these initiatives.

This is Judge Freeh now. ''The FBI does not have the funding for these international training efforts in our budget.'' The recent arrests in New York provide just one more example of the joint investigations which produced concrete results protecting American interests.

No doubt some of my colleagues will want to sidetrack this important earmark into a debate about the FBI's role somewhere else. I would rather see the FBI live up to its potential, and I think that this particular amendment is absolutely essential if we are going to help achieve something not only for the Russians but ourselves in the law enforcement area.

Obviously, I hope the Kerry amendment will be defeated overwhelmingly. I think it is a very bad amendment. It obviously takes us in the wrong direction.

Mr. President, we have about 10 minutes left. I suggest we split the remaining 10 minutes.

Mr. D'AMATO. Mr. President, I might inquire of the manager of the bill for a moment——

Mr. McCONNELL. Yes.

Mr. D'AMATO. If I might have 2 minutes.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the remaining 10 minutes before the vote be divided equally.

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

Who yields time?

Mr. McCONNELL. Mr. President, I yield 4 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not intend to take all that time.

The FBI is earmarked for $12.6 million for foreign law enforcement training in the International Law Enforcement Academy in Hungary.

This earmark is essential for the security of the United States. And I say this because the FBI is training the law enforcement officers of Russia and the former Soviet Union and also Eastern Europe so that the organized crime gangs do not bring their business to the United States.

And when I say the United States, I want you to know that they are doing a thriving business in my own State of New York, in Brighton Beach, which has been called ''the hub of the Russian mafia.''

I am encouraged by FBI Director Louis Freeh's deep commitment to fighting Russian organized crime. His efforts have highlighted his concern for the issue and we want to support him as he has taken the clear initiative on this important front.

With these funds the FBI will be able to continue international cooperation on a level heretofore not seen in international law enforcement. The FBI will be able to provide training in organized crime and related investigative matters, forensic and other advanced investigative technological support, and continue the goodwill efforts begun last year with Director Freeh's visit to the region. Because the countries of Eastern Europe are facing the Russian crime gangs first, before they come here, this type of cooperation is vitally necessary and unprecedented in the history of law enforcement.

Presently, one of the greatest threats facing democracy in Russia and Eastern Europe today, is the rapid expansion of organized crime. The situation is so bad that organized crime literally threatens to undermine the very democracy that the United States and the West seek to protect through their assistance programs, and more so by connection, our own security.

President Yeltsin has stated that ''organized crime is trying to take the country by the throat.''

When one looks at the numbers, this is becoming all too clear. At the beginning of 1994, according to Russian First Deputy Minister of Internal Affairs Mikhail Yegorov, there were 5,691 organized crime groups in Russia, with over 100,000 gang members.

In addition to the number of groups operating in Russia, there are close to 100 criminal groups concentrated in 29 countries, including Germany, Italy, Poland, Hungary, the Baltic Countries, Turkey, China, and 24 in the United States alone, with a concentration in my own backyard of Brighton Beach, NY.

In Brighton Beach, Russian organized crime gangs become intimately involved in gasoline-tax scams, insurance fraud, drug trafficking, forgery, and contract killings.

In addition to New York, Russian organized crime gangs operate in San Francisco, Los Angeles, Miami, Chicago. Their activities range from money laundering, illegal money transactions, control of gambling and prostitution, narcotics trafficking, and most dangerously, in 1993, 241 cases of illegal trading in nuclear material in Germany.

Worse yet, these gangs have formed connections with the Sicilian mafia and the Colombian gangs.

Additionally, it is very alarming to look at the activities of these gangs in counterfeiting U.S. Federal Reserve notes, FRN's. During fiscal year 1992, there were no counterfeit FRNs reported as appearing in Russia by either Russian or United States governmental entities. The reason for the absence of reported counterfeit U.S. currency activity was apparently in direct correlation to the restricted Russian-American political and economic relationship.

During fiscal year 1993, however, without any assistance directed at the detection of counterfeit U.S. currency, $1,049,090 in counterfeit U.S. currency was documented as appearing in Russia. Accordingly to law enforcement officials, this activity is apparently ''only the tip of the iceberg,'' and the actual amount of activity would readily become more apparent when U.S. law enforcement personnel can get to the region.

If we do not begin work on solving this problem now, we are headed for a situation where crime will so inundate the region that democracy itself become threatened and perhaps fall. If an extremist were to come to power in a backlash to a situation of near or total anarchy, we might find ourselves again threatened with confrontation with Russia. As for the other former states of the Soviet Union, they might also find themselves threatened by the resurgent nationalism these extremists espouse.

For these reasons, we must act now to stem the tide of Russian organized crime. If we do not act now, the fate of Russia and our own security will become threatened. We cannot allow this chance to stop the violence, from slipping through our hands.

If the Russian crime syndicates continue at the pace they are taking, it

could cause a right-wing backlash in Russia, bringing another dictatorial leader to power, this time from the right. This situation would invariably throw the fate of democratic reform into doubt and cast the world back into the throws of the cold war.

Let me say this, Mr. President. These moneys are absolutely essential if we are going to have any success dealing with the kind of organized crime efforts that have made an incredible impact in the United States of America from abroad but yet impacting my city, the city of New York, and its people.

I have to tell you, this earmark is essential for the security of the United States, and it is being used today productively to fight crime. We have an area in New York that, unfortunately, has become a magnet for organized crime. That is in Brooklyn, Brighton Beach. I want you to know that they are doing a thriving business.

What the FBI is attempting to do is to coordinate, to train and to build the kind of relationship abroad, not only in Russia, but in other areas, so that they have the ability to communicate, to interdict, to stop and, hopefully, stop it before it becomes so pervasive in the United States.

This money funds organized crime investigations, insurance fraud, bank fraud, murder, smuggling—and do you know where that is taking place? Not just abroad, but here. That is the impact. I cannot believe that we would want to in any way impede this very successful program for a very modest investment. It is absolutely essential that we continue. We should be doing more.

So I hope, as well-intentioned as my colleague's endeavors—and I believe them to be so; he has been a proponent of more anticrime legislation or as much as anybody. But I hope that we let the Director and let the other agencies, the Treasury Department and the DEA, have that opportunity to make an impact in saving lives, in battling crime right here in the United States of America, because that is what the impact of these funds are.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleague and friend for his comments and the acknowledgement of what this Senator has done in this area. It is precisely because of that that I am here today.

It was my intention, and is my intention, to ask at the end of my comments to withdraw these amendments, but I wanted to raise this debate. My hope is that, in the days to come, there can be some further discussion in the context of the conference, and otherwise, to guarantee what is really at the heart of what this Senator is concerned about.

I do not think there is any Senator—I do not say this with any special finger pointing—but I think I have had as many hearings and as much focus in my 11 years here on international crime and organized crime as anyone in the Senate. It is my concern that what is at stake here is the capacity to control and the capacity to have oversight and an appropriate coordination. This is not a question about whether the FBI should get money. It is a question about how it ought to get the money and who will coordinate these international efforts today.

It ought to be of great concern to Senators that both the Justice Department and Treasury Department are opposed to a subagency coming in and getting funding separately outside of the Cabinet process, outside of the normal appropriations process. It ought to be of concern that the FBI wants to begin a training program in Ukraine for a model of the FBI on their own, without the oversight and input and constructive effort of all of these other agencies. This is a team effort in this country. We have always been best when law enforcement is a team effort. This represents solo flying. I respectfully suggest that we ought to be concerned about this question of control.

The fact is that the FBI has received over half of the funds available to the State Department for this purpose last year, and every single one of the FBI's request to undertake training last year was granted by the State Department. Not a single FBI request was turned down. So let us put this in its proper perspective.

But, on the other hand, I think it is the kind of issue where Senators coming to the floor and voting with the Appropriations Committee's issues the way they are, that this would be best resolved through further discussions.

My hope is the appropriate parties will engage in that effort so that we can guarantee that we are not injuring other aspects of a coordinated team effort; rather, that we are enhancing all of our capacity to fight this new and significantly increasing threat of international organized crime.

So I ask unanimous consent that I be permitted to withdraw both amendments.

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

The amendments (Nos. 2732 and 2733) were withdrawn.

Mr. McCONNELL. Mr. President, I want to thank my friend from Massachusetts for withdrawing the amendments. It has been a useful discussion.

I ask unanimous consent that immediately following the vote on the Helms amendment No. 2730, which will start momentarily, that there be 4 minutes of debate equally divided in the usual form prior to a motion to table the Bingaman amendment, upon which we will vote right after the Helms amendment.

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

VOTE ON AMENDMENT NO. 2730

The PRESIDING OFFICER. The hour of 6:30 having arrived, under the previous order, the question is on agreeing to the Helms amendment No. 2730.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 456 Leg.]

YEAS—43

Abraham	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Biden	Gramm	McConnell
Bond	Grams	Murkowski
Breaux	Grassley	Nickles
Burns	Gregg	Pressler
Coats	Hatch	Santorum
Cochran	Heflin	Shelby
Coverdell	Helms	Smith
Craig	Hutchison	Thompson
D'Amato	Inhofe	Thurmond
DeWine	Kempthorne	Warner
Dole	Kyl	
Domenici	Lott	

NAYS—57

Akaka	Ford	Moseley-Braun
Baucus	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Hatfield	Packwood
Brown	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Byrd	Johnston	Robb
Campbell	Kassebaum	Rockefeller
Chafee	Kennedy	Roth
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Simpson
Dodd	Lautenberg	Snowe
Dorgan	Leahy	Specter
Exon	Levin	Stevens
Feingold	Lieberman	Thomas
Feinstein	Mikulski	Wellstone

So the amendment (No. 2730) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I am going to yield the floor. I hope the Senator from New Mexico would seek recognition.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am informed by the managers of the bill that it would be more appropriate to offer this as an amendment to the State, Justice, Commerce bill which is scheduled for consideration next week.

For that reason, I withdraw the amendment at this time.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is withdrawn.

Mr. LEAHY. Mr. President, I have been discussing this with the distinguished chairman.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will please suspend. The Senate is not in order.

Mr. LEAHY. I yield to the Senator from Kentucky.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, and Members of the Senate, where we are we have one more amendment upon which we will be voting, a motion to table very shortly, the Helms amendment. And in all likelihood the only additional vote will be final passage. There is one other amendment we are still working on. So there could possibly be two rollcall votes plus final passage; but in all likelihood one rollcall on an amendment, a tabling motion, and then final passage. So we are very, very close to finishing the bill.

Mr. LEAHY. Mr. President, following that, I would hope Senators would cooperate. We know we are going to have to pass this bill. We know the distinguished Republican leader and the distinguished Democratic leader have said there are other bills coming along behind it. I would hope we would go forward with it.

I note one thing for my colleagues. I have listened to the discussion of the distinguished Republican leader this afternoon and the distinguished chairman of the Foreign Relations Committee. I assume this would mean, if he has his up-or-down vote, or a clear vote on his amendment——

The PRESIDING OFFICER. Will the Senator suspend while the Senate comes to order?

Mr. LEAHY. Mr. President, I assume after that vote we would then go forward with the confirmation of a number of ambassadors. This is not just some small matter. It is now mid-September, and we have people who have children. The children do not know where they are going to be going to school, and they do not know whether they will move out of the house or in.

This is a very, very real situation for these families. We may have our efforts back and forth with each other, but the children ought to have some idea where they are going to be going to school, and what they are going to be doing.

Mr. McCONNELL. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, is the Senator from Kentucky correct that the pending amendment is the Helms amendment regarding State Department reorganization?

AMENDMENT NO. 2712, WITHDRAWN

The PRESIDING OFFICER. The pending question is on the Murkowski amendment No. 2712.

Mr. MURKOWSKI. Mr. President, I have reviewed the revision of section 575 of the committee amendment of H.R. 1868 concerning North Korea, to which I understand the managers of the bill have agreed. I do not believe that this revised section is as strong or specific as it should be, nor is it even as strong as the original version. Further, I still believe that my amendment would provide a more concrete and fundamental structure for monitoring compliance with the agreed framework on nuclear issues between the United States and North Korea.

Nevertheless, it appears to me that the revised section 575 takes at least a few first steps toward the objectives of my amendment, No. 2712. Just as importantly, it puts the administration and the North Koreans on notice that we will be monitoring closely the implementation of the agreed framework on nuclear issues, including North Korea's commitment to participate in dialog with the Republic of Korea.

As a result, and to save time for the Senate as it moves to complete this bill, and because the revised amendment comes at least some way toward my amendment, I would like to withdraw my amendment at this time.

However, in doing so, I want to advise my colleagues that since this issue deserves extensive further debate and consideration within the Senate, I am going to propose my amendment in the form of a freestanding bill in the near future. I also advise my colleagues that my friend Senator HELMS has promised to consider this matter in his committee expeditiously.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Murkowski amendment be laid aside and that the pending business be the Helms amendment regarding State Department reorganization.

Mr. MURKOWSKI. Mr. President, I would like to advise the floor manager the Murkowski amendment has been withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

Does the Senator from Alaska request that?

Mr. MURKOWSKI. The Senator from Alaska does request that.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 2712) was withdrawn.

VOTE ON AMENDMENT NO. 2707

Mr. McCONNELL. Mr. President, is the pending business the Helms amendment regarding State Department reorganization?

The PRESIDING OFFICER. The Senator from Kentucky is correct.

Mr. LEAHY. Mr. President, I move to table the Helms amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Helms amendment No. 2707. The yeas and nays have been ordered. The clerk will call the roll.

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

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 457 Leg.]

YEAS—43

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Lautenberg	Simon
Exon	Leahy	Wellstone
Feingold	Levin	
Feinstein	Lieberman	

NAYS—57

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Baucus	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Packwood
Burns	Gregg	Pressler
Byrd	Hatch	Roth
Campbell	Hatfield	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner

So the motion to table the amendment (No. 2707) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2707, WITHDRAWN

Mr. HELMS. Mr. President, parliamentary inquiry. Have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the amendment.

Mr. HELMS. Mr. President, I withdraw the amendment.

The amendment (No. 2707) was withdrawn.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, obviously, I agree with the withdrawal of the amendment and hope that will be an issue better addressed in another forum. I am pleased it was. I also hope that we may see soon the Ambassadors—this confirmation is still being withheld—so the family, the children, everybody else can make plans, especially since the school year is now upon us.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to, en bloc; that the bill be considered as original text for the purpose

of further amendment; and that no points of order be waived thereon by reason of this agreement.

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

So the committee amendments were agreed to, en bloc.

The PRESIDING OFFICER. Are there further amendments?

Mr. NUNN. Mr. President, I have great reservations about a provision in this bill that cuts overall aid to Russia based on the Iranian nuclear reactor sale. I will not detain the Senate tonight. I will ask for Senators to think very carefully about this. I think it is essential that we understand that the number one national security challenge we have in the next 5, 10 years relates to proliferation.

I completely agree with the critics of this sale by the Russians to the Iranians. It is my view that this is against the U.S. national security interests and also against the security interests of Russia. We have a common security interest in preventing the proliferation of nuclear weapons. We differ because the Russians are making the sale for economic reasons. The question is: How do we respond? Do we respond with a shotgun attack, cutting overall aid which is what this bill does, or do we have a more refined approach, a rifle approach, making it clear that our own policy is not in any way going to permit them to do this without protest, nevertheless, reserving some economic leverage—

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NUNN. Mr. President, I think it is important that we not use all of our economic leverage on this matter, as important as it is. If the Russians wanted the Iranians to have nuclear weapons, they could get them nuclear weapons in 24 hours. Yet, this provision in this bill acts as if the Russians are indeed trying to give the Iranians a nuclear weapons capacity. That is not what the Russians are doing. They are trying to gain economic advantage because of their economic situation.

I do not have an amendment on this. I think all Members ought to think about this very carefully. The Russians are the only empire in history with 30,000 nuclear weapons that has collapsed. They have some thousands and thousands of tons of chemical weapons, and no one even knows how much in biological weapons, and with scientists that know how to produce this material and know how to make these weapons of mass destruction.

We have an enormous amount of security at stake in maintaining our good relationship with Russia, as long as they proceed and struggle toward democracy and market reform. If Russia becomes unstable, if Russia becomes paranoid, if Russia becomes nationalistic, we are going to have terrible difficulties in the years ahead, and even the months ahead, in dealing with this situation. That may happen, inevitably, but certainly we should do no harm.

This provision in this bill is going to cause very big problems if it remains in conference. I hope all Senators will think carefully about this situation. I hope the conferees will look very carefully as to whether they can use a rifle approach, making it clear what our policy is, making it clear that we disagree with this sale, that it has some penalties attached, but not cutting overall economic assistance to a country that really holds the future of nuclear proliferation in its hands with its huge arsenal of weapons, and a country whose own stability is enormously important to our own national security.

I ask the conferees to consider this matter very carefully when they go to conference and not to be locked into this position, which I think is unwise and against our own national security interests.

Mr. President, I would like to comment briefly on the section of H.R. 1868 that provides:

> No funds may be made available under this heading for Russia unless the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated all planning and implementation of arrangements to provide Iran with technical expertise, training, technology or equipment necessary to develop a nuclear reactor or related nuclear research facilities or programs.

It is clear, Mr. President, that the Government of Russia has decided, over strong and I believe well-founded United States objections, to proceed with the sale of light water reactor technology and equipment to Iran. So the effect of this provision would be to block all United States foreign assistance to Russia in the coming fiscal year.

Mr. President, I oppose the sale of Russian nuclear reactor technology and equipment to Iran. It is not in our country's national security interests. I believe it also will not serve Russia's national security interests.

However, I think we need to consider carefully whether a cutoff of all foreign assistance to Russia will advance our national security interests. I have serious doubts that this provision will serve U.S. interests.

First, I believe Russia's decision to proceed with this sale was based on economic considerations. The Russian economy, and particularly the budget of the Ministry for Atomic Energy, badly needs additional revenue. From their perspective, this deal appears very lucrative.

Second, in my view, a cutoff of U.S. foreign assistance is not going to stop this deal. The decision has been made at the highest level, after the Russian side listened to the best arguments the United States side could made in opposition to the proposed sale. The Russian Government has invested too much prestige, and expects too much monetary return, for this decision to be reversed because of cessation of United States aid.

Third, I believe Russia has wrongly discounted the disruptive impact on international affairs that Iran could play, should it succeed in developing even crude nuclear weapons. Yet it is unreasonable to assume that Russia wants to help Iran to become a nuclear weapons state. Russia possesses over 20,000 nuclear warheads, tons of weapons-grade fissile material, and hundreds of scientists and technicians skilled in creating nuclear weapons. Russia does not need to build a light water reactor in Iran to boost the Iranian nuclear weapons program. If Russia decides to supply Iran with nuclear weapons, it can do so in a few hours.

Fourth, I believe we must ask whether United States influence on Russia to safeguard nuclear technology, to prevent it from being applied to the Iranian nuclear weapons program, will be increased by a ban on United States assistance to Russia. I think the reverse is more likely: that cessation of United States aid will decrease the likelihood of Russian cooperation with us on this vital issue.

Mr. President, our concern over Russia's determination to continue with sale of civilian nuclear reactory technology and equipment to Iran should be addressed, in my view, with a carefully-aimed marksman's rifle, not with a shotgun blast that demolishes everything in front of it. If we cut off all aid because of this sale to Iran, what do we take away the next time Russia acts in a way we believe is contrary to our interests? We will have fired all our ammunition and will have little economic leverage left.

It may be that some aspects of our assistance to Russia merit critical review and reduction. That is another issue entirely. Overall, however, I believe our assistance has made an important contribution to movement toward the development of market economy, a political democracy, and a pluralistic society in Russia. To my mind, this is clearly in our national security interests and should not be brought to a total halt because of our disagreement with an unwise decision by the current Russian Government.

Mr. President, I offer these remarks in the hope that the Senate conferees will review this provision carefully as they enter into conference on H.R. 1868.

Mr. LEVIN. Mr. President, I want to associate myself with the remarks of Senator NUNN, relative to the provision restricting funds for Russia.

I hope the conferees will add Presidential waiver language to that section. Otherwise the language could endanger the chances for our relationship with Russia to continue to grow and could lessen the chances for democracy to survive in Russia.

Mr. LEAHY. Mr. President, I will be very brief. The Senator from Georgia has just raised issues of concern that many of the rest of us have. I hope this is a matter, as we work through conference, that can be handled. During

this whole bill, we have been helped by the cooperation on both sides, by the distinguished chairman, by Robin Cleveland, Jim Bond and his staff, Tim Rieser on mine. I am sure that will continue that throughout the conference.

AMENDMENTS NOS. 2734 THROUGH 2767, EN BLOC

Mr. McCONNELL. Mr. President, I send a group of amendments, en bloc, to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments numbered 2734 through 2767, en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2734

(Purpose: To make $3,000,000 available for the World Food Program)

On page 43, line 17, strike out ''*Provided,*'' and insert in lieu thereof ''*Provided,* That not less than $3,000,000 of the funds appropriated under this heading shall be made available for the World Food Program: *Provided further,*''.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the Appropriations Subcommittee on Foreign Operations for accepting my amendment making $3,000,000 available for the World Food Program [WFP].

As the largest WFP donor, the United States expects more and more every year from WFP as the key provider of food aid in emergencies. In its investigation of WFP effectiveness, the General Accounting Office determined that a larger cash component in United States food donations is needed to improve the efficiency of our food aid distribution operations in such difficult emergencies as those found in Rwanda, Bosnia, Angola, and Sudan.

While this earmark will not increase WFP funding from this account, it will continue the current level of U.S. support and give us time to address through other legislation the fundamental problem of linking cash to food in order to improve the management of food aid so desperately needed around the world.

I deeply appreciate the acceptance of my amendment and thank the chairman and his staff for their consideration of this important issue.

AMENDMENT NO. 2735

On page 11, line 10 insert after ''Zaire'': '': *Provided further,* That, Not less than $2,000,000 shall be provided to the International Fertilizer Development Center''.

AMENDMENT NO. 2736

At the appropriate place under the heading on page 8, ''Economic Assistance'' add the following proviso: ''*Provided further,* That not less than $800,000 of the funds made available under this heading shall be made available for support of the United States Telecommunications Training Institute;''.

AMENDMENT NO. 2737

(Purpose: To increase amounts appropriated for international narcotics control and to decrease amounts available to the Agency for International Development)

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of this Act, $20,000,000 of the funds made available under this Act for or through the Agency for International Development shall be transferred to, and merged with, the appropriations account entitled ''INTERNATIONAL NARCOTICS CONTROL'' and shall be available for the same purposes for which funds in such account are available.

Mr. COVERDELL. Mr. President, I am here today to warn about the serious illegal drug problem that poses a major post cold war threat to our Nation's peace and security. Frankly, I worry that these words will fall on the deaf ears of an America that seems unwilling to face reality and commit the resources to stop its own destruction. We are indeed at a crucial point. Representative WILLIAM ZELIFF, wrote last March: ''There is growing consensus that America's domestic counterdrug strategy is failing. In 1993 and 1994, respected University of Michigan surveys of 51,000 American students indicate that gains once made are slipping. We are in the midst of a major reversal—in use and attitudes.''

After a steep drop in monthly cocaine use between 1988 and 1991 from 2.9 to 1.3 million users, and a similar drop in overall drug use between 1991 and 1992 from 14.5 to 11.4 million users, numbers released earlier this year revealed drug use up in 1994 for all surveyed grades for crack, cocaine, heroin, LSD, non-LSD hallucinogens, inhalants, and marijuana.—The Washington Times, ''Renewing Drug War Strategies,'' by William Zeliff March 9.

In 1994, according to this Michigan study, twice the number of eighth graders were experimenting with marijuana as did in 1991, and daily use of marijuana by seniors was up by half just from 1993. Also, the nationally recognized Drug Abuse Warning Network has reported that drugrelated emergency visits in 1994 were up 8 percent over 1993—now standing at their highest point ever.

Meanwhile, the resurgence of heroin use in the U.S. borders on epidemic proportions. Heroin related admissions to emergency rooms have increased 30 percent since 1990. DEA Administrator Thomas Constantine recently noted that heroin is now available in more cities at lower prices and higher purities than ever before in our history. In November 1993, the Clinton administration announced that it would develop a separate strategy to combat the heroin threat. However, a recommended strategy was only just presented in June of this year, and still awaits the President's approval.

One expert is very blunt: ''If these trends continue, by 1996, the Clinton administration will have presided over the greatest increase in drug use and the largest expansion in the supply of illegal drugs in modern American history.''—John Walters, president of the New Citizenship Project and former acting director for supply reduction, Office of National Drug Control Policy.

If that's not a loud enough wakeup call, there's more:

About 23 million Americans use drugs, of which at least 6 million use cocaine. If current trends continue, the jump in marijuana use among children from 1992–94 signals that 820,000 more of them will try cocaine; about 58,000 will become regular users or addicts.

Illegal drug use among the Nation's high school seniors has risen 44.6 percent in the last 2 years according to the Department of Health and Human Services. And there is a decline in the perceived risk which leads to an increase in actual drug use. According to Lloyd D. Johnson of the University of Michigan, there is an increase in drug glorification messages aired on television news and entertainment shows. There is a softening of informal and formal antidrug attitudes.

Over 70 percent of the prison population—which is at 1.4 million—tested positive for drugs after their arrest. Whether it is violent crime, child abuse, homelessness, or inner-city poverty, drugs—and particularly crack—have made those pathologies far more acute and in some places unmanageable. Violent crime, largely induced by drug use, is increasing at an alarming rate. And, according to DEA Administrator Constantine: ''For the first time in our history, America's crime problem is being controlled by worldwide drug syndicates who operate their networks from places like Cali, Colombia * * *.''

The number of police officers, lawyers, accountants, judges who have been tainted by drug money has never been quantified, but the erosion of public trust is apparent.

Drug abuse is costing America about $100 billion annually, excluding billions in taxes on illegal profits from the drug trade, but the moral cost to the U.S. social and political system is immeasurable.

These distressing facts are not simply a reflection of society's more permissive attitudes. This administration also changed counterdrug policies. Just days after inauguration, Clinton moved the White House office created to direct national antidrug—the Office of National Drug Control Policy [ONDCP] efforts to a backwater and slashed its personnel by over 80 percent. Enforcement has been deemphasized. Mandatory minimum sentences have been reduced. Prosecution statistics from the Administrative Office of U.S. Courts for 1992–94 reveal: a 14-percent drop in charges under all Federal drug laws and a 30-percent drop in charges under narcotics offenses.

The Clinton administration slashed drug interdiction. Information provided at a recent Senate Judiciary hearing revealed a cut of 50 percent between 1993 and 1994 alone in the ships

and aircraft devoted to the interdiction of drugs from South America. America's low-key drug czar, Lee Brown, has warned of the need to restore assets to the interdiction force structure. He reported that all Federal agencies involved in drug interdiction had reached a consensus: ''that to maintain adequate resources in theater, we must return to the 1992–93 levels of effort.'' But shortly after that warning, the administration released its fiscal year 1996 budget requesting a cut in interdiction funds to $1.27 billion—almost 35 percent below the fiscal year 1992 level.

Even drug treatment and especially prevention—often held up by this administration as alternatives to rigid enforcement, had their budgets trimmed by $100 million and $130 million, respectively.

According to recent testimony from the GAO's Joseph Kelly, Director in Charge International Affairs Issues, National Security and International Affairs Division, before the House of Representatives, Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight, the executive branch had difficulty implementing a key part of the strategy—shifting resources from the transit zone to the source countries.

Defense Department officials have also complained that the amount of resources applied to the transit zone has been significantly reduced without a shift in resources to the source countries. For example, the DEA is reducing its presence in Colombia, the U.S. Southern Command is now flying fewer sorties each month in support of source-country interdiction than it did in 1993, and counternarcotics assistance to the three primary source countries was less in 1995 than in 1991 or 1992. In short, Kelly admits that ''shifting resources between and within agencies has been problematic.''

Kelly mentions other severe problems with America's so-called war on drugs, including the need for better coordination. No single organization seems in charge of the drug war in either the cocaine source or the transit countries. He mentioned better leadership as required to develop a coherent plan, and to integrate all U.S. programs.

What we have now is virtually no strategy at all. The result is ''U.S. Falling Far Short in the Drug War,'' as written in the Washington Post by Jeffrey Smith. Smith and others have noted—and frankly, I am deeply concerned—that American officials on both sides of the aisle are seriously underestimating the threat. I have painted a bleak, yet accurate, account of the tragedy of drug abuse, the violence, the health costs, the destruction of lives. But I doubt that this Senate or our antidrug officials have fully grasped the magnitude, complexity, and sheer danger of the drug trade.

Corruption is leading a path right to the heart of the political system. And many foreign leaders appear unable to deal with the problem. The facts are daunting: Large, criminal drug trafficking empires, better armed than many police forces, and with ties to other organized international crime branches around the globe are wreaking destruction around the world, particularly in this hemisphere. The CIA estimates that illicit narcotics is a $300 billion a year industry. Yet, U.S. and independent experts warn that cuts are harming Washington's ability to interrupt the new alliances being formed by major criminal organizations involved in drug activities on different continents.

A senior U.S. intelligence official recently stated that these organizations ''are developing massive capital. I am concerned that they are going to link together * * * to leverage Democratic societies around the world * * * There is a tremendous dimension to this problems that we have hardly begun to see.''—the Christian Science Monitor, ''Spy Agency Adapts Cold-War Tactics for Drug War,'' by Jonathan Landay, July 5, 1995. Political instability, rising corruption, and porous borders in the United States, Europe, and Asia have enabled criminal organizations to expand into lucrative opium growing areas and new cocaine markets.

The technological advancement of the drug trade also has been underestimated. Colombia's Cali cartel has apparently changed its transportation mode from single- and twin-engine aircraft to larger commercial aircraft, such as 707's and 727's. There are no estimates on how many large commercial flights are used. But the traffickers are creating economies of scale to bring in tons of cocaine. Jeffrey Smith notes: ''The United States and other developed countries are falling further behind in the war on drugs as criminal organizations in Latin America and Asia have increased production and become more sophisticated in distributing cocaine and heroin.''

With profits as high as 75 percent, heroin and cocaine producers can afford to spend tens of billions of dollars annually on sophisticated counterintelligence programs, telecommunications equipment, as well as hiring some of the best marketing and legal talent that U.S. colleges and universities produce. While the problem has often been compared to efforts to undermine America's crime mob, that comparison may be misleading. Today's drug leaders are better armed, have much more funds at their disposal, and have access to sophisticated technology to carry out their trade.

In the Western Hemisphere, drug traffickers have invested in a nationwide chain of pharmacies; legal drug labs—even their own brand of aspirin and vitamins; investments in soccer teams; hotels; shopping centers; car dealerships; apartments; poultry farms; ranches with thousands of heads of cattle—and they are even believed to have purchased some newly privatized State industries, according to the FBI and other sources.

Based on the extent of coca leaf production in South America, the Western Hemisphere's annual cocaine production is about 1,100 metric tons. Drug users in the United States consume an estimated 300 tons; police and customs seize another 300 tons. That leaves a tremendous glut of cocaine on the world market, keeping street dealers on several continents flush, despite continuing victories like the arrest of major traffickers.

Proponents of efforts to stop the production of drug crops and substances at the source—in Latin America and Asia—believe that reducing the foreign supply of drugs is crucial to lowering the levels of drug use in the United States. They argue that, coupled with intense law enforcement, such programs will succeed since it is easier to locate and destroy crops in the field than to locate subsequently processed drugs in America's streets. Opponents generally believe that the reduction of the foreign supply is unrealistic, and that the only ultimate solution is the reduction of demand. By now, any reasonable person has surely come to the conclusion that it will take both: We must decrease demand, even as we reduce the flow of illegal drugs.

Here's just a sample of the reality I must deal with in trying to stem the flow of drugs into the United States, as the Western Hemisphere Subcommittee chairman on the Foreign Relations Committee:

Mexico: Fifty to 70 percent of the illegal drugs that enter the United States are smuggled through Mexico. Between 60 to 80 percent of the foreign-grown marijuana available in the United States is of Mexican origin, and Mexico supplies about 23 percent of the heroin. Mexico is also a key transshipment point for cocaine entering the United States, and has expanded its role over recent years as a clearinghouse for worldwide drug shipments and money laundering.

The Office of National Drug Control Policy has designated Mexico as the second most important country in the international narcotics program, behind Colombia. The DEA attache in Mexico has recommended that Mexico be reclassified as a source country so it can be considered for more resources under the administration's counterdrug strategy.

Faced with a growing threat from narcotics trafficker, President Zedillo has singled out the drug trade as Mexico's most pressing national security problem. But even that key admission is not enough. In a disturbing development, drug smugglers are buying passenger jets and flying in huge amounts of drugs into Mexico for transport to the United States. According to the State Department, drug-laden cargo jets ''are one of the most difficult and critical challenges * * * facing Mexico.''

International Narcotics Control Strategy Report, March 1995. Zedillo has ordered the Mexican military to take a greater role in the counterdrug fight, including the use of air force fighter jets to intercept cocaine-laden planes.

Experts say that Mexican drug organizations have built a financial empire using the tourist industry and stock market, while converting billions of dollars in drug profits into legitimate forms of capital. Mexico's National University estimates that Mexican drug lords spend as much as $500 million a year on bribery. Some bankers suspect that last December's financial crisis was partly the result of a massive transfer of drug money.

Colombia: We vigorously congratulate recent success in Colombia apprehending Cali cartel kingpins, Gilberto Rodriguez Orejuela and Jose Santacruz Londono, among others. The Cali cartel has accounted for at least 80 percent of the cocaine shipped into the United States. We are elated and anxiously await more traffickers being brought to justice. But we are wise enough to recognize that the problems down there are far from over. We need to determine that those captured will be prosecuted, fully. These kingpins must receive punishment commensurate with their crimes. Short sentences, in which they're able to hold on to their ill-gotten gains would be counterproductive. Hopefully, Colombia's institutions will deliver and operations against the Cali cartel will continue.

But last year Columbia achieved only minimum success in the tactical arenas of drug interdiction, illicit crop eradication, and precursor chemical seizures. Colombia is now producing so much cocaine that U.S. officials can barely keep track of it, and it may well have surpassed Bolivia as the world's second largest coca grower. Peru remains the largest coca grower, accounting for nearly two-thirds of the world's coca production, most of which is processed in Colombia. Colombia is also believed to have the dubious distinction of surpassing Mexico as the hemisphere's leading poppy producer.

Early this year, Columbia's justice minister released a report concluding that judges and prosecutors were overly generous in the use of plea bargains. Even Columbia's chief prosecutor described the situation as virtual impunity. We applaud Columbia for coming clean on a failed program, but the reality is: Colombian officials themselves are embarrassed by the lenient sentences.

Ernesto Samper's Presidency remains tainted with allegations that his 1994 campaign received up to millions of dollars in contributions from traffickers. The corruption of Colombia's Congress continues to be a problem, with one former U.S. officials warning that as much as 50 to 75 percent of the Colombian Congress is influenced by the drug cartels.

Notwithstanding present doubts about the effectiveness of America's strategy in the war against drugs, there was success against the drug cartels during the mid 1980's to early 1990's. The energy and resources devoted to the antidrug effort during the Bush and Reagan administrations, combined with hardening public attitudes produced declines in the drug problem. And while Federal spending on the drug war was substantial—approaching $12 billion at the end of the Bush years—it never exceeded Federal spending for NASA. Clearly, neither the space program nor the Federal antidrug effort ever presented a serious burden in terms of the Federal budget. Meanwhile, modest progress against drug trafficking was also being made in my area of the globe; eradication and drug seizures were up. These successes were achieved despite the criminals' resolve.

Then, as now, we recognize the valiant efforts made by law enforcement personnel in Mexico, Colombia, and throughout Latin America who have lost their lives to stopping the flow of illegal drugs into this country. In the past decade, Colombia has lost 23 judges, 63 journalists, 4 presidential candidates, and more than 3,000 police officers and journalists. And we agree with many of the leaders of the region that America simply must do more to curb its appetite for illegal drugs. They must not see us as hypocritical—watching their every move, while reducing our own financial commitment to the problem.

But, even more, I fear that political leadership and world class American will to fight the drug scourge is eroding throughout the Western Hemisphere. But now here in America we seem asleep in the face of a problem that is devastating our future and threatening our national security. If we are willing to commit the resources and implement a coherent program, even as we attack the drug consumption problem, we will experience renewed success. The alternative—reducing badly needed counterdrug resources at this crucial time—would further threaten our national security, would risk democracy and stability throughout the hemisphere, and would place our young people's very lives at risk.

Mr. GRASSLEY. I support the amendment to restore funding to the international narcotics program. I am aware that the bill already contains a considerable increase for the program but it still remains well below what is essential to sustain a viable international narcotics effort.

In the last several years, funding for our international narcotics program has been in a free fall. In addition, the administration has failed to articulate a coherent strategy or consistently defend the programs that it has put forward. This has left the impression that it does not care about the drug program, does not see fit to push its own ideas.

Some in Congress seem to have concluded from this that the drug program does not work and that the money can do better service someplace else.

Both views are wrong.

When we made the drug issue a continuing policy concern we saw success. And when we provided our efforts with adequate guidance and support, backed up by the moral authority of the government in support of the public, we made significant progress on the drug problem. We saw the result in steady declines in use, the most important barometer of how we are doing.

We can also see the results of a retreat from our earlier commitment. In the last 2 years we have seen marijuana use among 12–17-year-olds soar, up 50 percent. At this rate, within the next year or so we will have wiped out the gains made in reducing use over the last 13 years. It is from this new, emerging user population that tomorrow's addicts will come. The situation reminds me of what happended to us in the 1970's. We let indifference get the better of us. We had to suffer a major drug epidemic to learn our lesson. We cannot afford to let that lesson go to waste.

It is a national tragedy if we let drug use escape us again. With serious effort we reversed the worst years of drug abuse. What clearer indication can there be of the effects of meaningful effort and indifferent effort than in these contrasting pictures.

More important, I would remind my colleagues that it has been Congress that has lead the effort in representing the public's interest on the drug question. In 1986 and 1988, we moved to increase both the funding for our drug efforts and to put pressure on the administration to take forceful action. We saw results. Just this year, the Senate Foreign Relations Committee, and Senators HELMS and COVERDELL, took the lead in putting pressure on Colombia to do something about arresting drug kingpins, something everyone told us could not and would not happen. Well, it happened in jig time. Consistency and meaning what you say are still solid currency, here and abroad. It is that kind of fortitude and stick-with-it-ness that we still need.

We still have a substantial responsibility to represent the American public on the drug issue. And we still have the need to be the leaders in insisting on adequate funding for well-executed programs. This does not mean we have to measure our drug efforts by impossible standards of success. We need to be realistic and we need to be consistent.

Given recent gains in putting drug kingpins behind bars in Colombia we also need to build on our efforts to go after the second and third tier of cartel leaders. This means continued support for our international programs.

I would also remind my colleagues, that the money we spend on this foreign assistance program goes directly to support efforts aimed at individuals and groups that target Americans, whose actions daily kill and wound

more people than all the terrorists combined. Drug dealers, here and abroad, are real enemies whose actions have direct and immediate consequences on the quality of life in our homes and on our streets. Money spent on this international program pays real benefits here. We can see the result when we are willing to act and we can see the consequences when we fail.

I support the amendment to increase the international narcotics program by a further $20 million, which still brings the total international effort in at over $40 million below the administration's request. This funding will help us do the job we must continue to do.

AMENDMENT NO. 2738

(Purpose: To provide for the transfer of excess defense articles to Estonia)

At the end of section 546 of the bill, insert the following:

(c) The President may transfer to Estonia such excess defense articles as the President determines necessary to help modernize the defense capabilities of Estonia, subject to the requirements of subsections (b) through (f) of section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m).

Mr. GORTON. Five years ago I was invited to be the first United States Senator to address the newly elected Estonian Parliament as it liberated itself from 50 years of illegal Soviet occupation. I was denied entry into Estonia by the Soviet regime, but have since taken a distinct and parochial interest in Estonia's well-being.

Recently I met with Lt. Gen. Aleksander Einseln, commander of the Estonian Armed Forces. In our meeting, he outlined the significant material problems that his nascent military faces. With the almost complete withdrawal of Russian military forces, Estonia must now look to its own defense. Estonia is struggling to heal its wounds of 50 years of Soviet domination. Its resources are very limited; its army small—merely 4,000 soldiers I am told.

This amendment gives the President authority to transfer to Estonia such excess defense articles as the President determines necessary to help modernize its defense capabilities. The transfer is subject to the provisions of section 519 subsections (b) through (f) of the Foreign Assistance Act of 1961. In short, those provisions authorize the President to transfer excess, nonlethal defense articles to a country if a foreign military financing program has been justified for the fiscal year in which the transfer is to be made; allow the United States to help said country modernize its defense capabilities; allow the transfer of the excess defense articles only if the equipment is drawn from existing DOD stocks, no DOD procurement funds are used in connection with the transfer, the President determines the transfer will not have an adverse effect on the military readiness of the United States, the President determines transferring said articles is preferable to selling them; require the President to notify the Senate and House Committees on Appropriations, Armed Services—or National Security—and Foreign relations; require the President to submit an annual report to said committees detailing the value of the shipment; require said country to pay for all crating, packing, handling, and transportation costs.

Estonia has joined the United Nations, the Organization for Security and Cooperation in Europe and the Partnership for Peace. Its government has developed a robust democracy while fully embracing the principles of a market economy. For our part, any help the United States can provide will, I believe, be invaluable to our strategic and moral interests. This amendment does just that.

AMENDMENT NO. 2739

On page 18, line 24, after ''assistance:'' insert the following: ''*Provided further,* That not less than the Egyptian pound equivalent of $85,000,000 generated from funds made available by this paragraph, or from any other source including from funds made available for Egypt for fiscal year 1997, shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following endowments established under such agreements: the Egyptian pound equivalent of $50,000,000 shall be made available to replenish the existing endowment for the American University in Cairo, and the Egyptian pound equivalent of $35,000,000 shall be made available to replenish the existing endowment for projects and programs which promote the preservation and restoration of Egyptian antiquities:''

Mr. STEVENS. Mr. President, the amendment I am offering would designate 85 million dollars' worth of Egyptian local currencies to be used for two programs in Egypt that have enjoyed considerable support from this body in the past. This amendment does not affect the dollar appropriation for Egypt nor does it add any new money to the bill.

First, the amendment requires that the existing endowment for the American University in Cairo be replenished by the equivalent of $50 million in Egyptian pounds.

The Congress has twice before directed that local currencies generated from our aid programs be used to support AUC. However, as the pound has devalued against the dollar, the value of the existing endowment for AUC has continued to shrink, thus making an additional contribution necessary. In addition, lower interest rates, while obviously good for the general economy in Egypt, have resulted in significant income decline from these funds.

Mr. President, AUC is an institution of outstanding importance, not only in providing an American-type university education in Egypt and elsewhere in the Middle East, but also as a key element in the close relationships that have developed between the American and Egyptian peoples. Our colleague, the distinguished chairman of the Appropriations Committee, was instrumental in securing the original allotment of Egyptian pounds for this important institution.

AUC is a cost-effective instrument for building cultural and intellectual bridges. Reflecting on its American heritage, AUC attracts Egyptians from all sectarian communities. Egyptian youths compete for an opportunity to acquire the American-style education which AUC offers and, in the process, learn something intangible about American culture and values. Several years ago the State Department concluded that, ''AUC enhances United States long-term national interest in Egypt and the Middle East and does it at a very reasonable cost.'' I and my cosponsors have supported the work of AUC for many years, and note that the Egyptology department at AUC played a pivotal role concerning the recent find in the Valley of the Kings.

Mr. President, this amendment, which represents the third congressionally directed contribution to the endowment of AUC, is a ''no-cost'' way of fostering U.S. values in a region of the world that is vital to our national interest.

The second program for which local currencies are designated is an endowment for the preservation of Egyptian antiquities. Again, prior legislation, written by Senator INOUYE and I, had directed the establishment of an endowment with Egyptian local currencies. The amendment makes the equivalent of $35 million available for this purpose.

Egypt's cultural heritage is one of the richest and most important in the world's history. Yet, it is seriously endangered by pollution, decay, and the simple passage of time. An endowment was established in the Foreign Aid Appropriations Act for fiscal 1993 to address this problem and for reasons similar to those affecting AUC, the endowment now needs replenishment.

Mr. President, both of these programs are worthy ones. In the past, the Congress has used this innovative way of providing them with support without costing the taxpayer anything. I would hope that this practice can continue with the adoption of my amendment.

AMENDMENT NO. 2740

In lieu of the matter proposed to be stricken insert the following:

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $25,000,000, to remain available until expended; Provided, that for the payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund to be administered by the Inter-American Development Bank, $45,000,000 is provided to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of

the capital stock of the North American Development Bank in an amount not exceed, $318,750,000.

Mr. DOMENICI. Mr. President, I rise to offer an amendment to raise the fiscal year 1996 appropriation for the North-American Development Bank to $25 million. I believe that this amendment makes good environmental sense as well as good economic sense.

Mr. President, some of today's most pressing environmental problems are along the United States-Mexico border.

Rapid population growth along both sides of the border have created situations where large numbers of people are living in areas that have inadequate drinking water, wastewater, or municipal solid waste facilities.

To address this situation, the United States and Mexico entered into a joint agreement to establish the North American Development Bank [NAD-Bank].

NAD-Bank will provide the capital for these much-needed border projects, choosing those projects from lists developed by the multilateral Border Environment Cooperation Commission [BECC].

NAD-Bank will not provide grants or equity funding for environmental infrastructure projects, but instead will act a real world investment bank, providing financing to both public and private entities to build the environmental projects recommended by the BECC.

NAD-Bank ensures that the best projects are constructed through the following criteria:

All projects financed by the NAD-Bank must address the environment along the 100 km region on both sides of the United States-Mexico border.

NAD-Bank projects must be able to demonstrate repayment of their loans and guarantees. NAD-Bank will closely review factors that may affect capital outlays, construction, operations and maintenance, and project revenues—user fees, state/local backing, guarantees.

All beneficiaries must share some project costs and/or responsibilities.

Projects must use designs and technologies which result in a least cost solution for long term facilities' operations and maintenance.

In addition to the fact that NAD-Bank's projects will promote a healthier environment, NAD-Bank's activities will benefit the United States economy as a whole.

Specifically, properly planned and developed border infrastructure will help United States-Mexico trade to flow freely.

Finally, NAD-Bank was created by the United States and Mexican governments as an equal partnership to address these environmental problems. Mexico has already put up its share of the money of NAD-Bank.

We have an obligation to show that we are as committed to addressing these problems as is our southern neighbor.

In sum, therefore, this amendment makes good economic as well as good environmental sense, and I urge its adoption.

Mrs. HUTCHISON. Mr. President, I rise tonight in support of the North American Development Bank, which was created to assist border States and local communities in coordinating, designing, and facilitating border infrastructure projects. It is a unique binational financial institution which acts as a catalyst for private and public capital investment for projects certified by its sister organization, the Border Environment Cooperation Commission [BECC].

Established through a joint agreement between the United States and Mexico, the NADBank also establishes the United States and Mexico as equal partners, under which both the United States and Mexico contribute equally to the Bank's resources. Importantly, each government's capital subscription is not an operational expenditure. It represents an investment in a sound financial institution which will appreciate with the Bank's earnings and may eventually be returned to its investors—United States and Mexican citizens.

The NADBank's role is a crucial one; it acts as the lead bank, like an investment bank, financing border environmental infrastructure projects as a complement to other public and private sector financial sources. It also has an important private sector orientation. Unlike other multilateral development banks which lend primarily to public entities, the NADBank may provide financing to any entity—public or private.

What will NADBank capital be used for? Well, 90 percent will go to border infrastructure projects. Ten percent will be used to fund separate domestic programs in the United States and Mexico beyond the Mexican border. Clearly, the role of the NADBank is an important one not just to border States but to any community.

Mr. President, pollution does not require a visa. Border pollution impacts both Mexico and the United States, and growing public health concerns and a lack of adequate clean water prevent economic growth extending out and beyond the border regions. Growing health concerns due to the inadequacy of municipal infrastructure are a potential time bomb. If the health risks associated with lack of adequate infrastructure are not addressed, the border will face even more severe health problems over the next decade. The NADBank, in its efforts to address growing infrastructure needs, will benefit the entire border region's health standards. The proper use of the Bank's capital will be guarded carefully, therefore, as if it were a trust for our children.

Properly planned and developed border infrastructure will help United States-Mexico trade to flow freely.

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues, Senator DOMENICI of New Mexico, Senator HUTCHISON of Texas, and Senator KYL of Arizona, in supporting the amendment to restore funding to the North American Development Bank, better known as the NADBank. As a cosponsor of this amendment, I want to tell you how important NADBank funding is to improving environmental conditions along the United States-Mexico boarder. This is important not only to my State of New Mexico, but to all the border States and to our Nation.

The North American Development Bank was created in 1993 as a supplement to the North American Free Trade Agreement [NAFTA]. Its purpose is to provide loans and loan guarantees to projects certified by the Border Environmental Cooperation Commission [BECC], also created as part of the NAFTA, for high priority border environmental and health projects. Due to its lack of wealth, the border region cannot be self-financing in its endeavor to develop and implement these types of infrastructure projects. These projects are absolutely critical to the border area in managing its considerable problems with air and water pollution, wastewater treatment, municipal solid waste, and hazardous waste.

The NADBank is patterned after other multilateral development banks, such as the World Bank and the Inter-American Development Bank. The United States and Mexico each are to contribute $225 million over a 4-year period in initial paid-in capital. The NADBank will then use this capital, along with funds raised in the financial markets and other resources to fund environmental and health projects along the border and to supplement privately funded projects. These funds will be combined with existing State and local funding, Federal grants and State revolving loans, and World Bank and Inter-American Development Bank loans to Mexico to provide for the substantial investment that is needed to provide the basic level of protection to human health and the environment.

Rapid population growth and industrialization in the border cities has overwhelmed existing wastewater, water supply, and solid waste infrastructure. Untreated domestic and industrial sewage currently flows north to the United States and into the Rio Grande River. Thousands of residents lack safe drinking water and adequate solid waste disposal facilities. Air quality is severely deteriorated by emissions of industrial pollutants, and dangerous levels of carbon monoxide and ozone-forming hydrocarbons from urban traffic.

Let me be clear that while this funding is for binational projects, U.S. citizens will realize substantial benefit from potential border infrastructure improvements. About 6 million people live in metropolitan areas along the United States-Mexico border. This population is critically impacted by water

pollution coming across the border from Mexico in areas such as the Tijuana River and New River in California, the Santa Cruz River in Arizona, and the Rio Grande in Texas and my home State of New Mexico. By investing in pollution control in these areas, there is a direct and important benefit to U.S. citizens in terms of health protection, crop protection, and improved recreational benefits and increased property values.

There are economic benefits that will accrue to us as well in maintaining our commitment to the border area. U.S. jobs will be generated in the equipment manufacturing and professional services sectors, which are found in almost all 50 States. The United States has a strong competitive advantage for providing equipment, instrumentation, and professional services for the construction of Mexico wastewater facilities along the border. With a potential need of almost $8 billion in border water related facilities over the next decade, up to $2 billion of business could be generated in U.S. products and services.

In closing, I would urge my colleagues to support this amendment, to ensure the future protection and preservation of the environment along the United States-Mexico boarder. It is good, not only for the health of our border communities, but also for the environment along the United States-Mexico border, and for the economy of the entire United States.

AMENDMENT NO. 2741

On page 43, under the heading, ''International Organizations and Programs,'' add the following provisio; ''*Provided further*, That not less than $1,500,000 of the funds appropriated under this heading shall be made available for the United Nations Fund for Victims of Torture;''.

AMENDMENT NO. 2742

(Purpose: To increase transfer authority for IFAD)

On page 11, line 3, strike ''$15,000,000'' and insert in lieu thereof ''$30,000,000''.

Mr. DODD. Mr. President, I send to the desk an amendment and ask for its immediate consideration. The amendment I am offering simply increases the transfer authority that the administration may utilize to fund the U.S. contribution to IFAD. Specifically the amendment increases that authority by $15 million. Let me assure my colleagues that this transfer authority will not require any offsetting cuts to be made as the overall funding of the foreign operations budget is not increased.

The International Fund for Agricultural Development [IFAD] is the only international financial institution with the specific mandate to address rural poverty, hunger, and malnutrition. To this end, IFAD promotes participatory, cost-effective approaches to help poor groups such as smallholder farmers, rural women, and the landless to increase their output and incomes in sustainable ways.

In January 1995, the Governing Council of IFAD agreed that the target for the Fourth Replenishment should be $600 million, and urged both developing and developed countries to join in a partnership to achieve this target. To date, the United States is the only country that has not announced its pledge.

As you know, the U.S. commitment to the Fourth Replenishment is expected to be $92 million over a 3-year period. While the transfer authority of $15 million is a positive step for IFAD, it does not fulfill the first $30 million annual payment by the United States toward its expected 3-year pledge.

The transfer authority for $30 million would allow the United States to continue its leadership in IFAD and allow us to continue our successful work to increase the productivity and incomes of the rural poor. A transfer of $30 million to IFAD will also make it possible for the United States to pledge its commitment of $92 million to the Fourth Replenishment, bringing the 3-year negotiations on this replenishment to a successful conclusion. Once the Fourth Replenishment is concluded, a new governance structure will go into effect. New voting procedures will reflect the level of contributions made, and will ensure that the voice of larger contributors will be heard more clearly.

The transfer authority will not harm the programs and accounts from which the funds are transferred. With a U.S. contribution of $92 million, the $600 million level of the Fourth Replenishment will be achieved and with another $600-plus million from loan repayments and investments, a total of $1.2 billion will be available to IFAD to fight poverty and hunger around the world. About 40 percent of the resources available in our Fourth Replenishment will go to Africa. Hence the transfer authority will make it possible for IFAD to commit $160 million per year for Africa, increasing over fivefold the total development resources for that region. IFAD is an effective and efficient organization that through strict loan repayment and investment policies and contributions from other member countries leverages about $13 for every $1 that the U.S. commits. Without the U.S. pledge there will not be a successful conclusion of the Fourth Replenishment, and will not be able to provide this level of resources to the region.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2743

At the appropriate place in the bill add the following new section:

SEC. . GUATEMALA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Government of Guatemala, under President De Leon Caprio, has made significant progress towards negotiating an end to Guatemala's civil conflict which has resulted in numerous human rights violations, claimed tens of thousands of lives and impeded economic development in that country.

(2) President De Leon Caprio has taken steps to improve human rights, including his support for the U.N. mission for the verification of human rights and of compliance with the commitments of the comprehensive agreement of human rights in Guatemala (Minugua) and his recent decision to abolish the military commissioners, but his efforts to bring human rights violators to justice have been impeded by certain members of the Guatemalan Armed Forces;

(3) Despite numerous appeals by the families of victims of human rights abuses, human rights organizations and Members of the United States Congress, there has been minimal progress towards resolving specific human rights cases including cases involving American citizens or their relatives;

(4) President De Leon Caprio deserves the support of the United States in his efforts to resolve Guatemala's conflict peacefully, to support democratic elections, and to improve respect for human rights.

(b) LIMITATIONS.—Notwithstanding any other provisions of law—

(1) No assistance in this Act or any other Act shall be made available to the Guatemalan Armed Forces or the URNG;

(2) No sales of defense articles or services shall be licensed or approved for Guatemala for the Armed Forces or URNG; and

(3) No visas shall be granted for any member of the Guatemalan Armed Forces or the URNG suspected of participating in or ordering any violation of human rights or of seeking to coverup or otherwise thwart the investigation of such acts.

(c) CERTIFICATION.—The limitations contained in subsection (b) shall cease to apply when the President certifies to the Committee on Appropriations and the Committee on Foreign Relations that—

(1) The Guatemalan Armed Forces and the URNG are fully cooperating with efforts—

(A) By the family of U.S. citizens Michael Devine who was murdered in 1990 to bring to justice those responsible for the murder or coverup of the murder;

(B) The October 1994 murders of Roderico Baudilio De Leon and Flavio Matias Marroquin;

(C) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez; and

(D) By human rights organizations and the Guatemalan attorney general to investigate and bring to justice those involved in the prominent human rights cases committed by both sides to the conflict, including those cases enumerated in the April 7, 1995 letter to President Clinton by twelve Members of the United States Senate.

