House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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


I hereby designate the Honorable J OEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH, Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Kurt G. Jung, Lutheran pastor retired, Cape Coral, FL, offered the following prayer:

Almighty and gracious God. We begin this day with the Psalmist: “I will be glad and rejoice in You; I will sing praise to Your name, O Most High.”—Psalms 95:2.

Eternal God, You have blessed us and not failed us. We have every reason to be thankful, and we do glorify Your name today.

Lord, as we have faith in Your unfailling love and guidance, You can give us a positive vision of hope and life for our Nation. As You guided our Founding Fathers, so You can lead each one of us. Give us wisdom to make the decisions we know to be spiritual, right, and honorable. Help us to hear Your guiding voice amid the clamor of the masses.

In Your holy name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mrs. MYRICK led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minute remarks on each side.

WELCOMING THE REVEREND DR. KURT GERHARD JUNG

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

Mr. GOSS, Mr. Speaker, I know my colleagues will join me in extending a warm welcome to today’s guest minister, the Reverend Dr. Kurt Gerhard Jung. Reverend Jung is a constituent of mine from Cape Coral, FL, which is the largest city in my district, and I am delighted to introduce him to the House and to thank him for his inspiring words of opening prayer for today’s session.

Reverend Jung has devoted the better part of his life to public and spiritual service, both in this country and in Germany. He served as the adjunct chaplain to the American military forces in Berlin and presided as senior minister in several German churches. Although he describes himself as semiretired these days, he is certainly quite active in the southwest Florida community that I live in, teaching Bible study, filling in for other pastors, and doing all kinds of good works for our community.

He and his wife, Ruth, have three children and three grandchildren. One of his children, David, is known to many of our colleagues because he serves us well on the staff of the Committee on International Relations.

We are most pleased to have Reverend Jung and his wife, Ruth, and children, Nancy, Jonathan, and David, and grandchildren, Jan, Andreas, and Karsten with us today. We wish them a warm welcome and thanks.

Mr. Speaker, I yield to the distinguished gentleman from New York [Mr. Gilman], the chairman of the Committee on International Relations.

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

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

Mr. GILMAN, Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my esteemed colleague from Florida in extending a warm welcome to our guest chaplain, Dr. Kurt Jung, from Cape Coral, FL. Dr. Jung’s eloquent prayer is certainly a testimony to his many years of dedicated service in the ministry.

Indeed, our country needs to be reminded every day in prayer in our efforts to uphold the spiritual and moral principles that have guided our great Nation. Dr. Jung is no stranger to the challenges and dangers of the diverse world in which we all live. He served faithfully with the U.S. Navy during World War II, after which he calling to...
the ministry took him to higher education at both Princeton Theological Seminary and the Free University in Berlin. During the height of the cold war, Dr. Jung served as an adjunct chaplain and administered to the spiritual needs of young men and women in uniform in the divided city of Berlin and frontline between East and West. In addition, Dr. Jung worked as a senior pastor at several German churches where he was also founder of the first Special Olympics for the mentally impaired.

I am also pleased to welcome Dr. Jung's wife Ruth, who has been at his side in marriage for 43 years. They have three grown children, one of whom is David, who works on our Committee on International Relations and does some outstanding work for us.

Mr. Speaker, I hope my colleagues will take the opportunity to meet this distinguished American citizen, and I would like to thank him for taking the time to be here today.

REGULATION OF POLITICAL EXPRESSION

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

Mr. SKAGGS. Mr. Speaker, this afternoon a hearing will be conducted that will be eerily reminiscent of the era of the House Un-American Activities Committee. The Committee on Government Reform will hold hearings on a proposal that, believe it or not, regulate political expression in this country, the so-called McIntosh-Istock-Ehrlich proposal.

If anybody has any doubt that this is a calculated effort to intimidate many groups and individuals from full participation in American political life, then imagine the chilling effect of receiving the following demand for information from the chairman of a Congessional committee: "In the past five years, has your organization engaged in political advocacy as defined in the attached legislation? If so, provide a description of the type of advocacy and an estimate of the expenditures on each such activity."

The idea that any Member of this House would dare—would dare—to call on free citizens of this Nation to account for their constitutional activities should offend every one of us. It constitutes an outrageous abuse of authority.