(2) The Guatemalan Government and Armed Forces are complying with the recommendations in Minugua's first and second reports, particularly those related to the investigation and prosecution of human rights cases.

(3) The U.S. Representative to the United Nations Human Rights Commission has consulted with Representatives of other Member States to determine whether respect for human rights would be enhanced by the appointment of a special United Nations rapporteur for Guatemala.

Mr. DODD. Mr. President, this amendment is very straight forward. It says that until we see some tangible progress in the human rights performance of the Guatemalan military, including cooperation with efforts to investigate and bring to justice those responsible for the murder and cover up of United States citizen Michael DeVine, no assistance of any kind will be forthcoming for that institution.

The prohibitions on military assistance, sales of defense articles and service, and the denial of visas to members

of the armed forces suspected of wrong doing are to remain in effect until the President certifies to the Congress that the Guatemalan Armed Forces are cooperating with efforts to investigate a number of high profile human rights cases, including the murders of Michael DeVine, Myrna Mack, and Efrain Bamaca Velasquez, the husband of United States citizen Jennifer Harbury.

I would ask unanimous consent that an April 7, 1995, letter on this subject to President Clinton be printed in the RECORD following the conclusion of my statement. Appended to that letter is a list of the human rights cases that we believe are particularly worthy of special consideration by the U.S. Government.

Mr. President, Guatemala is at an important turning point in its rather tragic history. A civil war has been waging there for 35 years. More than 140,000 Guatemalans have lost their lives as a result of that conflict. The bulk of those killings occurred in the 1980's when the Guatemalan Armed Forces mounted massive counterinsurgency operations, particularly against rural populations.

But killings have not been limited to the seventies and eighties. Political violence in this decade has been more targeted, most notably against teachers, human rights workers, and politicians. In 1994, the Guatemalan Catholic Church reported that there were some 356 political killings and another 40 cases of forced disappearances. Almost none of these cases have been resolved.

Thanks in large measure to the efforts of the U.N.-facilitated peace negotiations, the parties to the conflict have been making progress in reaching a diplomatic solution to their differences. Agreement has already been finalized in a number of areas of mutual concern.

On March 29, 1994, the parties signed a global accord on human rights that sets forth basic human rights principles. This agreement also resulted in the deployment of a U.N. human rights verification mission to Guatemala early in 1995 in order to monitor compliance with that agreement. In the most recent report of the U.N. verification mission, it found that ''impunity remains the most serious obstacle to the enjoyment of human rights in Guatemala, despite the manifest concern and commitment of the President of the republic to combat it''.

The Guatemalan military and security forces, like every other sector of Guatemalan society, must demonstrate that they are not above the law, that their members will be held accountable for illegal acts. The first step in making this a reality is a demonstration such forces that they are prepared to cooperate in bring to justice those within their ranks responsible for some of the most notorious human rights abuses—most notably the murder of U.S. citizen Michael DeVine.

The pending amendment is intended to prod those in control of the military and security forces to take demonstrable steps to end nearly 40 years of impunity. Mr. President, I believe that this amendment has been carefully targeted to lend support to the President of Guatemala in his efforts to reorganize the military and security forces and to institute civilian control over such forces in the context of a final peace agreement. I would urge my colleagues to support this amendment.

AMENDMENT NO. 2744

(Purpose: To permit the continued provision of assistance to Burma only if certain conditions are satisfied)

On page 104, strike lines 7 through 10 and insert the following:

SEC. 570. None of the funds made available in this Act may be used for international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, directly for the Government of Burma unless the Secretary of State certifies to the appropriate congressional committees that any such programs are fully consistent with United States human rights concerns in Burma and serve a vital United States national interest. The President shall include in the annual International Narcotics Control Strategy Report submitted under chapter 8 of part I of the Foreign Assistance Act of 1961 a description of the programs funded under this section.

Mr. KERRY. Mr. President, I rise in support of my colleague from Arizona's amendment to restore authority for the State Department to use funds for counter narcotics efforts and crop substitution programs in Burma as long as the President certifies that any such program is fully consistent with human rights concerns and serves vital United States interests.

Human rights is an issue of extreme importance and deep concern to every Senator in this Chamber, and must remain a significant element in our dealings around the world, and no Senator is more committed to the issue than Senator MCCAIN.

His amendment is a commonsense amendment that gives the United States the necessary flexibility to act in its interest in a nation which provides 60 percent of the heroin smuggled into this country. To prohibit counter narcotics efforts would be ill-advised and counterproductive.

Whatever our deep and abiding concern for human rights, it is important to note, Mr. President, that Burma's most noted victim of human rights violations, Aung San Suu Kyi, supports drug control efforts in her country, and that, Mr. President, is the best argument for support of the McCain amendment.

We have three important objectives in Burma—democracy, counternarcotics, and human rights. All three demand our attention and our support; but common sense would tell us that we cannot diminish potential success in any of these areas because of specific failures in another as long as we are sensitive to the impact of our actions on overall diplomatic progress.

Mr. President, the State Department is well aware of congressional concerns and I fully anticipate that it will conduct counternarcotics efforts consistent with our overall international policy and in consultation with the Congress.

I think, therefore, that this is a commonsense amendment that allows us to do what we need to do to fight the drug problem at its source while recognizing the limitations of our involvement and maintaining a strong focus on human rights.

I would urge support of the Senator from Arizona's amendment, and I yield the floor.

Mr. MCCAIN. Mr. President, this amendment would modify the provision in the underlying bill that prohibits funding for international narcotics control assistance in Burma. The amendment would modify that prohibition by permitting such assistance only if the Secretary of State certifies to Congress that such programs are fully consistent with United States human rights concerns in Burma, and that they serve a vital United States national interest.

That vital national interest is obvious, Mr. President. Sixty percent of the heroin that comes to this country originates in Burma—60 percent. We have a compelling, urgent responsibility to do whatever we can to eliminate or at least reduce Burma's export of that dangerous narcotic. Without a strategy that addresses the heroin trade in Burma, we have no effective antinarcotic program at all.

I can well understand the Senate's desire to influence the Burmese regime's treatment of the Burmese people. That treatment has been abominable and well deserves our severe reproach. I visited Burma last March and was exposed to a pretty representative sampling of how abominable that treatment has been and continues to be.

Daw Aung San Suu Kyi's release was a very welcome development. But in and of itself it does not represent evidence of political reform or even an indication of progress toward an objective standard of human rights in Burma. Burma has a very long way to go.

I know the authors of this provision feel very strongly, as do I, that the United States must actively support the cause of human freedom in Burma, and make it unmistakably clear to Burma's State Law and Order Restoration Council, the SLORC, that the United States, indeed, all of the civilized world expect them to begin respecting the will and the rights of the Burmese people.

But what I have difficulty understanding is why we must refrain from acting in our own national interest while we attempt to act in the interest of the Burmese people. I could understand the objective of this provision if it stated that no funds for drug control could be made available directly to the

SLORC. I would not support this assistance either if the State Department were proposing to simply provide money to the SLORC with the promise that the SLORC would use it to eradicate poppy fields. It is quite probable that such funds would be used by the SLORC to further oppress ethnic minorities in Burma, like the Wa.

But, Mr. President, that is not what the administration proposed to do with this assistance. First, it is a relatively small amount of money that we are talking about, with most of it going to the efforts of the U.N. Drug Control Program [UNDCP] in Burma; $2 million would be provided to the U.N. to work with ethnic minorities on crop substitution and other programs intended to begin making some, although admittedly small, progress in reducing poppy cultivation. None of that assistance would be funneled through the SLORC.

A limited—a very limited amount of assistance, $50 thousand, I believe—would be provided to train Burmese customs officials. But I fail to see the harm in that, given that the amount is so small, and the need for better Burmese control of drug smuggling at the borders so obvious.

Mr. President, $2 million isn't going to solve America's heroin problem. But I do not see how we begin to get any control over that problem absent some kind of program in Burma.

Opium production in Burma has skyrocketed in recent years. It is, by far, the largest heroin producing country in the world. Again, 60 percent of heroin in the United States originates in Burma.

The enormous increase in heroin production globally has substantially reduced the street price of heroin while simultaneously increasing the purity, and consequently, the lethality of the drug. Overdoses—fatal overdoses—have increased rapidly in the United States.

Sadly, as long as there is demand for heroin, we will never be able to keep it out of all our children's hands. But if in Burma and elsewhere our efforts make some progress in restricting the flow of heroin to the United States, we will make the drug more expensive and less readily available on our streets than it is today.

Mr. President, before I conclude, I should also add that in meetings attended by American Embassy officials in Rangoon, Daw Aung San Suu Kyi, had no objections to counternarcotics programs in Burma. While advising that the U.N. counternarcotics effort in Burma be closely monitored—as it should be, she also understood the importance of reducing poppy cultivation. Further, she observed that the U.N. Burma program employs many prodemocracy supporters.

I am convinced that the counternarcotics assistance envisioned for Burma is consistent with our human rights goals in Burma. But, I repeat, to ensure that it remains so, this amendment requires the Secretary to certify that all the program which our assistance would support are fully consistent with our human rights concerns in Burma.

Mr. President, I believe—as we have in many other countries—the United States can advance or values and protect our national interests in Burma simultaneously. They are not mutually exclusive, and should not be treated so.

I commend the Senator of Kentucky and also the Senator from Vermont for their abiding concern for the rights of the people of Burma. I understand the motive—the very decent motive—for authoring the provision I seek to amend. My only concern is over this particular approach to achieving a very worthy objective. So let us find a way to advance the cause of freedom in Burma and reduce the flow of heroin to the streets of America.

AMENDMENT NO. 2745

(Purpose: To express the Sense of the Senate concerning the provision of spare parts and other military equipment to Peru)

At the appropriate place add the following new section:

SEC. . (a) The Senate finds the following:

(1) Since March 1995 the Peruvian government has engaged in an aggressive air interdiction program to prevent narcotics traffickers from violating Peruvian airspace for the purpose of transporting illegal narcotics to Colombia.

(2) As a result of the Peruvian interdiction program, the number of illicit flights detected in recent months has dropped to its lowest level in over three years and the price of transporting narcotics out of Peru has risen by as much as 500 percent.

(3) The inability of the traffickers to move cocaine base out of Peru has produced a glut of coca leaf and cocaine base in Peru with a resulting 50 percent decline in the price.

(4) The Peruvian government's ability to sustain the success of its interdiction program is dependent on the maintenance and upkeep of a very limited number of aircraft.

(5) As a result of the internal Peruvian political situation and the conflict earlier this year between Peru and Ecuador, the United States suspended military transfers to Peru.

(6) As much as 80 percent of the cocaine that reaches the United States comes from coca grown in Peru and the disruption of the air corridor between Peru and Colombia is important to United States counter narcotics efforts.

(7) The situation which led to the cutoff of military equipment for the air interdiction effort have been satisfactorily resolved or have progressed to a point where the cutoff of this military equipment is no longer in the interest of the United States.

(b) It is the Sense of the Senate that the President should, as soon as possible, provide limited spare parts and other military equipment to the government of Peru in support of Peruvian Air Force efforts to monitor, intercept and interdict aircraft and other forms of transportation engaged in illegal narcotics trafficking activities.

Mr. KERRY. Mr. President, last Friday the New York Times reported rather substantial increases in the price of cocaine on the streets of New York City. The article attributed this price rise to the recent arrests in Colombia of six of the seven biggest drug kingpins.

Certainly the decapitation of the Cali cartel has played an important part in disrupting the supply of cocaine, but we should not overlook the other factors at work here. I want to draw particular attention to the efforts undertaken by the Governments of Peru and Colombia to shut down illicit narcotics flights between their countries.

This air interdiction program was made possible by an amendment adopted last year by Senate during consideration of the Defense authorization bill. That amendment removed a legal impediment to sharing United States intelligence information with Peru and Colombia.

Since our intelligence sharing began earlier this year, the Peruvian and Colombian Air Forces have seized aircraft, destroyed them on the ground, forced them down and, as a last resort after complying with strict verification procedures, shot them down.

The resulting disruption in the flow of cocaine and cocaine base out of Peru has been impressive. The number of illicit flights detected in May, June, and July was the lowest level in 3½ years.

The price of transporting narcotics out of Peru has risen by as much as 500 percent. In many cases the traffickers cannot hire pilots at any price.

Constricting the flow of drugs through this critical choke point has led to an oversupply of coca leaf and cocaine base in Peru, the source country for 80 percent of the cocaine that reaches our streets.

This glut has caused the price of coca leaf and cocaine base to plummet. In parts of Peru the price is down 50 percent and there are scattered reports of farmers abandoning coca fields because it is not worth their effort to harvest the crop.

Unfortunately the air interdiction effort that is producing these noteworthy results faces a serious problem. The Peruvians cannot obtain spare parts from the United States for the A–37 aircraft that they use to intercept the traffickers planes.

The United States suspended the transfer of these parts in 1991 when President Fujimori dissolved the Peruvian legislature and threw out the constitution. The situation was further complicated by the conflict earlier this year between Peru and Ecuador.

The conditions which led to the cutoff of military equipment have evolved to the point where it is no longer productive to continue denying these parts. President Fujimori was overwhelmingly reelected in May and a cease fire holds sway in the border conflict with Ecuador. This amendment is offered as a way to encourage to the administration to rethink and modify its position.

I know that the distinguished Senator from Vermont and others have concerns bout the human rights record of the Peruvian military and I share those concerns. This amendment should not be interpreted as an attempt to open the flood gates for broad military assistance.

The only assistance I am encouraging is equipment for the interdiction program that is already in the pipeline.

The Peruvian military needs to make much more progress in the area of respect for human rights before the United States should consider other forms of assistance.

It would be a travesty if the Peruvians were forced to shut down this program because the United States would not send spare parts for two airplanes. Keeping cocaine in Peru, keeps cocaine off our school yards and street corners. I encourage the Senate to adopt this amendment.

I ask unanimous consent to have the article printed in the RECORD.

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

[From the New York Time, Sept. 15, 1995]

COLOMBIA ARRESTS RAISE PRICE OF COCAINE IN NEW YORK CITY

(By Clifford Kauss)

Only a few months after the Colombian Government began arresting the top leaders of the Cali drug cartel, law enforcement officials said the supply and potency of cocaine in New York City is dwindling, forcing wholesale and street prices to soar.

In what officials described as the most precipitous shift in almost six years, the wholesale price of cocaine has increased nearly 50 percent since May, while retail prices have gone up 30 percent. Similar increases, they said, are evident in other big Eastern cities dependent on New York-based Cali operatives for supplies.

In addition, they said, recent seizures and intelligence indicate that the size and number of shipments of cocaine into the New York area have declined. Only four months ago, Federal agents say, shipments weighing 1,000 pounds or more were coming into the city in trucks, ships and airplanes; now, they typically weight less than 200 pounds.

The shifts are also evident in the city's drug markets. Drug dealers in Washington Square Park said this week that the same gram of cocaine that sold for $50 in May now goes for $80, an increase that they said was beginning to drive away younger buyers who come to Greenwich Village from New Jersey.

''I've been around 39 years,'' said one Washington Square dealer, whispering as he gave knowing glances to prospective buyers walking through the park. ''So I know when they bust the big guys in Colombia, that's when the coke goes up.''

Law enforcement authorities cautioned that the shifts in supply and price might be temporary, evidence of another periodic realignment of international trafficking networks with little long-lasting importance. But they said that the declining sizes of cocaine shipments and five recent fatal shootings between competing drug gangs in Queens appeared to be strong signs that the world's richest drug trafficking organization is at least going through a painful period of adjustment.

''Maybe it's only a breather that is benefiting the community,'' said Peter A. Crusco, chief of narcotics investigations in the Queens District Attorney's office. ''But relatively little is coming in. The big-level people are not risking moving the cocaine.''

Officials say cocaine buyers can still find the drug in neighborhoods across the city, but New York police officials say laboratory tests show that dealers are now mixing their small bags and tins of cocaine powder with 30 percent more sugar or baking powder to stretch supplies.

On the other hand, officials say supplies and prices of crack—the cocaine-based drug of choice among many poor users—have not been affected, because its purity is low to begin with and abusers need little to become intoxicated.

Though they are encouraged by the tightened supply of cocaine, some police officials expressed concern that shortages of cocaine could eventually increase demand for heroin, which is already gaining in popularity and is mostly distributed by organized crime groups that compete with the Cali cartel.

They also worry that if drug profits continue to be stretched, street gangs competing for customers, territory and supplies could turn more violent, much as they did when crack first became popular in the late 1980's.

Investigators said information collected through wiretaps and informers indicate that supplies of cocaine are being held up in Colombia and Mexico, where they are stockpiled before moving across the border, because the leaders who once personally supervised their release are in jail or on the run.

Middle-level traffickers, the wiretaps and informers indicated, are holding back shipments, in part because they feared that the captured leaders might be trading information about cartel operations in exchange for more lenient treatment.

''The one person who moved the cocaine between Colombia and Mexico, Miguel Angel Rodriguez Orejuela, is out of commission for at least the moment,'' said a senior Drug Enforcement Administration official who spoke on condition that he not be named. ''One can logically surmise that right now there is a quandary, a state of confusion, and problems with people hooking up with the traffickers both in Colombia and Mexico.''

The most striking effect of the arrests in Colombia have so far been at the wholesale level of the drug trade, officials said, Responding to the decreased supplies, several law enforcement officials said top cocaine dealers have increased their prices to their largest distributors to an average of $26,000 per kilogram, from $18,000 only four months ago.

In Detroit, the Drug Enforcement Administration has reported an increase in wholesale prices from $22,000 to $32,000 per kilogram in the last two months alone.

A bodega owner in Washington Heights with broad knowledge of the cocaine trade in New York said the recent increase had forced middle-level dealers to drop some street sellers, shave profits, dilute their inventory and hoard supplies in case the current shortages continued.

''A lot of people are just holding onto their good stuff for when prices really go up,'' he said.

The last time cocaine prices in New York rose so much and so fast was in late 1989, when a shooting war broke out between the Medellin cartel and the Colombian Government. The Medellin group never recovered, but within months the Cali cartel picked up the trafficking slack, and prices returned to normal levels.

State Department and law enforcement officials said that Mexican trafficking groups and smaller Colombian cartels operating on Colombia's northern coast are now jockeying for new markets. Mexican traffickers have already taken control of much of the cocaine market in the Southwest, they said, and wholesale prices there have not risen as sharply as in New York.

But Thomas A. Constantine, the head of the Drug Enforcement Administration, said in a recent interview that there was no cartel waiting in the wings that could match the Cali group's financial resources, political clout in Colombia, and international trafficking connections.

''Nobody out there even compares,'' he said, saying that the Cali group had already surpassed the Medellin cartel in sophistication and resources at the time of the Medellin group's downfall.

But Mr. Constantine and other officials cautioned that it was too soon to tell how harshly the Colombian authorities would punish the six top Cali leaders they captured this year. United States officials noted that the cartel leaders were able to negotiate some of the terms of their surrender, and none have suffered confiscations of ill-gotten gains like their mountainside mansions or fleets of yachts.

In addition, the United States officials say, the cartel leaders are still able to communicate with their lieutenants sporadically through family members who visit them in jail and by paying off guards. But perhaps because their telephone conversations are being monitored, the officials say, they have not directed their underlings to release huge loads of cocaine warehoused in Colombia and Mexico.

Whatever the long-term impact, law-enforcement officials say, the latest price rises demonstrate that the cartel's top leaders direct the most minute details of their cocaine wholesale operations in the New York area. Recent captures of cartel records include items like personnel evaluations and Con Edison bills.

''We have done investigations involving wiretaps,'' said Robert H. Silbering, the Special Assistant District Attorney in charge of citywide narcotics cases, ''that show a direct link from the streets of New York to the estates of Cali.''

Mr. LEAHY. Mr. President, I have agreed to accept this amendment, because it is narrowly written and deals only with the authority to provide spare parts for Peruvian aircraft used in the drug interdiction program. It does not authorize funds on equipment for the Peruvian Army. We prohibit military aid to Peru in this bill on account of longstanding human rights concerns. We do not want to undermine that policy in any way, by providing equipment to the army for any purpose.

However, this amendment would not do that. It only permits the delivery of spare parts to permit the Peruvian Air Force to operate its drug interdiction aircraft, which I am told by the sponsor of the amendment, Senator KERRY, are having an effect. I am willing to see that effort continue if it is helping interrupt the flow of cocaine, but I cannot agree to any assistance to the Peruvian Army.

AMENDMENT NO. 2746

(Purpose: To ensure that the current proportion of economic assistance continues to be channeled through private and voluntary organizations and cooperatives)

On page 9, insert after the end of line 8 the following: ''*Provided further*, That the President shall seek to ensure that the percentage of funds made available under this heading for the activities of private and voluntary organizations and cooperatives is at least equal to the percentage of funds made available pursuant to corresponding authorities in law for the activities of private and voluntary organizations and cooperatives in fiscal year 1995:''.

Mr. PELL. Mr. President, I offer an amendment in support of the excellent work done by private, voluntary organizations and cooperatives, I believe my amendment will be acceptable to

both sides. It is cosponsored by Senators MIKULSKI, SARBANES, and SIMON.

My amendment is very simple. It says that the President shall seek to ensure that the same percentage of our economic assistance that currently is channeled through PVOs, continues to be channeled through PVOs next year. This language is identical to a provision that was included in the foreign aid authorization bill reported by the Foreign Relations Committee, and it is similar to a provision in the House-passed foreign operations appropriations bill.

I think this amendment is important because private, voluntary organizations—PVOs—are our most cost-effective vehicle for delivering foreign assistance, and in this era of shrinking budgets we simply cannot afford to abandon our partnership with them, PVOs operate in countries and circumstances in which our government cannot or will not. They not only reflect American values and generosity, but are an efficient means of delivering people-to-people assistance that has a positive and lasting impact on the lives of the poor and builds long-term friendships for the United States.

In addition to commanding broad public support, our partnership with PVOs and cooperatives leverages vast private resources. Much of the assistance we provide through PVOs is matched by contributions from corporations and private individuals. Thus reductions in the level of PVO participation in our foreign aid program could have a very damaging multiplier effect.

Unfortunately, it appears that some cuts in development assistance are unavoidable. My amendment simply seeks to ensure that PVOs are not cut disproportionately. I think it is critical that the Senate go on record in support of the tremendous work done by these organizations and I would urge that the Senate adopt my amendment.

AMENDMENT NO 2747

At the appropriate place in the bill, insert the following:

Of the funds appropriated for Turkey under the heading ''Economic Assistance'', not less than $5 million shall be made available only through non-government organizations to be used only for projects in the ten southeastern provinces currently under a state of emergency, and shall be used only for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of non-governmental organizations.

Mr. PELL. Mr. President, I am offering an amendment that directs that a small amount of our overall assistance to Turkey be used by nongovernmental organizations for specific activities in the poorest part of Turkey—the southeast. Specifically, the amendment designates that not less than $5 million of our aid to Turkey be used for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of nongovernmental organizations in the southeast. The southeast, of course, is a traditionally Kurdish area where Kurds are caught in a vise between PKK terrorism and the Turkish military.

Earlier this week, I released a report on Turkey prepared by members of the minority staff of the Foreign Relations Committee. The report, which was based upon a trip that the staff conducted in August, found, among other things, that the Kurdistan Workers' Party [PKK] poses a grave threat not only to Turkey, but to regional stability as well. According to the report, the PKK bears direct responsibility for much of the tensions in southeast Turkey and for prompting the recent Turkish invasions of Iraq.

The report also found, however, that the Government of Turkey bears much of the responsibility for the continued suffering in the southeast. The report acknowledges the great political challenges Prime Minister Ciller faces as she tries to address the Kurdish problem—a fact borne out by developments of the last several days by the fall of her government. The bottom line, however, is that the government has been unable—or unwilling—to distinguish the genuine threat posed by the PKK from the legitimate rights and aspirations of the Kurdish people. As a result, Turkey refuses to engage in a political dialog with nonviolent Kurdish representatives, and is executing a heavy-handed, indiscriminate military campaign to eradicate what it views as a monolithic threat to the unity of the country.

By equating all Kurdish aspirations with the terrorist designs of the PKK, Turkey effectively has eliminated outlets for nonviolent Kurdish political or cultural expression. As a consequence, Turkey unintentionally may be contributing to the PKK's appeal. I believe it is important to encourage Turkey to offer Kurds and other groups outlets for nonviolent expression.

One response to the well-chronicled Turkish rights violations has been to cut assistance. In fact, as many of my colleagues may be aware, the House voted to limit economic support funds for Turkey to $21 million. I propose that we take a different approach by addressing some of the very real economic needs Turkey is facing in the southeast—and to do so through nongovernmental organizations.

The Foreign Relations Committee staff visited Diyarbakir, one of the main cities in the southeast, which in many ways symbolizes the ethnic difficulties that persist within Turkey. That city has become a haven for rural Kurds forced to evacuate neighboring towns and villages destroyed by the Turkish military. By some estimates, the city's population has grown from roughly 300,000 to more an 1,500,000 during the past 5 years. Although Turkish officials, local residents, and some independent observers suggest that tensions have subsided during the past 2 years, it is evident that any existing calm is tenuous and the result of Turkey's overwhelming—and at times oppressive—security presence, which has exacted a high cost in terms of human rights violations. I believe that my amendment would have a positive impact by improving economic conditions in a very unstable area.

This amendment also sends an important message to Turkey—as it faces the challenge of forming a new government—about the need to address other underlying problems such as the lack of ethnic and cultural acceptance and human rights abuses in the southeast. Turkish officials speak of the need to increase stability in the southeast. True stability can only come with increased tolerance. This amendment is intended to bolster that effort.

AMENDMENT NO. 2748

On page 36, line 4, after the word ''Turkey'' insert the following: '': *Provided further*, That the President should seek the agreement of the Prime Minister of Turkey to permit access throughout Turkey for international humanitarian organizations which operate confidentially, and report to the Committee on Appropriations by June 1, 1996, on progress towards such agreement''.

AMENDMENT NO. 2749

(Purpose: To amend the NATO Participation Act of 1994 to expedite the transition to full membership in and cooperation with the North Atlantic Treaty Organization of European countries emerging from Communist domination)

On page 121, below line 24, add the following:

TITLE VII—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SECTION 701. SHORT TITLE.

This title may be cited as the ''NATO Participation Act Amendments of 1995''.

SEC. 702. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern

to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from Communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) Nothing in this title should be construed as precluding the eventual NATO membership of European countries never under Communist domination, namely, Austria, Finland, and Sweden.

(17) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(18) The evaluation of future membership in NATO for countries emerging from Communist domination should be based on the progress of those nations in meeting criteria for NATO transition assistance and evolving NATO criteria, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 703. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from Communist domination in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 704. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) ESTABLISHMENT OF PROGRAM.—The President may provide expanded security assistance and other related assistance to countries designated under subsection (d) to facilitate their transition to full NATO membership.''.

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

''(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

''(1) PRESIDENTIAL REVIEW AND REPORT.—Within 60 days of the enactment of the NATO Participation Act Amendments of 1995, the President shall transmit to the Congress an evaluation of Poland, Hungary, the Czech Republic, and Slovakia, as well as all other European countries emerging from Communist domination which have expressed an interest in joining NATO, in accordance with the criteria in paragraph (3) and specifically designate one or more of these countries to be eligible to receive assistance under the program established in subsection (a). The President shall provide a report of the country-by-country evaluation as well as an evaluation of each designated country's progress toward conformance with criteria for full NATO membership.

''(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the country or countries designated pursuant to paragraph (1), the President may designate other European countries emerging from Communist domination. The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country meets the criteria specified in paragraph (3).

''(3) CRITERIA.—The criteria referred to in paragraph (2) are, with respect to each country, that the country—

''(A) has made or is making significant progress toward establishing—

''(i) shared values and interests;

''(ii) democratic governments;

''(iii) free market economies;

''(iv) civilian control of the military, of the police, and of intelligence services;

''(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

''(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

''(B) has made public commitments—

''(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

''(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

''(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

''(C) is not ineligible for assistance under section 563 of Public Law 103–306, with respect to transfers of equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act; and

''(D) could, within five years of the determination of the President under paragraph (1) or (2), be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.

''(4) PROHIBITION ON FUNDING FOR PARTNERSHIP FOR PEACE ACTIVITIES OR ON FUNDING FOR THE WARSAW INITIATIVE.—Effective 60 days after the date of enactment of the NATO Participation Act Amendments of 1995, no funds authorized to be appropriated under any provision of law may be obligated or expended for activities associated with the Partnership for Peace program or the Warsaw Initiative until the President has designated at least one country to participate in the transition program established under subsection (a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking ''countries described in such subsection'' each of the two places it appears and inserting ''countries designated under subsection (d)''.

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking ''subsection (d)'' and inserting ''subsection (d)(2)''; and

(ii) by inserting ''(22 U.S.C. 2394)'' before the period at the end.

(C) Section 204(c) of such Act is amended by striking ''any other Partnership for Peace country designated under section 203(d)'' and inserting ''any country designated under section 203(d)(2)''.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

''(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

''(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account''.

''(G) Assistance under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).''.

''(H) Authority for the Department of Defense to pay excess defense articles costs for countries designated for both grant lethal and nonlethal excess defense articles.

''(I) Authority to convert FMF loans to grants, and grants to loans, for eligible countries.

(3) by inserting ''(1)'' immediately after ''TYPE OF ASSISTANCE.—''; and

(4) by adding at the end the following new paragraphs:

''(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

''(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), $5,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997 should support—

''(A) the attendance of additional military personnel of countries designated under subsection (d)(1) or (d)(2), particularly Poland, Hungary, the Czech Republic, and Slovakia, at professional military education institutions in the United States in accordance with section 544 of such Act; and

''(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.''.

SEC. 705. ASSISTANCE FOR NATO PARTICIPATION ACT DESIGNEES.

The President is authorized to obligate and expend $60,000,000 from funds made available under the Foreign Assistance Act of 1961 in support of countries designated to receive transition assistance under section 203(a) of the NATO Participation Act, as follows:

(1) Poland: $20,000,000.

(2) Czech Republic: $10,000,000.

(3) Hungary: $5,000,000.

(4) Slovakia: $5,000,000.

(5) Other European countries designated under subsection (d)(1) or subsection (d)(2): $20,000,000.

SEC. 706. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

''(2) Whenever the President determines that the government of a country designated under subsection (d)—

''(A) no longer meets the criteria set forth in subsection (d)(2)(A);

''(B) is hostile to the NATO alliance; or

''(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.

''(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

''(g) CONGRESSIONAL PRIORITY PROCEDURES.—

''(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473 (98 Stat. 1936)), except that—

''(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

''(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.''.

SEC. 707. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), as redesignated by section 705(1) of this Act, is amended—

(1) by inserting ''**ANNUAL**'' in the section heading before the first word;

(2) by inserting ''annual'' after ''include in the'' in the matter preceding paragraph (1);

(3) in paragraph (1), by striking ''Partnership for Peace'' and inserting ''European''; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

''(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met criteria for NATO membership set forth by the North Atlantic Council, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.''.

SEC. 708. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

''SEC. 207. DEFINITIONS.

''For purposes of this title:

''(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

''(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

''(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

''(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.''.

Mr. ROTH. Mr. President, I rise as a cosponsor of the Brown amendment—the NATO Participation Act Amendments of 1995.

No other issue is more crucial to European security than NATO's relationship with Central and Eastern Europe. Today, we are in the midst of an historical era, an era of transition. It is a phase in which the strategic landscape of Europe is particularly malleable—a phase that will not last forever. How the Alliance manages its relationship with the nations of this region during this period will determine whether or not Europe will ultimately have the benefits of an enduring and stable peace.

Careful, gradual, but undeterred enlargement of NATO should be the geopolitical priority of America's Europe policy. The Alliance is uniquely qualified to provide the institutional foundation for regional security and peace. No other institution combines the two necessary requisites to serve in this role: a transatlantic dimension and proven operational capability.

The Brown amendment explicitly endorses and facilitates a process of NATO expansion. Passage of this amendment is an important step toward establishing a system of European security consisting of two pillars: an enlarged NATO and a strategic partnership between the Alliance and Russia.

Since I have endorsed this legislation before in this Chamber, allow me, Mr. President, to briefly review the key reasons why we should support the process of NATO enlargement and why we should vote for the NATO Participation Act Amendments of 1995:

First, extending the Alliance's membership to the nations of Central and Eastern Europe, beginning with Poland, Czechia, Slovakia, and Hungary, will help transform this region from a source of instability into a cornerstone of peace. Both recent and long-term history show us that the region's strategic vulnerability has been a source of danger on the continent—with calamitous consequences that drew the United States into two World Wars.

Second, NATO enlargement would help facilitate the economic and political integration of this region into the West. Passage of this amendment would demonstrate America's commitment to consolidating an enlarged Europe, and it would give more incentive to all the nations of Central and Eastern Europe to continue their reforms.

Third, the extension of NATO membership to Central and Eastern Europe would positively influence the evolution of two great powers, Germany and Russia. These two nations are now undergoing very complex and sensitive transformations. The outcomes will be significantly shaped by the future of Central and Eastern Europe. NATO enlargement would further lock German interests into a transatlantic security structure and thereby consolidate the positive role Bonn plays in European affairs.

Moreover, and this leads to my fourth point, NATO enlargement into Central and Eastern Europe benefits Russia. By enhancing and reinforcing stability in Eastern Europe, an enlarged NATO would bring greater stability to Russia's frontiers and would enable Russia to direct more of its energy to the internal challenges of political and economic reform.

Mr. President, this point is too often forgotten in this debate. There has been too strong a tendency in United States policy to overreact to outdated Russian sensitivities at the expense of strategic realities and objectives central to the interests of the Alliance, as well as to the United States.

Finally, Mr. President, let me emphasize the NATO Participation Act Amendments endorse a vision of European security in a manner fully consistent with the spirit and charter of the Washington Treaty. It calls upon the President to undertake programs that will help the nations of Central and Eastern Europe prepare themselves for the responsibilities of NATO membership,

Enlargement is a process for which the Alliance has always been geared. Indeed, Article 10 of the Washington Treaty provides for the enlargement of the Alliance to any European state ''in a position to further the principals of this Treaty and to contribute to the security of the North Atlantic area.''

Mr. President, America's policies toward Europe must be structured to shape a strategic landscape that enhances economic, political, and military stability in all parts of Europe. This is in our Nation's best interest, and it is the intent of the NATO Participation Act Amendments to see such policies embraced. For this reason, I call upon my colleagues to pass this legislation.

Mr. PELL. Mr. President, I want to thank the Senator from Colorado for working with me and others to revise S. 602, the NATO Participation Act Amendments of 1995, which he and Senator SIMON introduced earlier this year. While there are still a few

changes that I hope we can make down the road, I share the amendment's goal of assisting our friends in Central and Eastern Europe to make the transition from Communist domination to greater integration with the rest of Europe. I believe that overall, the amendment before us is a vast improvement over S. 602, and I will support it.

NATO expansion is very important. In fact, the United States has taken the lead within the Alliance to address the issues thoroughly and expeditiously. Stepping up security assistance to former Communist states is critical to the Partnership for Peace initiative as well as to NATO expansion. The administration has already put forth a proposal—the Warsaw Initiative—to facilitate the participation of democratic European states in Partnership for Peace activities. The Brown-Simon amendment complements what the President is already doing in this regard. This amendment does not alter the fact that Partnership for Peace is becoming an important feature of the European security system.

This amendment sets up a series of eligibility criteria for countries to receive additional assistance leading to the transition to full NATO membership. The criteria, which include having a Democratic government and a free market economy, civilian control of the military and the intelligence services, adherence to OSCE principles, and a commitment to prevent the sale of defense articles to terrorist states, are quite appropriate and reasonable.

I want to be clear, however, that adoption of this amendment should not be taken as a signal that Congress can deem that certain countries are more ready than others for NATO membership. The 16 NATO countries have a process in place for addressing the expansion issue. That is as it should be. NATO has almost completed its internal study of expansion, which will be made public as early as next week. Then NATO will begin briefing Partnership for Peace members regarding expansion.

Under Senator LUGAR's leadership, the European Subcommittee is conducting a series of hearings to examine NATO expansion issues. To date, the subcommittee hearings have shown that the issue of expansion has not been thoroughly examined or vetted by the Congress or by the American public. The costs and responsibilities of NATO expansion have not been thoroughly examined. Therefore, any unilateral congressional determination as to which countries are ready for NATO membership is inappropriate.

This amendment does not make a pronouncement regarding NATO membership. It simply authorizes the President to help countries that are already members of Partnership for Peace, and that may be interested in full NATO membership.

I believe that this amendment strikes an appropriate balance between encouraging the administration to reach out to our friends in Central and Eastern Europe on the one hand and supporting the process among our NATO allies on the other.

AMENDMENT NO. 2750

(Purpose: To provide a substitute for the provision relating to the Korean Peninsula Energy Development Organization)

Strike all after ''that'' on p. 108 line 18 through line 10 on page 109, and insert in lieu thereof the following:

(a) in accordance with Section I of the Agreed Framework, KEDO has designated a Republic of Korea company, corporation or entity for the purpose of negotiating a prime contract to carry out construction of the light water reactors provided for in the Agreed Framework; and

(b) the DPRK is maintaining the freeze on its nuclear facilities as required in the Agreed Framework; and

(c) the United States is taking steps to assure that progress is made on (1) the North South dialogue, including efforts to reduce barriers to trade and investment, such as removing restrictions on travel, telecommunications services and financial transactions; and (2) implementation of the January 1, 1992 Joint Declaration on the Denuclearization of the Korean Peninsula.

(d) A report on the specific efforts with regard to subsection (c) shall be submitted by the President to the Committees on Appropriations six months after the date of enactment, and every six months thereafter.

Mr. MCCONNELL. Mr. President, the language in the bill takes the standards for improvements in the United States relationship with North Korea and applies them to the North-South relationship. In other words, the language codifies what I believe is our policy of parallel progress between North and South and the United States relationship with the North.

There is real concern that each time the North Koreans want something new in the way of equipment, economic assistance, or a concession, they threaten to lift the freeze.

We then inch closer in our bilateral relationship. My concern has been that this has been at the expense of the long-standing United States alliance with the South. Ultimately, I think the North is determined to drive a wedge between the South and the United States. And, their strategy seems to be working. We have responded to threats by canceling joint military exercises, offering unconditional economic aid in the form of oil, while insisting on no clear steps in the North-South dialog.

Let us keep in mind that in spite of the freeze, there is no date certain by which North Korea will come into full compliance with their treaty obligations. Indeed, I believe we have set a dangerous precedent in rewarding violations of the NPT with free reactors and economic aid.

And, the North's response? When the South recently sent a relief shipment of rice, the North captured the boat and held the crew members hostage.

I think it will have an adverse impact on stability on the peninsula if we trade away our current commitments to South Korea to secure the North's future compliance with their obligations under the NPT and IAEA safeguards agreement.

Talks are again underway again on the next phase of implementing the Framework Agreement. It will not surprise anyone to learn that, once again, the North is linking a continuation of the freeze to being granted millions more in assistance.

This time, apparently they are interested in the equipment needed to build an energy distribution grid.

Like every Member of this body, I think a freeze on North Korea's nuclear program is important—but we need to lock in that freeze—to freeze it, if you will.

At this point, it has been reduced to a negotiating chip which the North keeps recycling. Every time they want something new, the North threatens to lift the freeze.

In the last round of talks, the North was adamant that no mention be made of South Korean participation in the provision of the light water reactor covered under the Framework Agreement.

To accommodate this demand, we negotiated an arrangement where the North agreed to allow KEDO to announce the contracting decision. KEDO, in turn, announced that a reactor originally based on a United States design but modified by the South would be the reactor provided.

I gather the ambiguity of this arrangement was unsatisfactory to the South but a private letter from President Clinton to President Kim Yong Sam was sufficiently reassuring that the South Korean administration agreed to go along.

Unfortunately, side letters do not bear the same official weight as obligations spelled out in agreements. Once again, the North seems to have achieved their goal of access to energy and easing economic pressure while minimizing contact with the South.

I think it is essential to clarify just what we expect in the North-South dialog. Ambiguity will ultimately invite challenge and confrontation.

The North's opposition to a clearly defined role for the South is the threat to stability. The danger does not lie in imposing obligations that are parallel and consistent with our own—the danger lies in abandoning our current security commitments to South Korea in an attempt to obtain future compliance with IAEA and NPT requirements.

Mr. President, the principal objection the administration had to the restrictions I included in the Foreign Operations bill was the timetable I established for progress in the North-South dialog. I would like my colleagues to know that the timetable I included was exactly the same as the schedule the United States was expected to comply with in fulfilling obligations to normalize economic and political relations.

However, given the difficulty of the problem I can appreciate the administration not feeling able to move as rapidly as I would like, so I have modified the language to accommodate those concerns. The amendment I am offering on behalf of Senators BYRD, NUNN, HATFIELD, STEVENS, INOUYE, LEAHY, and myself balances our interest in clarifying our goals on the North-South dialog while giving the administration sufficient time and a measure of flexibility to advance those interests.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the subcommittee, and manager of the bill, for his flexibility in accommodating my concerns over the provision in the bill on the Korean Framework Agreement. That agreement, concluded on October 21, 1994, if properly implemented, holds the promise of relaxing tensions on the Korean Peninsula, of steering the North Korean Government off its path of nuclear weapons development, and of reducing the long-term expenditure of resources by the United States to ensure the safety of South Korea.

The agreement mainly concerns obligations entered into between the United States and the North Korean Government, but also refers to the need for a dialog between the North and South Korean Governments as well. In Provision III of the agreement, the North Korea Government has agreed to ''engage in a North/South dialog, as this Agreed Framework will help create an atmosphere that promotes such dialogue.'' The amendment which has been offered encourages progress in this regard, in particular with reference to reducing North-South barriers toward trade and investment, including removing restrictions on travel, telecommunications services, and financial transactions. If such barriers are removed, much of the suspicion, fear, and anger that infuses the North-South relationship can be mitigated, and an atmosphere of peaceful cooperation could be fostered. Such a development is certainly in the national security interest of the United States.

The amendment also requires the President to certify that the North Koreans are maintaining their current freeze on nuclear facilities, which is required in the Framework Agreement. This is the quid pro quo for United States support to the South Korean and Japanese consortium to put into place new light water reactor powerplants in the North, which will help resolve the overall nuclear issue on the Korean Peninsula.

The administration supports this amendment, and I am pleased that Senators could reach this accommodation on the language in the bill. It supports America's vital leadership role to bring peace and an atmosphere of cooperation on the Korean Peninsula, and head off any further danger that the North Koreans might pursue a nuclear option which would lead to more tension and perhaps a conflict there.

I commend the chairman, and others who have contributed to this result.

AMENDMENT NO. 2751

On page 24, line 5 add the following after ''services'': ''*Provided*, That these funds shall be in addition to funds justified for programs in the fiscal year 1996 congressional presentation documents.''

AMENDMENT NO. 2752

(Purpose: To express the sense of the Congress regarding the recent elections in Hong Kong)

At the appropriate place in the bill, insert the following:

SEC. . HONG KONG ELECTIONS.

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

(1) The right to an elected legislature in Hong Kong is guaranteed by the 1984 Sino-British Joint Declaration on the Question of Hong Kong.

(2) The United States-Hong Kong Policy Act declared the Congress's support for full implementation of the 1984 Sino-British Joint Declaration;

(3) The People's Republic of China declared in the Joint Declaration that Hong Kong would be ''vested legislative, executive and independent judicial power'' and would have ''a legislature constituted by elections''.

(4) On September 17, 1995, the highest number of Hong Kong voters ever demonstrated their commitment to democracy by freely expressing their right to vote in the Legislative Council elections.

(5) The voters of Hong Kong have overwhelmingly expressed their desire for the establishment of a fully democratic government by electing 60 Legislative Councillors for four-year terms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the people of Hong Kong are to be congratulated for exercising their right to vote on September 17, 1995;

(2) the People's Republic of China should respect the clear will of the people of Hong Kong to have a fully democratic government;

(3) the Government of the People's Republic of China should enter into a dialogue with the democratically elected representative of the Hong Kong people; and

(4) the Government of the People's Republic of China should respect the mandate of the elected members by withdrawing its pledge to abolish the Legislative Council in violation of the Joint Declaration's provisions on Hong Kong's legislature and autonomy in all but defense and foreign affairs.

Mr. PRESSLER. Mr. President, on behalf of myself and others I am offering an amendment that expresses the sense of the Congress in support of last Sunday's successful elections in Hong Kong.

Mr. President, when Mr. Christopher Patten became Governor of Hong Kong 3 years ago, he made a very important decision. He decided to allow the people of Hong Kong the opportunity to express their preference on a simple issue: democracy—yes or no?

As last Monday's New York Times editorial noted, ''Hong Kong's voters declared overwhelmingly on Sunday their preference for democracy and their doubts about Beijing's plans for the colony's future.'' Final returns from Sunday's vote show the Democratic Party led by Mr. Martin Lee won the largest number of seats, 19, in the 60-seat Legislative Council. Other pro-democracy allies will give Mr. Lee a working majority of 31.

By contrast, pro-Beijing candidates of the Democratic Alliance for the Betterment of Hong Kong won only six seats and the party's top three officials were all defeated. Regrettably, spokesmen for Beijing have not learned to lose gracefully and have resorted to threats and intimidation.

Again Governor Patten has proved to be the best analyst: ''Everybody has to recognize that Hong Kong has expressed its views about the present and the future with great clarity.''

Mr. President, the amendment I have offered congratulates the people of Hong Kong for exercising their right to vote, calls on China to respect the clear will of the people of Hong Kong to have a fully democratic government, and calls on China to enter into a dialog with the democratically elected representatives of the Hong Kong people.

I wish the people of Hong Kong well as they continue to demonstrate their clear will to maintain the cause of democracy. I urge my colleagues to support this amendment.

AMENDMENT NO. 2753

(Purpose: To impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms)

At the appropriate place in the bill insert the following.

SEC. 2. SANCTIONS AGAINST BURMA.

Except as provided in section 4, the following sanctions shall apply to Burma, effective 90 days after the date of enactment of this Act (or on such other date as is specified in this section):

(1) INVESTMENTS.—No United States national may make any investment in Burma.

(2) UNITED STATES ASSISTANCE.—United States assistance for Burma is prohibited.

(3) TRADE PRIVILEGES.—The President shall continue the suspension of special trade privileges pursuant to the Generalized System of Preferences (GSP), and shall continue the suspension of nondiscriminatory trade treatment (most-favored-nation status), with respect to Burma.

(4) IMPORTATION OF GOODS.—No article which is produced, manufactured, grown, or extracted in Burma may be imported into the United States.

(5) TRADE AND INVESTMENT TREATIES.—The United States should continue to suspend carrying out obligations under bilateral trade and investment treaties with Burma.

(6) TRAVEL RESTRICTIONS.—The Secretary of State shall prohibit the use of United States passports for travel to Burma except for travel by United States diplomatic personnel.

(7) DIPLOMATIC REPRESENTATION.—The President is urged not to accept diplomatic representation from Burma at a level greater than the level of diplomatic representation accorded the United States in Burma.

(8) FOREIGN ASSISTANCE.—The United States shall suspend assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to any foreign government which sells or otherwise transfers arms to the Government of Burma.

(9) INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS.—The United States shall withhold from each international organization that funds activities in Burma other than humanitarian activities an amount equal to

the United States proportionate share of that funding.

(10) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each financial institution to vote against any loan or other utilization of the funds of the respective bank to or for Burma.

(11) EMINENT PERSONS GROUP.—The President, acting through the United States Permanent Representative to the United Nations, should urge the United Nations to establish an eminent persons group to report on compliance by the Government of Burma with United Nations resolutions.

(12) INTERNATIONAL ARMS EMBARGO.—The President, acting through the United States Permanent Representative to the United Nations, should urge the establishment by the United Nations of an international arms embargo of Burma.

SEC. 3. AGREEMENTS TO IMPOSE SANCTIONS ON BURMA.

(a) NEGOTIATIONS WITH TRADING PARTNERS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall initiate negotiations with all foreign countries with which the United States trades for the purpose of entering into agreements with the countries—

(A) to support United States sanctions against Burma, and

(B) to cease trade with and investment in Burma.

(2) CERTIFICATION OF NEGOTIATIONS AND AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall certify to the Congress each country that—

(A) has failed to enter into an agreement described in paragraph (1), or

(B) has entered into such an agreement but is not enforcing it.

(3) ACTION BY THE PRESIDENT.—Notwithstanding any other provision of law, if a certification is made with respect to any country under paragraph (2) the President shall withdraw—

(A) any designation of such country—

(i) as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.),

(ii) as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), or

(iii) as a beneficiary country for purposes of the Andean Trade Preference Act (19 U.S.C. 3201 et seq.),

(B) from such countries the benefits of any other special tariff treatment program under which the special rates of duty apply under column 1 of the Harmonized Tariff Schedule of the United States, and

(C) most-favored-nation trade treatment with respect to any such country.

(b) APPLICABILITY.—

(1) IN GENERAL.—The provisions of this section apply to goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country with respect to which an action described in subsection (a)(3) has been taken, during the period beginning on the date that is 15 days after the date of the certification described in subsection (a)(2) and ending on the date that is 15 days after the earlier of—

(A) the date the President certifies to the Congress that such country has entered into an agreement described in subsection (a)(1) and is enforcing the agreement, or

(B) the date a certification described in section 4 is made.

(2) RATE OF DUTY DURING PERIOD DESIGNATION IS WITHDRAWN.—During the period described in paragraph (1), goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country described in subsection (a)(3) shall be subject to duty at the rates of duty specified for such goods under column 2 of the Harmonized Tariff Schedule of the United States.

SEC. 4. CERTIFICATION.

The sanctions of section 2 shall not apply upon the determination and certification by the President to the appropriate congressional committees that the following conditions are met:

(1) The Government of Burma has unconditionally released all political prisoners, including Aung San Suu Kyi.

(2) The Government of Burma has fully implemented the results of the 1990 elections in Burma, including the transfer of power to civilian authority, the protection of basic human rights, and guaranteeing the right of Burmese citizens to participate freely in the political process, assuring freedom of speech and the right of association and assembly.

(3) The Government of Burma has implemented an effective counternarcotics effort.

SEC. 5. SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA.

The Secretary of the Treasury shall instruct the United States executive director of each multilateral financial institution to vote against any loan or other utilization of the facilities of the respective institution to or for the People's Republic of China until the President determines and certifies to the appropriate congressional committees that the People's Republic of China has terminated arms sales and other arms transfers to Burma.

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF THAILAND.

The President shall withhold all United States assistance to the Government of Thailand until the President determines and certifies to the appropriate congressional committees that the Government of Thailand is fully cooperating in providing support and relief for Burmese exiles and refugees.

SEC. 7. REPORT.

Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees on—

(1) the chemical and biological weapons capability of Burma;

(2) a plan to provide United States assistance in support of the democracy movement active inside Burma;

(3) the treatment by the Government of Thailand of Burmese students, refugees, and exiles resident in Thailand; and

(4) the status of arms sales and other arms transfers to the Government of Burma, including the amount of expenditures by the Government of Burma in the acquisition of arms.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) INVESTMENT.—The term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract.

(3) HUMANITARIAN ACTIVITIES.—The term ''humanitarian activities'' means the provision of food, medicine, medical supplies, or clothing and does not include cash transfers.

(4) FINANCIAL INSTITUTIONS.—The term ''financial institutions'' includes the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(5) UNITED STATES ASSISTANCE.—The term ''United States assistance'' means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of the Act);

(B) sales, credits, and guaranties under the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) sales under title I (7 U.S.C.A. 1701 et seq.) or III (17 U.S.C.A. 1727 et seq.) and donations under title II (17 U.S.C.A. 1721 et seq.) of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945 (12 U.S.C.A. 635 et seq.).

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Mr. McCONNELL. Mr. President, in July 1989, Ong Son Sue Chi, leader of the National League for Democracy was placed under house arrest. In spite of her arrest, National League for Democracy representatives swept the elections, held the following May, winning 392 of the 485 seats in Parliament. As we all know, the State Law and Order Restoration Council, SLORC, rejected the outcome and has maintained an iron grip on Burma ever since.

While Sue Chi has now been released, today like all others for the people of Burma marks one more day of ruthless repression. The recent U.N. Special Rapporteur summed up the view of every human rights group and democratic activist I have spoken with. People are fearful that whatever they say or do will risk interrogation or arrest. In cold and dispassionate terms he reported his concern about forced labor, forced porterage, forced relocations, arbitrary killings, beatings, rape, and confiscation of property by the army.

I urge all of you to read the July National Geographic article on Burma. While holding out hope that Burma's rich natural resources will someday offer its people a prosperous future, the article describes how clearly the SLORC enriches itself using fear and intimidation to exploit both the people and the land—an opinion shared by the Wall Street Journal.

Some of you might ask why I am more concerned about Burma than other countries questionable human or political rights records. I am hard pressed to find another regime on earth that I find as insulted, self serving, and repugnant.

This is not a honorable government interested in stability and freedom. It is a dictatorship and signs cease-fires with ethnic leaders then unleashes 10,000 well-armed troops on their camps

of supporters. Last December, when Manerplaw was under attack, I offered the view that SLORC would release Sue Chi after annihilating all the groups that actively supported her democracy movement. The fall of Manerplaw generated 80,000 refugees. Today, as we speak, Karenni camps are under siege, in direct violation of a negotiated cease-fire. Twenty thousand civilians have fled the fighting.

SLORC is not a responsible government interested in development—it is a corrupt dictatorship driven to protect its power and wealth. While people starve, this regime has spent 45 percent of its budget on arms.

Unlike China, where I believe economic liberalization is benefiting hundreds of thousands of people and leading to political change, only SLORC officials and their cronies benefit in Burma. I think that is why there is unanimous support for this legislation from Burmese student, ethnic and democratic leaders alike.

Before talking about the bill, I want to take just a minute to discuss why I think it is important to move legislation at this point.

As we redefine our priorities in the post-cold-war world, there is an urgency to transnational threats. I put international narcotics trafficking and crime at the top of my list of concerns.

In 1986, 15 percent of the heroin coming into this country was coming from Asia, now it's 65 percent. Just as important is the purity. National and local law enforcement officials in Kentucky tell me that 10 years ago, heroin on our streets was 2 to 3 percent pure. Today it's anywhere from 25 to 65 percent pure.

Heroin trafficking is a serious national security threat.

In a Foreign Operations Subcommittee hearing I recently asked the Assistant Secretary of State for Asia, Win Lord, several questions on Burma, SLORC, and the narcotics problem. His response offers insight into why I think we should press to isolate the SLORC.

Since SLORC has an enormous security apparatus with a tight grip on the nation, I asked him what were the major impediments to an effective counternarcotics effort. He said,

> What is going to solve the problem over the long run is a popular, representative open government—all other efforts are minuscule compared to whether you have an open system there.

I agree.

Last November a senior State Department official issued an ultimatum to the SLORC—bilateral relations would only improve if there was progress on human rights, democracy, and counternarcotics. No one disputes, inside or outside the administration, that we have seen a real deterioration on all fronts. Unfortunately, the administration has failed to follow through. A few weeks ago, Ambassador Albright visited Burma. According to news accounts she reiterated the November message—we want to see improvements.

SLORC must be wondering by now—improvements, or what?

What are the real consequences? So far, none.

Which is why I have decided to move forward with this legislation. Let me turn now to the contents of the amendment.

I think we would all agree that unilateral sanctions are not as successful in applying pressure to a government as an international effort. There are several provisions which address U.S. unilateral action including banning investment, trade, imports, aid and support through international financial institutions. I also require the President to initiate negotiations to secure support with our trading partners for international sanctions. Countries failing to reach agreement on an embargo will risk their MFN and and GSP status.

At this point, after years of self-imposed exile, there is very little foreign investment in Burma. I am willing to guess that few nations will be willing to put their existing trading relationship with the United States at risk for potential future financial gain in Burma.

The amendment also requires the executive director at international financial institutions to vote against loans to China if the PRC continues to sell or transfer arms to Burma. The State Department estimates that SLORC spends 45 percent of their budget on weapons—arms used solely to terrorize their own citizens.

The amendment will also suspend United States assistance to Thailand if there continues to be a lack of cooperation in the provision of relief and support to students, refugees, and democratic activists living in exile. Students and leaders have been arbitrarily detained, arrested, had their offices broken into and documents removed. The problems are usually resolved when various officials are paid so-called fees and fines. I am not suggesting that there is a condoned program orchestrated by the Thai Government at work, but I do think there should be a more serious effort to control the conduct of rogue officials.

The amendment also requires several reports among which is one on SLORC's chemical and biological weapons capabilities. In the attacks carried out last year against various camps, thee were a number of eyewitness accounts of the use of some kind of toxic substance. I understand clothing and other items have been turned over to the U.S. labs for analysis. I earnestly hope the report advises us that there is no reason to believe the SLORC has a CBW capability.

Let me conclude with a personal observation made recently by an International Red Cross official with years of experience in Asia. After dragging their feet for 7 years, the SLORC recently rejected the ICRC's request for access to political prisoners. Although they stand ready to return at any point, the ICRC decided to withdraw in July because SLORC will not grant them the simplest of terms, which 59 other countries accept, that being unsupervised, regular access to political prisoners. I think at one point SLORC offered access to Sue Chi, but she courageously declined asking that she not be given any preferential treatment not offered to other political prisoners.

When asked when and why the talks collapsed, this official said,

> Last summer when they started to really make money. SLORC realized they could secure their position and their wealth without paying any political price.

Shortly after she was released, SUU CHI cautiously welcomed this legislation saying,

> These are very tough sanctions. They—the sponsor—have shown they are interested in how the democracy movement progresses. I am very grateful for it.

In July she was reluctant to directly call for a ban on investment fearing retaliation by SLORC. Now that months have passed with no progress she has taken a tougher stand. In a recent interview with an Australian journalist she called for a suspension of foreign investment until real progress on the democratic front has been achieved.

I think it is important that we respect and promote that agenda. Keeping the pressure on SLORC will assure that her release is translated from a symbolic gesture to freedom and democracy for all Burmese.

Mr. President, let me conclude by noting this initiative is supported by a wide variety of organizations and individuals including Nobel Laureate Betty Williams and Desmond Tutu, the AFL–CIO, the Democratic Burmese Students Organization, the National Coalition Government of the Union of Burma, the American Baptist Convention, the Asian-American Civic Alliance, and the United Front for Democracy and Human Rights in Burma. I have also heard from ethnic leaders endorsing the approach including ministers representing the Karen, Karenni, and Mon people. I ask unanimous consent to print in the RECORD letters from some of the these groups.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA, OFFICE OF THE PRIME MINISTER,
Washington, DC, March 29, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR MCCONNELL: I have recently learned of your intention to introduce a bill to impose US economic sanctions on Burma. On behalf of the democratically elected government of Burma, I am writing to give you my wholehearted support as well as that of my government in your effort.

The imposition of sanctions should never be taken lightly. Any measure designed to constrict the economy of a country will cause some degree of hardship to the people. However, I believe, and the democratic forces working to liberate our country believe, that foreign investment serves to

strengthen the outlaw State Law and Restoration Council (SLORC). It is providing SLORC with the means to finance a massive army and intelligence service whose only job is to crush internal dissent. SLORC controls all foreign investment into Burma and channels contracts to the military and its party officials. Unlike other countries, investment will not serve to create a middle class of entrepreneurs, only reinforce allegiance to a regime that has murdered tens of thousands of people whose crime was the desire for democracy and to live in a free society. SLORC is in desperate need of foreign currency. Cutting off access to US funds will be a severe blow to SLORC.

Your decision to move forward on this issue will not be popular with the US business community or countries in Europe and Asia. There are many who place trade and money over Burma's deplorable narcotics, political, and human rights record. I applaud your courage and will do everything in my power to see you succeed.

The United States has a very special place in the hearts of my countrymen. During the massive democracy demonstrations in 1988, students could be seen marching in Rangoon carrying American flags and demonstrating in front of the US Embassy. Supporting us in our struggle is the International Republican Institute. This organization funds pro-democracy activities inside Burma. The Burmese people desperately want what Americans have: the ability to live in peace without fear of government persecution, respect for human rights, and social justice. American ideals will always be a symbol for what we can achieve.

I want to personally thank you for your leadership and raising your voice to support those who are oppressed. I look forward to assisting you in any way possible.

With my highest consideration,

Yours Sincerely,

(SEIN WIN),
Prime Minister.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATION,
Washington, DC, February 6, 1995.

Hon. WARREN CHRISTOPER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: I write to you to express my strong concerns about the continuing egregious behavior of the State Law and Order Restoration Council (SLORC) regime of Burma. Directly contradicting its claims that it seeks peace and national reconciliation, SLORC sent the Burmese army to viciously attack, capture and sack Manerplaw, the headquarters of the Karen people and key base area for many groups, including the Federation of Trade Unions Burma (FTUB), seeking to restore democracy in Burma.

We believe that the blatant, unprovoked attack on Manerplaw is a major setback for the cause of democracy in Burma and merits a strong response from the U.S. Government. In the ''two visions'' policy laid out by Deputy Assistant Secretary Hubbard during his visit to Rangoon, the U.S. indicated that, if progress by SLORC on issues of democracy and human rights was not forthcoming, the U.S. would renew its campaign to isolate the regime. In line with this policy, now is the time for the U.S. to show, by actions, that it is serious.

Accordingly, we urge the U.S. Government to implement a full trade and investment embargo against Burma. Since most U.S. investment enters Burma through joint ventures with SLORC government agencies or entities wholly controlled by the regime, implementing sanctions would have a direct impact on the ability of the SLORC to repress its people and conduct war on groups opposed to this illegitimate government. The withdrawal of the Commercial Officer from the U.S. Embassy in Rangoon would further underscore this message. We also renew our call for the U.S. Government to exert pressure to block development and aid projects of international institutions that benefit the SLORC.

Sincerely,

LANE KIRKLAND,
President.

ASIAN-AMERICAN CIVIC ALLIANCE,
Ft. Lauderdale, FL, July 10, 1995.

Hon. Senator MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR: We are very grateful of your great effort which have contributed towards the release of Aung San Suu Kyl.

We hope that you will continue to assist bring Democracy in our beloved country, Burma.

Please continue your most powerful Bill against the Military Regime in Burma so that the 43 millions Burmese—every citizen can enjoy the Democracy and human rights in their life time once again over there.

We support you wholeheartedly.

With Sincerity and respect,

KYIN HO, M.D.,
President.

OFFICE OF THE SUPREME HEADQUARTERS, KAREN NATIONAL UNION,
Kawthoolei, September 5, 1995.

Hon. Senator MCCONNELL,
U.S. Congress,
Washington, DC.

DEAR SENATOR: We are much impressed and encouraged to hear that you are to submit the bill as intended in Congress next month, for imposing trade sanctions on Burma.

Apart from releasing Daw Amg San Sun Kyi from detention, the SLORC has not taken any step for democratic reform. Nearly one thousand political prisoners detained unjustly by the SLORC are still in prison. Forced labor, midiscriminate killings and human rights violations are still being committed on a wide scale by the SLORC army troops. Cease-fire agreements between the SLORC and the ethnic groups, remain to be a temporary arrangement without any progress toward agreement for lasting peace and stability. In the case of Karemi, hostilities have broken out again as the SLORC troops violated the cease-fire terms.

With regard to us. the SLORC has been avoiding with excuses the materializing of talks, while it has been massing 101 battalions of troops against our areas. Military operations have already begun in some of our areas even when the rainy season is in full force. This shows that the SLORC's so-called ''policy of national reconciliation'' is only an expedient measure in its attempt to perpemate the military dictatorship.

In conclusion, we would like to say that we are firm in our support for you with regard to your effort to have trade sanctions imposed on Burma. We pray for your success and send our best wishes and regards to you and our colleagues.

Sincerely,

SAW BO MYA,
President.

UNITED FRONT FOR DEMOCRACY AND HUMAN RIGHTS IN BURMA,
North Potomac, MD, July 10, 1995.

Hon. MITCH MCCONNELL,
U.S. Senator,
Washington, DC.

DEAR MR. SENATOR: On behalf of the United Front for Democracy and Human Rights in Burma and its affiliated organizations such as Burma America Fund, Burma-Canada Society and the United States of Burma Relief Fund Committee, as well as the people of Burma inside and outside the country, I wish to convey our most sincere appreciation of the continuing efforts you have been making for the down-trodden peoples of Burma.

In particular, we would like to express our appreciation of the bill to impose trade and economic sanctions against the military regime in Burma. We understand that you will go ahead with the sanction bill as you said it would be more important than ever to maintain the pressure on the SLORC to fully implement the results of the 1990 election, and to restore democracy and human rights to Burma. We agree with you entirely that the release of Daw Aung San Suu Kyi alone would not solve the problems in Burma, Still there are hundreds of political prisoners being detained and the military is still continuing its reckless campaign against the ethnic minorities, in particular the Karennis with whom the SLORC signed a cease-fire only in March 1995. In violation of the cease-fire agreement, the SLORC sent four battalions into the cease-fire designated area and fighting is now going on between the SLORC troops and the Karennis.

While we welcome with great pleasure the release of Daw Aung San Suu Kyi, the symbol of Burma's democracy movement, we feel that this is just a beginning in the long process of peace-making and restoration of human rights and national reconciliation in Burma. With the history of the cunning tactics that has been used by the brutal regime, we have to wait and see if the SLORC is going to change its ways to bring about genuine democracy and follow a national reconciliation process that will lead to the early establishment of a genuine democratic government by immediately transferring the administration to the elected representatives of the 1990 elections and to form an interim government led by Daw Aung San Suu Kyi, who is the only Burmese national leader loved and respected by all the peoples of Burma.

Until it is definite that the democracy process is assured, just as in South Africa after the release of Nelson Mandela, the sanctions that you proposed should be imposed. We are confident that the international community would agree with this approach.

We wish to repeat our wholehearted support of your efforts and thank you again for your unrelentless efforts for the cause of democracy and human rights in Burma and elsewhere in the world.

Yours sincerely,

U BA THAUNG,
Chairman.

HUNTSVILLE, TEXAS,
July 6, 1995.

Senator MITCH MCCONNELL,
Russell Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: I wish to take this opportunity to offer my support to the initiative you are preparing to undertake on behalf of my sister laureate Aung San Suu Kyi and the people of Burma. It has been brought to my attention that you intend to introduce legislation on July 11, 1995 which will ban all U.S. foreign investment in Burma.

On June 26, 1995, while commemorating the 50th Anniversary of the United Nations, Bishop Desmond Tutu, Lech Walesa, Oscar Arias Sanchez and myself presented a letter to the United Nations which included the signatures of seven other Laureates asking for the release of Daw Suu. The letter stated, ''She has endured six long years of solitary detention without trial at the hands of the military regime. There is no sign at all of her release. We resolutely oppose political oppression disguised as criminal detention.'' Bishop Tutu, in a statement to a forum at the UN Anniversary called for sanctions to be imposed on Burma.

This legislative initiative is long overdue and will play a critical role in bringing about a transfer of power to the democratically elected 1990 representatives, allowing them to take their rightful (and legitimate) seats in parliament.

I offer congratulations for implementing this endeavor and hope that your colleagues in the Senate will join you in this worthy effort which I hope will lead to a political dialogue and settlement of the Burma conflict and, most importantly, democracy in Burma.

Most sincerely,

BETTY WILLIAMS,
Nobel Laureate 1976.

AMENDMENT NO. 2754

At an appropriate place in the bill add the following new section:

Sec. . SENSE OF THE SENATE ON THAILAND.

(a) FINDINGS.—The Senate makes the following findings—

(1) the Royal Thai Government has had a policy of not supporting or cooperating with the Khmer Rouge; and

(2) Thailand is host to large numbers of persons displaced from neighboring countries, including Burma, placing a significant burden on Thailand's economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should—

(1) affirm to the Royal Thai Government the support of the United States for that Government's policy not to support or cooperate with the Khmer Rouge and encourage the Royal Thai Government to prosecute vigorously its efforts to prevent cooperation between individual members of the Royal Thai Armed forces and the Khmer Rouge; and

(2) take appropriate steps to assist the Royal Thai Government in providing and facilitating relief to displaced persons from Burma and other neighboring countries and to encourage that Government to fully cooperate in such relief efforts.

Mr. COHEN. Mr. President, last year, Mr. President, the foreign operations conference report contained a provision that caused serious difficulties in our relationship with Thailand.

The provision conditioned military education and training for Thailand and required a report on the Thai military's support for the Khmer Rouge.

This provision was viewed by in Thailand as a ban on military education and training and an accusation that the Government of Thailand was providing support for the Khmer Rouge. The provision was, in fact, somewhat more subtle than that, but this was nonetheless the perception in Thailand and was the basis for the Thai reaction.

This came at a sensitive time in United States-Thai military relations, as the United States sought Thai approval to deploy six Army prepositioning ships off the Thai coast to support potential combat operations in Korea or the Persian Gulf. As chairman of the Seapower Subcommittee of the Armed Services Committee, which is responsible for projection forces such as these Army prepo ships, I can assure Members of the Senate that prepositioning more equipment in Asia is critical to defend our interests.

If we had not cut the Defense budget for 11 straight years, perhaps we could afford to preposition such equipment in both the Persian Gulf and Korea. But we only have the money for one set of equipment, and so we must deploy it in a location where it can swing in a short time to either Korea or the gulf.

The United States military—and the Thai military—were quite optimistic that Thai approval could be obtained for putting these prepo ships off the shores of Thailand, a long-time ally. But the issue became a political hot potato in Bangkok and our request was denied.

The foreign operations provision on IMET and the Khmer Rouge was not the only factor in making this politically sensitive in Thailand, but it was a factor. I was in Bangkok immediately after the Thai denial and know that the foreign operations provision drew great attention in the Thai media and great resentment in the Thai Government, which unfortunately was exacerbated by similar accusations about Thai Government support to the Khmer Rouge from an Australian official.

Beside contributing to the denial of the request to preposition ships, the foreign operations provision nearly led Thailand to terminate its support for our military advisory group in Thailand, which is responsible for arranging Thai purchase of United States-produced military equipment.

The great irony is that the concern about Thai Government support to the Khmer Rouge is off target. Thai Government support for the Khmer Rouge was a legitimate concern at one time. But well before the foreign operations provision was enacted, the Government of Thailand adopted a policy of not supporting or cooperating with the Khmer Rouge. United States officials in the best position to know confirm that the Thai Government has adhered to this policy. Thus the Thai Government and the Thai people have a reasonable basis for being upset when accusations are made.

As one Thai official told reporters at the time,

> One has to wonder at the American timing. They come here asking for a tremendous favor at a time when their Congress is threatening us over what we believe to be a nonissue.

I do not mean to suggest that there are no Thai military personnel engaging in any cooperation with members of the Khmer Rouge. We can, should, and are encouraging the Thai Government to work energetically to prevent such cooperation by individuals or groups of personnel deployed in the field. But our military alliance with Thailand, the value of which stretches from the oil fields of the Persian Gulf through the booming economies and vital sealanes of Southeast Asia to the Korean DMZ, cannot be made a hostage to such freelancing.

Are we going to suspend military cooperation with certain NATO allies because, according to credible press reports, some of their troops deployed as peacekeepers in Bosnia have engaged in unprofessional and even heinous acts?

And so, Mr. President, rather than repeating last year's mistake by gratuitously and even mistakenly criticizing the Thai Government, we should correct the record.

Similar considerations apply on the question of Burmese migrants in Thailand. Last year's foreign operations bill required a report on ''the Thai Government's efforts to impede support for Burmese democracy advocates, exiles, and refugees'' and did so in a way that seemed to link this issue to the imposition of conditions on Thailand's participation in IMET.

The bill completely ignored the heavy burden imposed on Thailand's economy over a period of many years by the large numbers of Burmese and migrants and refugees from other countries in the region who have made their way to Thailand. The bill completely ignored the assistance Thailand is providing to these migrants and refugees, as well as Thai facilitation of the assistance provided by private and international relief agencies.

Mr. President, I would like to quote from some official statements about Thailand's treatment of displaced persons.

State Department spokewoman Christine Shelley, January 1995:

> It has been Thai policy over the years to provide refuge to displaced persons, including Burmese, for as long as it is unsafe for them to return to their place of origin. We commend the Thai for this humanitarian policy.

The Foreign Minister of Australia, January 1995:

> Thailand has a good record of sheltering previous waves of Burma border-crossers.

The United Nations High Commissioner for Refugees' Representative in Thailand, January 1995:

> Permit me to express to . . . the Royal Thai Government the international community's gratitude for the temporary asylum and asistance that Thailand is providing in the border area with (Burma), until such time as conditions in that country are conducive to the return of the affected population in conditions of safety and dignity.

A coalition of human rights groups in Burma and international human rights groups, February 1995:

> We thank the Royal Thai Government for their magnanimous and benevolent treatment of the thousands of Burmese refugees taking shelter on Thai territory.

In direct response to the accusations of Thai Government interference with relief to displaced Burmese, Secretary of State Christopher earlier this year reported to the Congress that:

Royal Thai Government treatment of Burmese democracy advocates, exiles, and refugees is generally humane and in accord with international norms. The Royal Thai Government does not, as a matter of policy or practice, impede humanitarian support for non-combatant Burmese in Thailand.

Thailand may not do everything for the 200,000 Burmese migrants and refugees that some might like, including allowing the use of Thailand as the launching pad for political attacks on a well-armed neighbor with whom Bangkok has no choice but to maintain a constructive relationship. While it is easy for to tweek Burmese generals from Washington, the Thais do not have a buffer of 12 time zones.

I would also note that Thailand has adhered to the Comprehensive Plan of Action, the U.N.-sponsored plan for handling Vietnamese and other migrants and refugees in the region. In contrast, the 104th Congress has called the CPA into question, triggering riots at migrant camps across Southeast Asia. Yet some think it appropriate for Congress to freeze United States aid and cooperation with Bangkok until it improves its treatment of migrants in Thailand.

Throughout Southeast Asia the question of whether America intends to remain engaged is asked constantly by political, business, and military leaders who must calculate with which big power to cast their lot. Clearly, Mr. President, if this is the way we treat our allies in the region, few will view us as reliable or even reasonable partners.

Accordingly, Mr. President, I am offering this amendment. After last year's mistake by Congress, it would set the record straight by acknowledging that the Government of Thailand has had a policy of not supporting or cooperating with the Khmer Rouge and is host to large numbers of displaced persons from neighboring countries, placing a significant burden on the Thai economy.

It also expresses the sense of the Senate that the President should affirm to the newly elected Thai Government United States support for this Thai policy, established by the last government, against the Khmer Rouge. It also calls on the President to encourage the Thai Government to vigorously pursue efforts to prevent freelancers in the military from violating this policy.

With regard to Burmese in Thailand, the amendment would call on the President to encourage Thailand to fully cooperate with relief efforts. And, since it is not enough to criticize and cajole, it would call on the President to take appropriate steps to assist Thailand in such efforts.

I believe that this is a more constructive approach than gratuitously and even erroneously slamming the Thai Government, and I hope that it will help to salve some of the wounds from last year's ill-considered provision.

I urge Senators to support this amendment.

AMENDMENT NO. 2755

Add the following new Section to Title V:

EXTENSION OF TIED AID CREDIT PROGRAM AND AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT

SEC. . EXTENSION OF TIED AID CREDIT PROGRAM.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking ''1995'' and inserting ''1997''.

(b) Section 10(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(e)) is amended by striking ''1993, 1994, and 1995'' and inserting ''1996 and 1997''.

SEC. 102. AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT.

(a) Notwithstanding section 4701(a)(1)(A) of title 5, United States Code, the Export-Import Bank of the United States may conduct a demonstration project in accordance with section 4703 of such title 5.

AMENDMENT NO. 2756

On page 45, line 4, after the word ''funds'' insert the following:

''*Provided further,* That of the funds appropriated under this heading, not less than $1,000,000 shall be made available to UNIFEM.

AMENDMENT NO. 2757

At the appropriate place, insert the following:

CONVENTIONAL WEAPONS REVIEW

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are ''slow-motion weapons of mass destruction''.

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the one year period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period for the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license for export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—

For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—(A) The term ''antipersonnel landmine'' means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(B) The term ''antipersonnel landmine'' does not include command detonated Claymore munitions.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term ''1980 Conventional Weapons Convention'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

AMENDMENT NO. 2758

(Purpose: To extend the authority to administer au pair programs through fiscal year 1999.)

At the appropriate place in the bill, insert the following new section:

SEC. _____. EXTENSION OF AU PAIR PROGRAMS.

Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking ''fiscal year 1995'' and inserting ''fiscal year 1998''.

AMENDMENT NO. 2759

Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided,* That this section shall not apply with respect to any accounts for which a general authorization of appropriations for fiscal year 1996 is enacted in law on or before April 1, 1996.

AMENDMENT NO. 2760

(Purpose: To limit the availability of funds for the Government of Haiti until certain human rights conditions are met, and for other purposes)

At the end of the last committee amendment, insert the following:

SEC. _____. LIMITATION ON ASSISTANCE FOR HAITI.

(a) LIMITATION—None of the funds appropriated or otherwise made available by this Act or any other Act may be furnished to the

Government of Haiti until the President determines and reports in writing to the Congress that—

(1) the government of Haiti has conducted or is conducting a thorough and professional investigation into, and prosecution of those responsible for the murder of Mireille Durocher de Bertin on March 28, 1995, and other possible cases of political or extrajudicial killings, including the 20 cases of ''commando-style executions'' cited by the United Nations/Organization of American States International Civilian Mission in Haiti on September 12, 1995;

(2)(A) the police and security forces of Haiti are not assassinating or abducting civilians, are not engaging in other acts of violence directed at civilians, and are controlling such activities by elements subject to the control of those forces; or

(B) the government of Haiti is investigating effectively the members within its police and security forces engaged in acts of violence against civilians, and has put in place effective policies to deter and punish such activities in the future.

(3) the Government of Haiti has actively sought and encouraged a law enforcement service from outside Haiti to assist and monitor investigators of the Government of Haiti in their investigation of the murders cited in section _____(1) above; and

(4)(A) the Government of Haiti has cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder; or

(B) the Government of Haiti has not cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder, in which case the President shall submit a detailed accounting of the areas of non-cooperation and his assessment of all the reasons for such non-cooperation by the government of Haiti.

(b) REPORT.—Not later than 60 days after enactment of this section, the President shall report to the appropriate committees of Congress, based on information available to him, on the identity or identities of those responsible for the murder and any subsequent coverup, and on the status of the Government of Haiti's investigation of:

(1) the murder of American citizen Richard Andre Emmanuel on February 13, 1991;

(2) the murders of Bastian Desrosiers, Stevenson Desrosiers, Jacques Nelio, Pierre Schiller and Louis Walky on July 26, 1991;

(3) the murder of Reverend Sylvio Claude on September 17, 1991;

(4) the murder of Roger Lanfontant on September 29, 1991;

(5) the murder of Antoine Izmery on September 11, 1993; and

(6) the murder of Minister of Justice Guy Malary on October 14, 1993.

(c) HUMANITARIAN ASSISTANCE.—Nothing in this section shall be construed to restrict the provision of humanitarian or electoral assistance to the Haitian people by non-governmental or private voluntary organizations.

(d) WAIVER.—The President may waive the requirements of this section if he determines and certifies to the appropriate committees of Congress that it is necessary to facilitate the safe and timely withdrawal of American forces from Haiti.

Mr. DOLE. Mr. President, it has been almost exactly 1 year since the United States sent military forces to restore President Aristide to Haiti. The purpose of U.S. military intervention was to promote democracy and increase observance of human rights. President Clinton argued that American national security interests were at stake in Haiti. I disagreed with President Clinton, and I opposed U.S. military intervention in Haiti.

Many of us were concerned that the invasion and occupation of Haiti would not substantially change Haiti, and could lead to unnecessary casualties. We were also concerned that it could be very difficult to withdraw American forces once committed to Haiti.

We should be clear about what American intervention has achieved—Cedras and the thugs that ran Haiti for 3 years are gone. Human rights violations have decreased. The lifting of the economic embargo on Haiti has resulted in some economic activity, and thanks to the professionalism and bravery of American Armed Forces, American casualties have been limited. However, one American soldier, Sgt. 1st Class Gregory D. Cardott, 36, was shot to death January 12 in Gonaives, Haiti.

Mr. President, we should also be clear about the lack of success in the American intervention in Haiti. The stated purpose of American intervention in Haiti was to restore democracy—not just to restore Aristide, but to restore democracy. Elections have been held, but Haiti has failed the democratic test. The initial June 25 elections were, by objective accounts, deeply flawed. A report from the Carter Center and former National Security Council member Robert Pastor concluded: ''Of the 13 elections that I have observed, the June 25 Hatian elections were the most disastrous technically, with the most insecure count.'' Pastor further states that he witnessed ''the compromise of one-third of the ballot boxes in Port-au-Prince.'' Pastor concludes that ''the international community will not help Haiti's democratic process by being silent or dishonest. It has a responsibility to insist that the parties' concerns be effectively addressed.'' The OAS concluded that it could not determine whether the election was free and fair.

The human rights situation in Haiti is not something America should be proud of. The joint United Nations Organization of American States International Civilian Mission in Haiti has identified some 20 cases of ''commando-style'' executions in which theft does not seem to have been the motive. Some might argue that Haiti should not be held to a high standard, or that there have not been enough killings to be concerned. I disagree. The standard should be much higher for a country which was invaded and occupied by American military forces. The Government of Haiti was put in place by American military power. That makes the situation fundamentally different from a country like El Salvador where we simply provided military assistance.

Mr. President, the American people have seen more than $2 billion of their tax dollars go to the Hatian operation. All this amendment says is do not send any more money to the Hatian Government unless the President certifies they are not conducting political assassinations. The amendment is modeled after many similar provisions supported by Democrats throughout the 1980's. In addition to certification on political killings by Haitian Government forces, it addresses the issue of Haitian cooperation with the FBI. On March 28, 1995, a Haitian political opponent of President Aristide was killed in broad daylight. President Clinton promptly offered the services of the FBI to investigate the brutal slaying. At one time, 20 FBI special agents were in Haiti. The result of their efforts—the Government of Haiti stonewalled, harassed, and refused cooperation. A high-priced Miami law firm suddenly entered the picture to represent members of the Haitian Government forces that the FBI sought to interview. And yesterday, the Government of Haiti released four Haitians charged with the crime for ''lack of evidence.'' This is not justice, this is an outrage. This is not good faith, it is an affront to the risks undertaken by the men and women of the American Armed Forces to democratize Haiti.

My amendment says enough is enough. No aid unless our concerns are met. I urge its adoption and ask unanimous consent that the September 20 Reuters article dealing with the death of Mireille Durocher Bertin and the release of the suspects be printed in the RECORD.

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

FOUR HAITIAN SUSPECTS FREED FOR LACK OF EVIDENCE

PORT-AU-PRINCE.—Four people arrested six months ago in connection with the killing of a leading opponent of Haitian President Jean-Bertrand Aristide were freed Tuesday for lack of evidence, diplomatic and family sources said.

Those freed included brothers Eddy and Patrick Moise, members of the Front for United Militants, a far-left paramilitary group with alleged ties to Libya, who were arrested March 19 for allegedly plotting to kill lawyer Mireille Durocher Bertin.

An ardent defender of former military chief Lt. Gen. Raoul Cedras, Bertin and a client of hers, Eugene Baillergeau, were gunned down on a busy street in the capital March 28—nine days after the arrest of the Moise brothers.

''It doesn't mean they are not guilty,'' said a diplomat, who spoke on condition of anonymity. ''But there is just no evidence, no evidence acceptable in a court of law.''

Also freed were Haitian-American Claude Douge and his wife Evelyn.

''If anything had happened to these people in jail it would have been a huge embarrassment for the government,'' the diplomat noted.

The spectacular daytime killing prompted alarm among Republicans in the U.S. Congress that Aristide, ousted in a 1991 coup,

may have sanctioned acts of vengeance against his political opponents since his restoration to office by U.S.-led multinational troops in October.

But F.B.I. investigators who arrived in Haiti a day after the double assassination have not turned up any findings and diplomats say there is no evidence linking Aristide to a recent string of professional-style murders.

The decision to release the four detainees came a few days after two former army supporters, imprisoned on charges of plotting to destabilize the government during pre-Lenten carnival celebrations, were also freed for lack of evidence.

Observers said the government was responding to pressures from human rights groups and Republicans in Congress who have repeatedly threatened to cut aid to the Aristide government.

AMENDMENT NO. 2761

(Purpose: To increase the total value of defense articles and defense services which may be transferred to the Government of Bosnia and Hercegovina under the legislation)

In subsection (b) of the section entitled ''AUTHORITY TO ASSIST BOSNIA-HERZEGOVINA'', strike ''$50,000,000'' and insert ''$100,000,000''.

Mr. DOLE. Mr. President, I offer an amendment which would amend Section 540(b) to increase the Department of Defense draw down authority in this bill for Bosnia and Herzegovina from $50 million to $100 million. I am joined by the distinguished chairman of the Foreign Relations Committee, and the distinguished Senator from Connecticut, Senator LIEBERMAN. This authority could be exercised pursuant to either a lifting of the United Nations arms embargo on Bosnia or a unilateral lifting of the United States arms embargo.

Mr. President, there is no doubt that the majority—an overwhelming majority—of the United States Congress supports lifting the arms embargo on Bosnia. And there should be no doubt that some time in the not so distant future the arms embargo will be lifted. Under what circumstances, I am not certain. It will depend on developments over the next couple of weeks.

Nevertheless, we need to be prepared to provide the Bosnians with meaningful military assistance—whether in the context of continued fighting or as part of a settlement. In spite of the recent administration euphoria over prospects for peace, according to news reports today the Bosnian Serbs violated the no-fly zone and conducted air strikes on Bosnian and Croat positions. These planes reportedly came from Banja Luka airfield—which escaped the wrath of the NATO bombing campaign. The fact is that the war is not over.

Passage of this measure will also facilitate Senate consideration of the Multilateral Bosnia and Herzegovina Self-Defense Fund—introduced by Chairman HELMS—which would create a multilateral fund for contributions from the United States and other countries for the defense of Bosnia. These contributions of equipment or financial aid would be held in a U.S. chaired fund until the U.S. arms embargo is lifted.

Mr. President, the arms embargo has prolonged the war in Bosnia. If it had been lifted 3½ years ago, the war would have been over—with far less suffering. Moreover, a couple weeks of NATO air strikes do not substitute for allowing a sovereign nation to defend itself. This issue may be delayed, but cannot be avoided.

I hope that my colleagues will support this measure, as they have supported lifting the arms embargo on Bosnia.

AMENDMENT NO. 2762

(Purpose: To establish the Croatian-American Enterprise Fund and make available funds to support the Fund)

At the appropriate place in the bill, insert the following new section:

SEC. . CROATIAN-AMERICAN ENTERPRISE FUND.

(a) DESIGNATION OF FUND.—The President shall designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to Croatia in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989. Such organization shall be known as the ''Croatian-American Enterprise Fund''.

(b) APPLICATION OF SEED ACT.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to the Croatian-American Enterprise Fund. The officers, members, or employees of the Croatian-American Enterprise Fund shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $12,000,000 for fiscal year 1996 to fund the Croatian-American Enterprise Fund established under subsection (a).

(2) Funds appropriated under this subsection are authorized to remain available until expended.

(d) APPROPRIATIONS.—Of the funds appropriated or otherwise made available by this Act under the heading entitled ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'', $12,000,000 shall be available only to support the Croatian-American Fund established by subsection (a).

Mr. DOLE. Mr. President, I rise to offer an amendment, together with the distinguished Senator from Utah [Senator HATCH] which would create an enterprise fund for Croatia and makes available $12 million for that purpose.

Much has changed in Croatia over the past few months. Less than 5 percent of Croatian territory is not under the Government's control. As a result, the number of displaced persons is rapidly dwindling.

It seems to me that with the situation in Croatia normalizing, with the return of displaced persons to their hometowns and villages, that an enterprise fund could make a significant contribution to Croatia's economy. Moreover, it would do so in a way that would promote free enterprise and a market economy—American values.

Mr. President, this a Croatian-American enterprise fund would offer hope and opportunity to the average Croatian—whether he or she is a would-be restauranteur or shopowner. Croatia has a lot of economic potential—next year should be a big year for Croatia's tourist industry, in particular.

I would also like to point out that the Croatian-American community in the United States has distinguished itself in many business sectors and will prove to be a rich source of support and expertise for the Croatian-American enterprise fund.

Mr. President, I believe that the time is right for establishing this fund and I urge my colleagues to support it.

AMENDMENT NO. 2763

(Purpose: To earmark funds for humanitarian assistance to the former Yugoslavia)

Before the period at the end of the heading entitled ''INTERNATIONAL DISASTER ASSISTANCE'', insert the following: '': *Provided*, That of the amount appropriated under this heading, $40,000,000 should be available only for emergency humanitarian assistance to the former Yugoslavia, of which amount not less than $6,000,000 shall be available only for humanitarian assistance to Kosova''.

Mr. DOLE. Mr. President, I offer an amendment which would earmark $40 million for emergency humanitarian assistance to the former Yugoslavia with no less than $6 million of that amount for Kosova.

While there is some new optimism about the prospects for a settlement in Bosnia and Herzegovina, the humanitarian situation remains grim for large segments of the population of the former Yugoslavia. Winter is fast approaching. Life in Sarajevo is still one of minimum subsistence. Gorazde is a large refugee camp surrounded by hostile forces. Thousands of refugees are flooding the town of Banja Luka.

The bottom line is that even if a peace settlement were signed tomorrow, the humanitarian situation in Bosnia would not repair itself overnight—nor over the next few weeks and months. The humanitarian crisis will remain with us for the foreseeable future.

Furthermore, a peace settlement along the lines pursued by the administration would not address Kosova—a serious error from my perspective. In Kosova, 2 million Albanians continue to live as they have for the past 6 years—under martial law, without jobs and without enough food and medicine.

And so, I believe that we must do what we can to ensure that the people of the former Yugoslavia, particularly in Bosnia and Herzegovina and Kosova, are provided with food and medicine to relieve their suffering.

I trust that my colleagues will support this amendment.

AMENDMENT NO. 2764

(Purpose: To impose sanctions against countries harboring war criminals)

At the appropriate place in the bill, insert the following new section:

SEC. . SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS.

(a) BILATERAL ASSISTANCE.—Assistance may not be provided in any fiscal year under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions each fiscal year to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which permits entry into or presence in the territory of such country to any person—

(1) who has been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) who has been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany.

(d) DEFINITIONS.—As used in this section—

(1) the term ''international financial institutions'' includes the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the European Bank for Reconstruction and Development, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, and the Asian Development Bank; and

(2) the term ''war crime'' includes any offense which is—

(A) a grave breach of any of the four Geneva Conventions for the Protection of War Victims of August 12, 1949;

(B) a violation of the Hague Convention (IV) Respecting the Laws and Customs of War on Land of October 18, 1907, or the Regulations annexed thereto;

(C) a violation of the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; or

(D) a violation of the Charter of the International Military Tribunal of August 8, 1945.

Mr. DOLE. Mr. President, I offer an amendment which I believe is of great significance—and reflects our commitment to the pursuit of justice around the world.

This amendment would penalize any country that permits entry into or permits the presence of any person indicted for war crimes. Very simply, this amendment would prohibit U.S. bilateral assistance or support for multilateral assistance from international financial institutions to any country that provides sanctuary to war criminals.

Over the past 3 years, we have been witnesses to crimes against humanity. Courageous journalists revealed the horrors of starving and tortured Bosnian Moslems herded into concentration camps at Manjaca and Omarska. CNN brought the haunting images of the Rwandan genocide into our living rooms.

These crimes against humanity cannot be swept aside or forgotten. We cannot pretend not to know the truth. And because we know the truth, we have a duty to do all we can to bring those responsible to justice.

The International War Crimes Tribunal for the former Yugoslavia, under the able leadership of Justice Goldstone of South Africa, has already handed down a number of indictments—to include Gen. Ratko Mladic, the commander of Bosnian Serb forces and Radovan Karadzic, the leader of the Bosnian Serbs. However, the tribunal does not have the means to pursue these indicted. It is up to the countries where these indicted war criminals reside to turn them over.

Mr. President, the provisions of this legislation would apply not only to war criminals indicted by the International War Crimes Tribunals for the former Yugoslavia and Rwanda, but to any individuals indicted for war crimes—including Nazi war criminals.

I want to bring to my colleagues attention that one of the most notorious Nazi war criminals, Alois Brunner, is still alive and believed to be residing in Syria—where he went around 1955. Brunner is the former aide to Adolf Eichman and has been blamed for the deaths of 100,000 to 120,000 Jews and 60,000 non-Jews. His job was to ship prisoners under his charge to concentration camps. If it is true that Brunner is residing in Syria, then Syria would be subject to the sanctions under this legislation.

I hope that all of my colleagues will support this legislation. Passing this measure will send a strong message to war criminals that there are few places of safe refuge for them. It will also send the message to countries that provide sanctuary to individuals indicted for crimes against humanity, that there is a significant price to pay.

AMENDMENT NO. 2765

(Purpose: To limit the use of funds for Bosnia and Herzegovina (other than for refugee or disaster assistance) to activities in the territory of the Bosniac-Croat Federation)

On page 121, after line 24, insert the following new section:

LIMITATION ON FUNDS TO THE TERRITORY OF THE BOSNIAC-CROAT FEDERATION.

SEC. 605. Funds appropriated by this Act for activities in the internationally-recognized borders of Bosnia and Herzegovina (other than refugee and disaster assistance and assistance for restoration of infrastructure, to include power grids, water supplies and natural gas) may only be made available for activities in the territory of the Bosniac-Croat Federation.

Mr. DOLE. Mr. President, I rise to offer an amendment, together with the distinguished senator from Delaware, Senator BIDEN, which would limit the availability for United States assistance to Bosnia and Herzegovina—with the exception of humanitarian or refugee assistance—to activities in the territory of the Bosniac-Croat Federation.

The purpose of this amendment is two-fold: to induce Bosnia to remain unified and to guard against United States assistance falling into the hands of war criminals.

The fact is that the recently concluded ''Agreed principles'' recognizes two entities: the Bosniac-Croat Federation and a Bosnian Serb Republic. There is no agreement on a superstructure to unite these entities. The goal of the Bosnian Serb leadership has been to break away from the Republic of Bosnia and Herzegovina. There are no signs that this goal has been abandoned nor are there any indications that recognizing a Bosnian Serb republic is not just an interim step toward a Greater Serbia.

Furthermore, there are no guarantees or provisions in the ''Agreed principles'' to ensure that the Bosnian Serb republic will not have at its helm indicted war criminals such as Radovan Karadzic and General Mladic. So, if we do not make some provision in this legislation to take this possibility into account, United States assistance could end up in the hands of those indicted by the International War Crimes Tribunal for the former Yugoslavia.

Mr. President, I believe that this legislation sends a strong message of support for a unified Bosnia and Herzegovina, while protecting United States interests. My office has been in contact with the Serb members of the Bosnian Presidency and they have indicated their support for this measure. In their view, this amendment if adopted will not only encourage Bosnian Serbs to remain in Bosnia, but will prevent United States assistance from being used to shore up the leadership positions of Bosnian Serb separatists and war criminals.

I hope that all of my colleagues will support this measure.

AMENDMENT NO. 2766

At an appropriate place in the bill insert the following new section:

''SEC. . RUSSIAN COMPLIANCE WITH THE CFE TREATY AND PRIORITIES FOR MODIFYING EXISTING ARMS CONTROL TREATIES.

''It is the sense of the Senate that—

''(a) the failure by the Russian Federation to meet any obligation under the Treaty of the Conventional Armed Forces in Europe shall constitute non-compliance with the Treaty;

''(b) the United States should insist on full compliance by the Russian Federation with all of the obligations of the Treaty on Conventional Armed Forces in Europe;

''(c) the Treaty on Conventional Armed Forces in Europe provides adequate means by which the Russian Federation can meet its claimed military requirements for treaty-limited equipment in the flank zone defined by Article V of the Treaty, including movement of equipment within the flank zone, temporary deployment of additional equipment to the flank zone, and the temporary removal of equipment from designated permanent storage sites located in the flank zone; and''.

AMENDMENT NO. 2767

Purpose: To require the submission to Congress of a plan making recommendations for a strategic reorganization of the United Nations

On page 121, after line 24, add the following new section:

PLAN RECOMMENDING A STRATEGIC REORGANIZATION OF THE UNITED NATIONS

SEC. ____. (a) SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.—It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

(b) UNITED NATIONS REORGANIZATION PLAN.—

(1) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(2) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(3) PLAN ELEMENTS.—The plan should include the elements described in subsection (c) and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

(c) CONTENTS OF REORGANIZATION PLAN.—It is the sense of the Congress that the reorganization plan required by subsection (b)(1) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations; and

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995.

Mrs. KASSEBAUM. Mr. President, I rise today to offer an amendment to help focus our approach to reform of the United Nations and to ensure that Congress is fully involved in administration initiatives on this important matter.

This amendment is identical to language that was included in S. 908, the State Department authorization bill, except I have deleted a paragraph, to which the administration objected, which would have called for a review of potential amendments to the U.N. Charter. The amendment before us focuses exclusively on reforms that can be achieved without opening the charter to amendment.

The administration has welcomed this initiative generally and has not opposed other provisions of this amendment, which was accepted in the manager's amendment to S. 908. When Congressman LEE HAMILTON and I outlined our thoughts on U.N. reform earlier this year, we were strongly encouraged by the support we received from many different quarters, including from the White House and from the majority leader, Senator DOLE. My hope is that this amendment will provide a framework for building a broad-based consensus on U.N. reform.

This amendment has two key elements. First, it states sense of Congress that the United States should lead an effort to develop and implement reforms of the United Nations, and it outlines several specific reform proposals that should be considered. This not intended to be an exhaustive list but rather to outline several proposals that are of particular concern. Second, it requires that the President submit to Congress along with his fiscal year 1997 budget a plan recommending a strategic reorganization of the United Nations. It also requires that Congress be closely consulted as the administration develops this plan.

Mr. President, I long have had a keen interest in reforming the United Nations. This is an effort I have undertaken with colleagues in both Houses and on both sides of the aisle. I believe it is imperative that we start to bring together the many divergent voices calling for U.N. reform and develop a single, responsible agenda for reform that all Americans can support.

The language I propose today is a small step, but I believe it will help us advance toward the goal of reaching consensus on what reforms we believe the United Nations must undertake. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

So the amendments (Nos. 2734 through 2767) were agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MICROENTERPRISE PROGRAMS

Mr. DASCHLE. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Foreign Operations, Senator MCCONNELL, and the distinguished ranking member of the subcommittee, Senator LEAHY, in a colloquy on microenterprise programs and H.R. 1868, the fiscal year 1996 Foreign Operations, Export Financing, and Related Programs appropriation bill.

Mr. MCCONNELL. Mr. President, Senator LEAHY and I would be happy to discuss the provisions in the appropriations bill regarding microenterprise programs with the Democratic leader, Senator DASCHLE.

Mr. DASCHLE. Mr. President, before discussing the fiscal year 1996 Foreign Operations appropriations bill, I would like to express my sincere appreciation for the support the chairman and the ranking member have given microenterprise lending programs in the past. Their leadership in this regard has made it possible for microenterprise programs to improve the lives of millions of poor people around the world.

Mr. President, I understand the fiscal year 1996 Foreign Operations appropriations bill, as approved by the Appropriations Committee, does not designate a specific level of support for microenterprise poverty programs.

Mr. McCONNELL. Mr. President, the Senator is correct. In an effort to maximize the President's flexibility, the committee recommended the consolidation of a number of bilateral economic assistance accounts including microenterprise poverty programs.

Mr. LEAHY. Mr. President, although the committee did not designate specific earmarks for microenterprise poverty programs, I would point out that the report accompanying the bill includes language reaffirming the committee's strong support for the program's efforts to encourage micro and small business as a means to help the truly poor transition out of poverty.

Mr. McCONNELL. Mr. President, the ranking member is correct. The committee—on a bipartisan basis—agrees that these programs promote sustainable, market-base development at relatively little cost and deserve our support.

Mr. DASCHLE. Mr. President, it is also my understanding that the committee included language in the bill that requires a proportional allocation for accounts consistent with levels enacted in fiscal year 1995.

Mr. LEAHY. Mr. President, that is correct. The committee recommends approximately $2.1 billion for traditional bilateral aid, which is approximately 16 percent less than the level appropriated for fiscal year 1995. To ensure that no single account sustains an unreasonable share of reductions, the committee included language in the bill that requires a proportional allocation among accounts consistent with appropriated levels in fiscal year 1995. It flows from that premise that, as the committee report states, microenterprise poverty programs deserve support substantially consistent with last year's level.

Mr. DASCHLE. Mr. President, I appreciate knowing that the committee continues to support microenterprise programs and included bill language protecting development assistance from disproportional cuts. As a longtime proponent of microenterprise programs, I would like to encourage the chairman and the ranking member to do everything they can to maintain appropriate funding for these programs when they go to conference with the House.

I would also encourage Senate conferees to insist on conference report language reflecting that commitment as well as encouraging AID to allocate one-half of microenterprise resources to poverty lending programs that provide loans of less than $300 and to channel up to $39 million through central mechanisms structured to meet the goals of nongovernmental organizations like the Grameen Trust.

Mr. McCONNELL. Mr. President, Senator LEAHY and I have discussed this matter and would like to assure the Democratic leader that we will do everything we can to include these recommendations into the conference report.

Mr. DASCHLE. Mr. President, I want to thank the chairman and the ranking member of the Appropriations Subcommittee on Foreign Operations for their clarification and assurances.

Mr. HATFIELD. Mr. President, I would like to begin by commending my colleagues the chairman of the subcommittee, Senator McCONNELL, and the ranking member, Senator LEAHY, for their efforts on this bill.

While I am not pleased with the decreasing funding allocation for foreign aid operations, I understand the reality we face with regard to all of our discretionary spending. I support bringing our budget into balance and believe we must make sacrifices to achieve this end.

However, I continue to believe that foreign aid serves important U.S. interests. We have much more work ahead as we try to build basic health, education, and welfare infrastructures in the developing world. Of course, this cannot be an isolated U.S. effort. We must continue to work with our friends and allies throughout the world to expand global development efforts.

My opposition to the military aid in this bill remains firm. The United States should be ashamed by the level of arms sales included year after year in this bill. I would much rather see this money go toward development assistance.

Funding for international family planning assistance continues to be one of my priorities. I have included an earmark for the central office or core funding for AID Office of Population. This earmark will ensure the continued success of AID's population program, which is arguably the best in the world. Over the past 30 years, this program has been adjusted and finetuned time and again so that it runs as efficiently and effectively as it does today.

In addition, I am pleased by the level of funding for migration and refugee assistance. Worldwide, we continue to see a rise in the number of refugees fleeing ethnic strife, civil war, and political persecution. The United States must retain a strong commitment to providing for the protection and care of these refugees.

It is my hope that the Senate will act quickly to pass this bill and conference with the House so that we can get it on the President's desk as soon as possible.

MEPFA AMENDMENTS

Mr. LEAHY. Mr. President, the bill also includes several floor amendments to the Middle East Peace Facilitation Act of 1995. One relates to Palestinian Authority offices in Jerusalem. Under the Israel-Palestinian agreements, the Palestinian Authority may only maintain offices in the areas under its jurisdiction, which do not include Jerusalem. Recently, Israel and the Palestinians satisfactorily resolved questions that had been raised about existing Palestinian institutions in Jerusalem. The amendment included in the bill would deny assistance to the PLO if it were to fund a new office in Jerusalem that did not conform to Israeli-Palestinian agreements and understandings. A second amendment included in the bill requires the PLO to cooperate fully with the United States on the provision of information on U.S. nationals known to have been held by the PLO or its factions. This amendment would cut off U.S. assistance if the PLO is not responsive to further, specific U.S. requests for information that may be in its possession.

Mrs. BOXER. Mr. President, in our Nation's continuing efforts to balance the budget, calls to slash foreign assistance are frequently heard. I will take a few moments today to explain my thoughts on the importance of our foreign assistance programs and the continuing need for U.S. leadership around the world.

It must be understood that foreign assistance is only a minuscule fraction of the Federal budget—less than 1 penny of every dollar spent by the Government is used for foreign assistance. And since the end of World War II, the share of the Federal budget dedicated to foreign assistance has consistently declined. Foreign assistance is not busting the Federal budget. That is a simple fact. Those who believe that we can balance the budget painlessly overnight by slashing foreign assistance are simply wrong.

What do we get for the 1 percent of the budget we invest in foreign assistance? In my view, our meager investment has yielded incalculably valuable returns. Through foreign assistance, we have promoted peace and stability throughout the world and avoided countless wars and their tremendous human and financial costs.

For example, in the Middle East—one of the most explosive regions of the world—our commitment to a strong and secure Israel and our dedication to the framework established in the Camp David accords has been a major contributor to the peace process now underway.

Through our foreign assistance programs, we have shown unequivocally that the United States strongly supports the State of Israel as a friend, fellow democracy, and key strategic ally. We have sent the equally important message to Israel's neighbors that they will be welcomed into the community of nations if they are willing to make peace. That was the spirit of the Camp David accords.

More recently, Israel has reached major agreements with Jordan and the Palestinians. Each of these historic agreements was reached with the assistance of U.S. facilitators and the promise of our development assistance. Without the promise of foreign assistance, it is possible that none of these

important agreements would have been reached.

The bill before the Senate today wisely builds upon the peace process by earmarking funds for our Camp David partners. Also the bill includes a new legislative provision, the Middle East Peace Facilitation Act of 1995, which will enable the administration to continue to play an active role in the Middle East peace process.

For these and other reasons, I urge my colleagues to support this bill.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1868, the foreign operations, export financing, and related agencies bill for fiscal year 1996.

I am pleased to join the committee in supporting the passage of this bill by the full Senate.

Mr. President, the foreign operations appropriations bill provides $12.3 billion in budget authority and $5.9 billion in new outlays to operate the programs of the Department of State, export and military assistance, bilateral and multilateral economic assistance, and related agencies for fiscal year 1996.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate bill totals $12.3 billion in BA and $13.8 billion in outlays for fiscal year 1996.

The bill is at the subcommittee's 602(b) allocation for budget authority and $127.2 million in outlays below the subcommittee's section 602(b) allocation. It is $2.4 billion in BA and $0.5 billion in outlays below the President's budget request. It is $442.5 million in BA and $13.4 million in outlays above the House-passed bill.

I want to thank the distinguished chairman and ranking member of the full Appropriations Committee, as well as my friends on the subcommittee, for deleting a provision in the bill that included a directive with respect to the budget scoring of the bill.

This action prevents this bill from being subject to two points of order under the Congressional Budget Act, and I am certain it will expedite consideration of this important bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD, and I urge the adoption of the bill.

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

FOREIGN OPERATIONS SUBCOMMITTEE

[Spending totals—Senate-reported bill (fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	68	7,950
H.R. 1868, as reported to the Senate	12,300	5,841
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	12,368	13,791
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	.....
H.R. 1868, as reported to the Senate	12,300	5,841
Adjustment to conform mandatory programs with Budget	0	0
Subtotal mandatory	12,300	5,841
Adjusted bill total	24,668	19,632
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	12,368	13,918
Violent crime reduction trust fund	.....	.....
Mandatory	44	44
Total allocation	12,412	13,962
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	.....	−127
Violent crime reduction trust fund	.....	.....
Mandatory	12,256	5,797
Total allocation	12,256	5,670

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mrs. FEINSTEIN. Mr. President, I am pleased that the Senate Appropriations Committee has wisely earmarked $350 million for the Office of Population at the U.S. Agency for Development because I understand the extreme importance of family planning program availability and population assistance.

Investment in population assistant programs today will save us from much more costly investments in the future when unchecked population growth results in environmental deterioration, scarcity of resources, and pronounced economic hardship. Overpopulation is one of the most serious problems our world faces today.

Reducing spending in these areas will have the immediate effect of negatively impacting, in a serious way, the health and well-being of women and children.

However, I oppose the attempt to prevent these U.S. funds deemed for population planning assistance from contributing to the United Nations Fund for Population Activities [UNFPA]. I would like to emphasize a few particulars about this international organization.

UNFPA is the primary multilateral organization providing global family planning and population assistance programs. UNFPA directly manages one-third of the world's population assistance to developing countries; its work has saved countless numbers of lives since its inception.

Programs managed by UNFPA improve the quality and safety of contraceptives available to women which contributes to reducing the incidence of abortion. UNFPA does not support abortion or abortion-related activities.

UNFPA helps improve women's reproductive health and provides both maternal and child heath care—basic health care services which are largely unavailable throughout the developing world.

I am dismayed by opponents of UNFPA who wrongly submit that this organization is involved in providing abortion services in China or otherwise. This is simply not the case. Let me state again, UNFPA is not involved in abortion services anywhere.

UNFPA has proven its expertise in this area since its founding in 1969, increasing availability of contraceptives in the developing world, reducing population growths, and saving lives. I believe that U.S. contributions to the U.N. Fund for Population Activities is appropriate and wise, and I oppose this attempt to prevent funding to be used for this purpose.

Mr. BYRD. Mr. President, this foreign operations appropriations bill, totaling $12.3 billion, is 16.5 percent below the President's request of $15.2 billion. In most respects, it represents a substantial change from previous foreign operations bills. Bilateral economic assistance is cut 22 percent below the President's request. U.S. contributions to multilateral development banks are cut by 43 percent from the fiscal year 1996 request. While harsh, these cuts are in keeping with the other deep and painful cuts being made in most other appropriations bills that fund vital domestic programs.

In one important respect, however, this foreign aid appropriations bill has not changed to reflect either the current difficult budget realities or the changing world situation. Assistance to Israel and Egypt, and particularly to Israel, remains constant. In fiscal year 1995, Israel received over one-third of the total foreign aid appropriation of $14.4 billion. Israel's $5.0 billion in foreign aid from the United States included $1.2 billion in economic support funds—a direct cash infusion to the Israeli Government's coffers—$1.8 billion in foreign military financing grants; $80 million in refugee settlement grants; $2.0 billion in loan guarantees; $10 million in cooperative development grants—for Israel's foreign aid programs to other countries; and $3.5 million in regional cooperative assistance funds. This total does not include other funds and programs, primarily contained within the Department of Defense appropriations bill, that also benefit Israel's military, security, and military research and development programs.

Fiscal year 1996, the request for Israel includes $1.2 billion in economic support funds, $1.8 billion in military assistance, $80 million for refugee assistance, $10 million for cooperative development grants, $3.5 million for regional cooperative assistance, and up to $200 million in excess defense equipment. Because of the Camp David Accords that established peace between Israel and Egypt in 1978, Egypt also benefits from United States largess to Israel. The Camp David Accords were followed by a foreign aid funding equation that also rewards Egypt, but to a lesser degree. In fiscal year 1996, Egypt will receive $1.3 billion in foreign military financing grants, $815 million in

economic support funds, and an earmark for a telecommunications project.

While peace between Israel and Egypt was and remains important, and while the United States-Israel relationship remains close, I must question the wisdom in continuing to reward these two countries at the same historically high levels when the cost is counted in sharply decreased United States assistance and influence in other areas of the world that are also important to the United States. Israel and Egypt made peace in 1978, 17 years ago. How long does the United States intend to reward this accomplishment with financial support? Financial rewards on the same scale have not been offered to Jordan, which most recently agreed to make peace with Israel.