SPENDING TAXPAYER MONEY ON PAC CONTRIBUTIONS

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

Mr. KINGSTON. Mr. Speaker, I could not sit back and listen to the previous speaker without responding to the American taxpayers. There are 40,000 organizations that receive over $39 billion in taxpayer funded grants and so forth, and they are not subject to public disclosure or records of where the money went.

One group received 97 percent of its budget from the Federal Government and turned around and gave $425,000 to congressional candidates through their PAC. I do not think that is what the taxpayers want. There are plenty of good organizations who will continue to get funding and will continue to have political input. What we want to do is stop the abuse of taxpayer money for political purposes.

I have cosponsored an amendment to this bill that says that if you spend less than $25,000 a year on political activities, you are exempt from it. There is also a provision in the bill that exempts you if 5 percent or less of your money is spent on it.

This is not going after the small groups. This is going after the big political business groups. I urge my colleagues to support the Istock-McIntosh amendment.

HERSHEY FOODS MOVING CANDY PRODUCTION TO MEXICO

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

Mr. TRAFCANT. Mr. Speaker, from Mars to the Milky Way, all of America has experienced the Kiss, the Hershey Kiss. Now, after the State of Pennsylvania gave them tax breaks, now, after workers gave them concessions, Hershey is moving its factory that makes the Kiss to Mexico; from Mars to Milky Way to Mexico. Tell me, Mr. Speaker, will the Hershey Kiss become known throughout America as the Tiiana Kiss?

Take it from an old Pitt quarterback who is kissed off. We have let NAFTA and GATT take our jobs. Where are our constituents going to work? In McDonalds and Wal-Marts? My God, when Hershey of Mexico, we had better reconsider our economic policies in America. Beam me up, Mr. Speaker, I yield back the balance of these Kisses.

MEDICARE, THE GOP'S WELL-MEANING RESCUE SQUAD

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

Mr. GUTKNECHT. Mr. Speaker, that is a tough act to follow.

Mr. Speaker, I would like to read this morning from an editorial which appeared in the Minneapolis Star Tribune. Anyone who is from the Upper Midwest would never say that the Minneapolis Star Tribune is a Republican propaganda organ. But I would like to read what they had to say last Sunday in an editorial titled "Medicare, the GOP's Well-Meaning Rescue Squad."

Supporting the elderly already swallows up one-third of the Federal budget. Unless shifts are made soon, baby boomers will face a grim and threadbare old age.

There's no mystery to all this, of course. President Clinton knows that Medicare is spent, and so do the Democrats in Congress. You'd think the witness to such a calamity might be moved to join the rescue team—or at least yield helpful comments. No such luck. Uninclined to get their feet wet, the Democrats seem content to play on the vulnerability of the 37 million Americans holding on to the Medicare lifeline. Their chief contribution to the discussion is the accusation that Republicans are trying to "wreck Medicare."

Surely the Democrats have more to contribute than potshots like that. The looming dangers for Medicare should revive the reform effort and spur earnest attempts at compromise. Instead of sniping from the safety of the shore, the Democrats should wade in and help with the rescue.

OPPOSING CUTS IN MEDICARE

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

Mr. HILLIARD. Mr. Speaker, I rise in opposition to the proposed cuts in the Medicare Program by the Republicans. I am incensed that after months of talking on this issue, the Republicans are still hell-bent on making cuts in Medicare, so that they can give their rich supporters a tax break and balance the budget at the expense of senior citizens.

To ask one segment of our society to suffer unnecessary pain so that the wealthy can receive an undeserved gain is just wrong. It is un-American. It is unfair.

The elderly must not be perceived as an unnecessary drain on this country's economic resources. Let us not forget that Americans who are now 60 years of age contributed to the largest economic boom in the history of this country. In short, they have paid their dues.

Mr. Speaker, please do not break the backs of our senior citizens by going away with Medicare as we know it today, merely to give your rich supporters a tax break. The elderly deserve compassion, not vengeance. Leave Medicare alone.

REPEAL DAVIS-BACON ACT

(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, today, the Economic and Educational Opportunities Committee will mark up its reconciliation package—that includes the repeal of the Davis-Bacon Act.

The Budget Committee has already acted on this, and included it in the fiscal year 1996 budget resolution. But in the name of saving money, it must be repealed not only for budgetary reasons—but for commonsense reasons.