There has been a lot of rhetoric on this floor about ''sharing the burden of deficit reduction.'' Domestic programs, including historically untouchable programs like Medicare, Medicaid, and veterans benefits, are all being forced to swallow the bitter tonic and budget cuts necessary to meet draconian budget goals. Other foreign interests of the United States are being cut quite dramatically in order to support the sacrosanct aid to Israel and Egypt and also address other vital foreign interests, such as reducing the former Soviet nuclear stockpile. Other longtime allies, including Turkey and Greece, both important NATO members, have seen significant changes in their foreign assistance. Why not Israel?

Israel has received a grand total of more than $67 billion in foreign and military assistance from the United States since its founding in 1949. Since 1976, Israel has been the largest annual recipient of cumulative United States assistance since World War II. Mr. President, I do not raise these points because I am a foe of Israel. I do not wish to be thought of as anti-Israel. I hold no malice toward the people of Israel. But at a time in which all spending is under tremendous pressure, at a time in which other deeply revered and historically important government priorities are being crushed to squeeze out savings for deficit reduction, it simply does not seem fair to shield foreign aid to Israel and Egypt from the same budgetary forces. Surely, we can continue to safeguard the physical and economic security of Israel while subjecting United States assistance to the same budgetary scrutiny that all other assistance and domestic programs undergo.

Mr. President, I have always favored putting my support behind domestic priorities, such as education, roads, police, and other programs that support American competitiveness. All of these domestic priorities are under the budgetary axe. For the most part, U.S. overseas interests supported in this bill are also being reduced. But not the single largest recipients of U.S. foreign aid. This is not reasonable, and it is not equitable. For these reasons, I shall not vote in favor of this bill.

AMENDMENT NO. 2760

Mr. DODD. Mr. President, I want to put some perspective on the amendment that has just been offered by Senator DOLE with respect to Haiti. First, I say without equivocation that I believe that the President's policy with respect to Haiti has been a tremendous success. I for one am proud of the decision that the President made to restore democracy to Haiti. I thought it was the right thing to do then, and it certainly has proved to be the case thus far.

Let's review for a moment what has happened since that dramatic moment last September when the President ordered the deployment of United States Forces to Haiti:

The multinational force was peacefully deployed, without loss of life, and facilitated the departure of the military coup leaders;

Conditions were created that permitted President Aristide to return to Haiti on October 15 to resume office;

The multinational force was replaced by a much smaller U.N. force with the number of U.S. troops significantly reduced;

The Government of Haiti conducted elections and run-offs to fill more than 2,000 parliamentary and municipal posts—the most complex elections in Haiti's history;

The Armed Forces have been effectively dissolved and the interim police force is being replaced with a professionally trained permanent force under civilian control;

The human rights situation, while by no means perfect, is light years better than 1 year ago when more than 3,000 Haitian were being killed annually.

The Haitian economy which suffered significant decline during the military coup has begun to turn around and show positive growth.

That is quite a remarkable set of accomplishments in a very short period of time. On October 15, President Aristide will truly have something to celebrate at the 1-year anniversary of his restoration to office.

We have all read press reports of the confusion and disorganization that surrounded last month's elections in Haiti. I would be the first to say that I would have preferred an electoral process that was picture perfect, and strictly by the book. That didn't happen. It didn't happen in large measure because the situation in Haiti isn't perfect—it is a desperately poor country in which at least 50 percent of the population cannot read or write.

It is a country that has been plagued by political violence for much of its tragic history. It is a country with a history of predominantly dictatorial rule.

I do not seek to make excuses for the events which transpired in Haiti in June, but I do think some analysis of the circumstances surrounding the elections will help to put the process in some perspective.

First and foremost, until 11 months ago the prospects of any election being held in Haiti were virtually zero. Only after President Clinton's courageous decision last October to return President Aristide to office did the possibility of elections become a real option.

The newly returned Aristide administration had enormous hurdles to overcome, just to deal with the day-to-day running of the government. It returned to Port-au-Prince to find government offices stripped bare—no typewriters, no paper, no pens, no desks, in some instances even toilets were gone. On top of that, the international community insisted that elections for more than 2000 parliamentary and municipal offices be held as quickly as possible. No small task in a country where one can count on one hand, perhaps on one finger, the number of Democratic elections that have occurred. Election preparations had to take place virtually from scratch. Voter registration had to be undertaken on a massive scale nationwide. An election commission had to be formed and thousands of citizens recruited to participate in getting the election organized.

It seems to me that on June 25, the Haitian people made it pretty clear that, despite all the warts associated with the days leading up to the election, they had enough faith in the process to turn out and vote in large numbers. So did the vast majority of Haiti's political parties—left, right, and center—who chose to have their candidates appear on the ballot. When election day dawned—the people of Haiti came out to participate. They came from miles away. They stood in line, sometimes for hours in the hot sun. They exercised their constitutional right to cast their ballots and to choose the individuals who would represent them in their national and local governmental structures. That to me says a great deal about the validity of the process.

Yes, there were misplaced voter registration cards—yet election officials were able to register nearly 90 percent of all eligible voters. Yes, a very small percentage of political candidates were excluded from running for ill-defined reasons, yet more than 10,000 individuals ended up running for 2,200 public offices. Yes, there were some polling places which did not open on time, or in some cases at all, yet in many others the polling stations opened, the ballots were available and people made their choices.

Haitian authorities have already acknowledged that mistakes were made. They had special elections in August and run off elections in September. Improvements were made to the electoral process. Changes were made in the electoral council.

I for one am glad that the people of Haiti had the opportunity to participate in elections recently, imperfect as they were. I suspect that were we to ask them they would overwhelming share that view. Today, the people of

Haiti are one step closer to having the kind of government to which they aspire. Tomorrow, as they learn from their mistakes and through their own hard work they will be closer still.

Instead of attempting to score partisan political points, as some would seek to do, I believe that we all should stand behind our current policy, try to make it work, so that the people of Haiti can have a brighter future after having suffered for so long in the shadows of oppression.

I ask unanimous consent that the attached articles be printed in the RECORD at the conclusion of my remarks.

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

THE HUMAN RIGHTS RECORD OF THE GOVERNMENT OF HAITI

The human rights observers of the joint OAS/UN International Civilian Mission have been in Haiti since February 1993 with two interruptions brought about by evacuations for security reasons.

Our mandate:

to monitor and report on the human rights situation; to promote and to protect human rights; and to contribute to the reinforcement of institutions.

The International Civilian Mission has therefore been able to monitor in the field, the evolution of the human rights situation under the de facto regimes of the period of the coup d'état and under the constitutional government.

The human rights situation under the military who dominated all the institutions was characterized by widespread and systematic human rights abuses—extrajudicial executions, torture or other forms of cruel, inhuman or degrading treatment, forcible disappearances, illegal arrests and detentions; and restrictions on the freedoms of expression and assembly. These abuses were carried out by the security agents of the state—the police and the army and those to whom they gave impunity, the attachés (armed civilian thugs) and later on the members of the paramilitary group, FRAPH.

The return of President Aristide in October 1994 has brought about and also facilitated a number of structural changes which have had a positive impact on the human rights situation.

First, the return to constitutional government has brought about the re-assertion of civilian authority and ended the subordination of key institutions to the military;

Second, the elimination of the army an the consequent neutralizing of the attachés and the para-military groups have dismantled the repressive network responsible for widespread human right abuses during the coup d'etat period; and

Third, institutional reforms, in particular the training and deployment of the new civilian professional Haitian National Police, improvements to the administration of justice and to prisons in the framework of judicial and penal reforms.

These structural changes and institutional reforms carried out with the assistance of the international community have been accompanied by the clear determination of the government to improve the quality and the performance of judicial officials and to supervise the conduct of the new security agents (code of conduct, inspectorate for the Haitian National Police, applications of sanctions in cases of misconduct), whose activities impinge directly on the respect or lack thereof for human rights. The outcome of all these elements has been considerable improvement in the human rights situations. Widespread and systematic abuses are no longer the rule. The freedoms of expression and of assembly are now exercised by different sectors of Haitian society, including by those critical of the policies of the President and his government. Time limits on legal procedures are more frequently respected as well as legal and constitutional guaranties. The treatment of prisoners and to a lesser extent the conditions of detention have improved with the establishment of a new cadre of trained correction officers. President Aristide's constant calls for reconciliation have without doubt played an important role in limiting incidents of vengeance and contributed to a more relaxed atmosphere and a feeling of security in the country. It should also be emphasized that Haitians have voted three times over the past four months in a secure and largely non-violent climate.

A great deal of ground has been covered over the past eleven months. A clear sign of these improvements is the dramatic decrease in the number of complaints brought to the attention of the International Civilian Mission. However, a lot more remains to be done, and there are concerns. We are concerned by acts of summary ''Justice'' carried by the population, though there has been a sharp decrease of late. Also of concern is the series of some 20 cases of killings by unidentified individuals, most of them ''Commando style'', recorded since the beginning of the year, where robbery did not appear to be the motive and the victims were targeted. The reasons for these killings remain unknown. The Mission has not been able to identify any set of elements which would link these crimes together or to agents of the state. Some reports of ill-treatment of detainees and abuses of power by agents of the state have been brought to the attention of the International Civilian Mission. Procedural irregularities with regard to arrest and detention continue to endanger the respect for human rights and due process. The International Civilian Mission has repeatedly urged the government to develop its criminal investigation capacity to bring an end to impunity which has been traditional in Haiti.

The challenge of the coming months will be to build on the steps already taken. Improving human rights means not only reducing human rights violations but also creating and strengthening structures and mechanisms to prevent their recurrence in the long term. The government must pursue the reforms of the institutions which have a direct bearing on the protections of human rights, (justice, prisons and police). Strengthening the mechanisms of accountability will send a clear message that the state will not tolerate human rights violations. The already considerable improvement in the human rights situation must be continued. The government has already shown it has the political will to act in this domain.

AMNESTY INTERNATIONAL USA STATEMENT ON HUMAN RIGHTS IN HAITI SINCE THE RETURN OF CONSTITUTIONAL RULE

Amnesty International has been following human rights issues in Haiti for a number of years. We have documented the extensive violations in the city and in the countryside, under Papa Doc, Baby Doc, and those that followed the fall of Baby Doc in 1986. Amnesty documented human rights violations in the first administration of President Jean Bertrand Aristide. But we also documented the first genuine attempts at dismantling repressive structures, with the dismantling of the system of the chefs de section and the disbanding of the notorious tontons macoutes, who had been renamed by Baby Doc. We watched with horror as the coup that overthrew President Aristide heralded a new wave of terror unparalleled in its extent and in its ferocity in Haitian modern history. Only a few notable exceptions failed to notice the horror that unfolded in Haiti.

Amnesty International welcomed the changes in the human rights panorama after constitutional government was restored by the UN Multilateral Force. Significant among these changes was the precipitous drop in documented extrajudicial executions, incidents of torture and ill-treatment, and the use of rape as a political terror tool. This is not due to a lack of information available because the population is too afraid to report violations. On the contrary, with the return of constitutional rule in Haiti, the UN/OAS International Civilian Observer Mission returned to Haiti to document abuses, and international and other non-governmental human rights organizations have had more access than under the de facto government. Furthermore, there has been more access to members of the press. Thus the drop in numbers is not due to a reluctant public cowed into submission.

There have been a number of killings over the past few months of people across the political spectrum. So far, apart from the Mireille Durocher Bertin case in which in any case, arrests have been made but the motivation still remains unclear, Amnesty International has not received any specific allegations that government officials were involved either directly or indirectly. Indeed, criminal investigations are believed to be under way into most if not all of the killings, and in some arrests have been made. There have been one or two reports that so-called ''brigades de vigilance'' were responsible for some killings in rural areas which Amnesty International is investigating. However, there is no central structure for such brigades and they vary widely in their composition and functions. Amnesty International has so far not received any evidence indicating that they are centrally coordinated or that the authorities are using them for such purposes.

Problems do remain in Haiti, although we can be unequivocally clear that Amnesty International has found no evidence of any kind of systematic targeting of government opponents by the current Haitian government. Amnesty's overriding concern at the moment is the question of impunity. This impunity, the escaping from punishment, is benefiting those who once terrorized the population during the years of de facto rule, the very opponents of the current government.

So far there have only been a few attempts to bring perpetrators of past abuses to justice. This is due partly to the slowness of reforms to the judiciary. It is very hard to find out exactly what cases have been brought to trial and to get details of the procedures/outcome as they do not get much publicity, either inside or outside Haiti. There was a trial in absentia of the ex-police chief of Cayes, former lieutenant Emery Piram, and was sentenced to sixty years' imprisonment for the death under torture of Jean-Claude Museau in 1992. This is one of the few cases the government said it wanted to bring to trial. In addition to this trial, the exparamilitary member Gerard Gustave (alias ''Zimbabwe'') has been sentenced to life at hard labour for his part in the assassination of Antoine Izmery in September 1993. Other investigations and trials are underway, although this still only represents a few of the cases of HRVs known to have taken place under the de facto government.

We are currently investigating the trial proceedings to ensure they conform to international standards.

While it would not be true to say that nothing is happening on this front, it is clearly inadequate and slow and the government has not so far shown much determination to confront the issue. However, the international community must also do its part to help rebuild civil institutions. A significant contribution will be to disburse the already promised assistance to the Truth Commission. In any case, from what we can gather, as well as the six or so cases the government itself said it was investigating, many victims and victims' relatives have presented complaints to the authorities so it is not for lack of cases that little progress has been made. It is imperative that impunity in Haiti be broken; time and again we have seen how those who terrorized once can terrorize again.

Amnesty International certainly welcomes what steps have been taken so far to bring perpetrators of past and current abuses to justice and urge the government, as a matter of urgency, to further strengthen the judiciary to ensure that as many cases as possible can be pursued and that all such trials adhere to international standards for a fair trial. We believe it would be very useful if more was made public concerning the progress of investigations and trials.

Insofar as prison conditions are concerned, these are said to be improving gradually and a national overseer of prisons has been appointed. We understand that nutrition has modestly improved and the International Committee of the Red Cross has had access.

[From the Washington Times; Sept. 18, 1995]

HAITI, ONE YEAR LATER

Remember Haiti? One year ago, our attention was focused on that small island country, as 20,000 American troops waited for the signal to invade. Self-styled American ambassador at large Jimmy Carter was busy negotiating with Gen. Raoul Cedras, hoping to persuade him to exit peacefully rather than face the U.S. forces with his ill-equipped army of thugs. On that day also, Gen. Colin Powell was in the news, having accompanied Mr. Carter to lend some muscle to the mission. And back in Georgetown was President Jean-Bartrand Aristide, urging the U.S. government on to deal with his enemies.

Haiti may have been as tiny a nation as we could have found to invade, but the thought of sending American soldiers into harm's way in a place known for its brutal, corrupt regimes and abject poverty, nonetheless made many here at home highly skeptical about the whole enterprise. Nor did it inspire confidence that the Clinton administration had shown itself particularly inept at handling foreign affairs and previously endured the humiliation of having to withdraw a transport ship with U.N. troops, including 200 Americans, from Port-au-Prince when faced with an unruly mob. It would not be too much to say that the operation was attended by the lowest possible level of expectation here at home.

One year later, the good news is that the dire misgivings, expressed among others by this page, have not come true. The only deaths experienced by U.S. soldiers there have been due to suicide. Significant armed resistance to the Americans did not materialize, and the military strongmen finally agreed to depart the scene back in October (with much of their ill-gotten gains). That meant the crippling sanctions could be lifted and President Aristide returned. The flood of boat people, which spurred the U.S. action in the first place, was stopped. By March 31, the bulk of the U.S. troops could be sent home, and the mission officially over to the United Nations. The remaining Americans are scheduled to leave after the presidential elections early next year.

So far, so good. Nevertheless, a huge question remains about Haiti's long-term future. Certainly the return of Mr. Aristide has not meant much improvement materially for most Haitians. And the elections held in June were not much of a cause for celebration. The international community had more than half a year to prepare for them, yet due to incompetence and the intransigence of the Haitian election committee, dominated by Aristide supporters, the event which so many Haitians had longed for turned into a dreadful mess. There was murder and violence, and some 100,000 Haitians were unable to vote; make-up elections had to be held in August. Just this weekend, we had yet another act in this drama as run-off elections were held between candidates in a tie for their seats. The voting was boycotted by opposition politicians who claim fraud perpetrated by Lavalas and its sister parties. Nor is it clear whether Mr. Aristide will in fact step down at the end of his five-year term; quite a ''movement'' has gotten under way to ''persuade'' him to stay on.

Still, there may be some important lessons to be learned here for the United States. One, which is now being applied in the former Yugoslavia, is that American leadership can work, and that it helps tremendously when it is backed by the willingness to use overwhelming force. The Bosnian Serb army this weekend started to withdraw its heavy weapons from around Sarajevo. For three murderous years, the Serbs stubbornly refused to do just that, until the NATO bombing campaign changed their minds. What was also learned in Haiti (as in Somalia and Bosnia) is that such operations cannot be trusted to the United Nations because that means essentially no one is in charge and no one is responsible for the outcome. The conclusion here should not be that the United States must become international policeman and nanny; it is still debatable whether U.S. interests are at stake in Haiti. What is clear, however, is that where the stakes are deemed high enough, American initiative and muscle can be as effective as ever.

[From the New York Times, Sept. 21, 1995]

MR. ARISTIDE'S FIRST YEAR

A year after American troops landed in Haiti to secure the return of its exiled President, the country is clearly in better shape. Despite the fears of his detractors, Jean-Bertrand Aristide has not incited his followers against their former oppressors, but urged reconciliation. Most Haitians no longer live in fear of political violence. Mr. Aristide has reached out to business leaders. He has made a credible beginning, but there is still much to do.

Mr. Aristide wisely declared he will not run for another presidential term, resisting the temptation to take advantage of his popularity to carry on the Haitian tradition of government-by-personality cult. Now he needs to use the time left in his term to broaden his governing skills. Mr. Aristide is not much of an administrator.

Mr. Aristide's senior officials operate with little direction, and the country is still chaotically governed. The simple necessities for doing business—such as electricity—are still in short supply. While there has been some domestic investment, virtually no money has come into the country from foreign investors, and international lending institutions are leery of providing aid with few government structures in place. Inflation, however, has fallen below 25 percent from 52 percent last year, and gross domestic product has risen by 3 percent, compared to a 10 percent decline last fiscal year.

The recent highly flawed parliamentary elections—which resulted in overwhelming victories for Mr. Aristide's Lavalas Party—have left opposition parties feeling disgruntled and cheated. Although there was little evidence of outright fraud, the electoral commission was unacceptably disorganized. The electoral commission's inept chairman was dismissed, but reform of the commission itself has been stalled.

The United Nations force of 6,000—including 2,400 American troops—is due to leave at the end of February. The new police force has made a good start. Recruiting has been selective, and officers have won confidence in neighborhoods where police were regarded as the enemy. Reform of the justice system is proceeding well, with judges and prosecutors receiving training from international experts. But with no civil service tradition, much of the government bureaucracy is still dysfunctional.

Given Haiti's violent history, simply calming the country's polarized political climate is an impressive achievement. But Mr. Aristide now needs to break his isolation, cooperating with his senior ministers to come up with a coherent plan for getting the country back on its feet.

For now most Haitians are simply grateful that they can sleep free from fear. But that gratitude will wear thin if Mr. Aristide does not figure out how to take the next steps, which include everything from creating jobs to collecting the garbage.

INDONESIA'S DEPLORABLE HUMAN RIGHTS RECORD

Mr. FEINGOLD. Mr. President, as the Senate considers the foreign operations appropriations bill, I want to discuss two provisions which sanctioned Indonesia for its deplorable human rights record in East Timor, and which were eliminated in the chairman's bill. I want to make it clear that Indonesia has done nothing to improve its human rights record in the past year which would recommend any change in United States policy.

As my colleagues know, Indonesia has brutally occupied the Catholic population of East Timor since 1975. In that time, East Timor has been the focus of many international human rights efforts, not the least of which are those that have been spearheaded by my friend and colleague from Rhode Island, Senator PELL. To my disappointment, those causes have not been championed by any U.S. administration.

But in recent years the Indonesia military rule has become particularly cruel. Today, I want to dispel any myths among my colleagues that despite Indonesia's economic successes in the past few years, its human rights record continues to be dismal, and is particularly deplorable in its activities in the last year in East Timor. Such instability and violations can only destabilize the regime that some business interests are all to quick to invest in.

Since the Indonesians invaded East Timor 20 years ago, over 200,000 East Timorese have died—about a third of the entire population. Indonesia's self-styled annexation of the territory has

not been recognized by the United Nations, nor the United States, which acknowledges that ''no act of self-determination has ever taken place.'' The military is practically omnipresent throughout the island, and according to diplomats stationed in Indonesia, ''its callousness in dealing with the local population'' is shocking.

East Timor made international headlines in 1991 when the military massacred, by conservative estimates, at least 100 East Timorese who were attending a funeral. It was all videotaped before international cameras. Today, the National Human Rights Commission in Jakarta says it has evidence that the massacre was ''not a spontaneous reaction to a riotous mob, but rather a planned military operation designed to deal with a public expression of political dissent.'' Today, 66 people remain unaccounted for, and the commander of the operation is Vice President of Indonesia.

Congress has acted twice since then. First, in 1992 we cut off IMET funding for Indonesian soldiers to distance our support for the Indonesian military that committed the atrocity at Dili. Last July, to signal further disappointment with the disintegrating situation, we codified administration policy on the linkage between the sale of small arms and human rights.

I have a letter from the administration, addressed to Senator LEAHY and myself, which indicates that the administration will continue its ban on the sale or licensing of small and light weapons, and crowd control instruments, until there has been significant progress on Indonesia's human rights record. The letter also says the administration will offer only expanded-IMET—human rights training for the military—to the Indonesians. I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, I regard this is as a commitment from the administration that current policy will remain in place, whether we legislate it or not. I expect the administration to continue to consult with Congress on Indonesia. I am particularly concerned that we agree upon what ''significant progress'' means. Our legislation has included six conditions, including significant troop withdrawals from East Timor and Indonesian participation in the U.N. Secretary General's peace talks. Indonesia must understand that there is an international price to pay for their continuing occupation.

Since last July, when Congress passed this amendment, there have been several developments in East Timor—most of them quite discouraging, some quite violent, and some hopeful.

The tension in East Timor has been intensifying for the past year—influenced in part by the ongoing power struggles in Jakarta, the increased resentment of the presence of Indonesian military officers and vigilante groups, and the immigrant settlers brought in by Indonesia to consolidate their occupation of the island.

The Indonesians have had some bizarre responses. For instance, last summer, they went to great lengths to pressure their ASEAN partners to prevent private conferences on East Timor to take place in the Philippines, Malaysia, and Thailand.

But the violence has been on the increase as well—particularly since the APEC summit in November. During the summit protesters were detained and, by most accounts, tortured. Reports of deaths of protesters at the hands of Indonesian soldiers have been constant all year.

On January 12, 1995, there is documented evidence that the military tortured and killed six civilians in Liquicia in a horrendous incident. Even the Government-appointed National Commission on Human Rights acknowledged that ''a process of intimidation and torture by security officials'' occurred and resulted in ''unlawful shootings by the military.'' It found that ''there was intimidation and torture by the security officers in charge at the time to extract confessions.''

Recently, there has also been an outbreak of gang violence, of hooded vigilantes terrorizing, abducting, assaulting, intimidating, and harassing East Timorese. These gangs—commonly known as Ninjas—have been described by residents and human rights monitors as military-related death squad-type bands. Travelers describe walking on the tropical island on a sunny Sunday afternoon, and being passed by armed youths, covered in ski masks.

Notably, the Ninjas have not been reigned in by the same military that has so effectively suppressed the East Timorese. For that reason, there is reason to believe that they are tolerated by the military. There is even some evidence that they were created by the military to do what uniformed soldiers cannot because of international attention.

Mr. President, there must be an investigation into the operations of these groups, and why they are permitted to continue functioning in East Timor.

Other forms of torture by the military are still commonplace in East Timor as well. In January 1994, the U.N. Human Rights Commissioner's Special Rapporteur on Torture reported that the most common forms of torture are beating on the head with wood, iron bars, bottles, and electric cables; kicking with heavy boots; electric shocks—mostly with cattle prods; slashing with razor blades and knives; death threats and faked executions; hanging people upside down by their feet; isolation; sleep deprivation; and the rape of East Timorese women.

The U.N. Special Rapporteur for Torture reported last year that there were ''patterns of dealing violently with political dissent and [a] virtual impunity enjoyed by members of the security forces responsible for human rights violations.''

The U.N. Human Rights Commission this year once again comdemned Indonesian abuses in East Timor. It also forced Indonesia to invite the U.N. Human Rights Commissioner to visit East Timor. This was the first time that happened since 1975.

The United States, in my view, has not lived up to its leadership responsibilities on this issue. While administration rhetoric—though measured—sounds supportive of human rights protections, the policy has not been forceful enough, given the extreme extent of the brutality that I described. For example, the United States defers to the U.N. peace process by which the Indonesians and Portuguese are supposed to work with the East Timores, yet the United States has not applied sufficient—if any—pressure to get the Indonesians to participate seriously in the talks. The administration says it is concerned about the military troop presence in East Timor, yet it has never devised a plan of action to work with the Indonesians, or requested a plan for Indonesian troop withdrawal from the island. In fact, at most, the administration seems to investigate the level of troop presence in East Timor only when a Member of Congress asks whether the promised reductions ever took place.

I am also perplexed why the United States is even trying to placate Indonesia. The administration permits Indonesia to buy IMET: However, for years they have been lobbying to get the taxpayer to subsidize the Indonesian military training. And while there is a small arms ban in place to prevent United States weaponry for being used in human rights violations, the administration is now trying to sell F–16's to the Indonesian military.

Mr. President, given Indonesia's defiant human rights policies, I see no reason to weaken United States policy toward it. In fact, the record of the past 2 years only indicates continued repression, continued deterioration, and increased violence against the East Timorese.

I appreciate the administration's commitment to continue its current policy, and only hope that it will redouble its efforts on behalf of human rights in Indonesia and East Timor.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF STATE,
Washington, DC, September 21, 1995.

DEAR SENATOR FEINGOLD: I am writing about your continuing concern about the human rights situation in Indonesia, including in East Timor, and your interest in the Administration's policy towards that country, specifically our current arms sales policy and our proposed International Military Education and Training (IMET) program.

We too are concerned about the human rights situation in Indonesia, including in East Timor, and we raise our concerns with

the Indonesian government regularly. Our current arms sales policy, codified in law last summer and included in S. 908, prohibits the sale or licensing for export of small or light arms and crowd control items until the Secretary has determined that there has been significant progress on human rights in Indonesia, including in East Timor. Current law also forbids funding of International Military Education and Training (IMET) for Indonesia. As you are aware, the Administration has proposed that this ban be rescinded, and there is language in the House authorization and appropriations bills that would permit funding for Expanded IMET (E–IMET) courses.

We understand that you or other Senators may be considering amendments to the Foreign Operations Appropriations Bill that would further restrict the types of defense items that can be sold or licensed for export to Indonesia. We also have heard that some Senators who oppose any IMET funding for Indonesia are considering working to have the complete ban on such funding retained.

You have proposed that you and others in the Senate will refrain from attaching language to the Senate's version of the bill restricting arms sales to Indonesia and banning IMET funding if the Administration will agree to abide by our current arms sales policy and accept only funding for E–IMET in FY 1996.

We will abide by our current arms sales policy and, though we would have preferred restoration of full IMET, will fund only Expanded-IMET during the coming fiscal year.

I hope this information will be useful to you. Please do not hesitate to contact us if we may be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, this will be the last vote tonight. Tomorrow morning, starting at 9:30 we will take up the MilCon conference report, to be followed by the D.C. appropriations bill, to be followed by the legislative appropriations conference report. Therefore, I would expect one, two, three, and maybe one amendment on the D.C. bill, so maybe four votes tomorrow. We should finish early. Then I will tell you what will happen next week. Hopefully, we will finish those bills and take the next week off. But we are not there yet.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SMITH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 458 Leg.]

YEAS—91

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

NAYS—9

Bingaman	Faircloth	Kempthorne
Byrd	Helms	Nunn
Craig	Hollings	Smith

So the bill (H.R. 1868), as amended, was passed.

Mr. McCONNELL. Mr. President, I want to take one moment to thank Tim Rieser and Luke Albee of Senator LEAHY's staff; and from the Appropriations Committee staff Jim Bond, and Juanita Rilling; and, particularly, Mr. President, I want to extend my great appreciation to my personal staff members, Billy Piper, and my long-time foreign policy adviser, Robin Cleveland, for their determined work in helping us to produce this bill.

I am extremely grateful to Billy, particularly to Robin, for good advice not only on this occasion but over the years.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I thank the chairman for his gracious words, and I was also glad—I mentioned a number of these folks earlier—but I was also glad to have my chief of staff, Luke Albee, to join us also on this bill, as well as John P. Dowd, my legislative director.

Tim Rieser, I think all of us on our side will agree, was a dynamo. Tim handled just about everything for everybody.

I do appreciate all of them.

Mr. President, before we voted earlier, the Senator from Wisconsin was going to speak in relation to this matter on this bill. As a courtesy to the other 99 Senators, he withheld for the vote on the assurance that he could be heard. I hope that it might be possible for the Senator from Wisconsin to be heard.

I assume we will appoint conferees. I wonder if we could yield for that.

Mr. BENNETT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SMITH) appointed Mr. McCONNELL, Mr. SPECTER, Mr. MACK, Mr. GRAMM, Mr. JEFFORDS, Mr. GREGG, Mr. SHELBY, Mr. HATFIELD, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD conferees on the part of the Senate.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

UNITED STATES/UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to express my great disappointment that an agreement further liberalizing United States/United Kingdom aviation relations was not struck in London last week. Once again, I believe the British Government put the interests of one constituent above the best interests of British consumers.

The United Kingdom is one of our largest and most important trading partners. For many years that trading relationship has flourished. Open market principles have been the engine responsible for its success. Without a doubt, the free flow of commerce between our two nations has significantly benefited both economies. Perhaps the biggest winners of all have been consumers on both sides of the Atlantic who have reaped the benefits of enhanced consumer choice and competitive prices.

Regrettably, over the last few decades, the British have repeatedly rebuffed our attempts to extend our open trade relationship to include commercial aviation rights. In fact, the United States/United Kingdom bilateral aviation agreement is our most restrictive international aviation agreement. For good reason, that agreement, the so-called Bermuda II agreement signed in 1977, is widely regarded as being the high water mark for international aviation protectionism.

In London last week, the United States and United Kingdom had an historic opportunity to further liberalize our aviation relationship. Instead of taking a major step forward, United States/United Kingdom aviation relations seem to have taken a giant leap backward. I am very concerned that the failure to reach agreement last week has squandered hard earned momentum from the phase 1 deal in June and resurrected mistrust between the countries that has plagued negotiations for years.

Mr. President, despite these concerns, the United States and United Kingdom must press forward with

phase 2 negotiations. We owe it to consumers on both sides of the Atlantic. For far too long the United States/United Kingdom aviation debate has focussed primarily on the interests of passenger and cargo carriers. I urge negotiators on both sides of the table to resume talks with a broader focus, one which considers the significant stake consumers have in enhanced air service and more competitive prices.

In a speech before the Aviation Club of Great Britain earlier this week, Gerald Greenwald, the Chairman and CEO of United Airlines, echoed this point. Mr. Greenwald called for a ''renewed concentration on consumers'' and quite accurately observed that the real losers under the restrictive Bermuda II agreement are consumers ''in the United States and United Kingdom alike.'' He is absolutely correct.

I ask unanimous consent that Mr. Greenwald's speech before the Aviation Club of Great Britain to which I referred be inserted in the RECORD at the conclusion of my remarks.

Mr. President, I hope benefits to consumers are factored into the equation next time American and British negotiators meet in phase 2 talks. Perhaps then the need for liberalization of the United States/United Kingdom bilateral aviation agreement will be clearer to the British. Undoubtedly, the benefits of liberalization will be more readily apparent.

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

GERALD GREENWALD; AVIATION CLUB OF GREAT BRITAIN, CHAIRMAN AND CEO, UNITED AIRLINES

LONDON—September 19, 1995. Thanks, all of you for this warm welcome. Let me salute Allan Winn, Chairman of the Aviation Club of Great Britain, along with the many leading lights of Great Britain's aviation industry—public and private sector alike—whom I am honored to address today.

I promised Allan I would refrain from any ''commercial'' plugs for my company, although temptation, of course, is great. But Allan was kind enough to ask—as people often do when a visitor arrives—how was my trip?

I want to assure you: The flight over in United's new 777 was quite comfortable. I enjoyed the full 64 inches of leg room, the five star first-class service—and what must be the most courteous flight attendant and pilot crew in the business.

So Allan—thanks for asking.

I appreciate the opportunity to address you today. I see this as a chance to advance a dialogue that must take place if any of us, on either side of the Atlantic, are to prosper in our new environment. This industry has to look ahead—this industry has to change because its growth—needs to outpace that of the world economy.

The fact is, at no time since the Second World War has the airline industry been presented with market forces more conducive to profitable growth. The demand for thinking for the future is almost overwhelming. And that is what I want to talk about today because, as an industry, we are not meeting the challenge, not doing justice to our customers.

But I didn't come here to talk to you about what everybody else talks about—the way everyone in our industry is mesmerized by the growth in air traffic. That kind of looking inward—that fixation on ourselves—is a kind of corporate indulgence we can't afford: Short-term gain for long-term grief.

I came here to make the case for change in focus—for a renewed concentration on the customer.

We're slow to recognize what the customer wants from the travel experience.

Back on my side of the ocean, the travel agents are fighting with the airlines . . . the airlines are fighting with one another . . . and meanwhile, the customer stands alone at the counter.

It's as if we grow so accustomed to our place in the market—to our sheer size and staying power—that we forget who has the power to bring us down.

I'm not talking about a competitor . . . or another company . . . or some amorphous notion such as ''competition'' . . .

I'm talking about the consumer. The most powerful economic factor in the world.

It's a concept we grasp quite easily in political dimension. But the freedom of choice at the ballot box has its parallel in the economy as well: In every consumer's checkbook choice—the freedom to take his or her business elsewhere.

Now, provided we put the customer first—the fundamentals are in place for a very positive forecast. Consider the state of our industry.

The fundamentals are there for a very positive forecast. Consider the state of our industry.

In the beginning of this decade, in 1990, worldwide airline revenues totaled $211 billion.

Estimates now predict industry revenues—both business and leisure travel—will reach $350 billion by the year 2000.

To put that in perspective, consider the world's total GDP will rise 50 percent between 1990 and the year 2000. Over that same timeframe, airline revenues will rise an even faster 60 percent.

All told, it's an impressive record. A century that began with mankind's first powered flight—a span of 120 feet lasting 12 seconds—ends with the movement of 1.2 billion passengers on 17 million flights across 24 time zones at every hour of the day and night.

So if all of that's true—and it is—why do so many of us want to grimace rather than grin?

Because we know the rest of the picture. We know that revenues, however great, are not profits—and growth, no matter how rapid, is not necessarily a reflection of success or superior service.

Granted, this industry has grown. But too many airlines have lost too much money for their shareholders and the taxpayers who support them. Too many customers regard what they get from us with a combustible combination of cynicism and suspicion.

Some of our passengers take us for granted. Other passengers think every time they buy a ticket—as we say in America, we're taking them for a ride.

It's hard in that kind of atmosphere to build the bonds of trust—to establish the loyalty that keeps customers coming back. That's the central challenge in a service industry such as ours—a challenge United is working to meet as the world's largest employee-owned company.

And we are a new company—a new United—since Steve Wolf stood before you just over a year ago. What we're about isn't just a phrase—it's a deep-felt philosophy: A solid sense that of all the measures management can take to improve productivity none has more up-side potential than empowering our workforce. And what better way than turning employees into owners? As Peter Drucker has observed, the only sustainable corporate advantage in the new, open, global marketplace—is people.

When we entered into our employee-ownership (ESOP) agreement, we were banking on more than a structural shift in our organization—we were counting on a change in corporate culture to take us to a more competitive level. And in a service industry, employee satisfaction shows—in the finished product—in the face we present every day to our passengers.

And we're seeing that change in culture translate into strong results. You're used to hearing about Returns on Investment—well, our ESOP's delivering what I call Return on Ownership:

Fewer sick days: Down 21 percent last month—in our year-over-year comparison. And increased ''dependability'' means a savings of about $52 million.

Fewer grievances: Down 75 percent year-over-year. And again—that's an opportunity to resolve differences without costly and time consuming procedures—energy that could be spent on serving our customers.

Overall, it's part of the positive numbers United's putting on the board:

Revenue is up $729 million—6.7 percent over last year.

Operating earnings are up—our operating margin is up. So are net earnings and net margin. And unit revenue is outpacing unit cost.

Let me give you just one market example. Thanks in part to our new Shuttle by United, the Los Angeles region is solidly profitable.

Our departures are up 73 percent in the last 4 years—and we're serving more major domestic and international destinations from L.A. than any other carrier.

All of the changes we've made within our company are moving us in the right direction. But there's still the matter of the environment around us—the system in which we—and all our competitors—have to operate.

And that is where external factors dictate the difficulties we face—in the form of a system that stops us from serving our customers as well as we could. And that system is my subject today.

What do I mean? Let me ask: How many of us would maintain a fleet of DC–7s or Lockheed Constellations—how many of us would want to sell passengers on the virtues of an 15 hour crossing of the Atlantic, or only a handful of domestic flights to our country's largest cities?

In other words, how well do we think we'd fare with a 1950's fleet in our 1990's world?

Yet we're struggling along with an equally antiquated structure governing our flights/our routes/and our schedules. Simply put: The structure of our industry is not adapting to the needs of the new customers, new nations, and new regions we serve.

If this industry is to reach its potential—if we are to continue not simply to expand but to excel—we have to change. We have to raise our standards—raise our own expectations to a level above and beyond that of the customers and the countries who rely on us. We have to stop talking about today's weather and create a new climate.

Because in the end, there is only one route to customer service—and that is competition.

Nothing could be further from that ideal than our present World War II vintage system of bilateral regulation. Created in an era when national frontiers were also market boundaries—when economies were isolated entities, self contained islands of commerce—Conceived at a time when Churchill roamed Number 10 Downing Street, and both

the Democrats and Republicans were competing to see who ''liked Ike.''

Our bilateral system was a Frankenstein, stitched together when colonialism was fading, nationalism was coming to the fore—and a protectionist system of managed trade seemed the best we could muster.

And that bad beginning got steadily worse—reaching bottom with the so-called Bermuda II agreement in 1977.

It's a wonder the system served us as well as it did, as long as it did.

Today—we must all agree—the system is slowly strangling us.

What we have now is a kind of controlled chaos—an industry impasse in which no one is comfortable with the system as it is, but no one can make the move to the more competitive system we need.

Take United's position as a case in point, squeezed by the straight-jacket we call Bermuda II. Geographically, the U.K. is key to United: A gateway to the entire continent of Europe—and beyond, a critical crossroad in the global aviation market.

While we are one of only two U.S. carriers allowed to serve Heathrow, if we look at United's major hubs in the U.S.—every one carries tight restrictions on capacity to Heathrow:

At Washington, DC, we have been running load factors to Heathrow of 92 percent for the last three months—and yet we were just turned down for two extra frequencies a week.

At Chicago, our largest hub, after a four-year struggle, last week we finally gained access to Heathrow—and yet it's limited to seven weekly flights in a 767. Let me emphasize—this is from the world's busiest airport to the world's largest international destination. But even that is better than Denver, our second largest hub—where we can provide no service at all to Heathrow. Of all the major country-to-country agreements to which the U.S. is party, none is more restrictive than Bermuda II.

But as bad as I believe Bermuda II is—this much I know: The real losers are the consumes. In this, Bermuda II claims its casualties on both sides of the Atlantic—hurting consumers with higher prices and poorer service in the U.S. and the U.K. alike.

So what's the solution? Certainly not the 1950's thinking that argues that the way to build your carrier's market share is to handicap the competitiveness of the others.

Market shares in aviation should be driven by customer choices—just as they are in most areas of trade today. I submit there is only one answer for the 1990s—working together for change—working together to open the skies of Europe, America, Asia and every point in between—to competition.

Now, I want to be clear: Just as the current bilateral constraints increasingly serve no one—competition, too, has its costs. Not all airlines will succeed—not all will even survive. But the alternative—the price of sticking with the status quo—is truly like two scorpions in a bottle. Neither will come out alive.

Why tinker at the margins managing trade? Why not simply throw open the doors—and let the competition begin?

Anything less than full competition really doesn't do either of us a favor—because in an industry as global as ours, we really can't hide from competition anyway.

What do we need? Liberalization—as much as possible, as soon as possible. A beginning today that we can build on tomorrow.

As our target, we ought to take an example from outside our industry: From the world of telecommunications. When you pick up a telephone and dial an international number or send a fax to an international destination—you don't want to negotiate with each of the different companies that carries the signal or routes the call.

It doesn't matter to you whether it crosses the ocean floor by cable or skips over by satellite—what you care about is getting through to the other end. Yet our current system of air travel does just that to our customers—confronting them with a bewildering array of barriers and bottlenecks between them and their destination.

To their credit, both the U.S. and Britain have recently taken significant steps toward the liberalization of air transportation between our two countries. The differences seem to be over the pace of that movement, not the ultimate objective.

And, as I have pointed out to the U.S. government, in recent months—to give credit where credit is due—it has been the British side that maintained the momentum toward liberalization, while the U.S. (and United) was all but immobilized by our own internal squabbles.

To be candid, our struggle to launch direct Chicago-London service last week was impeded as much by vested interests in the U.S. as in the U.K.

Now of course, our small steps forward have been accompanied by two steps back—away from the negotiating table. We must all hope our two governments get back to the table—and resume the Phase II talks that are the only path to progress and to open skies.

There is a mystery I cannot comprehend: And that is how the U.S. and the U.K.—two countries that literally live by international trade—and with the possible exception of Japan, endure the rockiest bilateral relationship in the aviation industry.

The plain fact is—liberalization can't be limited. On the other side of the world—as across the Atlantic—the principle of consumer choice must prevail. The principle I hope will soon be put in practice for our two countries should apply equally to the opening of new routes in Asia.

Few tasks will be tougher. Japan's Ministry of Transportation, for example, seems fixated on a protectionist path—marching in one direction while the rest of the world moves in another.

What Japan seems to want in 1996 is a replay of the mistake the U.S. and the U.K. made in 1976 when we started down the path of Bermuda II. And as a recent editorial in the Far Eastern Economic Review noted, you can't open an issue of the Orient Airlines Association magazine without finding a list of reasons why competition is bad.

Much of the air service industry there remains locked in a mercantilist mindset. And that's unfortunate because Asia and Asian consumers are not exempt from the adverse consequences of attempts to limit air traffic.

There's no free lunch: When Japan's Ministry of Transportation imposes regulations to protect their carriers—consumers pay the price. It's an iron law of economics: One company's windfall is the consumer's downfall.

Competition is consumer friendly. It's a notion we haven't quite grasped yet. Take the recent positive steps toward opening more Japan destinations to Federal Express.

In the industry, people are asking—Who won? Japan or the U.S.? I'll tell you who won. The consumers—of both countries!

As for United, we're ready right now to take interim steps toward the broad liberalization that will ultimately serve all of us best. In Japan, as we did in Germany, we are prepared to accept a period of constrained growth—to give JAL breathing space. But our ultimate aim at the end of that period must be—once again, as it was in Germany—a market driven regime.

In the end, freeing up competition—evolving an open skies approach—is in every country's interest. Liberalization and internationalization go hand in hand. And they are essential in today's economy.

And that really is my message today.

Gone are the days when we could chart a future built on cozy arrangements and backroom bilateral deals. The one covenant that counts—is the promise we make to the people we serve.

Thank you.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ENTITLED ''HIGHWAY SAFETY: 1994''—MESSAGE FROM THE PRESIDENT—PM 83

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I transmit herewith the 1994 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Information and Cost Savings Act of 1972, as amended.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 21, 1995.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker signed the following enrolled bills:

S. 464. An Act to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. An Act to clarify the rules governing venue, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence with the Senate:

H.R. 1617. An Act to consolidate and reform workforce development and literacy programs, and for other purposes.

The message also announced that the House insists upon its amendments to

the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SHUSTER, Mr. CLINGER, Mr. PETRI, Mr. EMERSON, Mr. LAHOOD, Mr. MINETA, Mr. OBERSTAR, and Mr. RAHALL as the managers of the conference on the part of the House.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes and agrees to the conference asked by 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:

From the Committee on National Security, for consideration of the House bill (except for sections 801–803, 811–814, 826, 828–832, 834–838, 842–843, 850–896) and the Senate amendment (except for sections 801–803, 815–818, 2851–2857, and 4001–4801) and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. DORNAN, Mr. HEFLEY, Mr. SAXTON, Mr. CUNNINGHAM, Mr. BUYER, Mr. TORKILDSEN, Mrs. FOWLER, Mr. MCHUGH, Mr. WATTS of Oklahoma, Mr. JONES, Mr. LONGLEY, Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TANNER, Mr. BROWDER, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. EDWARDS, and Mr. PETERSON of Florida.

From the Committee on National Security, for consideration of sections 801–803, 811–814, 826, 828–832, 834–838, 842–843, and 850–896 of the House bill and sections 801–803 and 815-818 of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. WATTS of Oklahoma, Mr. DELLUMS, and Mr. SPRATT.

From the Committee on National Security, for consideration of sections 2851–2857 of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. HEFLEY, Mr. JONES, Mr. ORTIZ, and Mr. MONTGOMERY.

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. TORKILDSEN, Mr. WATTS of Oklahoma, Mr. LONGLEY, Mr. DELLUMS, Mr. EDWARDS, and Mr. PETERSON of Florida.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. COMBEST, Mr. YOUNG of Florida, and Mr. DICKS.

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–2857 of the Senate amendment, and modifications committed to conference: Mr. ROBERTS, Mr. ALLARD, Mr. LAHOOD, Mr. DE LA GARZA, and Mr. JOHNSON of South Dakota.

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–3404 of the House bill and sections 323, 601, 705, 734, 2824, 2851–2857, 3106–3107, 3166, and 3301–3302 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER, and Mr. DINGELL: *Provided*, That Mr. OXLEY is appointed in lieu of Mr. SCHAEFER for consideration of sections 323, 2824, and 3107 of the Senate amendment: *Provided further*, that Mr. BILIRAKIS is appointed in lieu of Mr. SCHAEFER for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment: *Provided further*, That Mr. HASTERT is appointed in lieu of Mr. SCHAEFER for consideration of sections 2851–2857 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. RIGGS, and Mr. CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–333, and 338 of the House bill, and sections 333 and 336–343 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. MICA, Mr. BASS, Mrs. COLLINS of Illinois, and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–803, 811–814, 826, 828–832, 834–840, and 842–843 of the House bill, and sections 801–803 and 815–818 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. HORN, Mr. DAVIS, Mrs. COLLINS of Illinois, and Mrs. MALONEY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–896 of the House bill, and modifications committed to conference: Mr. CLINGER, Mr. DAVIS, and Mrs. COLLINS of Illinois.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. SCHIFF, Mr. ZELIFF, Mr. HORN, Mr. DAVIS, Mrs. COLLINS of Illinois, Mrs. MALONEY, and Mr. SPRATT.

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. ROBERTS, and Mr. HOYER.

As additional conferees from the Committee on International Relations, for consideration of sections 231–232, 235, 237–238, 242, 244, 1101–1108, 1201, 1213, 1221–1230, and 3131 of the House bill and sections 231–233, 237–238, 240–241, 1012, 1041–1044, 1051–1064, and 1099 of the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. GOODLING, Mr. ROTH, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. HAMILTON, Mr. GEJDENSON, and Mr. LANTOS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–896, of the House bill and sections 515, 1075, and 1098 of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. GEKAS, and Mr. CONYERS.

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference: Mr. SOLOMON, Mr. DREIER, and Mr. BEILENSON.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–221, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference: Mr. WALKER, Mr. SENSENBRENNER, and Mr. BROWN of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–2857 of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. WELLER, and Mr. OBERSTAR.

As additional conferees from the Committee on Veteran's Affairs, for consideration of section 2806 of the House bill and sections 644–645 and 4604 of the Senate amendment, and modifications committed to conference: Mr. SMITH of New Jersey, Mr. HUTCHINSON, and Mr. KENNEDY of Massachusetts.

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, and Mr. STARK.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1617. An Act to consolidate and reform workforce development and literacy programs, and for other purposes, to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1456. A communication from the Chairman of the National Transportation Safety

Board, transmitting, pursuant to law, notice of a response to the Office of Management and Budget; to the Committee on Commerce, Science, and Transportation.

EC–1457. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice of action relative to the Eldorado International Airport, Bogota, Columbia; to the Committee on Commerce, Science, and Transportation.

EC–1458. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report of the budget estimate for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC–1459. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1460. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–294. A resolution adopted by the Military Chaplains Association relative to military retired pay; to the Committee on Armed Services.

POM–295. A resolution adopted by the Military Chaplains Association relative to the retention of military commissaries; to the Committee on Armed Services.

POM–296. A resolution adopted by the Military Chaplains Association relative to cost-of-living adjustments; to the Committee on Armed Services.

POM–297. A resolution adopted by the Military Chaplains Association relative to the Uniformed Services University of the Health Services; to the Committee on Armed Services.

POM–298. A resolution adopted by the House of the Legislature of the State of Texas; to the Committee on Armed Services.

''RESOLUTION NO. 38

''Whereas, Americans recognize and appreciate the enormous sacrifices made by United States military personnel who served courageously in the Vietnam War and the conflict in Southeast Asia, some of whom are still classified as missing in action; and

''Whereas, while the status of most of the American soldiers who lost their lives or were injured during this long military engagement is certain, the fate of more than 2,000 military personnel remains unknown decades after the United States' final withdrawal from Vietnam; and

''Whereas, the unresolved status of those brave individuals is, understandably, a source of great concern for their families, their friends, and their fellow citizens and represents a chapter in our nation's history that cannot be satisfactorily concluded until their whereabouts are known; and

''Whereas, recognizing the important of this vital obligation to American military personnel and their families, the United States Congress has sought to locate these individuals in the past and should continue to take all necessary steps to fulfill this important duty in the future: Now, therefore, be it

''*Resolved*, That the House of Representatives of the 74th Texas Legislative hereby request the Congress of the United States to continue its efforts to determine the location and status of all United States military personnel still missing in Southeast Asia; and, be it further

''*Resolved*, That official copies of this resolution be prepared for the President of the United States, the Speaker of the House of Representatives of the United States Congress, the President of the Senate of the United States Congress, and all members of the Texas delegation to the Congress.''

POM–299. A resolution adopted by the Legislature of the State of California Uniformed Services; to the Committee on Armed Services.

''JOINT RESOLUTION NO. 27

''Whereas, California is proud to be the home of millions of active and retired military personnel; and

''Whereas, these personnel and their families have earned the right to have access to quality health care because of distinguished service to our state and country; and

''Whereas, this quality health care is to be delivered through the Civilian Health and Medical Program of the Uniform Services (CHAMPUS) program; and

''Whereas, these personnel and their families have already been seriously inconvenienced by the actions of the federal government in closing many of the military bases where they customarily received their medical care, forcing them to travel great distances to receive medical care from different providers; and

''Whereas, these personnel and their families were again inconvenienced by the action of the federal government in changing the administration of the CHAMPUS program last year. These changes required some of these military and veteran families to change medical providers, and to travel greater distances to receive medical care; and

''Whereas, the Federal government is contemplating making even further major changes to the CHAMPUS program. These changes will cause dislocation in the provider networks that will require that military families endure a stressful transition to new doctors and providers; and

''Whereas, many of these changes will result in fewer medical providers available to families which will adversely affect medical quality: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the United States Department of Defense to make every effort to ensure that the commitment made to provide medical benefits to our military and veteran families through the CHAMPUS program be honored, and that when changes are contemplated for the program that priority be given to protecting the benefits of military and veteran families by ensuring that quality medical care is available at convenient locations for these families, and in doing this, that the Department of Defense take into consideration the impact and the dislocation caused to military and veteran families by previous changes to the program and that any future changes be designed to minimize further dislocation and to enhance the CHAMPUS program rather than to reduce the benefits already earned by our military; and be it further

''*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to the Secretary of Defense, to the Director of the Office of Management and Budget, and to each Senator and Representative from California in the Congress of the United States.''

POM–300. A resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

''JOINT RESOLUTION NO. 21

''Whereas, McClellan Air Force Base, located in the City of Sacramento, California, is one of the five major Air Force logistic command centers in the United States; and

''Whereas, this base has been a major aircraft repair facility for almost 60 years; and

''Whereas, McClellan is one of the largest United States Air Force bases as well as the largest employer in northern California; and

''Whereas, McClellan is the home facility for other critical and essential military organizations, including the Coast Guard Rescue Service, a Reserve Tanker Wing, and a National Guard Tanker Unit; and

''Whereas, the base plays a key function in supporting the responsibility of the entire Air Force and has been a major maintenance and support element in World War II, the Korean Conflict, the Vietnam Conflict, the Gulf Conflicts, as well as fulfilling numerous other tactical maintenance requirements; and

''Whereas, McClellan has been a part of the State of California prior to the buildup of our armed forces during World War II and its capability could not be duplicated today without a major expenditure of funds; and

''Whereas, McClellan Air Force Base is geographically and strategically located on the West Coast and serves as a gateway to our forces in the Pacific Basin; and

''Whereas, McClellan has developed extremely advanced technology not only for aircraft maintenance but for medical research as well as composite research that is world renowned; and

''Whereas, Potential loss both to the personnel at McClellan as well as the State of California that would result from closure of the base is inestimable in terms of technology, health and welfare, jobs, and community spirit. Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Defense Base Closure and Realignment Commission, the President and Congress of the United States to consider the strategic importance of McClellan Air Force Base and to oppose proposals to close this important military installation; and be it further

''*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Chairman of the Defense Base Closure and Realignment Commission, to the President and Vice President of the United States, and to each Senator and Representative from California in the Congress of the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

*John T. Conway, of New York, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 1999.

(The above nomination was reported with the recommendation that he be

confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of July 20, July 24, August 3, August 10, and September 5, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of July 20, 24, August 3, 10, and September 5, 1995 at the end of the Senate proceedings.)

*In the Navy there are 2 promotions to the grade of rear admiral (list begins with Ralph Melvin Mitchell, Jr.) (Reference No. 97).

*In the Naval Reserve there are 10 promotions to the grade of rear admiral (lower half) (list begins with Kenneth Peter Barausky) (Reference No. 165).

*In the Navy there are 2 promotions to the grade of rear admiral (list begins with Barton D. Strong) (Reference No. 249).

*Rear Adm. (lower half) S. Todd Fisher, USN to be rear admiral (Reference No. 526).

*Col. William J. Dendinger, USAF to be brigadier general (Reference No. 531).

**In the Army there are 2 promotions to the grade of lieutenant colonel and below (list begins with John D. Pitcher) (Reference No. 534).

**In the Navy there are 4 appointments to the grade of ensign (list begins with Kyujin J. Choi) (Reference No. 535).

**In the Air Force Reserve there are 29 promotions to the grade of lieutenant colonel (list begins with Von S. Bashay) (Reference No. 538).

**In the Navy there are 11 appointments to the grade of ensign (list begins with Scott A. Avery) (Reference No. 539).

**In the Marine Corps there are 7 appointments to the grade of second lieutenant (list begins with Bradley J. Harms) (Reference No. 540).

**In the Marine Corps Reserve there are 35 promotions to the grade of colonel (list begins with Charles H. Allen) (Reference No. 541).

**In the Naval Reserve there are 159 promotions to the grade of captain (list begins with Glenn M. Amundson) (Reference No. 542).

**In the Naval Reserve there are 411 promotions to the grade of commander (list begins with Richard J. Alioto) (Reference No. 543).

**In the Marine Corps Reserve there are 166 promotions to the grade of lieutenant colonel (list begins with Douglas E. Akers) (Reference No. 544).

*Maj. Gen. Jefferson D. Howell, Jr., USMC to be lieutenant general (Reference No. 561).

**In the Army Reserve there are 9 promotions to the grade of colonel and below (list begins with Gerhard Braun) (Reference No. 562).

**In the Army Reserve there are 36 promotions to the grade of colonel and below (list begins with John A. Belzer) (Reference No. 563).

**In the Army Reserve there are 23 promotions to the grade of colonel and below (list begins with Robert Bellhouse) (Reference No. 564).

**In the Army Reserve there are 34 promotions to the grade of colonel and below (list begins with Terry C. Amos) (Reference No. 565).

**In the Naval Reserve there are 777 promotions to the grade of commander (list begins with Andrew W. Acevedo) (Reference No. 566).

**In the Army there are 410 promotions to the grade of major (list begins with Jeffrey S. Almony) (Reference No. 567).

*Adm. William O. Studeman, USN to be placed on the retired list in the grade of admiral (Reference No. 568).

*Vice Adm. Norman W. Ray, USN to be placed on the retired list in the grade of vice admiral (Reference No. 569).

**In the Army Reserve there are 35 promotions to the grade of colonel and below (list begins with David G. Barton) (Reference No. 580).

**In the Air Force Reserve there are 9 promotions to the grade of lieutenant colonel (list begins with Michael D. Bouwman) (Reference No. 606).

**In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with Gary L. Ebben) (Reference No. 607).

**Col. Michael L. Jones, USA for appointment as Director of Admissions at the United States Military Academy (Reference No. 608).

**In the Army Reserve there are 44 promotions to the grade of colonel and below (list begins with Gerard H. Barloco) (Reference No. 609).

**In the Navy there are 5 appointments to the grade of ensign (list begins with Jeremy L. Hilton) (Reference No. 610).

**In the Air Force Reserve there are 21 appointments to the grade of colonel and below (list begins with Maria A. Berg) (Reference No. 619).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Lillian A. Foerster) (Reference No. 620).

**In the Navy and Naval Reserve there are 10 appointments to the grade of commander and below (list begins with Gary E. Sharp) (Reference No. 621).

**In the Air Force there are 140 appointments to the grade of second lieutenant (list begins with Mark B. Allen) (Reference No. 622).

*Rear Adm. (lower half) David J. Nash, USN to be rear admiral (Reference No. 627).

Total: 2,421.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Marine Corps while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Maj. Gen. Jefferson D. Howell, Jr., 000–00–0000.

The following-named officer for promotion in the Navy of the United States to the grade indicated under title 10, United States Code, section 624:

CIVIL ENGINEER CORPS

To be rear admiral

Rear Adm. (LH) David J. Nash, 000–00–0000, U.S. Navy.

The following-named officer to be placed on the retired list of the U.S. Navy in the grade indicated under section 1370 of title 10, United States Code:

To be vice admiral

Vice Adm. Norman W. Ray, 000–00–0000.

The following-named officer to be placed on the retired list of the U.S. Navy in the grade indicated under section 1370 of title 10, United States Code:

To be admiral

Adm. William O. Studeman, 000–00–0000.

The following-named officer form promotion in the Navy of the United States to the grade indicated under title 10, United States Code, section 624:

SENIOR HEALTH CARE EXECUTIVE

To be rear admiral

Rear Adm. (LH) S. Todd Fisher, 000–00–0000, U.S. Navy.

To following-named rear admirals (lower half) in the restricted line of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

AREOSPACE ENGINEERING DUTY OFFICER

To be rear admiral

Rear Adm. (L) Barton D. Strong, 000–00–0000, U.S. Navy.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear Admiral

Rear Adm. (L) Thomas F. Stevens, 000–00–0000, U.S. Navy.

Nominate the following-named rear admirals (Lower Half) in the Supply Corps of the U.S. Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

SUPPLY CORPS

To be rear admiral

RADM (LH) Ralph Melv Mitchell, Jr., 000–00–0000, U.S. Navy.

RADM (LH) Leonard Vincent, 000–00–0000, U.S. Navy.

The following named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Kenneth Peter Barausky, 000–00–0000, U.S. Naval Reserve.

Capt. Martin Edward Janczak, 000–00–0000, U.S. Naval Reserve.

Capt. Pierce Jarvis Johnson, 000–00–0000, U.S. Naval Reserve.

Capt. Michael Robert Scott, 000–00–0000, U.S. Naval Reserve.

INTELLIGENCE OFFICER

To be real admiral (lower half)

Capt. Larry Lafayette Poe, 000–00–0000, U.S. Naval Reserve.

PUBLIC AFFAIRS OFFICER

To be rear admiral (lower half)

Capt. Richard Harry Wells, 000–00–0000, U.S. Naval Reserve.

MEDICAL CORPS OFFICER

To be rear admiral (lower half)

Capt. John Bert Cotton, 000–00–0000, U.S. Naval Reserve.

Capt. John Conant Weed, Jr., 000–00–0000, U.S. Naval Reserve.

SUPPLY CORPS

To be rear admiral (lower half)

Capt. Fred Joseph Schuber III, 000–00–0000, U.S. Naval Reserve.

CHAPLAIN CORPS

To be rear admiral (lower half)

Capt. Peter Hess Beckwith, 000–00–0000, U.S. Naval Reserve.

The following-named officer for promotion in the Regular Air Force of the United

States to the grade of brigadier general under title 10, United States Code, section 624:

To be brigadier general

Col. William J. Dendinger, 000–00–0000, United States Air Force.

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. HARKIN):

S. 1265. A bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. HARKIN):

S. 1265. A bill to authorize the Secretary of Agriculture to make temporary assistance available to support community food security projects designed to meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE COMMUNITY FOOD SECURITY ACT OF 1995

Mr. LEAHY. Mr. President, today I am introducing a bill with Senator HARKIN which is designed to help communities alleviate hunger at the local level. The Community Food Security Act of 1995 will provide one-time grants to local organizations which are working to both meet the immediate food needs of low-income people while seeking future-oriented solutions to local food, farm and nutrition problems.

This is a good bill. It enjoyed strong bipartisan support in the House.

The Community Food Security Act will provide Federal support to local projects such as farmers market nutrition programs, food policy councils, community gardens and urban farms all of which promote good nutrition while helping family farms. At a time when many people are advocating that we give more power to the States—this bill goes one step further. The Community Food Security Act will give money directly to the private organizations who know where it is most needed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

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 ''Community Food Security Act of 1995''.

SEC. 2. ASSISTANCE FOR COMMUNITY FOOD SECURITY PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COMMUNITY FOOD SECURITY PROJECT.—The term ''community food security project'' means a community-based project that—

(A) is designed to—

(i) meet the food needs of low-income people;

(ii) increase the self-reliance of communities in providing for their own food needs; and

(iii) promote comprehensive, inclusive, and future-oriented solutions to local food, farm, and nutrition problems; and

(B) requires a one-time infusion of Federal assistance to become self-sustaining.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means an entity that has experience in the area of—

(A) community food work, including the development of new markets in low-income communities for agricultural producers, particularly small- and medium-sized farms; or

(B) job training and business development activities for food-related businesses in low-income communities.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(b) AUTHORIZATION.—The Secretary may make grants to assist eligible entities in establishing and carrying out community food security projects.

(c) APPLICATIONS.—An eligible entity may submit to the Secretary an application, in such form and containing such information as the Secretary may require, that—

(1) demonstrates competency in implementing a community food security project;

(2) demonstrates fiscal accountability;

(3) contains an agreement that the entity will collect data and prepare reports and other documentation, as required by the Secretary; and

(4) demonstrates that the entity is willing to participate in a continuing assessment of regional food security and to share information with researchers, practitioners, and other interested parties.

(d) PREFERENCE FOR CERTAIN PROJECTS.—In selecting community food security projects to be supported by grants under subsection (b), the Secretary shall give preference to projects designed—

(1) to develop linkages between 2 or more sectors of the food system;

(2) to support the development of entrepreneurial solutions to local food problems;

(3) to develop innovative linkages between the for-profit and nonprofit food sectors; or

(4) to encourage long-term planning activities and multisystem, interagency approaches.

(e) MATCHING FUNDS.—

(1) REQUIREMENTS.—The Federal share of the cost of establishing or carrying out a community food security project that receives assistance under subsection (b) may not exceed 50 percent of the cost during the term of the grant.

(2) CALCULATION.—The non-Federal share of the cost of carrying out a community food security project may be provided through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services from private, State, or local sources.

(f) SINGLE GRANT.—A community food security project may be supported by only a single grant under subsection (b), for a term of not to exceed 3 years.

(g) TECHNICAL ASSISTANCE AND RELATED INFORMATION.—The Secretary shall—

(1) provide technical assistance regarding community food security projects, processes, and development to entities seeking such assistance;

(2) provide for the sharing of information about community food security projects and issues among and between government agencies, private for-profit and nonprofit groups, and the public through publications, conferences, and other appropriate form; and

(3) participate in assessments of regional food security and share information with researchers, practitioners, and other interested parties.

(h) EVALUATION AND REPORT.—The Secretary shall—

(1) provide for the evaluation of community food security projects supported using funds under this section; and

(2) not later than January 30, 2000, submit to Congress a report on the results of the evaluation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 1257

At the request of Mr. WELLSTONE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1257, a bill to amend the Stewart B. McKinney Homeless Assistance Act to reauthorize programs relating to homeless assistance for veterans.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week'', and for other purposes.

AMENDMENTS SUBMITTED

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT OF 1996

COHEN AMENDMENT NO. 2724

Mr. COHEN proposed an amendment to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. ____. REPORT ON RUSSIAN MILITARY OPERATIONS.

(a) No later than three months after the date of enactment of this act, the President

shall declassify, to the maximum extent possible, and resubmit to the Congress the report submitted to the Congress pursuant to section 528 of Public Law 103–236, with an addendum updating the information in the report.

(b) The addendum referred to in subsection (a) shall be unclassified to the maximum extent possible and shall address, inter alia—

(1) Russian compliance or lack of compliance with the Russian-Moldovan agreement of October 24, 1994, providing for the withdrawal of Russian military forces from Moldova, subsequent Russian deployments of military forces to Moldova and Russian efforts to secure long-term military basing rights in Moldova;

(2) possible Russian complicity in the coup attempt of September-October 1994 against the government of Azerbaijan and the exertion of Russian pressure to influence decisions regarding the path of pipelines that will carry Azerbaijani oil;

(3) Russian efforts or agreements to assume partial or complete responsibility for securing the borders of countries other than Russia, using troops of the Russian Ministry of Defense, Ministry of the Interior or any other security agency of the Russian Federation;

(4) Russian efforts to integrate its armed forces, other security forces, or intelligence agencies with those of any other country and the relationship of such efforts to the development of institutions under the Commonwealth of Independent States; and

(5) Russian compliance with the Treaty on Conventional Armed Forces in Europe and the Organization on Security and Cooperation in Europe's Code of Conduct on the Politico-Military Aspects of Security.

HARKIN (AND OTHERS) AMENDMENT NO. 2725

Mr. HARKIN (for himself, Mr. FEINGOLD, Mr. DORNAN, Mr. BRADLEY, Mr. ROBB, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE CONFERENCE ON S. 4, THE LINE ITEM VETO ACT.

(a) FINDINGS.—The Senate finds that—

(1) the line item veto was a major plank in the House majority's ''Contract With America'' and has received strong bipartisan support in the 104th Congress;

(2) the House of Representatives on February 6, 1995, passed H.R. 2, the Line Item Veto Act of 1995, on a vote of 294–134;

(3) the Senate on March 23, 1995, passed S. 4, the Separate Enrollment and Line Item Veto Act of 1995, on a vote of 69–29;

(4) the House of Representatives passed S. 4, with the text of H.R. 2 inserted, by voice vote on May 17, 1995, 50 days after passage by the Senate;

(5) notwithstanding the failure of the House of Representatives to request a conference, the Senate disagreed with the House amendment, requested a conference, and appointed conferees on S. 4 on June 20, 1995;

(6) the House of Representatives appointed conferees on September 7, 1995, 168 days after both Houses of the Congress had passed line item veto legislation;

(7) with the passage of time, it increasingly appears that the Congress may pass and send to the President not only the appropriations bills for fiscal year 1996 but also the reconciliation bill required by H. Con. Res. 67 (the concurrent resolution setting forth the congressional budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002) without first passing and sending to the President a line item veto bill;

(8) it is now only 9 days until the end of the fiscal year when the fiscal year 1996 appropriation bills need to become law in order to avoid disruption of the Government services; and

(9) the conferees on S. 4 still have not met.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the conferees on S. 4 should meet by September 26;

(2) the conferees should expeditiously resolve the differences between the 2 bills in sufficient time for the House of Representatives and the Senate to consider the conference report on S. 4 prior to the time the President is required to act upon the first fiscal year 1996 appropriation bill; and

(3) if the conferees do not complete action on the conference report in time to allow for the House of Representatives and Senate to consider the conference report prior to the time the President is required to act upon the fiscal year 1996 appropriation bills, S. 4 should, to the extent possible, contain provisions making the provisions of S. 4 applicable to the fiscal year 1996 appropriation bills and the 1995 reconciliation bill.

DOLE (AND OTHERS) AMENDMENT NO. 2726

Mr. DOLE (for himself, Mr. SIMON, Mr. HELMS, Mr. HATFIELD, Mr. D'AMATO, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. BRADLEY, Mrs. MURRAY, Mr. KERRY, Mr. PRESSLER, Mr. MCCONNELL, Mr. LEAHY, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, add the following:

LIMITATION ON ASSISTANCE TO COUNTRIES THAT RESTRICT THE TRANSPORT OR DELIVERY OF UNITED STATES HUMANITARIAN ASSISTANCE

SEC. . (a) IN GENERAL.—None of the funds made available in this Act may be used for assistance in support of any country when it is made known to the President that the government of such country prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

(b) EXCEPTION.—Subsection (a) shall not apply to assistance in support of any country when it is made known to the President that the assistance is in the national security interest of the United States.

HELMS AMENDMENT NO. 2727

Mr. HELMS proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the committee amendment insert the following:

PROHIBITION ON USE OF FUNDS FOR RELOCATING AID TO FEDERAL TRIANGLE BUILDING

SEC. 577. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be used to relocate the Agency for International Development, or any part of that agency, to the Federal Triangle Building in Washington, District of Columbia.

BINGAMAN (AND PELL) AMENDMENT NO. 2728

Mr. BINGAMAN (for himself and Mr. PELL) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place insert the following:

SEC. . PROTECTION OF HUMANITARIAN EFFORTS.

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $200 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

HELMS AMENDMENTS NOS. 2729–2730

Mr. HELMS proposed two amendments to the bill H.R. 1868, supra, as follows:

AMENDMENT NO. 2729

On page 113, lines 25 and 26, strike ''eighteen'' and insert ''twelve''.

On page 119, line 15, insert ''and thereby nullified'' after the phrase ''effectively disavowed''.

On page 120, lines 3 and 4, strike ''in accordance with the terms that may be agreed with Israel'' and insert ''that neither engage in nor practice terrorism or violence in the implementation of their political goals''

On page 120, line 15, strike ''and''.

On page 120, line 19, strike the period and insert '';and''.

On page 120, between lines 19 and 20, insert the following:

(7) the P.L.O. has not funded, either partially or wholly, or has ceased funding, either partially or wholly, any office, or other presence of the Palestinian Authority in Jerusalem.

(8) the P.L.O. is cooperating fully with the Government of the United States on the provision of information on United States nationals known to have been held at any time by the P.L.O. or factions thereof.

AMENDMENT NO. 2730

At the appropriate place in the Committee amendment, insert the following new section:

COERCIVE POPULATION CONTROL METHODS

SEC. ____. Notwithstanding any other provision of this Act or other law, none of the funds appropriated by this Act may be made available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People's Republic of China; or (2) during the 12 months preceding such certification, there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term ''coercion'' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.

BINGAMAN (AND PELL) AMENDMENT NO. 2731

Mr. BINGAMAN (for himself and Mr. PELL) proposed an amendment to amendment No. 2728 proposed by Mr. BINGAMAN to the bill H.R. 1868, supra, as follows:

Strike all after the first word and insert the following:

PROTECTION OF HUMANITARIAN EFFORTS

Notwithstanding any provision of law to the contrary:

(a) FAMILY SUPPORT PAYMENTS.—Residents of the United States shall not be prohibited from sending to their parents, siblings, spouses, or children currently residing in Cuba small amounts of money (not to exceed $195 per month) to be used for the purchase of basic necessities, including food, clothing, household supplies, rent, medicines, and medical care.

(b) COMPASSIONATE TRAVEL.—Residents of the United States shall not be prohibited from traveling to Cuba for a period up to thirty (30) days to attend to a medical emergency involving, or to attend the funeral of, such resident's parent, sibling, spouse, or child.

(c) NATIONAL DISASTER RELIEF.—The United States shall not be prohibited from participating in humanitarian relief efforts of multilateral organizations of which the United States is a member, where such humanitarian relief efforts are made in the aftermath of a natural disaster on the island of Cuba.

KERRY AMENDMENTS NOS. 2732–2733

Mr. KERRY proposed two amendments to the bill H.R. 1868, supra, as follows:

AMENDMENT NO. 2732

On page 26 of the bill, strike lines 4 through 22.

AMENDMENT NO. 2733

On page 29 of the bill, strike the word ''Appropriations:'' on line 17 and all that follows it on that page and insert in lieu thereof: ''Appropriations.''

COCHRAN AMENDMENT NO. 2734

Mr. MCCONNELL (for Mr. COCHRAN) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 43, line 17, strike out ''*Provided,*'' and insert in lieu thereof ''*Provided*, That not less than $3,000,000 of the funds appropriated under this heading shall be made available for the World Food Program: *Provided further,*''.

SHELBY AMENDMENT NO. 2735

Mr. MCCONNELL (for Mr. SHELBY) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 11, line 10 insert after ''Zaire'' '': *Provided further*, That, not less than $2,000,000 shall be provided to the International Fertilizer Development Center''.

INOUYE AMENDMENT NO. 2736

Mr. MCCONNELL (for Mr. INOUYE) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place under the heading on page 8, ''Economic Assistance'' add the following provision;

''*Provided further*, That not less than $800,000 of the funds made available under this heading shall be made available for support of the United States Telecommunications Training Institute;

COVERDELL AMENDMENT NO. 2737

Mr. MCCONNELL (for Mr. COVERDELL) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of this Act, $20,000,000 of the funds made available under this Act for or through the Agency for International Development shall be transferred to, and merged with, the appropriations account entitled ''INTERNATIONAL NARCOTICS CONTROL'' and shall be available for the same purposes for which funds in such account are available.

GORTON AMENDMENT NO. 2738

Mr. MCCONNELL (for Mr. GORTON) proposed an amendment to the bill H.R. 1868, supra; as follows:

At the end of section 546 of the bill, insert the following:

(c) The President may transfer to Estonia such excess defense articles as the President determines necessary to help modernize the defense capabilities of Estonia, subject to the requirements of subsections (b) through (f) of section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m).

STEVENS (AND OTHERS) AMENDMENT NO. 2739

Mr. MCCONNELL (for Mr. STEVENS for himself, Mr. HATFIELD, and Mr. INOUYE) proposed an amendment to the bill H.R. 1868, supra; as follows:

On page 18, line 24, after ''assistance:'' insert the following:

Provided further, That not less than the Egyptian pound equivalent of $85,000,000 generated from funds made available by this paragraph, or from any other source including from funds made available for Egypt for fiscal year 1997, shall be made available to the United States pursuant to the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978, for the following endowments established under such Agreements: the Egyptian pound equivalent of $50,000,000 shall be made available to replenish the existing endowment for the American University in Cairo, and the Egyptian pound equivalent of $35,000,000 shall be made available to replenish the existing endowment for projects and programs which promote the preservation and restoration of Egyptian antiquities:

DOMENICI (AND OTHERS) AMENDMENT NO. 2740

Mr. MCCONNELL (for Mr. DOMENICI for himself, Mrs. HUTCHISON, Mr. KYL, Mr. MCCAIN, Mr. BINGAMAN, and Mr. GRAMM) proposed an amendment to the bill H.R. 1868, supra, as follows:

NORTH AMERICAN DEVELOPMENT BANK

For payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $25,000,000, to remain available until expended; *Provided*, that for the payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund to be administered by the Inter-American Development Bank, $45,000,000 is provided to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the North American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of the capital stock of the North American Development Bank in an amount not exceed, $318,750,000.

WELLSTONE AMENDMENT NO. 2741

Mr. MCCONNELL (for Mr. WELLSTONE) proposed an amendment to the bill H.R. 1868, supra, as follows:

On Page 43, under the heading ''International Organizations and Programs'', add the following proviso; ''*Provided further*, that not less than $1,500,000 of the funds appropriated under this heading shall be made available for the United Nations Fund for Victims of Torture;''

DODD (AND OTHERS) AMENDMENT NO. 2742

Mr. MCCONNELL (for Mr. DODD for himself, Mr. LEAHY, Mrs. MURRAY, Mr. DORGAN, and Mr. LUGAR) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 11, line 3 strike ''$15,000,000'' and insert in lieu thereof ''$30,000,000''.

DODD (AND LEAHY) AMENDMENT NO. 2743

Mr. MCCONNELL (for Mr. DODD for himself, Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill add the following new section:

SEC. . GUATEMALA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Government of Guatemala, under President De Leon Carpio, has made significant progress towards negotiating an end to Guatemala's civil conflict which has resulted in numerous human rights violations, claimed tens of thousands of lives and impeded economic development in that country;

(2) President De Leon Carpio has taken steps to improve human rights, including his support for the U.N. mission for the verification of human rights and of compliance with the commitments of the comprehensive agreement of human rights in Guatemala (Minugua) and his recent decision to abolish the military commissioners, but his efforts to bring human rights violators to justice have been impeded by certain members of the Guatemalan armed forces;

(3) Despite numerous appeals by the families of victims of human rights abuses, human rights organizations and Members of the United States Congress, there has been minimal progress towards resolving specific human rights cases including cases involving American citizens or their relatives;

(4) President De Leon Carpio deserves the support of the United States in his efforts to resolve Guatemala's conflict peacefully, to support Democratic elections, and to improve respect for human rights.

(b) LIMITATIONS.—Notwithstanding any other provisions of law—

(1) No assistance in this act or any other act shall be made available to the Guatemalan Armed Forces or the URNG;

(2) No sales of defense articles or services shall be licensed or approved for Guatemala for the Armed Forces or URNG; and

(3) No visas shall be granted for any member of the Guatemalan Armed Forces or the URNG suspected of participating in or ordering any violation of human rights or of seeking to coverup or otherwise thwart the investigation of such acts.

(c) CERTIFICATION.

The limitations contained in subsection (b) shall cease to apply when the President certifies to the Committee on Appropriations and the Committee on Foreign Relations that—

(1) The Guatemalan Armed Forces and the URNG are fully cooperating with efforts—

(A) By the family of U.S. citizen Michael Devine who was murdered in 1990 to bring to justice those responsible for the murder or coverup of the murder;

(B) The October 1994 murders of Roderico Baudilio De Leon and Flavio Matias Marroquin

(C) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez; and

(D) By human rights organizations and the Guatemalan Attorney General to investigate and bring to justice those involved in the prominent human rights cases committed by both sides to the conflict, including those cases enumerated in the April 7, 1995 letter to President Clinton by twelve Members of the United States Senate.

(2) The Guatemalan Government and Armed Forces are complying with the recommendations in Minugua's first and second reports, particularly those related to the investigation and prosecution of human rights cases.

(3) The U.S. Representatives to the United Nations Human Rights Commission has consulted with Representatives of other member states to determine whether respect for human rights would be enhanced by the appointment of a special United Nations Rapporteur for Guatemala.

MCCAIN (AND KERRY) AMENDMENT NO. 2744

Mr. MCCONNELL (for Mr. MCCAIN for himself and Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 104, strike lines 7 through 10 and insert the following:

SEC. 570. None of the funds made available in this Act may be used for international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961, or crop substitution assistance, directly for the Government of Burma unless the Secretary of State certifies to the appropriate congressional committees that any such programs are fully consistent with United States human rights concerns in Burma and serve a vital United States national interest. The President shall include in the annual International Narcotics Control Strategy Report submitted under chapter 8 of part I of the Foreign Assistance Act of 1961 a description of the programs funded under this section.

KERRY AMENDMENT NO. 2745

Mr. MCCONNELL (for Mr. KERRY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place add the following new section:

Sec. . (a) The Senate finds the following:

(1) Since March 1995 the Peruvian government has engaged in an aggressive air interdiction program to prevent narcotics traffickers from violating Peruvian airspace for the purpose of transporting illegal narcotics to Colombia.

(2) As a result of the Peruvian interdiction program, the number of illicit flights detected in recent months has dropped to its lowest level in over three years and the price of transporting narcotics out of Peru has risen by as much as 500 percent.

(c) The inability of the traffickers to move cocaine base out of Peru has produced a glut of coca leaf and cocaine base in Peru with a resulting 50 percent decline in the price.

(4) The Peruvian government's ability to sustain the success of its interdiction program is dependent on the maintenance and upkeep of a very limited number of aircraft.

(5) As a result of the internal Peruvian political situation and the conflict earlier this year between Peru and Ecuador, the United States suspended military transfers to Peru.

(6) As much as 80 percent of the cocaine that reaches the United States comes from coca grown in Peru and the disruption of the air corridor between Peru and Colombia is important to United States counter narcotics efforts.

(7) The situations which led to the cutoff of military equipment for the air interdiction effort have been satisfactorily resolved or have progressed to a point where the cutoff of this military equipment is no longer in the interest of the United States.

(b) It is the sense of the Senate that the President should, as soon as possible, provide limited spare parts and other military equipment to the government of Peru in support of Peruvian Air Force efforts to monitor, intercept and interdict aircraft and other forms of transportation engaged in illegal narcotics trafficking activities.

PELL (AND OTHERS) AMENDMENT NO. 2746

Mr. MCCONNELL (for Mr. PELL for himself, Mr. SIMON, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 9, insert after the end of line 8 the following: Provided further, That the President shall seek to ensure that the percentage of funds made available under this heading for the activities of private and voluntary organizations and cooperatives is at least equal to the percentage of funds made available pursuant to corresponding authorities in law for the activities of private and voluntary organizations and cooperatives in fiscal year 1995:

PELL (AND LEAHY) AMENDMENT NO. 2747

Mr. MCCONNELL (for Mr. PELL for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, insert the following:

Of the funds appropriated for Turkey under the heading ''Economic Assistance'', not less than $5 million shall be made available only through non-governmental organizations to be used only for projects in the ten southeastern provinces currently under a state of emergency, and shall be used only for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of non-governmental organizations.

LEAHY AMENDMENT NO. 2748

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 36, line 4, after the word ''Turkey'' insert the following:

'': *Provided further,* That the President should seek the agreement of the Prime Minister of Turkey to permit access throughout Turkey for international humanitarian organizations which operate confidentially, and report to the Committee on Appropriations by June 1, 1996, on progress towards such agreement''

BROWN (AND OTHERS) AMENDMENT NO. 2749

Mr. MCCONNELL (for Mr. BROWN for himself, Mr. SIMON, Ms. MIKULSKI, Mr. ROTH, Mr. DOLE, Mr. HELMS, Ms. MOSELEY-BRAUN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. SPECTER) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 121, below line 24, add the following:

TITLE VII—NATO PARTICIPATION ACT AMENDMENTS OF 1995

SECTION 701. SHORT TITLE.

This title may be cited as the ''NATO Participation Act Amendments of 1995''.

SEC. 702. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949.

(3) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(4) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(5) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(6) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western security interests.

(7) NATO has played a positive role in defusing tensions between NATO members and, as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

(8) NATO is also an important diplomatic forum for the discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Europe would pose a security threat to the United States and its European allies.

(11) The admission to NATO of European countries that have been freed from Communist domination and that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and East European countries into the North Atlantic Alliance after such countries meet essential

criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by European states emerging from Communist domination.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(16) Nothing in this title should be construed as precluding the eventual NATO membership of European countries never under Communist domination, namely, Austria, Finland, and Sweden.

(17) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(18) The evaluation of future membership in NATO for countries emerging from Communist domination should be based on the progress of those nations in meeting criteria for NATO transition assistance and evolving NATO criteria, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 703. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from Communist domination in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 704. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(a) ESTABLISHMENT OF PROGRAM.—The President may provide expanded security assistance and other related assistance to countries designated under subsection (d) to facilitate their transition to full NATO membership.''.

(b) ELIGIBLE COUNTRIES.—

(1) ELIGIBILITY.—Subsection (d) of section 203 of such Act is amended to read as follows:

''(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

''(1) PRESIDENTIAL REVIEW AND REPORT.—Within 60 days of the enactment of the NATO Participation Act Amendments of 1995, the President shall transmit to the Congress an evaluation of Poland, Hungary, the Czech Republic, and Slovakia, as well as all other European countries emerging from Communist domination which have expressed an interest in joining NATO, in accordance with the criteria in paragraph (3) and specifically designate one or more of these countries to be eligible to receive assistance under the program established in subsection (a). The President shall provide a report of the country-by-country evaluation as well as an evaluation of each designated country's progress toward conformance with criteria for full NATO membership.

''(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—In addition to the country or countries designated pursuant to paragraph (1), the President may designate other European countries emerging from Communist domination. The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country meets the criteria specified in paragraph (3).

''(3) CRITERIA.—The criteria referred to in paragraph (2) are, with respect to each country, that the country—

''(A) has made or is making significant progress toward establishing—

''(i) shared values and interests;

''(ii) democratic governments;

''(iii) free market economies;

''(iv) civilian control of the military, of the police, and of intelligence services;

''(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Organization on Security and Cooperation in Europe; and

''(vi) more transparent defense budgets and is participating in the Partnership For Peace defense planning process;

''(B) has made public commitments—

''(i) to further the principles of NATO and to contribute to the security of the North Atlantic area;

''(ii) to accept the obligations, responsibilities, and costs of NATO membership; and

''(iii) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities;

''(C) is not ineligible for assistance under section 563 of Public Law 103–306, with respect to transfers of equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act; and

''(D) could, within five years of the determination of the President under paragraph (1) or (2), be in a position to further the principles of the North Atlantic Treaty and to contribute to its own security and that of the North Atlantic area.

''(4) PROHIBITION ON FUNDING FOR PARTNERSHIP FOR PEACE ACTIVITIES OR ON FUNDING FOR THE WARSAW INITIATIVE.—Effective 60 days after the date of enactment of the NATO Participation Act Amendments of 1995, no funds authorized to be appropriated under any provision of law may be obligated or expended for activities associated with the Partnership for Peace program or the Warsaw Initiative until the President has designated at least one country to participate in the transition program established under subsection (a).''.

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of section 203 of such Act are amended by striking ''countries described in such subsection'' each of the two places it appears and inserting ''countries designated under subsection (d)''.

(B) Subsection (e) of section 203 of such Act is amended—

(i) by striking ''subsection (d)'' and inserting ''subsection (d)(2)''; and

(ii) by inserting ''(22 U.S.C. 2394)'' before the period at the end.

(C) Section 204(c) of such Act is amended by striking ''any other Partnership for Peace country designated under section 203(d)'' and inserting ''any country designated under section 203(d)(2)''.

(c) TYPES OF ASSISTANCE.—Section 203(c) of such Act is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(2) by inserting after subparagraph (D) (as redesignated) the following new subparagraphs:

''(E) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).

''(F) Funds appropriated under the 'Nonproliferation and Disarmament Fund' account''.

''(G) Assistance under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs).''.

''(H) Authority for the Department of Defense to pay excess defense articles costs for countries designated for both grant lethal and nonlethal excess defense articles.

''(I) Authority to convert FMF loans to grants, and grants to loans, for eligible countries.

(3) by inserting ''(1)'' immediately after ''TYPE OF ASSISTANCE.—''; and

(4) by adding at the end the following new paragraphs:

''(2) For fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

''(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), $5,000,000 for fiscal year 1996 and $5,000,000 for fiscal year 1997 should support—

''(A) the attendance of additional military personnel of countries designated under subsection (d)(1) or (d)(2), particularly Poland, Hungary, the Czech Republic, and Slovakia, at professional military education institutions in the United States in accordance with section 544 of such Act; and

''(B) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.''.

SEC. 705. ASSISTANCE FOR NATO PARTICIPATION ACT DESIGNEES.

The President is authorized to obligate and expend $60,000,000 from funds made available under the Foreign Assistance Act of 1961 in support of countries designated to receive transition assistance under section 203(a) of the NATO Participation Act, as follows:

(1) Poland: $20,000,000.

(2) Czech Republic: $10,000,000.

(3) Hungary: $5,000,000.

(4) Slovakia: $5,000,000.

(5) Other European countries designated under subsection (d)(1) or subsection (d)(2): $20,000,000.

SEC. 706. TERMINATION OF ELIGIBILITY.

Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

''(2) Whenever the President determines that the government of a country designated under subsection (d)—

''(A) no longer meets the criteria set forth in subsection (d)(2)(A);

''(B) is hostile to the NATO alliance; or

''(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.

''(3) Nothing in this Act shall affect the eligibility of countries to participate under

other provisions of law in programs described in this Act.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

''(g) CONGRESSIONAL PRIORITY PROCEDURES.—

''(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473 (98 Stat. 1936)), except that—

''(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

''(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.''.

SEC. 707. REPORTS.

(a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), as redesignated by section 705(1) of this Act, is amended—

(1) by inserting ''**annual**'' in the section heading before the first word;

(2) by inserting ''annual'' after ''include in the'' in the matter preceding paragraph (1);

(3) in paragraph (1), by striking ''Partnership for Peace'' and inserting ''European''; and

(4) by striking paragraph (2) and inserting instead the following new paragraph:

''(2) In the event that the President determines that, despite a period of transition assistance, a country designated under section 203(d) has not, as of January 10, 1999, met criteria for NATO membership set forth by the North Atlantic Council, the President shall transmit a report to the designated congressional committees containing an assessment of the progress made by that country in meeting those standards.''.

SEC. 708. DEFINITIONS.

The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), as amended by this title, is further amended by adding at the end the following new section:

''SEC. 207. DEFINITIONS.

''For purposes of this title:

''(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

''(2) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

''(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

''(3) EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'European countries emerging from Communist domination' includes, but is not limited to, Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.''.

BYRD (AND OTHERS) AMENDMENT NO. 2750

Mr. MCCONNELL (for Mr. BYRD for himself, Mr. INOUYE, Mr. LEAHY, Mr. NUNN, Mr. HATFIELD, Mr. STEVENS, Mr. THOMAS, Mr. ROBB, and Mr. LUGAR) proposed an amendment to the bill H.R. 1868, supra, as follows:

Strike all after ''that'' on p. 108, line 18 through line 10 on page 109, and insert in lieu thereof the following:

(a) in accordance with Section 1 of the Agreed Framework, KEDO has designated a Republic of Korea company, corporation or entity for the purpose of negotiating a prime contract to carry out construction of the light water reactors provided for in the Agreed Framework; and

(b) the DPRK is maintaining the freeze on its nuclear facilities as required in the Agreed Framework; and

(c) the United States is taking steps to assure that progress is made on (1) the North South dialogue, including efforts to reduce barriers to trade and investment, such as removing restrictions on travel, telecommunications services and financial transactions; and (2) implementation of the January 1, 1992 Joint Declaration on the Denuclearization of the Korean Peninsula.

(d) A report on the specific efforts with regard to subsection (c) shall be submitted by the President to the Committees on Appropriations six months after the date of enactment, and every six months thereafter.

MCCONNELL AMENDMENT NO. 2751

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 24, line 5 add the following after ''services'':

: *Provided,* That these funds shall be in addition to funds justified for programs in the fiscal year 1996 congressional presentation documents.

PRESSLER (AND OTHERS) AMENDMENT NO. 2752

Mr. MCCONNELL (for Mr. PRESSLER for himself, Mr. D'AMATO, Mr. HELMS, Mr. MACK, Mr. THOMAS, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. HONG KONG ELECTIONS.

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

(1) The right to an elected legislature in Hong Kong is guaranteed by the 1984 Sino-British Joint Declaration on the Question of Hong Kong.

(2) The United States-Hong Kong Policy Act declared the Congress's support for full implementation of the 1984 Sino-British Joint Declaration;

(3) The People's Republic of China declared in the Joint Declaration that Hong Kong would be ''vested legislative, executive and independent judicial power'' and would have ''a legislature constituted by elections''.

(4) On September 17, 1995, the highest number of Hong Kong voters ever demonstrated their commitment to democracy by freely expressing their right to vote in the Legislative Council elections.

(5) The voters of Hong Kong have overwhelmingly expressed their desire for the establishment of a fully democratic government by electing 60 Legislative Councillors for four-year terms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the people of Hong Kong are to be congratulated for exercising their right to vote on September 17, 1995;

(2) the People's Republic of China should respect the clear will of the people of Hong Kong to have a fully democratic government;

(3) the Government of the People's Republic of China should enter into a dialogue with the democratically elected representatives of the Hong Kong people; and

(4) the Government of the People's Republic of China should respect the mandate of the elected members by withdrawing its pledge to abolish the Legislative Council in violation of the Joint Declaration's provisions on Hong Kong's legislature and autonomy in all but defense and foreign affairs.

MCCONNELL AMENDMENT NO. 2753

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra; as follows:

AMENDMENT NO. 2753

At the appropriate place in the bill insert the following:

SEC. 2. SANCTIONS AGAINST BURMA.

Except as provided in section 4, the following sanctions shall apply to Burma, effective 90 days after the date of enactment of this Act (or on such other date as is specified in this section):

(1) INVESTMENTS.—No United States national may make any investment in Burma.

(2) UNITED STATES ASSISTANCE.—United States assistance for Burma is prohibited.

(3) TRADE PRIVILEGES.—The President shall continue the suspension of special trade privileges pursuant to the Generalized System of Preferences (GSP), and shall continue the suspension of nondiscriminatory trade treatment (most-favored-nation status), with respect to Burma.

(4) IMPORTATION OF GOODS.—No article which is produced, manufactured, grown, or extracted in Burma may be imported into the United States.

(5) TRADE AND INVESTMENT TREATIES.—The United States should continue to suspend carrying out obligations under bilateral trade and investment treaties with Burma.

(6) TRAVEL RESTRICTIONS.—The Secretary of State shall prohibit the use of United States passports for travel to Burma except for travel by United States diplomatic personnel.

(7) DIPLOMATIC REPRESENTATION.—The President is urged not to accept diplomatic representation from Burma at a level greater than the level of diplomatic representation accorded the United States in Burma.

(8) FOREIGN ASSISTANCE.—The United States shall suspend assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to any foreign government which sells or otherwise transfers arms to the Government of Burma.

(9) INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS.—The United States shall withhold from each international organization that funds activities in Burma other than humanitarian activities an amount equal to the United States proportionate share of that funding.

(10) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive director of each financial institution to vote against any loan or other utilization of the funds of the respective bank to or for Burma.

(11) EMINENT PERSONS GROUP.—The President, acting through the United States Permanent Representative to the United Nations, should urge the United Nations to establish an eminent persons group to report on compliance by the Government of Burma with United Nations resolutions.

(12) INTERNATIONAL ARMS EMBARGO.—The President, acting through the United States Permanent Representative to the United Nations, should urge the establishment by the United Nations of an international arms embargo of Burma.

SEC. 3. AGREEMENTS TO IMPOSE SANCTIONS ON BURMA.

(a) NEGOTIATIONS WITH TRADING PARTNERS.—

(1) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall initiate negotiations with all foreign countries with which the United States trades for the purpose of entering into agreements with the countries—

(A) to support United States sanctions against Burma, and

(B) to cease trade with and investment in Burma.

(2) CERTIFICATION OF NEGOTIATIONS AND AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall certify to the Congress each country that—

(A) has failed to enter into an agreement described in paragraph (1), or

(B) has entered into such an agreement but is not enforcing it.

(3) ACTION BY THE PRESIDENT.—Notwithstanding any other provision of law, if a certification is made with respect to any country under paragraph (2) the President shall withdraw—

(A) any designation of such country—

(i) as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.),

(ii) as a beneficiary country for purposes of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), or

(iii) as a beneficiary country for purposes of the Andean Trade Preference Act (19 U.S.C. 3201 et seq.),

(B) from such countries the benefits of any other special tariff treatment program under which the special rates of duty apply under column 1 of the Harmonized Tariff Schedule of the United States, and

(C) most-favored-nation trade treatment with respect to any such country.

(b) APPLICABILITY.—

(1) IN GENERAL.—The provisions of this section apply to goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country with respect to which an action described in subsection (a)(3) has been taken, during the period beginning on the date that is 15 days after the date of the certification described in subsection (a)(2) and ending on the date that is 15 days after the earlier of—

(A) the date the President certifies to the Congress that such country has entered into an agreement described in subsection (a)(1) and is enforcing the agreement, or

(B) the date a certification described in section 4 is made.

(2) RATE OF DUTY DURING PERIOD DESIGNATION IS WITHDRAWN.—During the period described in paragraph (1), goods entered, or withdrawn from warehouse for consumption, originating in or imported from a country described in subsection (a)(3) shall be subject to duty at the rates of duty specified for such goods under column 2 of the Harmonized Tariff Schedule of the United States.

SEC. 4. CERTIFICATION.

The sanctions of section 2 shall not apply upon the determination and certification by the President to the appropriate congressional committees that the following conditions are met:

(1) The Government of Burma has unconditionally released all political prisoners, including Aung San Suu Kyi.

(2) The Government of Burma has fully implemented the results of the 1990 elections in Burma, including the transfer of power to civilian authority, the protection of basic human rights, and guaranteeing the right of Burmese citizens to participate freely in the political process, assuring freedom of speech and the right of association and assembly.

(3) The Government of Burma has implemented an effective counternarcotics effort.

SEC. 5. SANCTIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA.

The Secretary of the Treasury shall instruct the United States executive director of each multilateral financial institution to vote against any loan or other utilization of the facilities of the respective institution to or for the People's Republic of China until the President determines and certifies to the appropriate congressional committees that the People's Republic of China has terminated arms sales and other arms transfers to Burma.

SEC. 6. SANCTIONS AGAINST THE GOVERNMENT OF THAILAND.

The President shall withhold all United States assistance to the Government of Thailand until the President determines and certifies to the appropriate congressional committees that the Government of Thailand is fully cooperating in providing support and relief for Burmese exiles and refugees.

SEC. 7. REPORT.

Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees on—

(1) the chemical and biological weapons capability of Burma;

(2) a plan to provide United States assistance in support of the democracy movement active inside Burma;

(3) the treatment by the Government of Thailand of Burmese students, refugees, and exiles resident in Thailand; and

(4) the status of arms sales and other arms transfers to the Government of Burma, including the amount of expenditures by the Government of Burma in the acquisition of arms.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) INVESTMENT.—The term ''investment'' includes any contribution or commitment of funds, commodities, services, patents, processes, or techniques, in the form of—

(A) a loan or loans;

(B) the purchase of a share of ownership;

(C) participation in royalties, earnings, or profits; and

(D) the furnishing of commodities or services pursuant to a lease or other contract.

(3) HUMANITARIAN ACTIVITIES.—The term ''humanitarian activities'' means the provision of food, medicine, medical supplies, or clothing and does not include cash transfers.

(4) FINANCIAL INSTITUTIONS.—The term ''financial institutions'' includes the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(5) UNITED STATES ASSISTANCE.—The term ''United States assistance'' means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of the Act);

(B) sales, credits, and guaranties under the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(C) sales under title I (7 U.S.C.A. 1701 et seq.) or III (17 U.S.C.A. 1727 et seq.) and donations under title II (17 U.S.C.A. 1721 et seq.) of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities; and

(E) financing under the Export-Import Bank Act of 1945 (12 U.S.C.A. 635 et seq.).

COHEN AMENDMENT NO. 2754

Mr. MCCONNELL (for Mr. COHEN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At an appropriate place in the bill add the following new section.

SEC. . SENSE OF THE SENATE ON THAILAND.

(a) FINDINGS.—The Senate makes the following findings—

(1) the Royal Thai Government has had a policy of not supporting or cooperating with the Khmer Rouge; and

(2) Thailand is host to large numbers of persons displaced from neighboring countries, including Burma, placing a significant burden on Thailand's economy.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should—

(1) affirm to the Royal Thai Government the support of the United States for that Government's policy not to support or cooperate with the Khmer Rouge and encourage the Royal Thai Government to prosecute vigorously its efforts to prevent cooperation between individual members of the Royal Thai Armed Forces and the Khmer Rouge; and

(2) take appropriate steps to assist the Royal Thai Government in providing and facilitating relief to displaced persons from Burma and other neighboring countries and to encourage that Government to fully cooperate in such relief efforts.

MCCONNELL AMENDMENT NO. 2755

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra, as follows:

Add the following new section to title V:

SEC. . EXTENSION OF TIED AND CREDIT PROGRAM.

(a) Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 6351–3(c)(2)) is amended by striking ''1995'' and inserting ''1997''.

(b) Section 10(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 6351–3(e)) is amended by striking ''1993, 1994, and 1995'' and inserting ''1996 and 1997''.

SEC. 102. AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT

(a) Notwithstanding section 4701(a)(1)(A) of title 5, United States Code, the Export-Import Bank of the United States may conduct a demonstration project in accordance with section 4703 of such title 5.

LEAHY AMENDMENT NO. 2756

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 45, line 4, after the word ''funds'' insert the following: ''Provided further, that of the funds appropriated under this heading, not less than $1,000,000 shall be made available to UNIFEM.''

LEAHY AMENDMENT NO. 2757

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place, insert the following:

CONVENTIONAL WEAPONS REVIEW

(a) FINDINGS.—The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of State, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(4) Antipersonnel landmines are routinely used against civilian populations and kill and maim an estimated 70 people each day, or 26,000 people each year.

(5) The Secretary of State has noted that landmines are ''slow-motion weapons of mass destruction''.

(6) There are hundreds of varieties of antipersonnel landmines, from a simple type available at a cost of only two dollars to the more complex self-destructing type, and all landmines of whatever variety kill and maim civilians, as well as combatants, indiscriminately.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.—It is the sense of Congress that, at the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.—(1) UNITED STATES MORATORIUM.—(A) For a period of one year beginning three years after the date of the enactment of this Act, the United States shall not use antipersonnel landmines except along internationally recognized national borders or in demilitarized zones within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure the exclusion of civilians.

(B) If the President determines, before the end of the one year period of the United States moratorium under subparagraph (A), that the governments of other nations are implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(2) OTHER NATIONS.—It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium as a step toward the elimination of antipersonnel landmines.

(d) ANTIPERSONNEL LANDMINE EXPORTS.—It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license for export, or otherwise transfer defense articles and services to any foreign government which, as determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

(e) DEFINITIONS.—For purposes of this Act:

(1) ANTIPERSONNEL LANDMINE.—(A) The term ''antipersonnel landmine'' means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.

(B) The term ''antipersonnel landmine'' does not include command detonated Claymore munitions.

(2) 1980 CONVENTIONAL WEAPONS CONVENTION.—The term ''1980 Conventional Weapons Convention'' means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, together with the protocols relating thereto, done at Geneva on October 10, 1980.

LEAHY AMENDMENT NO. 2758

Mr. MCCONNELL (for Mr. LEAHY) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . EXTENSION OF AU PAIR PROGRAMS.

Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last sentence by striking ''fiscal year 1995'' and inserting ''fiscal year 1998''.

MCCONNELL AMENDMENT NO. 2759

Mr. MCCONNELL proposed an amendment to the bill H.R. 1868, supra, as follows:

Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided*, That this section shall not apply with respect to any accounts for which a general authorization of appropriations for fiscal year 1996 is enacted in law on or before April 1, 1996.

DOLE (AND OTHERS) AMENDMENT NO. 2760

Mr. MCCONNELL (for Mr. DOLE for himself, Mr. MCCAIN, Mr. GREGG, Mr. HELMS, and Mr. COVERDELL) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the end of the last committee amendment, insert the following:

SEC. . LIMITATION ON ASSISTANCE FOR HAITI.

(a) LIMITATION.—None of the funds appropriated or otherwise made available by this Act or any other Act may be furnished to the Government of Haiti until the President determines and reports in writing to the Congress that—

(1) the government of Haiti has conducted or is conducting a thorough and professional investigation into, and prosecution of those responsible for the murder of Mireille Durocher de Bertin on March 28, 1995, and other possible cases of political or extrajudicial killings, including the 20 cases of ''commando-style executions'' cited by the United Nations/Organization of American States International Civilian Mission in Haiti on September 12, 1995;

(2)(A) the police and security forces of Haiti are not assassinating or abducting civilians, are not engaging in other acts of violence directed at civilians, and are controlling such activities by elements subject to the control of those forces; or

(B) the government of Haiti is investigating effectively the members within its police and security forces engaged in acts of violence against civilians, and has put in place effective policies to deter and punish such activities in the future.

(3) the Government of Haiti has actively sought and encouraged a law enforcement service from outside Haiti to assist and monitor investigators of the Government of Haiti in their investigation of the murders cited in section (1) above; and

(4)(A) the Government of Haiti has cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder; or

(B) the Government of Haiti has not cooperated fully and in a timely fashion with U.S. Federal Bureau of Investigation efforts to investigate the murder of Mireille Durocher de Bertin, including providing access to Haitian government employees in a manner which facilitates prosecution of those responsible for her murder, in which case the President shall submit a detailed accounting of the areas of non-cooperation and his assessment of all the reasons for such non-cooperation by the government of Haiti.

(b) REPORT.—Not later than 60 days after enactment of this section, the President shall report to the appropriate committees of Congress, based on information available to him, on the identity or identities of those responsible for the murder and any subsequent coverup, and on the status of the Government of Haiti's investigation of:

(1) the murder of American citizen Richard Andre Emmanuel on February 13, 1991;

(2) the murders of Bastian Desrosiers, Stevenson Desrosiers, Jacques Nelio, Pierre Schiller and Louis Walky on July 26, 1991;

(3) the murder of Reverand Sylvio Claude on September 17, 1991;

(4) the murder of Roger Lanfontant on September 29, 1991;

(5) the murder of Antoine Izmery on September 11, 1993; and

(6) the murder of Minister of Justice Guy Malary on October 14, 1993.

(c) HUMANITARIAN ASSISTANCE.—Nothing in this section shall be construed to restrict the provision of humanitarian or electoral assistance to the Haitian people by non-governmental or private voluntary organizations.

(d) WAIVER.—The president may waive the requirements of this section if he determines and certifies to the appropriate committees of Congress that it is necessary to facilitate the safe and timely withdrawal of American forces from Haiti.

DOLE (AND OTHERS) AMENDMENT NO. 2761

Mr. MCCONNELL (for Mr. DOLE for himself, Mr. HELMS, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 1868, supra, as follows:

In subsection (b) of the section entitled ''AUTHORITY TO ASSIST BOSNIA-HERZEGOVINA'', strike ''$50,000,000'' and insert ''$100,000,000''.

DOLE (AND HATCH) AMENDMENT NO. 2762

Mr. MCCONNELL (for Mr. DOLE for himself and Mr. HATCH) proposed an amendment to the bill H.R. 1868, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . CROATIAN-AMERICAN ENTERPRISE FUND.

(a) DESIGNATION OF FUND.—The President shall designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to Croatia in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989. Such organization shall be known as the ''Croatian-American Enterprise Fund''.

(b) APPLICATION OF SEED ACT.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to the Croatian-American Enterprise Fund. The officers, members, or employees of the Croatian-American Enterprise Fund shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $12,000,000 for fiscal year 1996 to fund the Croatian-American Enterprise Fund established under subsection (a).

(2) Funds appropriated under this subsection are authorized to remain available until expended.

(d) APPROPRIATIONS.—Of the funds appropriated or otherwise made available by this Act under the heading entitled ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'', $12,000,000 shall be available only to support the Croatian-American Fund established by subsection (a).

DOLE (AND D'AMATO) AMENDMENTS NOS. 2763–2764

Mr. MCCONNELL (for Mr. DOLE for himself and Mr. D'AMATO) proposed two amendments to the bill H.R. 1868, supra, as follows:

AMENDMENT NO. 2763

Before the period at the end of the heading entitled ''INTERNATIONAL DISASTER ASSISTANCE'', insert the following: '': *Provided*, That of the amount appropriated under this heading, $40,000,000 should be available only for emergency humanitarian assistance to the former Yugoslavia, of which amount not less than $6,000,000 shall be available only for humanitarian assistance to Kosova''.

AMENDMENT NO. 2764

At the appropriate place in the bill, insert the following new section:

SEC. ___. SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS.

(a) BILATERAL ASSISTANCE.—Assistance may not be provided in any fiscal year under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions each fiscal year to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which permits entry into or presence in the territory of such country to any person—

(1) who has been indicted by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law, or

(2) who has been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government of Germany; or

(D) any government which was an ally of the Nazi government of Germany.

(d) DEFINITIONS.—As used in this section—

(1) the term ''international financial institutions'' includes the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the European Bank for Reconstruction and Development, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the Inter-American Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, and the Asian Development Bank; and

(2) the term ''war crime'' includes any offense which is—

(A) a grave breach of any of the four Geneva Conventions for the Protection of War Victims of August 12, 1949;

(B) a violation of the Hague Convention (IV) Respecting the Laws and Customs of War on Land of October 18, 1907, or the Regulations annexed thereto;

(C) a violation of the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; or

(D) a violation of the Charter of the International Military Tribunal of August 8, 1945.

DOLE (AND BIDEN) AMENDMENT NO. 2765

Mr. MCCONNELL (for Mr. DOLE for himself and Mr. BIDEN) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 121, after line 24, insert the following new section:

LIMITATION ON FUNDS TO THE TERRITORY OF THE BOSNIAC-CROAT FEDERATION.

SEC. 605. Funds appropriated by this Act for activities in the internationally-recognized borders of Bosnia and Herzegovina (other than refugee and disaster assistance and assistance for restoration of infrastructure, to include power grids, water supplies and natural gas) may only be made available for activities in the territory of the Bosniac-Croat Federation.

COHEN AMENDMENT NO. 2766

Mr. MCCONNELL (for Mr. COHEN) proposed an amendment to the bill H.R. 1868, supra, as follows:

At an appropriate place in the bill insert the following new section:

SEC. . RUSSIAN COMPLIANCE WITH THE CFE TREATY AND PRIORITIES FOR MODIFYING EXISTING ARMS CONTROL TREATIES. It is the sense of the Senate that—

(a) the failure by the Russian Federation to meet any obligation under the Treaty of the Conventional Armed Forces in Europe shall constitute non-compliance with the Treaty;

(b) the United States should insist on full compliance with the Russian Federation with all of the obligations of the Treaty on Conventional Armed Forces in Europe;

(c) the Treaty on Conventional Armed Forces in Europe provides adequate means by which the Russian Federation can meet its claimed military requirements for treaty-limited equipment in the flank zone defined by Article V of the Treaty, including movement of equipment within the flank zone, temporary deployment of additional equipment to the flank zone, and the temporary removal of equipment from designated permanent storage sites located in the flank zone; and

KASSEBAUM AMENDMENT NO. 2767

Mr. MCCONNELL (for Mrs. KASSEBAUM) proposed an amendment to the bill H.R. 1868, supra, as follows:

On page 121, after line 24, add the following new section:

PLAN RECOMMENDING A STRATEGIC REORGANIZATION OF THE UNITED NATIONS

SEC. . (a) SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.—It is the sense of Congress that—

(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and for the identification and implementation of changes in the United Nation that would improve its ability to discharge effectively the objectives of the United Nations set forth in the United Nations Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to identify the changes to the system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) reforms that produce a smaller, more focused, more efficient United Nations with clearly defined missions are in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

(b) UNITED NATIONS REORGANIZATION PLAN.—

(1) REQUIREMENT FOR PLAN.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations.

(2) REQUIREMENT RELATING TO DEVELOPMENT.—The President shall develop the plan in consultation with Congress.

(3) PLAN ELEMENTS.—The plan should include the elements described in subsection

(c) and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

(c) CONTENTS OF REORGANIZATION PLAN.—It is the sense of the Congress that the reorganization plan required by subsection (b)(1) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs.

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children's Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations; and

(4) include proposals to coordinate and implement proposals for reform of the United Nations such as those proposals set forth in the communique of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15–17, 1995.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, September 21, 1995, at 9:30 a.m. in open session, to consider the nomination of Gen. John M. Shalikashvili for reappointment as Chairman of the Joint Chiefs of Staff.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 21, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, September 21, 1995, at 10 a.m. in SD226.

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 21, 1995, at 2 p.m.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 21, 1995, to conduct a hearing on the oversight of the Export Administration Act.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY AND GOVERNMENT INFORMATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Thursday, September 21, 1995, at 2 p.m., in Senate Dirksen room G50, on Ruby Ridge incident.

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

ADDITIONAL STATEMENTS

ICC FUNDING AND RAILROAD MERGERS

• Mr. BOND. Mr. President, I rise today to discuss some concerns I have about the flurry of recent proposed mergers by certain rail carriers.

The Commerce, State, Justice appropriations bill that we will consider later, terminates funding for the Interstate Commerce Commission at the end of year. Downsizing the Federal Government and eliminating Federal agencies is a goal I certainly support and I have supported elimination of the ICC, but as of today, reorganization of the ICC's statutory responsibilities has not been done. I understand the Commerce Committee is preparing to report out legislation to accomplish this reorganization and I support that effort as I believe we must not eliminate the Commission without reassigning their most important regulatory responsibilities.

In the meantime, the Commission continues its mission. One responsibility they have that I wish to comment on today is their review of proposed railroad mergers.

In the past several months we have seen two huge railroad combinations. The Burlington Northern/Sante Fe merger has been approved and appears to be moving toward completion. Now recently, the Union Pacific/Southern Pacific merger has been proposed. Little thought seems to have been given to the impact that both these mergers will have on the continued availability of effective and efficient railroad transportation. For example, what effect will these exceptionally large combinations have on consumers, shippers, and communities as well as on the surviving competing railroads? Consider the current critical rail transportation situation in the Midwest, as reported recently in the Journal of Commerce, where timely rail movement to market of grain, corn, and soybeans is seriously threatened. According to this article, which follows my remarks, because of a shortage of cars, freight rates are going up significantly.

What will be the impact of these megamergers on other railroads and their ability to provide a needed and competitive service? Take for example, a regional railroad such as Kansas City Southern Railroad Co., and I am sure there are others; will KCS survive as a reliable competitive line offering a needed service to thousands of shippers and hundreds of communities? If it and others like it do not survive as viable competitors, isn't it likely that the serious freight car shortage and escalating rate problems we're seeing, as reported by the Journal of Commerce, will become even more serious? And how about the consumers? Any such increased costs of necessity are passed on to them.

If all of this were not worrisome enough, the Union Pacific/Southern Pacific combination is being hurried through at a time when the only deliberative body charged with evaluating the ramifications of this sort of activity, the ICC, is threatened with legislative extinction. In the absence of the ICC, who is going to impartially assess the anticompetitive impact on the public of these mergers? Serious nationwide public policy issues are raised which must be addressed before the

merger of the Union Pacific and Southern Pacific Railroads is consummated. It is not my intention to prejudge the legitimacy of this merger, but only to be certain that the public interest is not adversely threatened.

Mr. President, these megamergers pose very serious questions which must be answered by the players themselves or the agencies charged with maintaining an essential competitive transportation system.

Mr. President, I ask that the Journal of Commerce article referred to in the body of my statement appear in the RECORD at this point:

The article follows:

[From the Journal of Commerce, Sept. 13, 1995]

RAILS STRAIN TO SERVICE MIDWEST GRAIN HARVEST

(By Rip Watson)

The U.S. Midwest's rail network, normally no stranger to the crunch of the fall harvest, is beginning to strain this year under the weight of strong demand, tight car supply and skyrocketing prices.

Conditions are so tense in Iowa that farm trade associations will hold a Grain Transportation Summit on Thursday in Des Moines to vent their frustrations with some rail carriers, while seeking ways to ease the problem before soybean harvests begin in a few days.

''Grain is hot. Export demand is huge and will continue to be that way in the foreseeable future,'' said Jim Higgins, an analyst for Donaldson, Lufkin & Jenrette in New York.

As an industry, railroads boosted grain carloadings 23% in August from a year ago. Burlington Northern Railroad led the pack with a 28% increase, followed by Union Pacific Railroad at 19%.

That higher traffic volume is proving to be little comfort to Iowa shippers.

''We are sitting with most of our facilities full.'' said Dawn Carlson of the Iowa Institute for Cooperatives. ''People are getting concerned. Every day that goes by is tacking on more and more charges and the farmer will get less and less for the grain delivered. If we don't get the grain moving, we'll have a lot of grain sitting on the ground.''

Arthur Breenken, manager for the Farmers Co-Op Society in Wesley, Iowa, said, ''The Soo Line is shipping cars but they are not supplying them fast enough.'' He said the problem was that much Iowa grain is moving to the Gulf of Mexico instead of the Mississippi River, which lengthens the round trip time to more than 30 days.

John Bromley, a spokesman for Union Pacific, blamed rail unions for not allowing UP employees to work in Iowa, where the railroad is short staffed. UP is hiring and training new workers now, he said.

Without those industrywide increases, the Association of American Railroads would have been 1% lower than last year.

''Our export projections are strong,'' said Brad Clow, director of transportation for Sparks Commodities in Memphis, Tenn. ''In some commodities, shipments could outdo USDA forecasts.''

With export demand strong and the corn and soybean harvests expected during the next several weeks, industry observers see no changes in the rate and car supply situation.

''We expect cars to remain tight until January or February,'' Mr. Clow said.

''It would surprise me if we didn't continue to have this shortage problem for a while,'' said Steve Strege, who directs the North Dakota Grain Dealers Association in Fargo.

''We're just getting into the usual crunch time. I don't know if there is much precedent for us to have a problem at this time of year and have it relax at the time of corn and soybean harvest.''

With shippers paying premiums of up to $500 a car to guarantee availability of covered hopper cars for grain shipments late in 1995, Mr. Strege said he believed rates will continue to climb.

''We have people willing to pay a hell of a premium for cars,'' one official said.

''These programs (for ordering cars in advance) give signals to the railroads that they should or can raise their rates,'' Mr. Strege said.

Other forces are influencing the 1995 grain shipping picture.

Operating under a strike threat last year, CP Rail System's Soo Line unit posted meager grain carloadings in August 1994 that were nearly quadrupled last month.

Barge freight markets are facing similar pressures, several industry observers said.

One factor affecting the barge markets is the continued strong northbound river movements of aluminum ore, steel and other products that have reduced availability of barges to haul grain, said Jerry Fruin, a transportation economist for the University of Minnesota in Minneapolis.

''Even with the recent fall in rates in the past week, we expect barge freight rates will continue to remain very strong as we move into harvest,'' Mr. Clow said.

The traffic picture is brightening for some other commodities but remains dim for manufactured goods.

Coal traffic could pick up this month, Mr. Higgins said, because of the hot summer and a resulting reduction in utility stockpiles that have to be replenished.

Export traffic is showing some cyclical strength driven by demand for some steam coals and metallurgical coal, he said.

August carloadings were 2% below last year.

''We're expecting a strong fourth quarter (for coal),'' said Dave Rohall, director of planning for CSX Transportation.●

FINAL PASSAGE OF WELFARE REFORM

● Mr. BRADLEY. Mr. President, on Tuesday, I spoke in opposition to final passage of the welfare reform bill. Although I was not able to complete my statement in the time available, I obtained unanimous consent that my full statement be printed in the RECORD. However, my full statement did not appear in the RECORD of September 19, 1995. Therefore, what follows is my full statement from that day.

Mr. President, I will vote against this bill because it will wipe out every protection for poor families with children but would do nothing at all to repair what is really wrong with welfare. We have made some improvements to the bill, such as eliminating the job-training consolidation that never belonged in a welfare bill in the first place. And there are sections I strongly support such as the child support provisions which I wrote. But the fundamental structure is deeply flawed and can only lead to deeper poverty and more dependency.

All we are really changing with this bill is the one thing that is not wrong with welfare—the financial relationship between State and Federal bureaucracies. That is not the problem. In fact, block grants create a new problem because States that have increasing numbers of poor families, because of a bad economy or simple population growth, would not have enough funds to assist their people. Federal politicians should not simply transfer pots of money to State politicians without any standards about what the money would be used for. We do not need to transfer money from one bureaucrat to another; we need a commitment to individual poor children.

While this bill would abandon that commitment, the real problems with welfare would remain. The rules that penalize marriage and work. The indifferent local and county bureaucrats, who treat people as numbers and do nothing to help people take care of themselves. The brutal job market. The deeper cultural forces driving increases in divorce, illegitimacy and teen pregnancy. All these problems would remain. Many would get worse.

All this bill does is require States to penalize the children who are the victims of these problems. It does nothing to help them avoid the bleak circumstances into which they have been born and live today.

With all the rhetoric about changing welfare, how did we wind up with a bill that does nothing to change what is wrong with welfare? The answer is politics. Neither party was as serious about really changing welfare as it was about capturing ''the welfare issue'' from the other party. Democrats promised to ''end welfare as we know it'' by tinkering with the levers of government, mostly in positive ways, but not in a way that deeply changes the lives of people on welfare.

Republicans promised to do even better: ''abandon the welfare state.'' They would toss aside the Federal responsibility for poor families and children altogether. But they did not know how to deal with the reality of poverty and welfare. So they came up with the solution of handing the whole problem over to States, for them to solve. Block grants create an appearance of change, not real change.

The debate of the last few days, during which we accepted every amendment that did not challenge the underlying political rhetoric and layered the bill with billions in new Government spending, brought this cynical politics into the light of day. It is politics as usual, made worse by the fact that it is a transparent deceit. We have not improved the bill; all we are accomplishing is to move the bill forward to a conference at which every single one of these provisions, including this massive last-minute compromise, will be dropped without debate in the first 5 minutes. Even if they became law, these ornaments do nothing to repair the deep fundamental flaw at the heart of this bill.

For those who think these provisions improve this bill enough to vote for it,

I would like to remind you of what happened last week to my amendment that really would have addressed a central flaw in the bill. All I proposed to do was to require states to lay out the basic rules of their welfare system and assist all poor children who were eligible, unless their families were disqualified under the rules. The amendment made enough sense that the Majority Leader moved to adopt it by voice vote, but the majority staff was so determined to eliminate any hint of a reliable protection for children that we had to come back the next day and strike the provision on virtually a party-line vote.

Unless the heart of this bill is changed, the United States will be the only industrialized nation in the world that will not guarantee basic protection for children from hunger and abject poverty.

We can do much better than this bill. We can repair most of what is wrong with welfare, and over time, much that has gone wrong in our society that perpetuates welfare dependency. Instead of starting with political slogans, we have to start by looking at what really went wrong with welfare, and fixing it.

We should not only protect families from poverty, but lift families into the economic mainstream, by building connections to private-sector employers.

We should not only require teen parents to live at home, but create facilities like 15-Month houses for all those who lack a nurturing family.

We should make clear to mothers on welfare that having an additional child will significantly worsen their life chances, but also reduce the penalties for marriage and savings.

We should give States more responsibility, but also enlist the institutions of civil society—churches, neighborhood organizations, and YMCAs—to accomplish together what neither Government nor the market can accomplish on their own.

This legislation does not abandon the mythical ''welfare state,'' but it does abandon our society's commitment to protect poor children from abject poverty, hunger, abuse, neglect and death. Meanwhile, it does nothing to fix the real problems. I would urge all of my colleagues to think twice before joining the rush to send this deeply flawed bill forward into a process where it will get even worse.●

READY, FIRE, AIM

● Mr. D'AMATO. Mr. President, I rise today in support of the Affordable Housing Tax Credit [the Credit], which is the Federal Government's principal and most successful rental housing program. The Credit Program, however, is under attack and is threatened with termination. As part of budget reconciliation, the Ways and Means Committee has proposed to sunset the Credit at the end of 1997 pending a GAO review of the management of the program. Crafted this way and if accepted by the Senate, the proposal would greatly reduce private equity attracted to affordable housing through 1997, and if terminated after 1997, would halt the development or rehabilitation of affordable rental housing.

In essence, Ways and Means is adopting a ''Ready, Fire, Aim Strategy.'' The committee proposes to eliminate the program before determining there is a problem. No hearings have been held and no study has been conducted. Shoot first and ask question later.

Mr. President, I have written the chairman of the Finance committee, Senator ROTH, urging that the Committee not consider the Ways and Means proposal to sunset the Credit. Oversight of any Federal program is always appropriate, and the Credit should not be exempt. But a mandated sunset before review is just a budget gimmick to pick up revenues in the out years. Congress can always change the program if mismanagement is found, but only after hearings. Termination without review will drastically slow the flow of private capital to projects currently being planned. Action before study is rash. Budgetary needs should not dictate housing policy.

The Credit has enjoyed widespread bi-partisan support. Indeed, the program was originally sponsored by former Senator Mitchell and my colleague from New York, Congressman RANGEL, as part of the Tax Reform Act of 1986, and signed into law by President Reagan. In the Bush administration, Secretary of HUD, Jack Kemp, was the chief advocate of the Credit on behalf of the administration.

Under current law, the Credit is limited to $1.25 per capita per State and administered by the States on behalf of the Federal Government. Eligible affordable housing units are provided a Federal tax credit each year for 10 years, though the units must remain affordable for at least 15 years—many States require 30 or more years of affordability. Investors provide equity to projects in exchange for the credits to facilitate the development of affordable units.

Based on the Nation's population of approximately 260 million, States are able to allocate approximately $325 million of credits from their 1995 per capita volume limitation. Although the credits are utilized each year for 10 years by investors, those investors provide equity upfront during the development process. At today's market pricing, the roughly $325 million of volume cap credits available in 1995 will result in approximately $1.85 billion of private capital invested in affordable rental housing.

This private equity translates into rental housing for families in need of affordable housing. According to the National Council of State Housing Agencies [NCSHA], since 1986 the Credit has assisted in the development of over 700,000 units rental housing. In 1994 alone, according to NCSHA, the Credit produced 114,000 new or rehabilitated units, spurred construction activity leading to 98,000 jobs, $3.1 billion of wages, and $1.5 billion in tax revenues.

According to the New York State Housing Finance Agency and the Division of Housing and Community Renewal, in 1994, over 6,100 units of rental housing were made possible because of the Credit in my home State. The production of these units resulted, directly, in an estimated $520 million of housing investment in the State. Of the 6,100 units, over 4,700 were for low-income families. Also, in 1994, New York participated in a national redistribution of unused credits from the prior year. As a result, $9 million in additional credits were allocated leading to $90 million of new housing production activity and 1,200 units of rental housing. The corresponding benefits to New York State's economy translated to gainful employment and badly needed stimulation of our business community.

This is why I have been contacted by my Governor, George Pataki, his commissioner of housing, Joseph Holland, and his housing finance agency president, Stephen Hunt, to oppose any curtailment of the Credit Program until careful study has determined a need for change. Additionally the City of New York has urged me to stand up to the House Ways and Means Committee's proposal. Without the Credit my State, and its biggest city, would be deprived of its most important rental housing production program.

The Credit was only made permanent in 1993. Prior to that the program would sunset and Congress would have to enact legislation to extend its authority. Since the permanent extension in 1993, the market has been flooded with equity; principally from major corporations otherwise not involved in affordable housing. the value of credits in the marketplace has dramatically increased as these companies compete for scarce credits awarded by States. The Ways and Means action will put a chill on this market driving down the amount of equity available for housing in 1996 and 1997. There is no assurance that the program would be extended after 1997. As a result, private equity available for affordable housing will dramatically drop because of political uncertainty and looming termination. This is unwarranted since no hearings or studies have shown problems with the Credit Program.

As chairman of the Banking Committee, with jurisdiction over housing and HUD, I am keenly aware of the dramatic decline in Federal appropriations for housing programs. Mr. President, I am also very sensitive to the difficulties with HUD managing large Federal spending programs to support affordable rental housing. I have talked at length with Secretary Cisneros about his HUD reinvention blueprint based on less regulation and bureaucracy. Federal spending programs managed by HUD are slow moving and filled with red tape. On the other hand,

the Credit is allocated promptly and is not dominated by Byzantine Federal regulations and paperwork. If anything, Congress should and will move beyond the Secretary's blueprint. But we should not terminate a program and slow the flow of capital derived from the Credit, until hearings have determined a need for change.

Mr. President, I urge rejection of the proposed Ways and Means Committee action to sunset the Credit. As a member of the Finance Committee I will work assiduously to protect this important program.●

NATIONAL FUND FOR HEALTH RESEARCH ACT

● Mrs. BOXER. Mr. President, I rise as an original cosponsor of the Hatfield-Harkin bill. I wish to express my strong support for this legislature which provides additional resources for health research over and above those provided to the National Institutes of Health [NIH] in the annual appropriations process.

This legislation would create the National Fund for Health Research Act, financed by a tobacco tax, in the form of 25 cents per pack and an equivalent tax on other tobacco products. As a result of this act, annual revenue in excess of $4 billion would be raised to provide additional funds for medical research, which is an important, but often underfunded part of our health care system.

Investment in medical research yields benefits in countless ways: improvements in preventing disease, better methods of diagnosis and treatment, and breakthroughs that have led to cures and therapies for afflictions ranging from cancer to schizophrenia.

Improvements in public health depend on basic research to find answers to fundamental questions about disease processes. The most widely heralded medical triumphs—such as the discovery of antibiotics, the vaccine for polio, the identification of human immunodeficiency virus—reflect the vast body of fundamental knowledge accumulated through medical research.

In addition, medical research is the first line of prevention defense. Research has produced immunizations, a screening test to prevent the transmission of HIV through blood products and the finding that AZT can reduce by two-thirds the rate of HIV transmission from mother to infant. With rising health care costs, it is in our best interest to fund medical research to further both prevention and treatment of disease.

This legislation raises funds for research while protecting our children. Everyday more than 3,000 children become smokers and more than 1,000 of them will eventually die as a result of smoking. Raising tobacco taxes is a highly effective manner in which to reduce tobacco use by children. A 25 cent tax will discourage an estimated 1.3 million children and adults from smoking.

I urge my colleagues to recognize the importance of medical research to the American people and support the Hatfield-Harkin bill.●

NAFTA

● Mr. LEVIN. Mr. President, during the Senate debate over the North American Free-Trade Agreement I put together a brochure entitled ''NAFTA MATH: It Doesn't Add Up.'' This brochure questioned the job creation claims of NAFTA proponents and showed those job claims to be a distortion of what would really happen under NAFTA.

In the brochure and during the NAFTA debate I pointed out that the job gain claims were based solely on expected increases in exports. These job creation claims totally ignored any potential and expected increase in imports from Mexico—which result in the loss of American jobs.

An op-ed published in Monday's New York Times confirms the worst of my fears. I will ask to have printed in the RECORD a September 11 New York Times op-ed by Bob Herbert which confirms the fact that NAFTA has not resulted in the increase in U.S. jobs promised by its supporters. In fact, it has resulted in the opposite.

Mr. Herbert writes about the findings of a Public Citizen study of U.S. jobs created under NAFTA. Public Citizen looked at the job creation promises of dozens of companies that supported NAFTA. Mr. Herbert writes, ''Public Citizen noted that every one of those companies has already 'laid off workers because of NAFTA.' '' In addition, ''Of the companies surveyed, 89 percent had failed to take any significant step toward fulfilling their promises of job creation or export expansion.''

In addition, ''There has been no meaningful job creation from NAFTA, which has been in effect for 20 months. But the U.S. Department of Labor, through its NAFTA Trade Adjustment Assistance Program, which was designed to help people thrown out of their jobs by NAFTA, has certified that 38,148 workers lost their jobs by mid-August. An additional 30,000 workers have filed for assistance under the program. It is expected that the true job loss under NAFTA will reach 1 million by the end of the year.''

Finally, Mr. Herbert writes that although exports from the United States have increased to Mexico as NAFTA proponents predicted, as I feared, imports to the United States from Mexico increased even faster, especially for high value-added manufactures such as automobiles and other high-technology items.

Unfortunately, some of our fears about the implications of NAFTA were well founded. NAFTA's problems were evident even before the devaluation of the peso which hurt hopes for a growing consumer market in Mexico. With Mexico's current fiscal problems, these trends could well get worse.

I ask that the op-ed by Bob Herbert be printed in the RECORD.

The material follows:

[From the New York Times, Sept. 11, 1995]

NAFTA'S BUBBLE BURSTS

(By Bob Herbert)

Back in 1993, in a typical declaration of faith in the projected glories of the North American Free Trade Agreement, a vice president of the Mattel Corporation named Fermin Cuza assured a Congressional subcommittee that Nafta would result in the creation of new jobs at Mattel and have ''a very positive effect'' on the 2,000 men and women already employed by Mattel in the United States.

Mr. Cuza's was just one of many promises made during that season of devotion to free trade. The consumer group Public Citizen took a look back at them.

Let's start with Mattel. Not only have no jobs been created, but a check of Federal records by Public Citizen found that 520 workers at Mattel's Fisher-Price facility in Medina, N.Y., have been certified as laid off specifically because of ''increased company imports from Mexico'' that resulted from Nafta.

Public Citizen's Global Trade Watch unit surveyed the job creation promises of dozens of staunchly pro-Nafta corporations. They included, in addition to Mattel, Allied Signal, General Electric, Procter & Gamble, Scott Paper and Zenith.

In a report released last week, Public Citizen noted that every one of those companies has already ''laid off workers because of Nafta.''

Of the companies surveyed, 89 percent had failed to take any significant step toward fulfilling their promises of job creation or export expansion.

In November 1993, President Clinton asserted, ''If this trade agreement passes—Nafta—we estimate America will add another 200,000 jobs by 1995 alone.''

He was mistaken. There has been no meaningful job creation from Nafta, which has been in effect for 20 months. But the U.S. Department of Labor, through its Nafta Trade Adjustment Assistance program, which was designed to help people thrown out of their jobs by Nafta, has certified that 38,148 workers lost their jobs by mid-August. An additional 30,000 workers have filed for assistance under the program, which is not well known and not available to most workers who are at risk. It is expected that the true job loss under Nafta will reach one million by the end of the year.

It is fashionable now for Nafta supporters to blame the end-of-the-year peso crash for problems that were inherent in the trade agreement. During the first year of Nafta, before the big devaluation in December, the value of the peso relative to the dollar had already declined by nearly 15 percent. That wiped out any advantage the U.S. would have realized from Nafta's lower tariffs. The average tariff decline was just 10 percent. In other words, the ''market access advantage'' that the U.S. was supposed to enjoy had vanished before the peso crash.

Proponents of Nafta are quick to note that U.S. exports to Mexico increased during the first year of Nafta. True. But what they fail to mention is that imports to the U.S. from Mexico increased even faster, with automobiles and other high-technology items increasing twice as fast. We were well on our way to a trade deficit with Mexico (and the big job losses that would entail) before the crash of the peso.

Worse, much of the increase in exports to Mexico came from items that boomerang

back to the U.S. in the form of imports—for example, component parts shipped to Mexico for assembly into finished goods and infrastructure equipment for use in the building of factories.

And then there's the small matter of the wages of American workers. In Nafta's first year, before the collapse of the peso, America's 77 million production workers endured a 3 percent drop in their real hourly wages—the steepest one-year decline ever recorded.

That, of course, was directly related to the overall expansion of the labor pool under Nafta, and the fact that the number of companies choosing to relocate to Mexico has, as expected, accelerated. The chilling effect of these developments on wage demands should be obvious.

The peso devaluation has dried up the consumer market in Mexico. That simply means that as bad a deal as Nafta was originally, Mexicans are now even less able to buy American goods.

But it was Nafta that put us on this highway to nowhere in the first place. The collapse of the peso just increased the speed.●

SUPPORT OF THE LOW-INCOME HOUSING CREDIT

● Mr. MOYNIHAN. Mr. President, I rise today to express my great dismay at a proposal passed this week by the House Ways and Means Committee to repeal the low-income housing tax credit.

The housing credit is the Federal Government's principal and most successful affordable housing program. The Enterprise Foundation estimates that the housing credit is responsible for almost all of the new private construction of housing units for lower income renters, and that almost 800,000 units of rental housing for lower income working families and the elderly have been constructed or rehabilitated as a result of the housing credit. They also report that the 106,000 affordable housing units generated with the housing credit in 1993 resulted in the creation of approximately 90,000 jobs, $2.8 billion in wages, and $1.3 billion in additional tax revenues.

I have visited many of the projects in New York that have been made possible by the housing credit, and I can assure you the credit is having a dramatic effect on the availability of good, affordable housing. Yet now some of our colleagues in the House would repeal it. I do not understand what their reasoning is.

The House Ways and Means Committee proposal would sunset the credit at the end of 1997. The committee acted without holding any hearings to review the housing credit. And while the committee calls on the Government Accounting Office to review the management and operation of the housing credit, it acts nonetheless.

The housing credit was devised by the Senate Finance Committee during consideration of the Tax Reform Act of 1986, and was signed into law by President Reagan. It has enjoyed solid bipartisan support for nearly a decade.

I was pleased in 1993, as Chairman of the Senate Finance Committee, to bring legislation before the Senate which permanently extended the housing credit. That legislation was enacted as the Omnibus Budget Reconciliation Act of 1993. We were able to permanently extend the housing credit in a bill which produced the largest amount of deficit reduction in this country's history. The Office of Management and Budget estimates that the direct and indirect effects of the bill were to reduce the baseline deficit by a cumulative amount of one trillion dollars. In sum, while making a very significant attack on the deficit, we were still able to find the resources for this important national priority. And yet just 2 years later we see an effort to repeal it. This is an odd development, indeed, and I urge my colleagues to join me in opposing it.●

UNANIMOUS-CONSENT AGREEMENTS

Mr. BENNETT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Friday the Senate proceed to the conference report to accompany H.R. 1817, the military construction appropriations bill, and it be considered under the following time agreement: 20 minutes equally divided between Senators BURNS and REID, or their designee; 10 minutes under the control of Senator BINGAMAN; and, 20 minutes under the control of Senator MCCAIN.

I further ask that, following the conclusion or yielding back of time, the Senate proceed to a vote on the adoption of the conference report.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 1854, the legislative appropriations bill, that it be considered under the following time agreement: 30 minutes to be equally divided between Senators MACK and MURRAY; and 10 minutes under the control of Senator SIMON.

I further ask that, following the conclusion or yielding back of time, the Senate proceed to vote on the adoption of the conference report.

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

Mr. BENNETT. Mr. President, I ask unanimous consent that, immediately following the disposition of the military construction appropriations conference report on Friday, the Senate proceed to Calendar No. 188, S. 1244, the District of Columbia appropriations bill.

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

MERCURY-CONTAINING BATTERY MANAGEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 1882, S. 619.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 619) to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public works, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 619

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 ''Mercury-Containing and Rechargeable Battery Management Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

[In**]** *For purposes of* this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BUTTON CELL.—The term ''button cell'' means a button- or coin-shaped battery.

(3) EASILY REMOVABLE.—The term ''easily removable'', with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) MERCURIC-OXIDE BATTERY.—The term ''mercuric-oxide battery'' means a battery that uses a mercuric-oxide electrode.

(5) RECHARGEABLE BATTERY.—The term ''rechargeable battery''—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) RECHARGEABLE CONSUMER PRODUCT.—The term ''rechargeable consumer product''—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) REGULATED BATTERY.—The term ''regulated battery'' means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) REMANUFACTURED PRODUCT.—The term ''remanufactured product'' means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) CIVIL PENALTY.—When on the basis of any information the Administrator determines that a person has violated or is in violation of any requirement of this Act, the Administrator—

(1) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(b) CONTENTS OF ORDER.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) CONSIDERATIONS.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) HEARING.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) SUBPOENA POWER.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

(h) SAVINGS PROVISIONS.—The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the final consumer a battery or product governed by this Act that was—

(1) purchased ready for final sale; and

(2) sold, offered for sale, or offered for promotional purposes without modification.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) RECORDS AND REPORTS.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in [subparagraph (A), (B), or (C)] *paragraph (1), (2), or (3),*

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) ACCESS AND COPYING.—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Rechargeable Battery Recycling Act''.

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) PROHIBITION.—

(1) IN GENERAL.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, [which] *if the battery or product* was manufactured on or after the date that is 12 months after the date of enactment of this Act[, unless—

[(A) in the case of a regulated battery, the regulated battery—

[(i) is easily removable from the rechargeable consumer product; or

[(ii) is sold separately; and

[(B) in the case of a regulated battery or rechargeable consumer product, the labeling requirements of subsection (b) are met.] *unless the labeling requirements of subsection (b) are met and, in the case of a regulated battery, the regulated battery—*

(A) is easily removable from the rechargeable consumer product; or

(B) is sold separately.

(2) APPLICATION.—Paragraph (1) does not apply to [a sale of] *any of the following:*

(A) *The sale of* a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured[; or].

(B) *The sale of* a product unit intended for export purposes only.

(b) LABELING.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall [be labeled with—] *bear the following labels:*

(1)[(A)] 3 chasing arrows or a comparable recycling symbol[;] .

[(B)(i) on each nickel-cadmium battery, the chemical name or the abbreviation ''Ni-Cd''; and

[(ii) on each lead-acid battery, ''Pb'' or the words ''LEAD'', ''RETURN'', and ''RECYCLE'';

[(C) on each nickel-cadmium regulated battery, the phrase ''BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.''; and

[(D) on each sealed lead acid regulated battery, the phrase ''BATTERY MUST BE RECYCLED.'';]

(2)(A) On each regulated battery that is a nickel-cadmium battery, the chemical name or the abbreviation ''Ni-Cd'' and the phrase ''BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.''.

(B) On each regulated battery that is a lead-acid batters, ''Pb'' or the words ''LEAD'', ''RETURN'', and ''RECYCLE'' and if the regulated battery is sealed, the phrase ''BATTERY MUST BE RECYCLED.''.

[(2) on] *(3) On* each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable[; and].

[(3) on] *(4) On* the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with

subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A) (i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

For the purposes of carrying out the collection, storage, transportation, and recycling or proper disposal of used rechargeable batteries, batteries described in section [3(3)(C)] *3(5)(C)* or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries or products to a facility for recycling or proper disposal shall, notwithstanding any other law, be regulated in the same manner and with the same limitations as if the persons were collecting, storing, or transporting [batteries subject to subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1993, except that sections 264.76, 265.76, and 268.7 of that title shall not apply] *spent lead acid batteries that are recyclable materials subject to regulations of the Environmental Protection Agency under subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1995, except that the requirements of title 40 relating to unmanifested waste reports (40 CFR 264.76 and 265.76) and to waste analysis and recordkeeping (40 CFR 268.7) shall not apply*.

SEC. 105. COOPERATIVE EFFORTS.

Notwithstanding any other law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries or products powered by rechargeable batteries advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely on such cost information as is collected during the project or program.

TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Mercury-Containing Battery Management Act''.

SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after January 1, 1996, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after January 1, 1996.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes a mercuric-oxide battery for use in the United States unless the battery manufacturer—

(1) identifies a collection site that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric-oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or *the* use of *such a* battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6291 et seq.)*)*

Mr. SMITH. Mr. President, today the Senate is considering S. 619, the Mercury-Containing and Rechargeable Battery Management Act. I introduced this measure on March 24, 1995, along with Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER, and REID as original cosponsors. In addition, Senator INHOFE and Senator SNOWE cosponsored the bill following its introduction. This legislation is urgently needed to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys. In order to respond to this urgent need, the Senate Committee on Environment and Public Works reported S. 619 out of the committee, by voice vote, on August 2, 1995.

Since 1992, Federal battery legislation has been approved in various congressional forums, including full Senate passage in 1994, but it did not become law because the legislation that it was attached to did not move forward. S. 619 which is virtually identical

to the Senate passed provisions last year, would: First, facilitate the efficient and cost effective collection and recycling or proper disposal of used nickel cadmium [Ni-Cd] and certain other batteries by: (a) Establishing a coherent national system of labeling for batteries and products; (b) streamlining the regulatory requirements for battery collection programs for regulated batteries; and (c) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and second, phase out the use of mercury in batteries.

I am pleased to report that the U.S. Conference of Mayors, at its June meeting, passed a resolution in support of S. 619. As the resolution recognized, passage of this legislation will decrease the quantities of mercury and cadmium contributed to the environment by dry cell batteries. In addition, S. 619 will facilitate implementation of State battery laws in the 13 States that have enacted such provisions. These States are New Hampshire, Rhode Island, New Jersey, California, Connecticut, Florida, New York, Iowa, Oregon, Maine, Vermont, Minnesota, and Maryland. The bill also will assist all other States in moving forward with an industry financed and developed national battery collection program.

Mr. President, although industry has developed a national collection program to comply with these laws, without enactment of a Federal bill, EPA's current regulatory requirements preclude industry from fully implementing this program and from complying with the State collection requirements. Regulatory changes currently under consideration, even if promulgated, will not provide the necessary solution. Additional lengthy rulemaking procedures would also be necessary to make the regulation operational on a national basis. Further, we would still lack a coherent national system of labeling, which is necessary to facilitate nationwide marketing of batteries and products while advancing a national battery collection program. Federal legislation is the only real solution to removing the barriers to complying with State battery recycling laws, and to achieving a comprehensive recycling program.

The prompt passage of this bipartisan legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a cost effective means to promote the reuse of our Nation's resources. Second, our bill will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups and the affected industries. Our bill is strongly supported by the Electronic Industries Association [EIA], the Portable Rechargeable Battery Association [PRBA], and the National Electrical Manufacturers Association [NEMA]. For all of the reasons cited above, I believe that this legislation provides a substantial win-win from both an environmental as well as an economic standpoint.

Mr. President, I believe this bill represents a significant and positive step in removing potentially toxic heavy metals from our Nation's solid waste stream, and I urge its immediate adoption.

Mr. LAUTENBERG. Mr. President, I rise to join Senator CHAFEE and Senator SMITH in supporting S. 619, the Mercury-Containing and Rechargeable Battery Management Act.

The bill is based on the bipartisan bill that I sponsored with Senators FAIRCLOTH, LIEBERMAN, REID and GRAHAM during the last Congress.

Mr. President, this legislation is an important step in our efforts to control the amount of toxic wastes entering the waste stream. Specifically it deals with mercury, cadmium and lead which are contained in some battery casing. These materials pose no risk while a battery is in use. But they can be a significant concern when discarded in our solid waste stream.

Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage.

Mercury exposure can cause significant damage to the nervous system and kidneys. It has also been linked to decreased motor functions and muscle reflexes, memory loss, headaches and brain function disorders. And when mercury enters the aquatic environment, it can form methyl mercury, which is extremely toxic to both humans and wildlife.

Although dry cell batteries account for less than one tenth of 1 percent of the 180 billion tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium, and lead in our waste stream.

According to a New York State report, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium, in New York's solid waste.

In landfills, dry cell batteries can break down to release their toxic contents and contaminate our waters. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and has increased the concentrations of toxic metals in the resulting fly and bottom ash.

This bill, by limiting the amount of toxics used in primary batteries and creating a recycling program for rechargeable nickel cadmium, will remove a significant source of toxics from our landfills.

Besides widespread bipartisan support, this bill is supported by the Portable Rechargeable Battery Association, and the National Electrical Manufacturers Association. I urge speedy approval of this measure.

Mr. BENNETT. I ask unanimous consent that the committee amendments be adopted, the bill then be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 619) was deemed to have been read three times and passed.

S. 619

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 ''Mercury-Containing and Rechargeable Battery Management Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) BUTTON CELL.—The term ''button cell'' means a button- or coin-shaped battery.

(3) EASILY REMOVABLE.—The term ''easily removable'', with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) from a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) MERCURIC-OXIDE BATTERY.—The term ''mercuric-oxide battery'' means a battery that uses a mercuric-oxide electrode.

(5) RECHARGEABLE BATTERY.—The term ''rechargeable battery''—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of

easy removability and labeling under section 103, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity generated by an alternative energy source, such as a solar cell or wind-driven generator;

(iii) a battery used as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily; or

(iv) a rechargeable alkaline battery.

(6) RECHARGEABLE CONSUMER PRODUCT.—The term ''rechargeable consumer product''—

(A) means a product that, when sold at retail, includes a regulated battery as a primary energy supply, and that is primarily intended for personal or household use; but

(B) does not include a product that only uses a battery solely as a source of backup power for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(7) REGULATED BATTERY.—The term ''regulated battery'' means a rechargeable battery that—

(A) contains a cadmium or a lead electrode or any combination of cadmium and lead electrodes; or

(B) contains other electrode chemistries and is the subject of a determination by the Administrator under section 103(d).

(8) REMANUFACTURED PRODUCT.—The term ''remanufactured product'' means a rechargeable consumer product that has been altered by the replacement of parts, repackaged, or repaired after initial sale by the original manufacturer.

SEC. 4. INFORMATION DISSEMINATION.

The Administrator shall, in consultation with representatives of rechargeable battery manufacturers, rechargeable consumer product manufacturers, and retailers, establish a program to provide information to the public concerning the proper handling and disposal of used regulated batteries and rechargeable consumer products with nonremovable batteries.

SEC. 5. ENFORCEMENT.

(a) CIVIL PENALTY.—When on the basis of any information the Administrator determines that a person has violated or is in violation of any requirement of this Act, the Administrator—

(1) in the case of a willful violation, may issue an order assessing a civil penalty of not more than $10,000 for each violation and requiring compliance immediately or within a reasonable specified time period, or both; or

(2) in the case of any violation, may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(b) CONTENTS OF ORDER.—An order under subsection (a)(1) shall state with reasonable specificity the nature of the violation.

(c) CONSIDERATIONS.—In assessing a civil penalty under subsection (a)(1), the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(d) FINALITY OF ORDER; REQUEST FOR HEARING.—An order under subsection (a)(1) shall become final unless, not later than 30 days after the order is served, a person named in the order requests a hearing on the record.

(e) HEARING.—On receiving a request under subsection (d), the Administrator shall promptly conduct a hearing on the record.

(f) SUBPOENA POWER.—In connection with any hearing on the record under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, and documents.

(g) CONTINUED VIOLATION AFTER EXPIRATION OF PERIOD FOR COMPLIANCE.—If a violator fails to take corrective action within the time specified in an order under subsection (a)(1), the Administrator may assess a civil penalty of not more than $10,000 for the continued noncompliance with the order.

(h) SAVINGS PROVISIONS.—The Administrator may not take any enforcement action against a person for selling, offering for sale, or offering for promotional purposes to the final consumer a battery or product governed by this Act that was—

(1) purchased ready for final sale; and

(2) sold, offered for sale, or offered for promotional purposes without modification.

SEC. 6. INFORMATION GATHERING AND ACCESS.

(a) RECORDS AND REPORTS.—A person who is required to carry out the objectives of this Act, including—

(1) a regulated battery manufacturer;

(2) a rechargeable consumer product manufacturer;

(3) a mercury-containing battery manufacturer; and

(4) an authorized agent of a person described in paragraph (1), (2), or (3),

shall establish and maintain such records and report such information as the Administrator may by regulation reasonably require to carry out the objectives of this Act.

(b) ACCESS AND COPYING.—The Administrator or the Administrator's authorized representative, on presentation of credentials of the Administrator, may at reasonable times have access to and copy any records required to be maintained under subsection (a).

(c) CONFIDENTIALITY.—The Administrator shall maintain the confidentiality of documents and records that contain proprietary information.

SEC. 7. STATE AUTHORITY.

Except as provided in sections 103(e) and 104, nothing in this Act shall be construed to prohibit a State from enacting and enforcing a standard or requirement that is more stringent than a standard or requirement established or promulgated under this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE I—RECHARGEABLE BATTERY RECYCLING ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Rechargeable Battery Recycling Act''.

SEC. 102. PURPOSE.

The purpose of this title is to facilitate the efficient recycling or proper disposal of used nickel-cadmium rechargeable batteries, used small sealed lead-acid rechargeable batteries, other regulated batteries, and such rechargeable batteries in used consumer products, by—

(1) providing for uniform labeling requirements and streamlined regulatory requirements for regulated battery collection programs; and

(2) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries.

SEC. 103. RECHARGEABLE CONSUMER PRODUCTS AND LABELING.

(a) PROHIBITION.—

(1) IN GENERAL.—No person shall sell for use in the United States a regulated battery that is ready for retail sale or a rechargeable consumer product that is ready for retail sale, if the battery or product was manufactured on or after the date that is 12 months after the date of enactment of this Act, unless the labeling requirements of subsection (b) are met and, in the case of a regulated battery, the regulated battery—

(A) is easily removable from the rechargeable consumer product; or

(B) is sold separately.

(2) APPLICATION.—Paragraph (1) does not apply to any of the following:

(A) The sale of a remanufactured product unit unless paragraph (1) applied to the sale of the unit when originally manufactured.

(B) The sale of a product unit intended for export purposes only.

(b) LABELING.—Each regulated battery or rechargeable consumer product without an easily removable battery manufactured on or after the date that is 1 year after the date of enactment of this Act, whether produced domestically or imported, shall bear the following labels:

(1) 3 chasing arrows or a comparable recycling symbol.

(2)(A) On each regulated battery that is a nickel-cadmium battery, the chemical name or the abbreviation ''Ni-Cd'' and the phrase ''BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.''.

(B) On each regulated battery that is a lead-acid batteries, ''Pb'' or the words ''LEAD'', ''RETURN'', and ''RECYCLE'' and if the regulated battery is sealed, the phrase ''BATTERY MUST BE RECYCLED.''.

(3) On each rechargeable consumer product containing a regulated battery that is not easily removable, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable.

(4) On the packaging of each rechargeable consumer product, and the packaging of each regulated battery sold separately from such a product, unless the required label is clearly visible through the packaging, the phrase ''CONTAINS NICKEL-CADMIUM BATTERY. BATTERY MUST BE RECYCLED OR DISPOSED OF PROPERLY.'' or ''CONTAINS SEALED LEAD BATTERY. BATTERY MUST BE RECYCLED.'', as applicable.

(c) EXISTING OR ALTERNATIVE LABELING.—

(1) INITIAL PERIOD.—For a period of 2 years after the date of enactment of this Act, regulated batteries, rechargeable consumer products containing regulated batteries, and rechargeable consumer product packages that are labeled in substantial compliance with subsection (b) shall be deemed to comply with the labeling requirements of subsection (b).

(2) CERTIFICATION.—

(A) IN GENERAL.—On application by persons subject to the labeling requirements of subsection (b) or the labeling requirements promulgated by the Administrator under subsection (d), the Administrator shall certify that a different label meets the requirements of subsection (b) or (d), respectively, if the different label—

(i) conveys the same information as the label required under subsection (b) or (d), respectively; or

(ii) conforms with a recognized international standard that is consistent with the overall purposes of this title.

(B) CONSTRUCTIVE CERTIFICATION.—Failure of the Administrator to object to an application under subparagraph (A) on the ground that a different label does not meet either of the conditions described in subparagraph (A) (i) or (ii) within 120 days after the date on which the application is made shall constitute certification for the purposes of this Act.

(d) RULEMAKING AUTHORITY OF THE ADMINISTRATOR.—

(1) IN GENERAL.—If the Administrator determines that other rechargeable batteries having electrode chemistries different from regulated batteries are toxic and may cause substantial harm to human health and the environment if discarded into the solid waste stream for land disposal or incineration, the Administrator may, with the advice and counsel of State regulatory authorities and manufacturers of rechargeable batteries and rechargeable consumer products, and after public comment—

(A) promulgate labeling requirements for the batteries with different electrode chemistries, rechargeable consumer products containing such batteries that are not easily removable batteries, and packaging for the batteries and products; and

(B) promulgate requirements for easy removability of regulated batteries from rechargeable consumer products designed to contain such batteries.

(2) SUBSTANTIAL SIMILARITY.—The regulations promulgated under paragraph (1) shall be substantially similar to the requirements set forth in subsections (a) and (b).

(e) UNIFORMITY.—After the effective dates of a requirement set forth in subsection (a), (b), or (c) or a regulation promulgated by the Administrator under subsection (d), no Federal agency, State, or political subdivision of a State may enforce any easy removability or environmental labeling requirement for a rechargeable battery or rechargeable consumer product that is not identical to the requirement or regulation.

(f) EXEMPTIONS.—

(1) IN GENERAL.—With respect to any rechargeable consumer product, any person may submit an application to the Administrator for an exemption from the requirements of subsection (a) in accordance with the procedures under paragraph (2). The application shall include the following information:

(A) A statement of the specific basis for the request for the exemption.

(B) The name, business address, and telephone number of the applicant.

(2) GRANTING OF EXEMPTION.—Not later than 60 days after receipt of an application under paragraph (1), the Administrator shall approve or deny the application. On approval of the application the Administrator shall grant an exemption to the applicant. The exemption shall be issued for a period of time that the Administrator determines to be appropriate, except that the period shall not exceed 2 years. The Administrator shall grant an exemption on the basis of evidence supplied to the Administrator that the manufacturer has been unable to commence manufacturing the rechargeable consumer product in compliance with the requirements of this section and with an equivalent level of product performance without the product—

(A) posing a threat to human health, safety, or the environment; or

(B) violating requirements for approvals from governmental agencies or widely recognized private standard-setting organizations (including Underwriters Laboratories).

(3) RENEWAL OF EXEMPTION.—A person granted an exemption under paragraph (2) may apply for a renewal of the exemption in accordance with the requirements and procedures described in paragraphs (1) and (2). The Administrator may grant a renewal of such an exemption for a period of not more than 2 years after the date of the granting of the renewal.

SEC. 104. REQUIREMENTS.

For the purposes of carrying out the collection, storage, transportation, and recycling or proper disposal of used rechargeable batteries, batteries described in section 3(5)(C) or in title II, and used rechargeable consumer products containing rechargeable batteries that are not easily removable rechargeable batteries, persons involved in collecting, storing, or transporting such batteries or products to a facility for recycling or proper disposal shall, notwithstanding any other law, be regulated in the same manner and with the same limitations as if the persons were collecting, storing, or transporting spent lead acid batteries that are recyclable materials subject to regulations of the Environmental Protection Agency under subpart G of part 266 of title 40, Code of Federal Regulations, as in effect on January 1, 1995, except that the requirements of title 40 relating to unmanifested waste reports (40 CFR 264.76 and 265.76) and to waste analysis and recordkeeping (40 CFR 268.7) shall not apply.

SEC. 105. COOPERATIVE EFFORTS.

Notwithstanding any other law, if 2 or more persons who participate in projects or programs to collect and properly manage used rechargeable batteries or products powered by rechargeable batteries advise the Administrator of their intent, the persons may agree to develop jointly, or to share in the costs of participating in, such a project or program and to examine and rely on such cost information as is collected during the project or program.

TITLE II—MERCURY-CONTAINING BATTERY MANAGEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Mercury-Containing Battery Management Act''.

SEC. 202. PURPOSE.

The purpose of this title is to phase out the use of batteries containing mercury.

SEC. 203. LIMITATIONS ON THE SALE OF ALKALINE-MANGANESE BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any alkaline-manganese battery manufactured on or after January 1, 1996, with a mercury content that was intentionally introduced (as distinguished from mercury that may be incidentally present in other materials), except that the limitation on mercury content in alkaline-manganese button cells shall be 25 milligrams of mercury per button cell.

SEC. 204. LIMITATIONS ON THE SALE OF ZINC-CARBON BATTERIES CONTAINING MERCURY.

No person shall sell, offer for sale, or offer for promotional purposes any zinc-carbon battery manufactured on or after January 1, 1996, that contains mercury that was intentionally introduced as described in section 203.

SEC. 205. LIMITATIONS ON THE SALE OF BUTTON CELL MERCURIC-OXIDE BATTERIES.

No person shall sell, offer for sale, or offer for promotional purposes any button cell mercuric-oxide battery for use in the United States on or after January 1, 1996.

SEC. 206. LIMITATIONS ON THE SALE OF OTHER MERCURIC-OXIDE BATTERIES.

(a) PROHIBITION.—On or after January 1, 1996, no person shall sell, offer for sale, or offer for promotional purposes a mercuric-oxide battery for use in the United States unless the battery manufacturer—

(1) identifies a collection site that has all required Federal, State, and local government approvals, to which persons may send used mercuric-oxide batteries for recycling or proper disposal;

(2) informs each of its purchasers of mercuric-oxide batteries of the collection site identified under paragraph (1); and

(3) informs each of its purchasers of mercuric-oxide batteries of a telephone number that the purchaser may call to get information about sending mercuric-oxide batteries for recycling or proper disposal.

(b) APPLICATION OF SECTION.—This section does not apply to a sale or offer of a mercuric-oxide button cell battery.

SEC. 207. NEW PRODUCT OR USE.

On petition of a person that proposes a new use for a battery technology described in this title or the use of a battery described in this title in a new product, the Administrator may exempt from this title the new use of the technology or the use of such a battery in the new product on the condition, if appropriate, that there exist reasonable safeguards to ensure that the resulting battery or product without an easily removable battery will not be disposed of in an incinerator, composting facility, or landfill (other than a facility regulated under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6291 et seq.)).

ORDERS FOR FRIDAY, SEPTEMBER 22, 1995

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Friday, September 22, 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 proceed to the consideration of the military construction appropriations conference report as under the previous order.

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

PROGRAM

Mr. BENNETT. Mr. President, for the information of all Senators, the Senate will consider and complete action on several items on Friday. At 9:30, the Senate will begin consideration of the MilCon appropriations conference report under a short agreement. Senators can expect a rollcall vote on that conference report possibly before 10:30 tomorrow.

The Senate will also complete action on the legislative appropriations conference report on Friday. The Senate will also consider the D.C. appropriations bill. Senators can therefore expect rollcall votes throughout tomorrow's session of the Senate.

ORDER FOR RECESS

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the remarks of Senator PELL.

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

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the Senate has now adopted legislation making appropriations for foreign operations, export financing, and related programs—the so-called foreign ops appropriations bill.

This is the first major foreign-affairs-related legislation to pass the Senate this year. We have not yet passed authorizations for the State Department and other foreign affairs agencies, or for the foreign aid program. We also have yet to pass an appropriation for the State Department—which is usually done along with the Commerce and Justice Departments.

The reason why we have not yet passed these measures—and why we were able to pass the foreign ops bill—gets to the very heart of bipartisanship. The authorization bills and the Commerce, Justice, State appropriations bill represent, in my mind, partisan efforts to mandate drastic and poorly conceived cuts and reductions in foreign policy programs and agencies. In their present form, the bills are so controversial that it has proven difficult even to bring them up for consideration.

I am pleased to note though—with a few notable exceptions—the foreign ops bill has been crafted with a fair amount of bipartisanship, and by comparison to the other bills, represents a sound basis for discussing our foreign assistance and other programs.

I do not wish to suggest that I support every provision of this bill. I do not. I have deep concerns about the unnecessarily low spending levels and about some of the language dealing with the former Yugoslavia, North Korea, and Russia—countries and issues of critical importance to the U.S. foreign policy agenda. While most of the multilateral lending institutions have fared reasonably well in this bill, I also regret that there is such a low level for the International Development Association, which lends to the poorest of the poor. I hope that where possible compromise language can be worked out on all of these matters in conference.

I also want to note that the Appropriations Committee, in its report accompanying the foreign ops bill, expressed strong support for the American Schools and Hospitals Abroad Program, known as ASHA, a small but effective program of which I have been a longtime advocate. Among other things, this program has provided U.S. support to the American University of Beirut, the Lebanese American University, and other important institutions that have advanced U.S. foreign policy goals abroad.

Mr. President, I again want to emphasize and commend the bipartisan approach that has been apparent on this bill. I hope that spirit can be preserved as we move down the road.

I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. There being no further business to come before the Senate, under the previous order the Senate will stand in recess until the hour of 9:30 a.m., Friday, September 22, 1995.

Thereupon, the Senate, at 8:16 p.m., recessed until Friday, September 22, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1995:

DEPARTMENT OF DEFENSE

JOHN WADE DOUGLASS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE NORA SLATKIN, RESIGNED.

EXTENSIONS OF REMARKS

HOW MEDICAID CUTS WILL HURT CHILDREN

HON. NORMAN D. DICKS
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. DICKS. Mr. Speaker, last week, Congressman JOHN MCDERMOTT, Democratic leader DICK GEPHARDT, and I had the opportunity to listen to remarks delivered by Dr. John Neff, medical director of Children's Hospital and Medical Center in Seattle. In those remarks, Dr. Neff attempted to dispel many of the myths about Medicaid, and he issued a strong warning against the dangers of converting Medicaid funds into block-grant formulas. For the RECORD, Mr. Speaker, I would like to submit a copy of Dr. Neff's brief remarks, in addition to a news story published the next day in the Seattle Post Intelligencer entitled "Medicaid cuts may threaten children." I believe this perspective from the director of one of the Nation's most respected children's hospitals is a valuable one, and one that can add greater depth to the debate here in Congress on these proposed changes.

COMMUNITY ASSESSMENT OF FEDERAL BUDGET CUTS TO OUR COMMUNITIES—SUPPORT FOR CHILDREN AND THE ELDERLY

HOW FEDERAL PROGRAM CUTS WILL HURT CHILDREN—BY DR. JOHN NEFF, MEDICAL DIRECTOR, CHILDREN'S HOSPITAL AND MEDICAL CENTER, SEATTLE

My name is John Neff and I'm medical director at the Children's Hospital & Medical Center. I have been taking care of children as a pediatrician now for over 35 years. The first six years of my career were before Medicaid was implemented and the next 29 years were under the Medicaid legislation. I can tell you from personal experience that not only was the medical care system prior to Medicaid terrible but the institutions that cared for the poor and the elderly are either no longer with us or have been significantly transformed. The old municipality run hospitals and institutions are no longer part of our medical care system and they were grossly inadequate at that time to meet the needs of children. I would consider it a great failure to have to return to those days even in part.

We need to retain national standards for the health care of children. We must not go back in time and place arbitrary limits on the services that children need especially those who are unfortunate to have special health care needs.

Now let me dispel a series of myths concerning Medicaid.

1. The currently proposed reductions in Medicaid are not cuts but are caps on Medicaid growth at a rate of 4% by 1998. It is cited that Medicaid's annual growth rate now is approximately 10%:

In order to dispel this myth let us look at what this 10% Medicaid annual growth rate means. This growth represents new enrollees among children and the elderly, an expansion of Medicaid eligibility and services, and medical inflation. The actual real medical inflation of Medicaid is probably not more than 5%. Given the level of poverty and the aging of our population, the need for Medicaid services will continue to increase, thus to cap the annual rate of growth at 4% by 1998 will represent real cuts and will result in certain actions: A decrease in the number of new enrollees or an expenditure cap on enrollees; elimination of current enrollees; actual cuts in benefits or services.

Fifteen percent of children covered by Medicaid are ''medically needy'' because their health care expenses could reduce their families to poverty. Private insurance is often unavailable or unaffordable. Medicaid is literally their insurer of last resort.

To cap Medicaid at a growth rate of only 4% per year will result in real elimination of services or cutting individuals out of the Medicaid program.

2. Block grants give more control to states:

What block grants will really do will be to eliminate federal standards and eliminate federal obligation. Children covered by Medicaid should be guaranteed they will have medically necessary care regardless of the state in which they live. Children also need to be assured they will have access to pediatric trained providers to meet their specialized health care needs regardless of the state in which they live.

What block grants will do initiate a huge battle among states on who receives what portion of Medicaid funds. Currently, there are significant differences in the amount of funding that states receive. As an example, in New York each enrollee receives $7,909; in Washington it is $4,279; in Texas it is $3,838 (HCFA, 1994). Block grants will politicize and perpetuate these unequal distributions to states. States will develop different standards for benefits and eligibility requirements for Medicaid programs. Under the worst scenario, block grants would create unfair or uneven distribution of funds to states and there is the potential to create massive migrations of individuals from one state to another as they move to obtain maximum benefits. If this occurs, some children in some states will receive better benefits than in others.

This will be particularly difficult for children as the pediatric expertise is often concentrated in regional tertiary care centers, such as Children's. We see children from a 4-state region including Washington, Alaska, Idaho and Montana.

3. Medicaid Reductions can be Reached by Improved Efficiencies:

This state and many other states already put in significant efforts to improve efficiency. Currently, in the state of Washington, nearly 60% of all Medicaid clients are in managed care and this state also covers children up to 200% of the federal level of poverty.

There are not significant savings in improved efficiencies and further savings will cause reductions in services and decrease in those covered.

4. Medicaid is the same as Welfare:

Currently, in the United States, 25% of all children receive their health care through Medicaid but more important, 40% of all children in the United States are either covered by Medicaid or have no insurance at all. Forty percent of our children are not ''dead beats''. The fact that 40% of the children in the United States have no health insurance or are covered by Medicaid reflects a failure in our private health care system to adequately cover children. This is one of the reasons that there is a real need for health care reform, not arbitrary reduction in services or coverage. In fact, a decrease in Medicaid coverage will increase the number of uninsured, indirectly increase family poverty and, in the long run, will decrease family employment and individual productivity.

Well over half of children assisted by Medicaid (57.5%) live in working families. In the 1980's, Congress delinked Medicaid from welfare, which is based on unemployment, so as to not penalize poor but working families with loss of health coverage for their children. Parents should not have to choose between being able to hold a job or having to sacrifice employment in order to qualify for Medicaid coverage for their children.

5. Children are a Burden on our Federally Sponsored Health Care System:

While it is true that 53% of all Medicaid beneficiaries are children, it is also true that children consume less than 20% of Medicaid expenditures and in the state of Washington children consume only 13% of Medicaid funds. To put it in proper context, one must consider all of the health care funds that are federally sponsored for adult care. This includes the VA system, Medicare and 80% of the federal portion of Medicaid. In this context the total amount of public funds that are utilized for health care for children in this country is indeed very small.

In reality, if Medicaid funds are developed into block grant formulas and allocated to the states, there is a danger of unleashing a terrible political battle which will pit children against the elderly and disabled and within the children's health care system, primary care providers against those who care for those with special needs. Such a battle would be destructive to both families and providers.

6. medicaid is different than Medicare and Private Insurance because Medicaid Recipients do not Contribute to their own Health Care as do individuals who receive Private Insurance Benefits or Medicare Benefits.

It is true that Medicaid funding come almost entirely from tax dollars and not from earned employment benefits. (Medicaid spending accounts for 6% of the federal budget and may run as high as 18% of state spending). To use this, however, as a reason why Medicaid funds should be cut to a disproportionately greater degree than those funds supported by employment benefits is grossly discriminatory against children. Children do not pay taxes, do not work and do not develop employment benefits. It is our public obligation to support the uninsured portion of health care benefits for children. If we do not, we will not only cause untold misery on families but the long term effects of an unhealthy childhood population will be felt for years.

[From the Seattle Post Intelligencer, Sept. 14, 1995]

MEDICAID CUTS MAY THREATEN CHILDREN

(By Joel Connelly)

Congress will set off ''a terrible battle'' that pits children against the elderly and the infirm if it sharply curtails growth of the federal Mediciad program, three House members were told yesterday.

Dr. John Neff, medical director at Children's Hospital, warned that congressional

Republicans' proposed 4 percent cap in growth will put extreme pressure on Medicaid, which not only supports long-term nursing-home care for many elderly and disabled, but also furnishes health care for about 25 percent of American children.

''We must not go back in time to a set of arbitrary limits on the services children need,'' said Neff, who has spent more than 35 years as a pediatrician.

He said public institutions that provided medicine to children were often terrible before Medicaid was established 30 years ago.

House Democrat Leader Dick Gephardt of Missouri, in Seattle for a candidate recruiting and fund-raising visit, joined Reps. Jim McDermott and Norm Dicks, both D-Wash., for a meeting with hospital administrators.

Responding to Neff's point, Gephardt warned that children will be the losers if they must compete with elderly people and nursing homes for scarce Medicaid resources.

''Elderly folks vote,'' he said. ''Children do not. Children are not heard in the political system.''

The Democrats heard from hospital officials as Republicans in Washington, D.C., prepared to unveil details of their proposed cost controls in Medicaid and Medicare, which provides medical care for senior citizens.

''By the year 2000, my hospital would be underfunded annually by $125 million,'' said Nancy Giunto, administrator of Providence Seattle Medical Center. The hospital receives 62 percent of its income from Medicare and Medicaid.

Rogelio Riojas, chief executive of Sea Mar Community Health Centers, warned that cuts will deny regular medical services to low-income families.

''The poor will simply wait until they are more and more ill, and then they will go to the emergency wards of hospitals,'' said Riojas, who added that emergency care is far more costly than preventive care.

The Democratic congressmen were able to offer little reassurance to those who met with them at Harborview Hospital.

Republicans want to save $270 billion by 2002 by scaling back the growth rate of Medicare to between 6 percent and 7 percent. They're aiming to realize $180 billion more by slashing Medicaid's growth rate to 4 percent.

The two federal health care programs have been growing at an annual rate of about 10 percent. Half the growth has come from rising medical costs. The other half is because of sharp increases in enrollment.

Neff said the cuts will leave Medicare and Medicaid with three options: decrease the number of new enrollees; eliminate some people already enrolled, particularly in Medicaid; or cut services.

He predicted the country will see ''a low-grade, continuous erosion of services'' if the funding is held to levels in the GOP's budget plans.

Larry Zakn of Harborview Hospital said the effects of the GOP budget proposals would be felt in such places as his hospital's renowned trauma care program.

''There's no way I can see that we would ever maintain these levels of service if we had these levels of funding,'' he said.

Harborview stands to lose as much as $185 million in Medicaid and Medicare funding over the next seven years under the GOP proposals. Medicaid pays 48 percent of its patients' bills, one of the highest figures for any hospital in the country. Harborview has a tradition of caring for all people regardless of their ability to pay.

Republicans are holding off releasing details on their proposal until week's end. Already, however, a partisan battle over numbers has broken out on Capitol Hill. House Speaker Newt Gingrich, R-Ga., said last weekend that seniors with income above $125,000 would pay more for Medicare, but most people would face increases of only about $7 a month.

But Democrats calculated that the elderly will wind up paying almost $20 a month extra by 2002 and more than $1,300 each over the next seven years.

Republicans challenged their opponents' math and accused them of ignoring the $270 billion in savings the GOP is seeking.

But they also conceded that the Medicare Part B premium may be as much as $10 a month higher in 2002 under their plan than under President Clinton's budget—not $7, as Gingrich said Sunday. Before Congress' August recess, Republican leaders armed GOP House members with scripted ''talking points,'' charts and instructions on how to defuse public anxiety over Medicare and Medicaid.

Opinion polls have shown, however, that the public's worries have not gone away. Democrats have vowed to fiercely defend programs seen as cornerstones of John F. Kennedy's New Frontier and Lyndon Johnson's Great Society. ''People's quality of life has gone up. It has gone up because of Medicare and Medicaid,'' Gephardt said yesterday. ''We must not take large steps back into history where we don't want to go.''

He noted that there are four major teaching hospitals in the Seattle area, responsible for medical education over a four-state area. ''The federal government is providing a research service that the private sector cannot and will not afford,'' he added.

The issue gets personal for Gephardt. At age 18 months, his son was diagnosed at a St. Louis hospital with a cancerous tumor and given no chance to live.

''A young resident approached us the next morning,'' he recalled. ''He had been running the case through the computer, and noted that a program of triple-drug chemotherapy and radiation had been developed in Houston. He encouraged us to try it.

''Matt is now 24 years old. I left him off yesterday at Northwestern University in Chicago to continue his education. I rest my case.''

TIME FOR COURAGE AND MOVEMENT ON NORTHERN IRELAND PEACE PROCESS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. GILMAN. Mr. Speaker, Thomas L. Friedman of the New York Times on September 20, 1995 wrote a very provocative and important piece on the current stalemate in the peace process in the north of Ireland.

His work ''No Guts, No Glory'' is a challenge to all sides and interested governments, including our own, not to let the extraordinary opportunity, which the current peace process presents for lasting peace and justice in Northern Ireland slip away.

Mr. Friedman constructively reviews the difficult arms decommissioning issue, and supports the proposal for an international commission to handle that difficult question which currently has stalled the peace process for months.

I ask that the piece by Mr. Friedman be reprinted at this point in the RECORD for the benefit of my colleagues, and all those interested, and charged with finding solutions in the long and difficult struggle to bring lasting peace and justice to Northern Ireland.

I also ask that a statement I issued just recently in support of the international arms decommissioning dual track approach to help move the peace process along at this critical moment in Irish history, also be included in the RECORD at this point.

It is time for all sides to show guts, and plenty of glory will surely follow for all those concerned about lasting peace for the warm and generous Irish people.

[From the New York Times, Sept. 21, 1995]

NO GUTS, NO GLORY

(By Thomas L. Friedman)

WASHINGTON.—The lion in ''The Wizard of Oz'' didn't have it, but at least he knew where to get it. Nelson Mandela had it, and so did F. W. de Klerk, and they used it to good effect. Yitzhak Rabin has it and so does Yasir Arafat, although occasionally they lose it and need help finding it again. It's called ''courage,'' and unfortunately none of the key players in the Northern Ireland conflict have it right now.

Gerry Adams of Sinn Fein doesn't have it, the British Prime Minister John Major, certainly doesn't have it and the Protestant leader David Trimble wouldn't know it if it were pinned to his chest. And that's why 13 months after the cease-fire took effect in Northern Ireland, the parties still have not begun peace talks to bring a permanent end to the fighting.

The sticking point has been the British-Protestant refusal to sit down for peace talks with Sinn Fein—the I.R.A.'s political wing—until the Catholic gunmen of the I.R.A. first surrender some weapons.

This is poppycock and nothing more than a pretext by Mr. Major to disguise his ambivalence about entering into negotiations with the I.R.A. at all. If the I.R.A. had tanks, missiles and MIG–29's, there might be some strategic merit to the British insistence that it turn in some weapons first. But the I.R.A. arsenal consists almost exclusively of handguns, knives, flaming bottles and some plastique explosives. They could turn them all in tomorrow and replenish most of their arsenal the next day with a Guns & Ammo mailorder catalogue and a visit to the local hardware store. The I.R.A invented the fertilizer bomb.

The issue is not how to deprive the I.R.A. of their military capabilities, which are endlessly replenishable. The issue is how to change their intentions to resort to violence. The only hope of doing that is through all-party peace talks. (If Israel could talk to the P.L.O. without insisting it disarm, the British can talk to the I.R.A.)

A perfectly reasonable compromise is on the table: an international commission would be formed, parallel with the start of peace talks, that would bring British, Protestant and I.R.A. representatives together to discuss how weapons might be ''decommissioned'' as part of a final peace deal. This international commission could, in effect, disconnect and isolate the weapons issue from the peace negotiations, while giving everyone a sense that as progress was made around the peace table, there would also be progress toward all sides surrendering some weapons. Unfortunately the British have balked even at this idea, because they want to reserve the right to demand that the I.R.A. hand over some weapons even before convening all-party talks.

But John Major is not the only one who has gone wobbly. Gerry Adams is now also resisting the idea of an international commission on weapons, because he wants to be assured that such a commission won't, at

some stage, ask it to make a symbolic gesture in retiring some guns before negotiations really get under way.

This too is cowardly. No international commission (which the U.S. would likely run) is going to ask the I.R.A. to make any gestures on arms until there is parallel progress at the peace table. If the I.R.A. had any vision or leadership right now it would quietly tip off the British to a small pile of I.R.A. explosives somewhere. Such unilateral handover would ease British concerns, without costing the I.R.A. a thing.

President Clinton, who helped engineer the cease-fire, seems to have lost interest and fallen asleep at the wheel. Fortunately, the Prime Ministers of Britain and Ireland are meeting Friday in another attempt to break the deadlock. The fact that the cease-fire in Northern Ireland has lasted for more than a year should tell them something. It should tell them that the people want this new way of life to be permanent and they have given the politicians a silent mandate to make it so. But instead of listening to the silence, the politicians are listening only to themselves.

This isn't complicated. It's time for the British and the Protestants to start all-party talks with Sinn Fein, and for all three to accept an international commission that could defuse the weapons issue until there is progress at the peace table. But that sort of simplicity takes some courage. Sad to say that among British, Protestant and I.R.A. leaders right now there is no one who answers to that name.

[From the House International Relations Committee, Sept. 13, 1995]

GILMAN URGES IMMEDIATE ALL PARTY TALKS ON NORTHERN IRELAND: SUPPORTS SEPARATE COMMISSION TO ADDRESS ARMS ISSUE

(By Benjamin A. Gilman)

WASHINGTON.—Committee Chairman Benjamin A Gilman (20th-NY) today called for ''immediate all party talks'' on peace in Northern Ireland, and suggested that the issue of arms decommissioning be addressed by an international commission on a separate track.

Gilman spoke out following meeting with Sinn Fein President Gerry Adams in which the status of the peace process was discussed.

''Efforts by the British government to dictate preconditions or outcomes prior to talks merely obstructs access to the only means of finding a consensus political solution in Ireland, namely the peace negotiating table,'' Gilman said.

Noting that arms decommissioning has long been a stumbling block to peace talks, Gilman said ''a separate track is needed for this issue that could be in the form of an international commission whose findings would be binding, however, such a commission should not become yet another precondition to talks.''

Gilman warned that ''these past 13 months of peace have been a window of opportunity to achieve a just and lasting peace after a quarter century of violence and bloodshed. We must not allow this window to be shut against those who are earnestly seeking peace.''

Long a champion of peace and justice in Northern Ireland, Gilman this year led the Committee's first hearings on the Macbride fair employment principles, and saw their inclusion in the House-passed foreign affairs bill as part of the U.S. contribution to the International Fund for Ireland.

The Macbride principles are aimed at ending systemic job discrimination, most often aimed at the Catholic community in Northern Ireland.

SUPPORTING THE FOURTH WORLD CONFERENCE ON WOMEN (BEIJING)

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Ms. ROYBAL-ALLARD. Mr. Speaker, the United Nations Fourth World Conference on Women was an opportunity for delegates from over 180 countries to take a step toward granting women equal rights in all aspects of life.

One of the major points made at the conference was the importance of promoting programs which lead to women's economic and political empowerment.

Our world today, is comprised of women who are breaking new ground in industry and the professions, and who are becoming integral members of labor forces everywhere.

The conference created an environment where new understandings of women's roles in the workplace and in government were examined along with the difficulties that women continue to encounter throughout the world, such as the inability to own land, the inaccessibility of business loans, and the lack of child care.

The diversity of the delegates experiences and backgrounds raised the world's level of consciousness about women's plight worldwide and provided humanity with a greater understanding of the economic and political condition of women.

Through free discussion and open debate, the delegates came forward with recommendations promoting women's rights and equality for our world's governments to consider.

The challenge for governments and policymakers throughout the world will now be to turn these recommendations into policies and laws that help insure that the women of today and our daughters and sisters of tomorrow will have the opportunity to realize their full potential, free from oppression and discrimination.

PERSONAL EXPLANATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Ms. DUNN of Washington. Mr. Speaker, on September 7, I was present in the House Chamber during the vote on final passage of H.R. 2126, the fiscal year 1996 Department of Defense appropriations bill. I along with other Members, were not properly recorded as having cast our vote on Rollcall No. 646. I respectfully request that the official record indicate I voted ''aye'' in support of passage of the bill.

A SPECIAL SALUTE TO ''GREAT BOOKS'' ANNIVERSARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. STOKES. Mr. Speaker, I rise today to salute the Great Books group. Mr. Ray Habian, a member of the organization, recently brought to my attention the fact that the Cleveland Great Books group is celebrating its 50th anniversary. The organization boasts members throughout the Greater Cleveland area. I rise today to share with my colleagues and the Nation some information regarding the Great Books group.

It is believed that the formation of discussion groups for the purpose of reviewing the Great Books was started after World War I by John Erskine. In 1927, Mortimer Adler launched 15 adult education courses in New York City to discuss the Great Books. A few years later, in 1930, Robert Hutchins joined Mr. Adler in introducing Great Books seminars into the undergraduate curriculum at the University of Chicago. Soon, across the United States, ordinary laymen with a love for literature began to form and lead Great Books seminars in their local communities.

The first meeting of the Cleveland Great Books group was held in 1946 at the East Cleveland Public Library. It is interesting to note that the first group gathered for a candid discussion of the Declaration of Independence. In the following years, the group continued to examine topics that were popular in American society, as well as in literature. In 1972, the Great Books group moved its meeting site to the Noble Road Library in Cleveland Heights. The group discussions have focused on the philosophy of Plato; the epics of Homer; and the drama of William Shakespeare, just to name a few.

Mr. Speaker, I am proud to report that today, more than 400 Great Books groups meet in libraries across America. The discussions provide insight into the personal, moral, social, political, and economic problems of mankind. I am also pleased to note that over the years, Great Books programs have helped to build a strong and lasting relationship between our libraries and communities. With the dawn of Great Books groups, citizens realize that their libraries can provide dynamic platforms for public discussions of historical and popular literary pieces.

Mr. Speaker, on September 19, 1995, the Cleveland Great Books group will begin its 50th consecutive year. The candid discussions and seminars continue to arouse the interest of citizens throughout the community. I am proud to applaud Ray Habian and the entire membership of the Great Books group. As they celebrate this historic anniversary, I wish members of the Great Books group many more years of success.

PROVIDING FOR THE ADMINISTRATION OF CERTAIN PRESIDIO PROPERTIES

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1995

Ms. ESHOO. Mr. Speaker, H.R. 1296 is a good government approach to management of the Presidio within the National Park System.

No other park possesses the unique combination of resources and real estate as the Presidio. Because of this unusual combination, the Presidio lends itself to a management structure outside the realm of traditional operation of our national parks.

That is why I strongly support H.R. 1296, which would create a Presidio trust. This model would preserve park resources while allowing the Presidio's properties to be used to generate revenues which could, in turn, be used to operate the Presidio. While this model might not work for other national parks, it is a practical approach for the vast and unique properties which comprise the Presidio.

Mr. Speaker, it makes sense for us to pursue this type of management—it's cost-effective and addresses the monumental challenge of how to make the best public use of this unique and historically significant land.

We should give H.R. 1296 a chance and I urge my colleagues to vote for its passage.

SUPPORTING A DISPUTE RESOLUTION IN CYPRUS

SPEECH OF

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 18, 1995

Mr. BURR. Mr. Speaker, I am proud to cosponsor and support House Concurrent Resolution 42, a measure to end the longstanding dispute regarding Cyprus. Over 20 years ago, the Turkish army invaded the island of Cyprus, seizing over 30 percent of the island's land and approximately 70 percent of the island's wealth. This action caused more than 200,000 Cypriots to be driven from their homes and made them refugees in their own country.

Today, Turkey continues to maintain a force of over 35,000 troops on the island of Cyprus. Although this force was only supposed to stay to protect the Turkish-Cypriot minority for a short time, we are now beginning the third decade of Turkish occupation. This has led some observers to call this area one of the most highly militarized areas of the world.

Last year, in an effort to break this deadlock, Cypriot President Glafcos Clerides offered to totally demilitarize the island by dismantling his army with the understanding the Turkish army would withdraw and work toward an agreement to unify the island and bring about a peaceful resolution to this longstanding and difficult problem. President Clerides' plan has received widespread support and international acclaim. The United Nations and the European Union have already stated their support for this plan and I am glad to see the House of Representatives join in this effort.

This resolution is a balanced, fair, and bipartisan effort to support a peaceful resolution to the problem in Cyprus and to bring peace and stability to the eastern Mediterranean. I am proud to rise in support of this measure. It is in the best interest of the people of Cyprus, the people of the eastern Mediterranean, and the people of the United States. I urge a ''yes'' vote on House Concurrent Resolution 42.

THE NEED FOR EQUAL OPPORTUNITY IN HIGHER EDUCATION IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. GILMAN. Mr. Speaker, one of the most difficult challenges facing the fledging democratic governments of Eastern Europe involves learning to treat equally and fairly all of their citizens—regardless of ethnic background—in the areas of rights and opportunities. Unfortunately, some of those governments are still seeking to treat their citizens from minority ethnic groups in traditionally nationalistic and counterproductive ways. Rather than working to ensure that all citizens are treated equally, they seek to limit the rights and opportunities of those citizens who do not belong to the majority ethnic group.

In the Balkans region of Eastern Europe, the manner in which ethnic minorities are treated is crucial to the peace of that region. If further violence and repression are to be avoided in the successor states to the former Yugoslavia, each of those states needs to take meaningful steps to ensure that all of their citizens are accorded equal opportunities and rights in areas such as education that are necessary to ensure democracy and inter-ethnic peace.

Mr. Speaker, the former Yugoslav Republic of Macedonia has been blessed by peace since it gained its independence in 1991. There are troubling signs, however, that the Government of Macedonia is not taking sufficient steps to ensure that those of its citizens from its considerable Albanian minority are provided with adequate opportunities for higher education in the Albanian language. The most worrisome consequence of this lack of educational opportunity is an increasing resentment toward that government among many of its ethnic Albanian citizens. Their frustration has led some ethnic Albanian citizens to attempt to open an Albanian-language university to ensure that opportunities for professional education are readily available to those who have been raised and educated in Albanian at the secondary school level.

In February of this year, a renewed attempt to open such a university of Tetovo, Macedonia led to a violent clash between ethnic Albanians and Macedonian police. Tragically, one individual lost his life and 28 others were wounded in that violent incident.

Mr. Speaker, I believe all of us want to see the former Yugoslav Republic of Macedonia and, in fact, all of the Southern Balkans avoid the kind of ethnic violence that has wracked the Northern Balkans for 4 years now. We need to encourage the Government of Macedonia to constructively address the issue of fair opportunities for higher education in the language of its Albanian minority. I am therefore introducing today House Congressional Resolution 103, a resolution that focuses specifically on Macedonia and on the issue of proper access to higher education in that country. This resolution calls on the Government of Macedonia to:

Ensure the fair and equitable treatment of all of its citizens, regardless of ethnic background;

Consider all means by which higher education conducted in the Albanian language can be provided, including the possible establishment of an Albanian language university;

Ensure the establishment of Albanian language pedagogical facilities at existing universities, and;

Provide pardons for those convicted of charges relating to the events that accompanied attempts to open an Albanian language university at Tetovo in February 1995.

The Resolution also calls on the President of the United States to:

Express our country's strong support for Macedonian efforts to ensure access to higher education conducted in the Albanian language;

Offer appropriate support for those international organizations that are working to resolve the issue of higher education in the Albanian language in Macedonia, and;

Offer appropriate support for efforts by the Government of Macedonia to ensure access to higher education conducted in the Albanian language, including assistance for establishing necessary curricula and provision of textbooks and related course materials.

Mr. Speaker, I want to strongly encourage my colleagues to join in cosponsoring this timely and important measure.

SALUTE TO E. JUNE HEITMAN

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. GANSKE. Mr. Speaker, I would like to bring your attention to the fine work and outstanding public service of E. June Heitman and her fellow nurses serving in the U.S. Cadet Nurse Corps during and after World War II.

The 27 nurses who graduated from the Jennie Edmunson Memorial Hospital School of Nursing Class in September 1944 served the United States by caring for wounded soldiers returning from Europe as part of the U.S. Cadet Nurse Corps. The graduates were given assignments in Iowa, Maryland, Missouri, and Nebraska.

June and some nursing school roommates, Doris Cochran Kerber and Stella Wisner Scheel, were given a 3-month assignment at Schick General Hospital in Clinton, IA, to assist with wounded soldiers.

Professional military nursing has been an invaluable service to the military throughout American history. Gen. George Washington requested the congressional establishment of nurses to care for sick soldiers and an Army general hospital in 1775. Florence Nightingale's crusade in Crimea in 1854 reduced the mortality rate of sick and wounded soldiers from 42 percent to 2 percent within 1 year.

On June 15, 1943, in response to the critical shortage of nurses for the military and for civilian health, the Bolton Act was approved and the U.S. Cadet Nurse Corps was created. This Act provided Government funds to train nurses for civilian and military hospitals.

Demand for nurses was quickly exceeding the supply. The training period for nurses was 24 to 30 months, far longer than the training period for many of the other women's branches of the armed services. Cadet nurses

enrolled in an accelerated nursing program that prepared them to replace graduate nurses going overseas.

The Jennie Edmunson Memorial Hospital Class of 1944 is part of this honorable tradition of nursing service. As we remember the end of World War II, please join me in recognizing June Heitman and all of the hard-working members of the U.S. Cadet Nurse Corps for their devotion, patriotism, and service to the United States.

MANUFACTURED HOUSING

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. GALLEGLY. Mr. Speaker, earlier this year, President Clinton and HUD Secretary Cisneros announced on new program to help thousands of families realize the American dream of homeownership.

Calling on all national housing-related organizations to form a partnership for this national homeownership strategy, the President set a goal of creating 8 million additional American homeowners over the next 5 years. The accomplishment of this goal will have dramatic effects on those young families setting out on the quest for the American dream, will stimulate the real estate and home building industries, and will strengthen the economy through the ripple effect on the secondary and tertiary industries which rely on homebuilding and resale.

One of the industries which can play a major role in the achievement of the President's goal is the manufactured housing industry. Last year, more than 300,000 homes sold in the United States were manufactured homes. As younger families come into the market for a home, and as the population in this Nation ages, and shifts to retirement communities, manufactured housing will become the preferred housing for thousands of citizens looking for quality housing at an affordable price.

The ability of the manufactured housing industry to continue to provide quality, affordable housing will depend most directly on the industries ability to loosen the regulatory stranglehold currently imposed by the Department of HUD.

Over the last 20 years, the manufactured housing industry has evolved from one providing a temporary, mobile dwelling to a sophisticated, highly efficient producer of permanent housing. Unfortunately, the regulatory apparatus ensconced within HUD has not kept up with the changing industry on a timely basis. It is time for a change.

As the Congress contemplates the overall future of HUD, certain small steps could be taken now to reinvent the oversight of Federal housing programs. Since the manufactured housing industry received no Federal funds, the issue is how to recreate a regulatory body which would regulate and enforce manufactured housing codes and regulations while maintaining some oversight by HUD or whatever new housing agency would be created.

Three years ago, the Congress created a Commission which was tasked to look into the industry and make recommendations. The Commission did propose that a new consensus committee or office be created which would oversee the industry in a more efficient, less bureaucratic manner. I believe it is time to create such an entity.

A new manufactured housing committee or office created outside of HUD, would be comprised mostly of representatives of the industry, but could include local authorities and a consumer watchdog. The Secretary or Housing Administrator, could appoint one committee member to serve as his liaison who would shuttle regulatory recommendations back and forth between the Housing Administrator and the industry. Current Federal uniform building codes and its enforcement program would be maintained but the committee would be empowered to contract with a private organization to be its code enforcement authority and it would continue the current practice of imposing fees on the industry membership in order to fund the committee's operation and its outside contracts.

Finally, any legislation creating such a new system should remove unnecessary restrictions, such as the permanent chassis requirement, which would help lower the cost of producing these homes. In fact, recent action taken by the California State Assembly called on the Congress to take just such action on the chassis issue. I am enclosing a copy of the joint resolution passed by the State legislature.

ASSEMBLY JOINT RESOLUTION NO. 7—RELATIVE TO MANUFACTURED HOUSING

LEGISLATIVE COUNSEL'S DIGEST

AJR 7, Hauser. Manufactured housing.

This measure would memorialize the President and the Congress of the United States to amend the definition of ''manufactured home'' in federal law to allow these homes to be designed to accommodate a removable chassis, so long as the home is intended to be permanently sited on a foundation and so long as the floor system is designed to accommodate appropriate design loads.

Whereas, Manufactured homes constructed pursuant to the National Manufactured Housing Construction and Safety Standards Act provided an important source of nonsubsidized affordable housing to Californians; and

Whereas, The State of California is a national leader in efforts to encourage and expand the use of manufactured housing by eliminating unnecessary regulatory barriers and by developing and encouraging innovative land use and financing policies; and

Whereas, The State of California has deemed manufactured homes a permitted use in all residential zoning districts, subject to the same development standards applicable to other dwellings in that zoning district; and

Whereas, Construction and safety standards for manufactured homes are established in federal law and regulation and all such standards preempt local and state codes; and

Whereas, The federal Manufactured Home Construction and Safety Standards have been determined by the State of California to meet or exceed performance standards established for other dwellings; and

Whereas, Federal law requires every federally certified manufactured home to be constructed on a chassis which must remain a permanent feature of the home's substructure; and

Whereas, The chassis is not necessary for the home's structural integrity if the home is sited on a permanent foundation and the home's floor system is designed to accommodate appropriate design loads; and

Whereas, This mandatory feature represents an unnecessary regulatory barrier to greater design flexibility for manufactured homes; and

Whereas, This regulatory barrier prevents innovative uses of manufactured homes to meet the demand for affordable housing in California; and

Whereas, This regulatory barrier prevents manufactured home producers from developing a recycling program for chassis systems which could save consumers between $1,000 and $2,000 per home; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the definition of ''manufactured home'' in federal law to allow such homes to be designed to accommodate a removable chassis, so long as the home is intended to be permanently sited on a foundation and so long as the floor system is designed to accommodate appropriate design loads; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to each member of the House Committee on Banking, Housing, and Financial Services, the Senate Committee on Banking and Urban Affairs, and the House and Senate appropriations subcommittees on HUD/VA and independent agencies.

Mr. Speaker, if we as a Nation are going to succeed in this new strategy to help thousands a Americans realize their dream of homeownership, the manufactured housing industry must play an important role in providing quality homes at an affordable price. To start this process, the industry must be removed from the regulatory burdens placed on its operation by a Federal bureaucracy which cares little for the industry and shows no interest in an efficient system of regulation and enforcement.

ARCHBISHOP IAKOVOS HONORED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to one of the most outstanding religious leaders in the world, Archbishop Geron Iakovos. Head of the Greek Orthodox Church of the Western Hemisphere, Archbishop Iakovos is retiring after 36 years of distinguished service as a spiritual leader and fighter for worldwide justice.

Archbishop Iakovos, born Geron Iakovos in Istanbul, Turkey, was ordained a priest in Lowell, MA, in 1940. He is a graduate of the Harvard University Divinity School. In 1959 he ascended to the leadership of the Greek Orthodox Church in the Western Hemisphere. He has been at the forefront of the worldwide ecumenical as well as the civil rights movement.

In 1959 he met with Pope John XXIII, thus becoming the first Greek Orthodox Leader in almost 400 years to meet with a Roman Catholic Pope. He also served as copresident of the World Council of Churches for 9 years.

As an outspoken religious leader against segregation in the United States, he marched with the Reverend Martin Luther King, Jr. in

Selma, AL. He has continually fought for the independence of Cyprus, preservation of Greece, and enhanced United States-Greek relations. He was awarded the Presidential Medal of Freedom in 1980 by President Jimmy Carter. He is a magnificent and stalwart friend of American Jewry, voiced support for Soviet Jews, and has been a strong advocate for Israel.

This extraordinary spiritual and religious leader has been a very sensitive pastor at every level. His warm pastoral dimension expresses itself to not only his own people, but to people of all religions, cultures, and nationalities. Beyond fulfilling his duties to the Church, he has been a leader in the cause of justice in America and all over the world. I know all of my colleagues join with me in wishing this extraordinary individual the very best in his retirement.

THE MEDICARE PRESERVATION ACT OF 1995

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to discuss the Medicare crisis to share with my colleagues the suggestions I have received from my constituents about how best to preserve, protect, and strengthen Medicare.

In April, when the Medicare trustees issued their annual report which stated quite clearly that the Medicare Trust Fund would be bankrupt in 7 years, I felt it was my duty to inform the people of the 11th Congressional District of the problem.

I mailed the facts of the trustees report to over 22,000 people in my district. I met with the presidents of nearly every senior citizens club in the area. I listened to thousands of Medicare beneficiaries at Morristown Memorial Hospital, the Morris Plains VFW, and at St. Clare's Riverside Medical Center in Denville. In addition to discussing the Medicare crisis, I also asked people for suggestions on how we could save and improve the program, while holding down costs.

Mr. Speaker, the response has been overwhelming. Who better to suggest ways to improve Medicare than the very people who have to deal with the system every day? As you might imagine, the meetings yielded a litany of suggestions. A man from Sparta suggested that Medicare should have a better verification system to weed out overcharges and duplication of services rendered. A couple from Livingston strongly suggested that millions of dollars could be saved by reducing the mountains of paperwork involved in the Medicare bureaucracy.

The responses touched on other subjects as well. At the Morris Plains VFW, several people indicated that more preventive care was needed such as mammograms, prostate screenings, and diabetes screening. I agree. This would not only help reduce costs but greatly improve people's health and I was surprised that the current Medicare program was weak in this area. If we can keep people healthier and provide routine health care and appropriate checkups, we can avoid using the most costly method of health care which is the emergency room.

I have listened to all of these concerns and brought them back to Washington. In fact, I applaud the leadership for giving Members an opportunity to testify on behalf of our constituents. I was pleased to have that opportunity, and testified on September 7, on what I have learned from the people of the 11th Congressional District. One constant theme was that the people know there is a problem, and they want to be part of the solution. If we do not give them that opportunity, Mr. Speaker, then we have really solved nothing at all.

To be sure, I will continue this thoughtful and important discussion and listen to these very knowledgeable people. Last week, when the preliminary Medicare preservation options were presented to us, I called for a series of town meetings so that my constituents could share the exact information given to me on possible solutions and plans to strengthen Medicare. I am sure they will take a hard look at these options, and will continue to provide guidance for me and this Congress as we fulfill our responsibility to preserve Medicare for all Americans—present beneficiaries as well as the next generation. The Medicare Preservation Act is just that, a comprehensive plan to ensure a better Medicare.

On September 16, hundreds of older Americans attended two town meetings in Fairfield and Parsippany, and listened to the broad outline of the proposed Medicare Preservation Act. I expect that the turnout will be even heavier this weekend, September 23, when we continue the Medicare discussions at town meetings in Roxbury and Madison.

I welcome this open exchange of ideas and encourage my colleagues to continue the dialogue with the American people on how to save this important program. While it is very easy to be sidetracked in Washington by special interest groups, media hype, and partisan politics, listening to people on a face-to-face level permits a much clearer message to emerge.

Mr. Speaker, the message that I hear more and more is that we know there is a problem and we are willing to fix it. They have said that Medicare is indeed important for us but is also important for our children and grandchildren. And finally, they tell me that if Medicare is really going bankrupt, then we as Members of Congress have a responsibility to save it.

I have confidence that we are moving toward fulfilling that responsibility, and I thank the thousands of people in the 11th Congressional District for their guidance on these very complex issues. Their willingness, contributions, and suggestions will assure successful reforms of the Medicare program and its preservation. I am fortunate to be their Representative, and am also fortunate to help deliver a comprehensive plan which will ensure a better Medicare system for years to come.

THE COMPENSATORY TIME FOR ALL WORKERS ACT OF 1995

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. BALLENGER. Mr. Speaker, today I am introducing ''The Compensatory Time for All Workers Act of 1995'' which would allow private sector employers to offer employees the choice of taking time-and-a-half compensatory time as payment for overtime. In 1938, the Fair Labor Standards Act [FLSA] was written for a predominantly male work force and a marketplace primarily comprised of manufacturing firms. These demographics have dramatically changed. Today, women make up a much greater percentage of the work force, private enterprise is dominated by service and high technology industries rather than heavy manufacturing, global competition has significantly increased, and the lines between white and blue collar workers have been blurred.

The FLSA, however, has failed to keep pace with these changes and, as such, restricts the ability of employers to meet the needs of their work force. The Subcommittee on Workforce Protections, which I chair, has heard from employees and employers of large and small companies, and State and local governments on a variety of problems which they face because of the act.

Currently, the FLSA impedes an employer's ability to accommodate employee requests for greater flexibility in scheduling. Companies who want to be family friendly find that flexible scheduling can be extremely difficult for those employees who are covered by the act and whose hours must be kept track of. Suppose an employee has a terminally ill parent who lives several States away. Days off with pay can become precious for that employee when a 2-day weekend does not provide enough time to travel and spend time with that parent. Thus, when that employee works a few hours overtime each week, he or she may prefer to be paid with time off rather than money. However, the FLSA says the employee must receive money instead and is therefore forced to use previous paid leave to spend time with the ill parent.

In 1985, Congress provided the public sector with the flexibility to use compensatory time in lieu of overtime pay. Congress has gone even further in providing flexibility for Federal workers. In 1978, Congress passed the Federal Employees Flexible and Compressed Work Schedules Act, which enabled Federal workers to arrange alternative work schedules which meet their personal needs and their employers' needs. This was so successful that Congress reauthorized the program in 1982 and 1985. President Clinton acknowledged the benefit of flexible scheduling when he directed all executive departments and agencies to expand their use of flexible family friendly work arrangements in a memorandum on July 11, 1994. In issuing the memorandum, Mr. Clinton stated, ''broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism.''

It is time that private sector employees be given greater flexibility similar to what the public sector has enjoyed for some time. This legislation would allow employers to offer employees compensatory time off in lieu of overtime pay under an agreement with the employee. If an employer made compensatory time available, employees would be free to choose to have their overtime compensated with cash or with paid time off. As with overtime pay, the compensatory time would accrue at a rate of time and a half. Employees who prefer to receive overtime pay would be free to choose this. Similarly, employers would have the

choice of continuing to compensate their employees with overtime pay only. Employees who do not use the compensatory time would be paid for the time at the end of the year.

The FLSA currently stands in the way of companies who attempt to utilize flexible human resource strategies in order to allow workers to pursue more fulfilling combinations of work, family life, and other interests. As the percentage of employees who must balance work and family issues grows rapidly, there is more and more pressure from employees for increased control over their work schedule. Flexibility in the workplace continues to rank high on the list of issues of major concern to most employees. This legislation would allow employers to provide employees with the choice of overtime pay or compensatory time to help ease the burdens of juggling work and personal responsibilities.

HOLY TRINITY CHURCH

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to commemorate the 100th anniversary of my hometown parish, Holy Trinity Church in Nanticoke, PA. This Sunday, September 24, Bishop James C. Timlin will celebrate the Pontifical Celebration Mass of Thanksgiving in honor of the church's centennial.

According to historical documents, the church was founded when a group of Polish immigrants separated from another local parish to form the Holy Trinity Church. The cornerstone of the original church was laid on May 4, 1885. Rev. Francis Hodur, Holy Trinity's first pastor, led the church for 2 years. Seven different pastors served the church in the 20 years following Father Hodur. In 1919 Father Roman Wieziolowski began 48 years of service at Holy Trinity Church. Under his leadership a brick school with eight classrooms was built in 1923 and 3 years later, construction of the present church was begun. Five years later the church was completed at a cost of $225,000. By then, the parish had 1,000 families and the school was always filled to capacity.

In 1967 Father Walter Poplawski, who had served as an assistant under Father Wieziolowski, was appointed Pastor. Under his guidance repairs and modernization were undertaken to meet the liturgical renewal. Father Poplawski considered Catholic education a priority during his leadership at Holy Trinity and worked with other area pastors to merge the Nanticoke area Catholic schools into a central school system, which became the Pope John Paul II School. This newly formed school, which is housed at Holy Trinity and St. Stanislaus Churches, still serves the youth of the Nanticoke area.

Mr. Speaker, I am pleased to have the opportunity to bring the history of Holy Trinity to the attention of my colleagues. An integral part of the religious community of northeastern Pennsylvania, Holy Trinity Church has a tradition of dedicated service to the faithful. I join with the community in congratulating the Holy Trinity Church on this milestone anniversary.

SALUTING THE ALLIANCE OF POLES OF AMERICA

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. STOKES. Mr. Speaker, I rise today to salute an organization in my congressional district which will celebrate its centennial anniversary. During the period of September 23 to 24, 1995, the Alliance of Poles of America will mark 100 proud years of existence. Since its founding in 1895, the organization has been an integral part of the Cleveland community.

The Alliance of Poles of America was founded for the purpose of uniting citizens of Polish descent and, by doing so, maintaining important traditions and ties. It is an organization which has proven to be extremely beneficial to both American Poles and Polish immigrants. Under the leadership of its national president, John Borkowski, the Alliance of Poles has fostered educational and social programs to serve its membership.

Mr. Speaker, the alliance offers low-cost home mortgage loans; its credit union provides auto and personal loans; and the organization provides assistance to its elderly members. The Alliance of Poles also sponsors a Polish school which teaches children the Polish language and culture. In addition, classes are held for adults, and college scholarships are offered to qualified members. On the cultural front, the alliance sustains a Polish library which is unequaled in the Greater Cleveland area, a Polish theater group, and an adult dance group. The organization also publishes a newsletter, the Alliance, in both the Polish and English language. I am proud to note that the Alliance of Poles of America has shown a special concern for those who are less fortunate. The alliance raises funds for blind children in Poland, and contributes to veterans organizations, community groups, churches, and other worthy causes.

Mr. Speaker, to mark its historic centennial celebration, the Alliance of Poles of America will host a centennial banquet, a grand parade, and a special mass. It is expected that a host of elected officials, community leaders, and other distinguished guests will join members of the alliance for these events.

As the Representative of Ohio's 11th Congressional District, I take special pride in saluting the Alliance of Poles of America. Over the years, I have benefited from a close working relationship with members of this distinguished organization on issues of both national and international significance. I applaud the organization for its leadership, and I extend my best wishes for a memorable centennial celebration.

TRIBUTE TO LAWRENCE L. MURRAY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. EHLERS. Mr. Speaker, it is with great pleasure that I take this opportunity to recognize the achievements and contributions of Larry Murray, who is retiring after 21 years as the founder and director of the Area Agency on Aging of Western Michigan. His work and dedication have been superb over the years. He will be sorely missed by our community and the people he has come in contact with.

A native of Pittsburgh, PA, Larry attended elementary and high school there. He went on to graduate from Duquesne University in his hometown. In 1939, Larry began his professional career as a sales trainee for the United States Gypsum Co. After learning the ropes of the industry, he rose quickly through the ranks and eventually became the company's national sales manager of insulation products. Three years after he began his first job, Larry enlisted in the U.S. Army to serve his country during World War II. Four years after enlisting Larry was honorably discharged, and he returned to his job with the United States Gypsum Co. He remained with the company and began his association with Grand Rapids, MI.

Larry remained involved in the gypsum industry for another 14 years, working as a sales manager for the Grand Rapids Gypsum Co. Midway through his tenure with the company Larry was appointed as vice president of sales and marketing. As vice president, he oversaw all phases of the marketing program including prices, policies, and profits. In 1970, he retired from the gypsum industry to pursue a personal business venture. From 1970 to 1974, Larry owned and operated a consulting service geared toward the construction industry.

In 1974, Larry was appointed as director of the newly developed Area Agency on Aging of Western Michigan. The agency is responsible for planning, coordinating, and serving as a funding agency for older adult programs in nine-county area. As director of the agency, Larry dedicated himself to providing the best possible services for area seniors.

Larry's contributions to the care of seniors have been recognized not only by the citizens of west Michigan but also across the Nation. Throughout his 21 years with the Area Agency on Aging, Larry has been applauded by his peers and recognized with awards and leadership roles on various boards. He is one of the founders of the National Association of Area Agencies on Aging and served on the first board of directors for two terms. In 1986, he received the ''Distinguished Area Agency Director Award for the United States'' from the director of 675 Area Agencies on Aging in the United States. He also served as a representative to the 1981 White House Conference on Aging. This litany of activities demonstrates that he has been very active on State and national levels in promoting aging related issues.

Not only has Larry blessed many people with his commitment to helping, he has also been blessed with a wonderful, caring family. Providing support over the years for this dedicated man have been his wife Mary Lou of 52 years, and his children Dr. Lawrence Murray III, Patrick J. Murray, Mary Anne Timmer, and Jim Murray.

Mr. Speaker, I have only touched the surface of the many contributions Larry has made to our community. I want to personally thank him for all that he has done in marking west Michigan a better place for the seniors of our community. It is with great pleasure that I take this time today to honor the many achievements and contributions of this outstanding and dedicated citizen.

THE 100TH ANNIVERSARY OF THE UNIVERSITY OF PITTSBURGH SCHOOL OF DENTAL MEDICINE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. COYNE. Mr. Speaker, I rise today to congratulate the administration, faculty, and students of the University of Pittsburgh School of Dental Medicine on the 100th anniversary of its opening, and to thank the school for 100 years of dedicated service to the people of the State, the region, and the Nation.

A great many things have changed since 1896, when the school, then known as the Pittsburgh Dental College, first opened its doors. Automobiles were rare and remarkable machines, large parts of our country were not served by electricity, telephones, or running water, and the skies above Pittsburgh were black with smoke at mid-day. Dentistry was not nearly as advanced as it is today. Nevertheless, even then, the school represented a strong commitment to providing proper dental care.

In the intervening years, this commitment has been sustained as the school has expanded and matured. In 1926, the school was cited as an example of teaching excellence in the Carnegie Foundation for the Advancement of Teaching's groundbreaking Gies Report. The school established a continuing education extension program in 1962, a dental assistant-oral hygiene program in 1963, a dental clinic for children with disabilities in 1965, a cleft-palate-craniofacial treatment center in 1966, and programs for research, treatment, and graduate education programs in implantology in 1983.

In short, the school has been a leader in the training and education of dental professionals, in the conduct of biomedical research, and in the provision of clinical aid to patients. I commend the faculty and staff of the University of Pittsburgh School of Dental Medicine as the school begins its year-long commemoration of its 100th anniversary.

CONGRATULATIONS S.SGT. DEAN JONES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. BARCIA. Mr. Speaker, I am pleased and honored today to be able to announce to you and our colleagues that Marine Corps Staff Sergeant Dean L. Jones is this year's winner of the Kenneth A. Innis Award for Aviation Command and Control Marine of the Year. This award, sponsored by Loral Defense System—Eagan, is given for the most outstanding contribution to Marine aviation by an enlisted Marine. This award is being presented this weekend, at the annual meeting of the Marine Corps Aviation Association, in Crystal City, VA.

SSGT Jones is being recognized for multiple accomplishments between May 1994 and April 1995 which, according to his citation, ''dramatically increased the mission effectiveness of Marine air command and control and enhanced unit level publications throughout the Marine Corps.''

Dean Jones had been a resident of my congressional district, having graduated from Elkton-Pigeon-Bay Port High School, before joining the Marines in 1982. Several members of his family, including his mother, Eunice Jones, and aunts and uncles Alice and John Kleinfeld and Theo and Bob Frent, still reside in the area, and are tremendously proud of his recognition.

Mr. Speaker, the strength of our military has always been in the men and women who believe in service to their country, and demonstrate their belief by volunteering their lives to protect the freedoms we all enjoy. Dean Jones represents the finest of these individuals, working to make sure that the tasks for which he is charged are completed as effectively and successfully as possible, knowing that these missions can make a critical difference should we find ourselves in an armed conflict. His years of service, including assignments in electronics maintenance, communication, and his most recent assignment with Marine Tactical Air Command Squadron 38, 3rd Marine Aircraft Wing, at MCAS El Toro, CA, show that this is a Marine who cares, among a corps rich in tradition, bravery, and sacrifice.

I am sure that his wife Suzanne, and his children Timothy, Thomas, and Rebecca, are all very proud of him. I also want us to recognize his family, because the life of any member of the Armed Forces is most certainly impacted by the sacrifices that the family has to make. This entire family, I am sure, contributed to the atmosphere that allowed SSGT Dean Jones to win this award.

Mr. Speaker, I urge you and all of my colleagues to join me in congratulating Staff Sergeant Dean L. Jones with his receipt of the Kenneth A. Innis Award, and in appreciation of his job well done.

HELPING THOSE THAT LIVE AND WORK IN THE UMATILLA BASIN

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. COOLEY. Mr. Speaker, today I am introducing legislation that will go a long way to correct unintended problems that face hard-working irrigators in my district. These irrigators and the communities they support have labored many hours and spend thousands of their own dollars in an attempt to address these changes through the Bureau of Reclamation. Unfortunately, the Bureau has been stubborn and reluctant to resolve the problems that the Bureau has promulgated. In light of this, corrective legislation is warranted—and imperative—for the continued viability of those that live and work in the Umatilla Basin.

This legislation would direct the Secretary of the Interior to change the boundaries of the four irrigation districts in the Umatilla Basin, Oregon (Hermiston, Stanfield, West Extension, and Westland). This boundary change would include all lands receiving deliveries of Federal project water and/or natural flows for irrigation through their respective facilities prior to October 1, 1988, as specified in the Umatilla Basin Project Act of 1988.

The new boundaries would not result in any additional watering of acreage or additional delivery of water by the districts than the Environmental Impact Statement (EIS) of the act studied, addressed, or evaluated.

The act was enacted after many years of evaluation, negotiation, planning, cooperation, and compromise by all affected entities. These interests include the irrigators, tribes, local business, agriculture community, and county and State government. This act was an historic precedent, but its success is not complete until the boundary changes are made. The irrigators were key to development of the act, based on the agreements struck by the multi-faceted interests involved in the act's development. However, the Bureau has not followed through with its end of the deal and has stonewalled resolution of this predicament for baseless reasons.

My legislation clarifies the issues that are under attack by the Bureau and others that the irrigation districts, urban business community, agri-business community, and community leaders has negotiated, agreed to, and promoted in building support for the act. When the act was approved by Congress in 1988, there were a handful of water issues that had not been resolved. However, agreements were struck by the affected interests, the necessary studies were conducted, and these outstanding issues could have easily been remedied years ago by simply administrative action. Unfortunately, the Bureau has welched on its end of the agreement and the irrigators find their portion of water (guaranteed by law) in peril.

It is time that the Congress hold the Bureau accountable. In order to accomplish the intent of the language of the act, it is necessary to enact corrective legislation that will direct agency action and disallow discretionary abuses by the Bureau, as is currently the case. My bill will resolve some of the more obvious problems, and I look forward to my colleagues' support in this endeavor.

TRIBUTE TO DOROTHY DAVIS, COMMUNITY LEADER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mrs. MEEK of Florida. Mr. Speaker, it is my honor to extend best wishes to Dorothy Davis, a truly remarkable public servant who has had a huge impact on Dade County. Her retirement from government service as executive director of the Dade County Community Action Agency will take place on September 29, 1995.

Dorothy graduated from Clark College in Atlanta, GA, in 1962 with a bachelor of arts in social science. She began her career in community service as a social investigator at the New York City Welfare Department.

In 1964, Dorothy joined the Miami office of the Florida Department of Public Welfare. She quickly advanced through the ranks, eventually becoming community organizing officer for the metropolitan Dade County Office of the Department of Housing and Urban Development Community Services Division.

In 1975, Dorothy joined the team at metropolitan Dade County's Community Action

Agency. Here, she began her grass-roots efforts to develop programs desperately needed in the Dade County community.

During her tenure, Dorothy coordinated and implemented programs in 16 low-income areas related to community planning, citizen participation, and the delivery of social services. In 1982, Dorothy returned to school and earned a masters degree in Social Work from Barry University in Miami, FL.

In 1986, her hard work and dedication earned her the position of executive director of the Dade County Community Action Agency. Our community would not be what it is today without her hard work, personal integrity, and leadership.

Mr. Speaker, this remarkable woman has dedicated many years of her life to our community. I join with all our citizens in extending to her our thanks and congratulations for a job well done. I know that my colleagues join me in honoring Dorothy Davis on this special day and wishing her continued success in whatever she decides to do in the future.

TRIBUTE TO RALPH LEACH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mount Clemens businessman and civic leader, Ralph Leach. After many years in business, Ralph has sold his popular office supply and craft store, Art-O-Craft, and is retiring. He is being honored this evening during the city's annual ArtParty.

Ralph Leach is known in Mount Clemens, MI, as a man of faith—faith in God, hard work, family, and community service. At one time Ralph operated three successful Art-O-Craft stores. However, many years ago, Ralph decided that family life and community service were the key to success, not being the wealthiest man in town.

Ralph Leach has worked hard to revitalize the community of Mount Clemens. As a retailer, business leader, and community activist, Ralph has worked with other members of the Mount Clemens Business Association to rejuvenate the city. He has helped foster a sense of cooperation between local business people that has helped give the city a new look and attitude. Mount Clemens has again become a city where people are proud to work, shop, and live.

Ralph's commitment to service and hard work are not limited to his entrepreneurial endeavors. The Mount Clemens Salvation Army and the YMCA represent only a few of the many organizations to which he has committed his time and talents. In fact, Ralph's life will probably be as busy in retirement as it was when he operated Art-O-Craft. Ralph plans to become more active in his role as a minister. Currently he serves as chaplain at St. Joseph's Hospital where he ministers to the spiritual needs of patients and their families. He also is chairman of the deacon board at community Baptist Church in St. Clair Shores, MI. Sunday school classes for youngsters, senior citizens, and women's groups have all benefited from the faith and insight Ralph is able to provide. Ralph even ministers to the needs of prisoners. The Macomb County sheriff asked him to join the jail ministries board where he has served for 7 years.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Ralph Leach has dedicated much of his life to this endeavor. I deeply admire his strong values and outstanding example of civic involvement. His time, talents, and energy are appreciated by all of us. I thank Ralph Leach for his efforts and commend him for his good work.

I have known Ralph for many years and he richly deserves all the best in retirement. I ask that my colleagues join me in offering heartfelt congratulations to Ralph Leach on the event of his retirement.

TRIBUTE TO SARAH FABRY SMEJA, RON NOWACZYK, AND JOHN AND LORRAINE HEDRICH

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. CAMP. Mr. Speaker, I rise today to honor four Michigan residents as they are recognized for their contribution to polka and the State of Michigan. Sarah Fabry Smeja, Ron Nowaczyk, and John and Lorraine Hedrich, will be inducted into the State of Michigan Polka Music Hall of Fame on Sunday, October 1, 1995.

America was built by the hard work and commitment of settlers who brought with them a rich and varied heritage. Polka flourished in Michigan largely due to the devotion of those who brought with them their families' traditions and customs, as well as their love of polka. Sarah, Ron, John, and Lorraine were just a few of those special individuals who were proud to keep an honored tradition alive.

Sarah Fabry Smeja, of Swartz Creek, MI especially enjoys Czechoslovakian melodies first introduced to her by her father at a very early age. Throughout her career she has played the piano, trumpet and baritone, as well as conducted a choir called the Friendship Club.

Ron Nowaczyk, of Saginaw, MI has played the drums for over 40 years. Ron has had the opportunity to play with several bands, and record two albums with the John Lipinski orchestra. He was awarded the European American Music Award from radio station WOAP in 1994, and currently volunteers, and serves as a radio personality on WKNX in Frankenmuth, MI.

John Hedrich, from Chesaning, MI has been playing the drums since the age of 5. His wife, Lorraine, has been playing the accordion since she was 11 years old. In 1973 they began playing together in a two-piece band still known today as The J & L Blue-tones. Currently, John and Lorraine are members of the Saginaw Musical Association Local 57.

Mr. Speaker, thanks to the efforts of Sarah, Ron, John, and Lorraine, we are all able to enjoy an old musical tradition from many years ago. They will be honored at a reception in Owosso, MI because of their dedication and commitment to spreading the polka tradition and helping others enjoy this special music. I am confident that the musical legacy of these outstanding individuals will be remembered for decades to come.

FEDERAL ACQUISITION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. PACKARD. Mr. Speaker, we have been given the opportunity to set right a problem that has long plagued the Government, the Federal procurement process.

It is no great secret that while the private sector has increased its efficiency by downsizing and decentralizing, the Federal Government remains saddled with an archaic procurement system that is expensive to operate and laden with paperwork and bureaucracy. The system as it is, forces taxpayers to pay a 20-percent premium on Federal purchases. This is not responsible Government.

If we are to balance the Federal budget, it is our responsibility in Congress to make the procurement process an efficient and cost-effective one. The taxpayers deserve it. The contractors deserve it, and the Federal Government deserves it.

A TRIBUTE TO CHEVY CHASE COMMUNITY LIBRARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mrs. MORELLA. Mr. Speaker, it is a proud moment for me to rise in tribute to the Chevy Chase Community Library in Montgomery County, MD, on the occasion of its 30th anniversary.

In celebration of the library's 30th birthday, the Chevy Chase Historical Society is setting up three displays that depict the town of Chevy Chase as far back as the turn of the century. The library also is collecting pictures and momentos from citizens that will recreate the Chevy Chase community as it was in 1965.

The library has changed since its opening on September 22, 1965. At the time, everyone wondered how they were ever going to fill all of the empty shelves. Now the library is overflowing with books and ''bursting at the seams,'' according to Kathie Meizner, the agency head of Chevy Chase Library.

Over the years, the library has provided programs and activities for young children and their families. The library has been a resource for parents in the community, enabling them to become participants rather than observers in their children's education. On a daily basis, the staff of the library responds to the needs of the diverse Chevy Chase community, helping people obtain access to meaningful information vital to good decision making. The library has record of dedicated service to individuals with special needs, individuals from the business and industry sector, government and community leaders, and senior citizens.

The biggest change at the Chevy Chase Library has evolved in response to the challenges of the information age. The library is no longer an isolated resource center in a small town; it is now connected to other local libraries and to libraries in other States and countries.

In September of 1965, President Johnson was urging Congress to grant home rule to

Washington, DC. More troops were sent to Vietnam. On Broadway, Ginger Rogers was starring in ''Hello Dolly!,'' and Art Carney and Walter Matthau were ''The Odd Couple.'' In Montgomery County, MD, the Chevy Chase Library first opened its doors.

Mr. Speaker, I congratulate the Chevy Chase Library on its 30th birthday, and I wish the staff, the volunteers, and the citizens of the Town of Chevy Chase continued success.

GOOD TRANSPORTATION CHOICES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. FILNER. Mr. Speaker, Americans need good transportation choices. We in Congress need to help empower people to make transportation choices that work for commuters, for businesses, for senior citizens, and young people alike. Toward that end, I want my colleagues to see an article that appeared in the New York Times business section, Sunday, August 20, reflecting the broad base of support for the transportation policies we passed in ISTEA. This article was cowritten by Gerald Bartels, the president of the Atlanta Chamber of Commerce, and Jeff Blum, transportation policy director of the consumer group Citizen Action.

MORE HIGHWAYS ALONE WON'T EASE TRAFFIC

(By Gerald L. Bartels and Jeff Blum)

Across America, we are building more highways to relieve traffic congestion in metropolitan areas, but it doesn't work. Our roads are simply too crowded—and building more means intolerable costs and environmental problems, while the congestion reappears in a few short years. As we enter the 21st century, public transportation is the only cost-effective way that growing communities can ensure mobility for their citizens.

The most cost-effective transportation budget is, therefore, one that balances investments in roads, trains, and buses. Four years ago, Congress and President George Bush developed the Intermodal Surface Transportation Efficiency Act in an attempt to reduce traffic congestion and air pollution by investing in both public transportation and highway construction.

But the budget versions adopted now by the U.S. House of Representatives and Senate have unwisely abandoned that balanced approach.

For Fiscal Year 1996, Congress has proposed to slash funds for public transportation and Amtrak while substantially increasing highway subsidies. 89% of the proposed House cuts in transportation assistance would come out of public transit and Amtrak, though they constitute 15% of the Federal transportation budget.

Meanwhile, highway subsidies—52% of the transportation budget—would rise by more than a half billion dollars. The Senate plan, while reducing highway funding by 3.7%, cuts mass transit funding by three times as much.

In the Atlanta area, events at the Georgia Dome and Atlanta/Fulton County Stadium, as well as next year's Olympics, depend on the transit system, MARTA. And the growing Perimeter Center commercial district on the edge of town will thrive only with the expansion of public transit, as well as carpooling and pedestrian walkways.

America needs efficient buses, subways and intercity trains to keep traffic moving quickly, to keep our air clean and to get people to their jobs. Americans need efficient transit to encourage compact community development that preserves open space and uses infrastructure wisely so that metropolitan areas can sustain growth for generations to come.

America needs convenient, affordable transit to allow people leaving welfare to get to jobs. America also needs a healthy balance between local needs and federal resources. Congress should, therefore, promote a balanced transportation policy that:

Offers equal Federal matching dollars for public transportation and highways alike: Why skew our building projects toward more highways, if what communities really need is more public transit? Local elected officials should set the priorities and make the allocations of transportation dollars.

Continues to assist local transit systems through the transit operating assistance program: Many communities, especially smaller ones, depend on federal aid to keep buses and subways running. The Mobile, Ala., bus system has shut down in anticipation of unbridgeable cuts in Federal assistance. And as many as 60 other systems may follow suit.

Maintains the strong Federal interest in transit capital and technological-innovation programs: With little room to expand our packed metropolitan-area highways, the nation must expand public transit. Federal help should be available to regions that cannot afford such a major investment—just as large infusions of Federal capital helped build our world-renowned highway system. At the same time, the Government must continue to support the development of innovation like high-speed intercity rail; lowweight, low-pollution buses; up-to-the-minute schedule information accessible from peoples' homes, and technology that allows buses to pass through traffic signals ahead of cars.

Preserves a strong national passenger railroad: In many congested regions, intercity rail is by far the most cost-effective way to travel. Amtrak passenger miles rose 48% between 1982 and 1993. Ridership rose 87% on Northeast Corridor Metroliners, 49% between San Diego and Los Angeles, and 10% between St. Louis and Chicago.

Yes, Congress and the President must be hardheaded when it comes to spending our dollars. But when we reduce the budget, let's give public transportation a fighting chance.

SIKH MILITANTS ASSASSINATE CHIEF MINISTER IN PUNJAB

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. BROWN of Ohio. Mr. Speaker, I wish to call our colleagues' attention to the latest in the tragic series of events that have plagued the Punjab region of India for more than a decade. On August 31, 1995, Chief Minister Beant Singh, a leading advocate of peace in the Punjab region, was viciously assassinated by Sikh terrorists.

Mr. Speaker, the time has come for every Member of this House to condemn these violent acts perpetrated by Sikh militant factions. Unfortunately, some of our colleagues have chosen to carry the banner for the Sikh militants in Punjab by working closely with the so-called Council of Khalistan. Perhaps this latest tragic act will be enough to convince those Members that support for groups that promote violence only begets further violence.

Responsible Members of this House must condemn each and every terrorist act perpetrated by these militants. We must also challenge our colleagues who support the Council of Khalistan because it benefits their own domestic political needs to realize that their support for the council is furthering a terrorist agenda in India.

While fighting terrorist, Chief Minister Singh also worked simultaneously to bring the people of Punjab back into the mainstream political democracy upon which the nation of India prides itself.

Mr. Singh was duly elected by the people of Punjab in 1992 and he dedicated his life to maintaining democracy.

Mr. Speaker, as the relationship between our country, the world's oldest democracy, and India, the world's democracy, continues to flourish and expand, let us support unequivocally the advocates of peace in Punjab. And, without fear or hesitation, I would hope that every Member, regardless of political persuasion or ideology, would join me in condemning those enemies of peace who assassinated the Chief Minister and his staff.

HONORING COCOPAH TRIBE CHAIRMAN PETER SOTO

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. PASTOR. Mr. Speaker, it is with great remorse that I inform my colleagues on the passing of a friend and a great leader of our native American community: Mr. Peter Soto, chairman of the Cocopah Nation.

Pete, as a young man, received his education in Yuma, AZ. A firm believer that education was the key to success, Pete devoted himself to pursuing a degree, which he attained at Harvard University. After graduating, Pete returned to the Cocopah Nation and served as tribal vice chairman. During his tenure as the vice chairman, Pete worked with the Indian Education Program and the Yuma High School district.

Completing his term as vice chairman, Pete assumed a position with the Bureau of Indian Affairs Education Department. In that capacity, Pete was instrumental in developing and directing educational programs for the Bureau of Indian Affairs. Pete was a strong advocate of education and was dedicated to improving the educational opportunities for our native American youth. Through his endeavors many of our young native Americans have received, and continue to receive, an education.

In 1990, Pete returned to his nation to serve as the Cocopah tribal business facilitator. Pete strove to enhance and implement economic development for the Cocopah Nation. During this time he also served his community as vice chairman of the board of commissioners for the housing authority.

On July 8, 1994, Pete was elected as chairman of the Cocopah Nation. Under his leadership, the nation began an extensive program to make education available to all members of his nation. Pete continued his strong advocacy of tribal economic development, and strove to develop business enterprises and to attract business investment to his nation.

I would also like to recognize Pete for his dedicated service in defense of our Nation.

Pete served with the U.S. Army and was honorably discharged.

I share with my friends of the Cocopah Nation a deep personal loss. The Cocopah Tribe has not only lost a great leader, but I have lost a dear friend. I request that my fellow colleagues join me in honoring and remembering this great man: Chairman Peter Soto of the Cocopah Nation.

STATEMENT REGARDING THE JOB CORPS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. WILLIAMS. Mr. Speaker, I wanted to take this opportunity to clarify the legislative intent of H.R. 1617 regarding the Job Corps Program.

The committee did not include Job Corps as part of the block grant consolidation proposed in H.R. 1617. After numerous hearings, site visits, and debate, the committee determined that Job Corps is one of the few Federal programs that is most cost-effectively administered at the national level. The committee strongly believes that Job Corps should remain a distinct, national program for the following reasons:

Job Corps is effective. Historically, the young people served by Job Corps are America's poorest and most at-risk. Their needs have not been met by their schools, families, communities, or State governments. Job Corps, through its comprehensive residential education and training components, is extremely effective in dealing with this difficult population. In fact, in program year 1994—July 1994–June 1995—73 percent of all participants were placed into jobs or advanced to higher education.

Job Corps provides universal access. By virtue of being a national program, Job Corps allows equal, universal access to all young people eligible for the program, regardless of their residence. There are no constraints of State boundaries. In fact, a substantial amount—roughly 35 percent of all Job Corps students attend centers not located in their State.

Low administrative costs. As currently operated, Job Corps has minimal bureaucratic overhead. There are 179 Federal staffs that oversee services to almost 65,000 youth annually at 110 centers nationwide. It would make no sense to create 50 separate State bureaucracies to administer approximately 2 Job Corps centers per State.

Job Corps is accountable. Given its size and cost, Job Corps must be accountable to Congress. Today, Job Corps has the most extensive performance standards of any job training program. Job Corps measures student advancement in academics, vocational completion, and job placement rate as well as the starting salary once they leave the Job Corps. This is done for every one of Job Corps' 65,000 students each year. In addition, Job Corps has now instituted student surveys to assess student perceptions of the program and campus safety.

Local input with a national focus. Job Corps is unique from other Federal training programs in its uniformity across the Nation. This has allowed the program to develop a cost-effective and efficient system to serve both the local and national needs of Job Corps students. Each Job Corps campus is required by law and regulation to develop community linkages, local support groups, and participation. Students are referred to and from other State programs and services. The national network of placement services offered through the international labor unions and the National Association of Home Builders allow Job Corps graduates access to job markets across the Nation.

Mr. Speaker, while the goal of H.R. 1617 is to consolidate the vast array of job training and education programs into a more cohesive structure that makes sense to participants, to service providers, to the Congress, and most importantly to the American taxpayer, we did not want to eliminate programs that operate effectively. Job Corps is one program the committee felt was best kept at the national level. As the old adage goes ''if it ain't broke, don't fix it.''

HONORING THE EPIPHANY BYZANTINE CATHOLIC CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. DAVIS. Mr. Speaker, I rise today to honor the Epiphany Byzantine Catholic Church of Annandale, VA, which is celebrating its 25th anniversary on Sunday, September 24, 1995.

The parish was founded in 1970 by a few Slavic people with a vision and love for their Byzantine Rite. Many of the founders were first generation Americans who wanted a place to worship in the traditions of their Slavic ancestors. Since that time the parish has grown and become an integral part of the community and serves over 300 families of diverse ethnic and cultural backgrounds who live in the Washington metropolitan area.

In 1973, the construction of Epiphany Byzantine Catholic Church was completed and on April 29 was dedicated. Father John Danilak who served as pastor at that time wrote the following to parishioners: ''The erection of this beautiful edifice shall ever by a living testimonial of the generations of the unborn, and it will be a memorial to of your ardent faith and an inspiration for your children to manifest the God-given faith and the glorious heritage that you will entrust to them. May the doors of the Epiphany Church be always open to all who seek the soothing balm of Christ's healing graces and that there be charity and love for the helpless, and that Epiphany serve as a reservoir of moral strength for the weak, a sanctuary for the oppressed and comfort and consolation for the aged and forgotten.''

Since those words were written in 1973, Epiphany Byzantine Catholic Church has strived to fulfill this commitment. The parish has grown and people of different cultures and backgrounds attend and participate in the religious services. Yet, the goals set in 1973 remain unchanged. Epiphany Byzantine Catholic Church continues to nurture its family in the gospel of Jesus Christ, through the unique genius of the Byzantine Rite.

In 1987, the multipurpose parish center was dedicated and serves as a place for parishioners and the community to meet for educational and social events. The parish not only continues traditions of the Slavic people but also the ethnic and cultural traditions of their parents and grandparents. Epiphany Parish is truly committed to the Byzantine Catholic Rite and welcomes all who desire to worship with them.

Mr. Speaker, I know my colleagues join me in honoring the Epiphany Byzantine Catholic Church on the occasion of its 25th anniversary.

TRIBUTE TO DR. ABRAHAM M. PHILLIPS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. GEPHARDT. Mr. Speaker, I rise before my colleagues today to pay tribute to Dr. Abraham M. Phillips, a pediatric specialist in juvenile diabetes in the St. Louis community. Dr. Phillips is a colonel in the U.S. Army Reserve and a commander of the 21st General Hospital in St. Louis.

Dr. Phillips' career is a remarkable story of dedication and service to his community and his country. After being commissioned to service in 1971, he moved quickly through military ranks and was appointed colonel in 1987. He has held various non-active duty hospital assignments in the St. Louis area and was assigned to active duty in Kuwait and Saudi Arabia during the Persian Gulf war. After more than 24 years of service in the military, Dr. Phillips has been decorated with more than 18 medals and awards in recognition of his outstanding military service.

In his role as a civilian physician, Dr. Phillips' service and scope of work to the medical community are equally impressive. He serves as the medical advisor to a local high school football team, is the consulting physician to a diabetic camp for children in Missouri, and recently concluded work for the Nursery and Newborn Clinic Service at Deaconess Hospital in St. Louis. In addition, Dr. Phillips serves on the Pediatric Quality Assurance Committee at John's Mercy Hospital and on the Pre-Natal and Pediatric Care Committee at Deaconess Hospital, both of which are located in St. Louis.

Dr. Phillips' work illustrates the importance of military reservists in our country, and their invaluable contributions to our society. He has unselfishly given his time and talents to our community. His devotion to our community and to our country should be an inspiration to us all.

THE SURFACE MINING CONTROL AND RECLAMATION AMENDMENTS ACT OF 1995

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mrs. CUBIN. Mr. Speaker, today I am pleased to introduce the Surface Mining Control and Reclamation Amendments Act of 1995. I am joined in this effort by Mr. CREMEANS and several other colleagues all of whom share my interest in reinforcing the

original intent of the 1977 statute: To place with the primacy States the exclusive jurisdiction to regulate surface coal mining operations within their borders. The bill will clarify the respective roles of the Federal and State governments, avoid costly and inefficient duplication in inspection and enforcement and establish clearer lines as to the activities subject to the law.

When the Surface Mining Control and Reclamation Act [SMCRA] was enacted in 1977, it was hailed as a model of cooperative federalism. It established a set of pervasive environmental and reclamation performance standards for all surface and underground mines in the United States. It also included provisions to allow each coal producing State which was able to demonstrate that it had adequate laws and organizations in place to assume primary responsibility for regulating coal mining operations with its State. Since that time, 23 of the 26 coal producing States have assumed the role as the SMCRA regulatory authority.

Unfortunately, The Office of Surface Mining [OSM] has proven reluctant to live up to this statutory promise and hand over fully the reins of regulation to these primacy States. Instead, OSM has perpetuated a dual regulatory scheme by its policies that entail daily interference through the issuance of notice of violations [NOV's] directly to coal mine operators in primacy States. The original act was clear that OSM's oversight role did not allow such pervasive intervention. OSM is only authorized to issue a cessation order for serious violations constituting an imminent harm or danger to the public or environment. Otherwise, OSM was to evaluate State performance, and if dissatisfied, initiate proceedings to substitute either Federal enforcement or a Federal program for all or part of the State program.

OSM's policies have ignored the careful balance of authority by intervening every day in State program matters by issuing notice of violations directly to operators anytime OSM disagrees with a State's view of program requirements. This practice has victimized coal mine operators caught in the middle of Federal-State disputes; perpetuated a scheme of dual and conflicting program administration; caused regulatory uncertainty and confusion, and bred disrespect for the States and the law itself.

As one Federal court observed, OSM's practice has upset SMCRA's fragile balance ''between the federal and state roles with its trampling of the state's right to enforce its laws.'' *Fincastle Mining Inc.* v. *Babbitt,* 842 F.Supp. 204, 209 (W.D. Va. 1993).

A poignant example of this problem occurred in 1993 when OSM challenged one of Wyoming's existing permit conditions at the Black Thunder Mine as it related to its rough backfilling and grading plan. OSM wanted to issue an order requiring Black Thunder to mine and reclaim in a manner that practically speaking could not be achieved and which was actually based on an outdated rule.

After the mine submitted a modified mining and reclamation plan to the State agency, the State requested that it delay its backfilling and grading until it had an opportunity to review the plan revisions. In the meantime, OSM issued a 10-day notice to the Wyoming Department of Environmental Quality in an effort to pressure the State into bringing enforcement action against the mine. The State rigorously opposed OSM's efforts. Yet only after extensive time and resources were expended on the issue did OSM finally agree that the issue was programmatic rather than regulatory and dropped its threat.

The amendments act will clarify that OSM does not have the authority to issue notice of violations in primacy States unless and until it has followed the procedures set forth in the 1977 law to substitute Federal enforcement for the State program.

The act's legislative history confirms the original intent that notice-of-violation authority belonged only to the regulatory authority and operators need to know who that regulatory authority is at any particular time—OSM or the States. My legislation will further restore meaning to the concept of State primary by codifying the well-established principle that the approved State program is the law applicable in that State. Permits issued pursuant to those State programs would be the benchmark for compliance until modified in accordance with the permit revisions procedures of the State program.

This legislation is also intended to avoid regulatory duplication among various programs, require greater efficiency in enforcement actions and streamline the administrative appeal process for agency actions.

Since the passage of SMCRA, the number of producing mines has declined by more than 50 percent and the States have assumed the primary role for implementing SMCRA for 97 percent of the Nation's mines and production. However, the agency overseeing the States, OSM, has not changed significantly in terms of its size or duplicative role. The agency still has substantially more personnel than it had 12 years ago when the States assumed primacy.

As a result, the agency has sought to expand its reach to other activities such as regulating public roads, attempting to assume the role of separate agencies vested with authority to administer the Clean Water Act and raising stale matters as possible violations of SMCRA.

My amendments to the act will clarify that: public roads are not subject to regulation; the authority to administer the Clean Water Act at coal mines belongs to the regulatory authority under the Clean Water Act and not SMCRA; and, place a 3-year time limitation upon commencing actions for alleged violations. Finally, the legislation would remove an extra and inefficient layer of administrative review of agency decisions before seeking review in court. The extra layer of administrative appeals is a creature of OSM's regulations and not mandated by the existing statute.

In summation, the Surface Mining Control and Reclamation Amendments Act of 1995 would reinforce the federalist scheme of the original law and restore true meaning to the concept of State primacy.

THE KEY TO JOBS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. ROTH. Mr. Speaker, I had a meeting this morning with the congressional travel and tourism caucus.

I'm reporting that the travel and tourism is hard at work in every district in the Nation: from restaurants to retailers, hotels to campgrounds, airlines to rental cars.

With 13 million employees nationwide and an economic impact of $416 billion, each and every one of you here needs to stand up and take notice.

Now, I know we're all very busy, but listen to these facts: Tourism is No. 1 in service exports; tourism generates exports equal to exporting 4-million cars, 1.15-million blue jeans or 5.5-billion bushels of wheat.

Tourism generates $54 billion in Federal, State and local taxes.

If this had to be replaced, the average American household would have to pay an additional $652 in income tax every year.

But note well for three straight years, U.S. market share of international travelers has deteriorated. And it's going to fall again this year.

Clearly, we must take action. I offer you three solutions:

First, On October 30 to 31, join the 1,700 travel industry professionals for the first ever White House Conference.

Second, join the tourism caucus—support your district. We already have more than 273 members.

Third, cosponsor H.R. 1083—The Travel and Tourism Relief Act. It's economically vital to your district and it's vital to America.

MILITARY EXCESS AND THE PROGRESSIVE ALTERNATIVE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 21, 1995

Mr. CONYERS. Mr. Speaker, I have addressed this body often to discuss America's exorbitant defense spending. As the former chairman of the Government Operations Committee and its subcommittee on Legislation and National Security, I am intimately familiar with fraud, waste and financial self-indulgence in the Pentagon and the military-industrial complex at large. The fact that every one of the top 10 military contractors has either been convicted of or admitted to procurement fraud since 1980 as the Campaign for New Priorities recently pointed out, reminds all of us just how deep and pervasive their breach of trust with the American taxpayer has been.

Besides abuse and mismanagement in the private sector though, neglect by the Government remains equally of concern. We have funded meaningless, unnecessary military programs year after year.

Today I rise to bring to your attention the work of my distinguished colleague from California, RON DELLUMS, the ranking member of the House National Security Committee, who has articulated an alternative to this madness. In the October 2 issue of the The Nation, he outlines a post cold war paradigm—at post cold war funding levels. I think this article, which I am entering into the RECORD, demonstrates my colleague's years of reflection and expertise on these issues. I commend him for his scholarship and I hope you will grant it the careful study it deserves.

STEALTH BOMBING, AMERICA'S FUTURE

(By Ronald Dellums)

The September 7 House of Representatives vote to approve funding for the B-2 bomber—money the Pentagon does not even want—thrust forward the crucial question of the nation's military budget. After World War II,

the United States rejected opportunities to utilize most effectively a newly established international architecture for conflict resolution and economic development. An enormous financial and human price ensued during the five-decade cold war, with its nuclear and conventional arms races, numerous surrogate wars and potential for cataclysmic confrontation. Now, early in a post-cold war era, Congressional leaders and the Clinton Administration are spurning similar opportunities to avert future arms races and restrain potential conflicts.

By maintaining the current extraordinary levels of military spending in order to support a ''go it alone'' armed force capable of continuing worldwide intervention, U.S. policy-makers are once again seeking long-term security in short-term military superiority rather than in enduring international stability. Such a course significantly risks rekindling the threatening environment that existed during that now-fading era. And because other nations will undertake military modernization in part due to their reaction to any U.S. drive for improved capacity, long-range U.S. security interests will be better served by restraint in our own programs.

The Clinton Administration's military plan—known as the ''bottom-up review''—maintains too much of the cold war force structure and fails to respond optimally to emerging security challenges. I reject the B.U.R.'s conclusion that the United States should maintain military forces sufficient to fight two major regional wars simultaneously without allied assistance, and with the type and size of military forces with which the allies fought Desert Storm. This implausible ''worst case'' assessment has provided the principal rationale for the stall in military force reductions that started after the fall of the Berlin wall. The B.U.R. mandates the perpetuation of old habits—such as routine deployments of aircraft carriers in three oceans—that then rationalize excessive peacetime acquisition programs and needlessly consume billions of dollars.

If the Administration is too cautious, members of the Republican Congressional majority will pursue a powerfully destabilizing and dangerous set of policies. They will rekindle a nuclear arms race by reconstituting Star Wars, abrogating the A.B.M. treaty and abandoning the START II agreement that is designed to secure substantial reductions in U.S. and Russian nuclear weapons arsenals. They are on a wild buying spree of major weapons systems. They needlessly pursue confrontational relationships with former adversaries and reject foreign policy initiatives that could lead to regional stability. They reject peacekeeping and engagement with the United Nations. Both the Administration and Republican policies unjustifiably divert scarce national resources from urgent domestic requirements, enhancing the potential for social instability and civil strife.

What alternative view—critical and constructive—do progressives in the Congress offer? Any alternative must begin with the three elements of a truly progressive national security policy: a right-sized military, an engaged foreign policy and a determined effort to rebuild our nation's communities.

A right-sized military: The nation could further reduce our aircraft carrier groups from twelve to as low as eight, and still accommodate the war-fighting requirements of the bottom-up review. Despite 30 percent reductions in land forces, there are still 50,000 soldiers that the Army does not plan to employ under the scenarios emerging from the B.U.R. More of our air forces can be demobilized or placed into reserve status.

Those of us who reject the B.U.R. see that even greater reductions and smart reorganization can occur. We seek a force structure sufficient for defense of U.S. interests through participation in allied or multinational efforts to halt aggression, undertake peacekeeping operations and meet humanitarian operations requirements. Such a realignment would present a very different picture of U.S. intentions to the world from what emerges either from the Administration or Republican plans.

One need not now declare a ''steady state'' number of divisions, aircraft or naval forces to know that we can safely make these substantial additional reductions without harm to national security, and that we will be able to make follow-on reductions in the future as other nations respond to our initiatives. My proposal to the House Budget Committee placed us back on the path of additional force reductions and canceled cold war-based weapons programs, resulting in $82.5 billion in savings in just five years.

Under my plan, the United States would also commit to prompt, significant reductions in our nuclear weapons arsenal in compliance with the Non-Proliferation Treaty (N.P.T.), coupled with a continuing commitment to the prompt elimination of other weapons of mass destruction. This would lead to a minimum sufficient deterrent force of only several hundred weapons, significantly below START II limits of 3,500 strategic warheads, and we would work to secure a Russian commitment to a similar reduction. (The Senate Armed Services Committee bill contains an absurd requirements to retain the nuclear arsenal at much higher START I levels.) Such an arsenal would ease the current pressure to find a production source for tritium, and would place us more squarely on a path to eventual nuclear disarmament as is called for in the N.P.T., and which is stated U.S. policy.

What we should seek to acquire for the military are the logistics capabilities, intelligence assets and personnel training that will allow U.S. forces to participate effectively and to lead, where appropriate, in peace operations and coalition efforts to stanch genocide or to meet humanitarian crises. Such a program would less likely be perceived as hostile by other nations, and would not as readily trigger reactive military buildups or arms acquisition programs.

Preventive engagement: Active U.S. engagement with the U.N. and regional organizations to solve local conflicts can help to avert serious crises before they arise, and will increase international confidence in U.S. intentions. Funding a fairer share of international development efforts can help to enhance stability in various regions. Engaged and imaginative diplomacy, the use of good offices in conflict resolution and international peacekeeping mechanisms can help to defuse—or constrain when necessary—ethnic, religious, sectarian, racial or transnational conflict. Vigorous pursuit of further arms control agreements governing weapons of mass destruction and conventional armaments will effectively complement these commitments.

Social investment: The third element of a progressive national security policy is investment in education infrastructure, and the strengthening of other institutions essential to enhancing community and individual well-being.

Throughout the 1980s domestic programs were ravaged by a costly arms buildup. President Reagan transferred $50 billion from domestic accounts to military programs in his first budget, and continued such transfers throughout his tenure. Our communities have never recovered.

Republican Congressional budget planners are now shifting additional tens of billions from domestic accounts to the military, and slashing billions more for deficit reduction.

The nation is at a critical crossroads; the income gap between rich and poor is growing. Many of our children do not enjoy access to, much less training in, the technology that will drive the economy of the future. Our infrastructure—civic and industrial—is in desperate need of serious investment. Our citizens see their quality of life eroding, yet the answers from Washington are more tax breaks for the rich, environmental degradation and global economic strategies that benefit those with capital at the expense of those who must work for their livelihood.

These distorted priorities are a recipe for disaster. During the Vietnam War, Dr. King observed that the bombs being dropped in Vietnam were exploding in the ghettos and barrios of America—the diversion of resources to fight an unjust war was killing our children and their future. His metaphor for that time is just as grimly appropriate for assessing the domestic impact of today's excessive and unwarranted military spending.

Thursday, September 21, 1995

Daily Digest

HIGHLIGHTS

Senate passed Foreign Operations Appropriations, 1996.

House passed Cuban liberty and solidarity bill.

Senate

Chamber Action

Routine Proceedings, pages S13993–S14106

Measures Introduced: One bill was introduced, as follows: S. 1265. **Page S14087**

Measures Passed:

Foreign Operations Appropriations, 1996: By 91 yeas to 9 nays (Vote No. 458), Senate passed H.R. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, after agreeing to committee amendments, and after taking action on amendments proposed thereto, as follows: **Pages S13995–S14081**

Adopted:

(1) By 55 yeas to 45 nays (Vote No. 454), Brown Amendment No. 2708 (to committee amendment beginning on page 15, line 17 through page 16, line 24), to clarify restrictions on assistance to Pakistan. **Pages S13995–S14005**

(2) Cohen Amendment No. 2724, to provide for a report to Congress on Russian military operations. **Pages S14013–14**

(3) Dole Amendment No. 2726, to provide for a limitation on assistance to countries that restrict the transport or delivery of United States humanitarian assistance. **Pages S14027–33**

(4) Helms Amendment No. 2727 (to committee amendment on page 2, line 25), to prohibit the use of funds for relocating the Agency for International Development to the Federal Triangle Building, Washington, D.C. **Pages S14033–34**

(5) Helms Amendment No. 2729 (to committee amendment on page 113, lines 25–26, page 119, line 15, and page 120, lines 3, 4, 15, 19, 20), to amend the Middle East Peace Facilitation Act. **Page S14036**

(6) McConnell (for Cochran) Amendment No. 2734, providing funds for the World Food Program. **Pages S14052–55, S14074**

(7) McConnell (for Shelby) Amendment No. 2735, providing funds for the International Fertilizer Development Center. **Pages S14052–55, S14074**

(8) McConnell (for Inouye) Amendment No. 2736, to make funds available for the support of the United States Telecommunications Training Institute. **Pages S14052–55, S14074**

(9) McConnell (for Coverdell) Amendment No. 2737, to increase amounts appropriated for international narcotics control and to decrease amounts available to the Agency for International Development. **Pages S14052–55, S14074**

(10) McConnell (for Gorton) Amendment No. 2738, to provide for the transfer of excess defense articles to Estonia. **Pages S14055–57, S14074**

(11) McConnell (for Stevens) Amendment No. 2739, providing funds for endowments established under the United States-Egypt Economic, Technical and Related Assistance Agreements of 1978. **Pages S14055–57, S14074**

(12) McConnell (for Domenici) Amendment No. 2740, to provide payment to the North American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in portion of the capital stock, $25,000,000, to remain available until expended. **Pages S14055–57, S14074**

(13) McConnell (for Wellstone) Amendment No. 2741, providing funds for the United Nations Fund for Victims of Torture. **Pages S14057–58, S14074**

(14) McConnell (for Dodd) Amendment No. 2742, to increase transfer authority for the International Fund for Agricultural Development. **Pages S14057–58, S14074**

(15) McConnell (for Dodd/Leahy) Amendment No. 2743, expressing the sense of the Congress that the Government of Guatemala has made significant progress towards negotiating an end to Guatemala's civil conflict. **Pages S14057–59, S14074**

(16) McConnell (for McCain/Kerry) Amendment No. 2744, to permit the continued provision of assistance to Burma only if certain conditions are satisfied. **Pages S14058–59, S14074**

(17) McConnell (for Kerry) Amendment No. 2745, to express the Sense of the Senate concerning the provision of spare parts and other military equipment to Peru. **Pages S14059–60, S14074**

(18) McConnell (for Pell) Amendment No. 2746, to ensure that the current proportion of economic assistance continues to be channeled through private and voluntary organizations and cooperatives.

Pages S14060–61, S14074

(19) McConnell (for Pell/Leahy) Amendment No. 2747, to provide that certain funds for Turkey be made available only through non-governmental organizations to be used only for projects in the ten southeastern provinces currently under a state of emergency, and shall be used only for projects designed to promote economic development, cultural and ethnic tolerance, and human rights activities, and to support the development and activities of non-governmental organizations.

Pages S14061–64, S14074

(20) McConnell (for Leahy) Amendment No. 2748, to provide that the President should seek the agreement of the Prime Minister of Turkey to permit access throughout Turkey for international humanitarian organizations which operate confidentially, and report to the committee on Appropriations by June 1, 1996, on progress towards such agreement. **Pages S14061–64, S14074**

(21) McConnell (for Brown) Amendment No. 2749, to amend the NATO Participation Act of 1994 to expedite the transition to full membership in and cooperation with the North Atlantic Treaty Organization of European countries emerging from Communist domination. **Pages S14061–64, S14074**

(22) McConnell (for Byrd) Amendment No. 2750, to provide a substitute for the provision relating to the Korean Peninsula Energy Development Organization. **Pages S14064–65, S14074**

(23) McConnell Amendment No. 2751, to provide that funds for Armenia shall be in addition to funds justified for programs in the fiscal year 1996 congressional presentation documents.

Pages S14065–69, S14074

(24) McConnell (for Pressler) Amendment No. 2752, to express the sense of the Congress regarding the recent elections in Hong Kong.

Pages S14065–69, S14074

(25) McConnell Amendment No. 2753, to impose sanctions against Burma, and countries assisting Burma, unless Burma observes basic human rights and permits political freedoms.

Pages S14065–69, S14074

(26) McConnell (for Cohen) Amendment No. 2754, to express the sense of the Senate on Thailand.

Pages S14069–70, S14074

(27) McConnell Amendment No. 2755, to provide for an extension of the tied aid credit program and authority to conduct a demonstration project.

Pages S14070–72, S14074

(28) McConnell (for Leahy) Amendment No. 2756, to make available certain funds to UNIFEM.

Pages S14070–72, S14074

(29) McConnell (for Leahy) Amendment No. 2757, to provide for a conventional weapons review.

Pages S14070–72, S14074

(30) McConnell (for Leahy) Amendment No. 2758, to extend the authority to administer au pair programs through fiscal year 1999.

Pages S14070–72, S14074

(31) McConnell Amendment No. 2759, to provide that certain funds may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956. **Pages S14070–72, S14074**

(32) McConnell (for Dole) Amendment No. 2760, to limit the availability of funds for the Government of Haiti until certain human rights conditions are met. **Pages S14070–72, S14074**

(33) McConnell (for Dole) Amendment No. 2761, to increase the total value of defense articles and defense services which may be transferred to the Government of Bosnia and Herzegovina under the legislation. **Pages S14072–74**

(34) McConnell (for Dole) Amendment No. 2762, to establish the Croatian-American Enterprise Fund and make available funds to support the Fund.

Pages S14072–74

(35) McConnell (for Dole) Amendment No. 2763, to earmark funds for humanitarian assistance to the former Yugoslavia. **Pages S14072–74**

(36) McConnell (for Dole) Amendment No. 2764, to impose sanctions against countries harboring war criminals. **Pages S14072–74**

(37) McConnell (for Dole/Biden) Amendment No. 2765, to limit the use of funds for Bosnia and Herzegovina (other than for refugee or disaster assistance) to activities in the territory of the Bosniac-Croat Federation. **Pages S14073–74**

(38) McConnell (for Cohen) Amendment No. 2766, expressing the sense of the Senate regarding Russian compliance with the Treaty of the Conventional Armed Forces in Europe and priorities for modifying existing arms control treaties.

Pages S14073–74

(39) McConnell (for Kassebaum) Amendment No. 2767, to require the submission to Congress of a plan making recommendations for a strategic reorganization of the United Nations. **Page S14074**

Rejected:

(1) Harkin Amendment No. 2725, to express the sense of the Senate on the conference on S. 4, the Line Item Veto Act. (By 76 yeas to 24 nays (Vote No. 455), Senate tabled the amendment.)

Pages S14015–19

(2) By 43 yeas to 57 nays (Vote No. 456), Helms Amendment No. 2730 (to committee amendment on pages 44–45), to restrict the availability of funds for the United Nations Population Fund.

Pages S14036–45, S14049

Withdrawn:

(1) Kerry Amendment No. 2732 (to committee amendment on page 23, line 10 through page 28,

line 5), to strike provisions which provide funds to establish FBI Legal Attache offices and related programs in certain foreign countries and for international law enforcement training and cooperation in Central Europe and the New Independent States. **Pages S14045–49**

(2) Kerry Amendment No. 2733 (to committee amendment on page 29, lines 17–24), to strike provisions which provide funds to establish and maintain an FBI Legal Attache office in Cairo, Egypt. **Pages S14045–49**

(3) Bingaman Amendment No. 2728, to allow residents of the United States to send to their immediate family members in Cuba small amounts of money to pay for basic necessities such as food, clothing, and medical care. **Pages S14034–36**

(4) Bingaman Amendment No. 2731 (to Amendment No. 2728), to allow residents of the United States to send to their immediate family members in Cuba small amounts of money to pay for basic necessities such as food, clothing, and medical care. **Pages S14037–38**

(5) Murkowski Amendment No. 2712, to set forth requirements for implementation of the Agreed Framework Between the United States and North Korea Act relating to the Korean Peninsula Energy Development Organization. **Page S14050**

(6) Helms (for Dole/Helms) Amendment No. 2707 (to committee amendment on page 2, line 25), to provide for the streamlining and consolidation of the foreign affairs agencies of the United States. (By 43 yeas to 57 nays (Vote No. 457), Senate earlier failed to table the amendment.) **Pages S14019–26, S14050**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators McConnell, Specter, Mack, Gramm, Jeffords, Gregg, Shelby, Hatfield, Leahy, Inouye, Lautenberg, Harkin, Mikulski, Murray, and Byrd. **Page S14081**

Mercury-Containing Battery Management Act: Senate passed S. 619, to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, after agreeing to committee amendments. **Pages S14100–03**

Military Construction Appropriations, 1996 Conference Report-Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on H.R. 1817, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, on Friday, September 22, 1996, with a vote to occur thereon. **Page S14100**

Legislative Branch Appropriations, 1996 Conference Report—Agreement: A unanimous-consent agreement was reached providing for the consideration of the conference report on H.R. 1854, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, on Friday, September 22, 1996, with a vote to occur thereon. **Page S14100**

District of Columbia Appropriations, 1996—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 1244, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, on Friday, September 22, 1996. **Page S14100**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled "Highway Safety: 1994"; referred to the Committee on Commerce, Science, and Transportation. (PM—83). **Page S14083**

Nominations Received: Senate received the following nominations:

John Wade Douglass, of Virginia, to be an Assistant Secretary of the Navy. **Page S14106**

Messages From the President: **Page S14083**

Messages From the House: **Pages S14083–84**

Measures Referred: **Page S14084**

Communications: **Pages S14084–85**

Petitions: **Page S14085**

Executive Reports of Committees: **Pages S14085–87**

Statements on Introduced Bills: **Page S14087**

Additional Cosponsors: **Page S14087**

Amendments Submitted: **Pages S14087–96**

Authority for Committees: **Page S14096**

Additional Statements: **Pages S14096–S14100**

Record Votes: Five record votes were taken today. (Total—458) **Pages S14005, S14019, S14049, S14050, S14081**

Recess: Senate convened at 9:15 a.m., and recessed at 8:16 p.m., until 9:30 a.m., on Friday, September 22, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S14105.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nomination of John T. Conway, of New York, to be a Member of the Defense Nuclear Facilities Safety Board, and 2,421 military nominations in the Army, Navy, Marine Corps, and Air Force.

Also, committee concluded hearings on the nomination of Gen. John M. Shalikashvili, United States Army, for reappointment as Chairman of the Joint Chiefs of Staff, Department of Defense, after the

nominee testified and answered questions in his own behalf.

DUAL USE EXPORT CONTROL PROGRAM

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Finance concluded oversight hearings on the implementation of the dual use export control program, after receiving testimony from William A. Reinsch, Under Secretary of Commerce for Export Administration; Thomas E. McNamara, Assistant Secretary of State for Political-Military Affairs; and Peter M. Sullivan, Deputy Director, Defense Technology Security Administration, Department of Defense.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

H.R. 1266, to provide for the exchange of lands within Admiralty Island National Monument in Alaska; and

S. 755, to provide for the privatization of the United States Enrichment Corporation.

Also, committee completed its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, and agreed on recommendations which it will make thereon to the Committee on the Budget.

LIBERIA

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings to examine United States policy toward Liberia, after receiving testimony from George E. Moose, Assistant Secretary of State for African Affairs; John F. Hicks, Sr., Assistant Administrator for Africa, Agency for International Development; Vince Kern, Deputy Assistant Secretary of Defense for African Affairs; Jim Bishop, former U.S. Ambassador to Liberia, and Janet Fleishman, Human Rights Watch/Africa, both of Washington, D.C.; and Ellwood Dunn, University of the South, Sewanee, Tennessee.

BUDGET RECONCILIATION

Committee on the Judiciary: Committee completed its review of certain spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, and agreed on recommendations which it will make thereon to the Committee on the Budget.

RUBY RIDGE

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Government Information continued hearings to examine certain Federal law enforcement actions with regard to the 1992 incident at Ruby Ridge, Idaho, receiving testimony from Larry A. Potts, former Assistant Director, and Danny O. Coulson, former Deputy Assistant Director, both of the Criminal Investigative Division, W. Douglas Gow, former Associate Deputy Director, Investigations Division, and Robin L. Montgomery, former Special Agent in Charge (Portland, Oregon), all of the Federal Bureau of Investigation, Department of Justice.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 22 public bills, H.R. 2370–2387, 2389–2392; 1 private bill, H.R. 2388; and 1 resolution, H. Con. Res. 103 were introduced.

Pages H9451–52

Reports Filed: Reports were filed as follows:

H.R. 2277, to abolish the Legal Services Corporation and provide the States with money to fund qualified legal services, amended (H. Rept. 104–255);

H. Res. 226, providing for the consideration of H.R. 743, to amend the National Labor Relations Act to allow labor-management cooperation efforts that improve economic competitiveness in the United States to continue to thrive (H. Rept. 104–256);

H. Res. 227, providing for the consideration of H.R. 1170, to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court (H. Rept. 104–257);

H. Res. 228, providing for the consideration of H.R. 1601, to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station (H. Rept. 104–258);

Conference report on H.R. 1977, making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1996 (H. Rept. 104–259); and

H.R. 1756, to abolish the Department of Commerce, amended (H. Rept. 104–260, Part 1).

Pages H9399, H9431–51

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Hayworth to act as Speaker pro tempore for today.

Page H9365

Cuban Liberty and Solidarity Act: By a recorded vote of 294 ayes to 130 noes, Roll No. 683, the House passed H.R. 927, to seek international sanctions against the Castro government in Cuba, and to plan for support of a transition leading to a democratically elected government in Cuba.

Pages H9368–99

Agreed to the amendment in the nature of a substitute made in order by the rule (text of H.R. 2347). **Page H9398**

Agreed to the Wynn amendment that permits the Treasury Department to support Cuban membership in international financial institutions once a transitional government is in power in Cuba.

Pages H9393–96

Rejected the McDermott amendment in the nature of a substitute that sought to add language to permit the export of staple foods and medical items to Cuba (rejected by a recorded vote of 138 ayes to 283 noes, Roll No. 682). **Pages H9377–93**

The Stearns amendment was offered but subsequently withdrawn that sought to prohibit funds from being used for meetings between U.S. Government officials and representatives of Cuba regarding the normalization of relations between the two countries unless Congress was notified 15 days in advance. **Page H9396**

Defense Authorizations: House disagreed to the Senate amendment to H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces; and agreed to a conference. Appointed as conferees:

From the Committee on National Security, for consideration of the House bill (except for sections 801–803, 811–814, 826, 828–832, 834–838, 842–843, 850–896) and the Senate amendment (except for sections 801–803, 815–818, 2851–2857, and 4001–4801), and modifications committed to conference: Spence, Stump, Hunter, Kasich, Bateman, Hansen, Weldon of Pennsylvania, Dornan, Hefley, Saxton, Cunningham, Buyer, Torkildsen, Fowler, McHugh, Watts of Oklahoma, Jones, Longley, Dellums, Montgomery, Schroeder, Skelton, Sisisky, Spratt, Ortiz, Pickett, Evans, Tanner, Browder, Taylor of Mississippi, Abercrombie, Edwards, and Peterson of Florida.

From the Committee on National Security, for consideration of sections 801–803, 811–814, 826, 828–832, 834–838, 842–843, and 850–896 of the House bill and sections 801–803 and 815–818 of the Senate amendment, and modifications committed to conference: Spence, Stump, Watts of Oklahoma, Dellums, and Spratt.

From the Committee on National Security, for consideration of sections 2851–2857 of the Senate amendment, and modifications committed to conference: Spence, Hefley, Jones, Ortiz, and Montgomery.

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference: Spence, Stump, Torkildsen, Watts of Oklahoma, Longley, Dellums, Edwards, and Peterson of Florida.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Combest, Young of Florida, and Dicks.

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–2857 of the Senate amendment, and modifications committed to conference: Roberts, Allard, LaHood, de la Garza, and Johnson of South Dakota.

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–3404 of the House bill and sections 323, 601, 705, 734, 2824, 2851–2857, 3106–3107, 3166, and 3301–3302 of the Senate amendment, and modifications committed to conference: Bliley, Schaefer, and Dingell: *Provided,* That Oxley is appointed in lieu of Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment: *Provided further,* That Bilirakis is appointed in lieu of Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment: *Provided further,* That Hastert is appointed in lieu of Schaefer for consideration of sections 2851–2857 of the Senate amendment.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference: Goodling, Riggs, and Clay.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–333, and 338 of the House bill, and sections 333 and 336–343 of the Senate amendment, and modifications committed to conference: Clinger, Mica, Bass, Collins of Illinois, and Maloney.

As additional conferees from the Committee on government reform and oversight, for consideration of sections 801–803, 811–814, 826, 828–832, 834–840, and 842–843 of the House bill, and sections 801–803 and 815–818 of the Senate amendment, and modifications committed to conference: Representatives Clinger, Horn, Davis, Collins of Illinois, and Maloney.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–896 of the House bill, and modifications committed to conference: Representatives Clinger, Davis, and Collins of Illinois.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference: Representatives Clinger, Schiff, Zeliff, Horn, Davis, Collins of Illinois, Maloney, and Spratt.

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference: Representatives Thomas, Roberts, and Hoyer.

As additional conferees from the Committee on International Relations, for consideration of sections 231–232, 235, 237–238, 242, 244, 1101–1108, 1201, 1213, 1221–1230, and 3131 of the House bill and sections 231–233, 237–238, 240–241, 1012, 1041–1044, 1051–1064, and 1099 of the Senate amendment, and modifications committed to conference: Representatives Gilman, Goodling, Roth, Bereuter, Smith of New Jersey, Hamilton, Gejdenson, and Lantos.

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–896 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference: Representatives Hyde, Gekas, and Conyers.

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference: Representatives Solomon, Dreier, and Beilenson.

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–221, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference: Representatives Walker, Sensenbrenner, and Brown of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–2857 of the Senate amendment, and modifications committed to conference: Representatives Shuster, Weller, and Oberstar.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644–645 and 4604 of the Senate amendment, and modifications committed to conference: Representatives Smith of New Jersey, Hutchinson, and Kennedy of Massachusetts.

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference: Archer, Thomas, and Stark. **Pages H9399–H9403**

By a yea-and-nay vote of 415 yeas to 2 nays, Roll No. 684, the House agreed to the Dellums motion to instruct House conferees to insist that the total amount authorized for the Operations and Maintenance accounts be not less than the total amounts authorized in section 301 of H.R. 1530. **Pages H9399–H9402**

By a yea-and-nay vote of 414 years to 1 nay, Roll No. 685, the House agreed to the Spence motion that the conference committee meetings on H.R. 1530 be closed to the public at such times as classified national security information is under consideration, except that any Member of Congress has the right to attend any closed or open meeting. **Pages H9402–03**

Legislative Program: The Majority Leader announced the legislative program for the week of September 25. Agreed to adjourn from Thursday to Monday; and agreed to return from Monday September 25 until noon on Wednesday, September 27. **Pages H9403–05**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of September 27. **Page H9405**

Presidential Message—Read a message from the President wherein he transmits the 1994 reports prepared by the Department of Transportation on activities under the Highway Safety Act, the National Traffic and Motor Vehicle Safety Act of 1966, and the Motor Vehicle Safety Act of 1972, as amended—referred to the Committees on Transportation and Infrastructure and Commerce. **Pages H9450–51**

Referral: One Senate-passed measure was referred to the appropriate House committee. **Page H9451**

Senate Messages: Messages received from the Senate today appear on page H9365.

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H9393, H9398–99, H9401–02, and H9402–03.

Adjournment: Met at 10 a.m. and adjourned at 5:45 p.m.

Committee Meetings

THRIFT CHARTER CONVERGENCE ACT

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on the Thrift Charter Convergence Act of 1995. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; Ricki Helfer, Chairman, FDIC; the following officials of the Department of the Treasury; John Hawke, Under Secretary, Domestic Finance; and Jonathan L. Fiechter, Director, Office of Thrift Supervision; and public witnesses.

TRANSFORMATION OF THE MEDICAID PROGRAM

Committee on Commerce: Continued markup of Transformation of the Medicaid Program.

Will continue tomorrow.

DEPARTMENT OF COMMERCE DISMANTLING ACT; FEDERAL REPORTS ELIMINATION AND SUNSET ACT

Committee on Government Reform and Oversight: Ordered reported amended the following bills: H.R. 1756, Department of Commerce Dismantling Act (Title I); and S. 790, Federal Reports Elimination and Sunset Act of 1995.

RECOMMENDATIONS—DEPARTMENT OF COMMERCE DISMANTLING ACT; RECONCILIATION INSTRUCTIONS

Committee on International Relations: Approved recommendations to be forwarded to The Speaker with respect to H.R. 1756, Department of Commerce Dismantling Act.

The Committee also began markup of the Committee's Response to the House's Reconciliation Instructions.

Will continue September 27.

CAMBODIA

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on Cambodia: Prospects for Prosperity and Peace. Testimony was heard from Winston Lord, Assistant Secretary, East Asian and Pacific Affairs, Department of State; and public witnesses.

IMMIGRATION IN THE NATIONAL INTEREST ACT

Committee on the Judiciary: Continued markup of H.R. 2202, Immigration in the National Interest Act of 1995.

Will continue September 27.

MISCELLANEOUS MEASURES; OVERSIGHT—FISH HATCHERIES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on the following: H.R. 33, Stuttgart National Aquaculture Research Center Act of 1995; H.R. 1358, to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA; and an oversight hearing on Fish Hatcheries. Testimony was heard from Representatives Torkildsen, Lincoln, Deal of Georgia, Pomeroy, Graham and Whitfield; Mollie Beattie, Director, U.S. Fish and Wildlife Service, Department of the Interior; Floyd Horn, Deputy Under Secretary, Research, Education, and Economics, USDA; Allen Peterson, Director, Northeast Fisheries Science Center, National Marine Fisheries Service, NOAA, Department of Commerce; and public witnesses.

TEAMWORK FOR EMPLOYEES AND MANAGERS ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 743, Teamwork for Employees and Managers Act of 1995. The rule waives clause 2(l)(2)(B) of rule XI (requiring the publication of roll call votes in committee reports) against consideration of the bill. The rule makes in order the Committee on Economic and Educational Opportunities amendment in the nature of a substitute as an original bill for the purpose of amendment, with each section considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Goodling and Representatives Kildee and Moran.

THREE-JUDGE COURT REVIEW FOR STATEWIDE REFERENDA ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1170, to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court. The rule makes in order the Judiciary Committee amendment in the nature of a substitute as the original bill for purpose of amendment, and each section shall be considered as read. The rule gives priority in recognition to Members who have pre-printed amendments in the CONGRESSIONAL RECORD prior to their consideration. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Moorhead, Bono and Schroeder.

INTERNATIONAL SPACE STATION AUTHORIZATION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 1601, International Space Station Authorization Act of 1995. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Science as an original bill for the purpose of amendment, and provides that each section be considered as read. The rule gives priority in recognition to Members who have pre-printed amendments in the CONGRESSIONAL RECORD prior to their consideration. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Chairman Walker and Representative Hall of Texas.

AMTRAK REFORM AND PRIVATIZATION ACT

Committee on Transportation and Infrastructure: Ordered reported amended H.R. 1788, Amtrak Reform and Privatization Act of 1995.

RESOLUTIONS; FCC LEASE CONSOLIDATION

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development approved for full Committee action the following: 34 lease resolutions; 1 11(b) resolution; and 2 amended prospectus resolutions.

The Subcommittee also held a briefing on FCC lease consolidation in Washington, DC. The Subcommittee was briefed by William Larson, Assistant

Regional Administrator, Public Buildings Service, National Capitol Region, GSA.

TRADE AGREEMENTS AUTHORITY ACT; BUDGET RECONCILIATION RECOMMENDATIONS: TRADE ADJUSTMENT ASSISTANCE

Committee on Ways and Means: Ordered reported amended H.R. 2371, Trade Agreements Authority Act of 1995.

The Committee also approved Budget Reconciliation Recommendations: Trade Adjustment Assistance.

BOSNIA BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a classified briefing. The Committee was briefed by departmental witnesses.

Joint Meetings

APPROPRIATIONS—TRANSPORTATION

Conferees met to resolve the differences between the Senate- and House-passed versions of H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, but did not complete action thereon, and recessed subject to call.

APPROPRIATIONS—DEFENSE

Conferees continued in closed evening session to resolve the differences between the Senate- and House-passed versions of H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 22, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs, to hold hearings to review the Federal Reserve's Semi-Annual Monetary Policy Report of 1995, 10 a.m., SD–106.

Committee on Governmental Affairs, business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the congressional budget for the United States Government for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 10 a.m., SD–342.

Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to hold joint hearings with the House Committee on Judiciary's Subcommittee on Constitution to examine the status and future of affirmative action, focusing on minority contracting, 10 a.m., SD–226.

Subcommittee on Terrorism, Technology, and Government Information, to continue hearings to examine certain Federal law enforcement actions with regard to the 1992 incident at Ruby Ridge, Idaho, 10 a.m., SH–216.

Committee on Labor and Human Resources, business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 67, setting forth the Congressional Budget for the United States Government for fiscal years 1996 through 2002, and to consider pending nominations, 9:30 a.m., SD–430.

House

Committee on Commerce, to continue markup of Transformation of the Medicaid Program, 9 a.m., 2123 Rayburn.

Committee on Ways and Means, hearing on Saving Medicare, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Hearing: Senate Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to hold joint hearings with the House Committee on Judiciary's Subcommittee on Constitution to examine the status and future of affirmative action, focusing on minority contracting, 10 a.m., SD–226.

Next Meeting of the SENATE

9:30 a.m., Friday, September 22

Senate Chamber

Program for Friday: Senate will consider the Conference Report on H.R. 1817, Military Construction Appropriations, 1996, S. 1244, District of Columbia Appropriations, 1996, and the Conference Report on H.R. 1854, Legislative Branch Appropriations, 1996.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, September 25

House Chamber

Program for Monday: No legislative business is scheduled.

Extensions of Remarks, as inserted in this issue

HOUSE

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Bonior, David E., Mich., E1829
Brown, Sherrod, Ohio, E1830
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Williams, Pat, Mont., E1831

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