This law serves no practical purpose in today's world.
This law has been protected for many years because it takes Federal taxpayer money and puts it in the pocket of a small, but powerful interest in the form of a wage subsidy.

The repeal of Davis-Bacon will open up the Federal construction market to fair and open competition and will eliminate the current monopoly on Federal jobs held by a few large companies.

It will open up more construction jobs to semiskilled workers who wish to break into the construction field but are now prevented from doing so.

The bottom line, Mr. Speaker, is the repeal of Davis-Bacon will give all Americans a break on Federal construction costs.

The Budget Committee has acted on this mandate. It is time for the rest of Congress to do the same.

THE GINGRICH STANDARD

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

Mr. LEWIS of Georgia. Mr. Speaker, both Common Cause and I insist that “in order to carry out the responsibilities of an outside counsel effectively, it is necessary for the counsel’s authority and independence to be clearly and publicly established.” The special counsel must have the “authority and independence necessary to conduct the inquiry in an effective and credible manner.” The House of Representatives, as well as the American public, deserve an investigation which will uncover the truth. At this moment, I am afraid that the apparent restrictions placed on this special counsel will not allow the truth to be uncovered. “The rules normally applied by the Ethics Committee to an investigation of a typical Member are insufficient in an investigation of the Speaker of the House. Clearly, this investigation has to meet a higher standard of public accountability and integrity.” Prophetic words, indeed. Mr. Speaker.

There are the words of the current Speaker of the House in 1988 referring to the investigation of a former Speaker of this House. This House cannot and must not tolerate a double standard. The Ethics Committee must follow the standard set by Speaker Gingrich.

We need an outside counsel to investigate Speaker Gingrich and we must not restrict the scope of that counsel’s investigation.

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MEDI CARE GOING BROKE

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

Mr. WATTS of Oklahoma. Mr. Speaker, Medicare is going broke. The trustees tell us that in 7 years, Medicare funds will be completely depleted. This fact cannot be disputed.

Some 61 percent of the American people want us to do something about this, now. So why is it, how is it, that liberals fail to understand the urgency of this issue? The citizens are sick of Congressmen playing politics with vital programs such as Medicare. But still the Democrats engage in blatant demagoguery, or medagoguery as the Washington Post calls it.

Contrary to the liberal distortions, the Republican plan increases spending per beneficiary from $4,800 to $6,700. It gives seniors real choices in health care management by providing for medical savings accounts. But the liberals do not want the people to know that.

It is time to stop the half-truths, the fibs, and the fabrications. It is time to stop the scare tactics and demagoguery. It is time for honest debate to take place. It is time to save Medicare.

NEW JERSEY STATE LEGISLATORS SEEK TO SHIELD MEDICARE

(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, I want to report how more and more conservative Republicans at the Jersey shore, which I represent, are coming out against Speaker Gingrich’s Medicare cuts. If I could read from the Asbury Park Press in my district yesterday: State Senator Leonard T. Connors and Assemblyman Jeffrey W. Moran and Christopher Connors, all Republicans from Ocean County have written to Bob Dole and Speaker Gingrich to ask them to back off on the proposed cuts because of the impact they could have on senior citizens, and I quote: “Americans want Congress to cut the pork, but balancing the staggering Federal deficit or financing tax breaks for the rich on the backs of our elderly is morally bankrupt,” the lawmakers stated in their letter.

Mr. Speaker, they also said, “Jack up Medicare part B coverage from $552 annually to $1,100 under your announced plan is signing a death warrant for millions of senior citizens across America. To save electricity, the seniors live in darkness. Their diet is poor. They scrimp and save for goods and services middle-class Americans often take for granted. A $56 increase in their Medicare premium is a stake in the heart,” the Republican legislators wrote.

DEMOCRATS menace VIABILITY OF THE PROGRAM THEY CREATED

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

Mr. HOKE. Mr. Speaker, I would like to quote another publication this morning. This is the Washington Post, and this is written by our former colleague, who was with us last year, Mr. Tim Penny, former Democratic Representative from the State of Minnesota, and he says:

Medicare has been a success, helping to provide health care to millions of Americans who otherwise could not afford it. Yet today, with Medicare facing a financial crisis, Democrats are playing politics instead of coming up with constructive solutions. As the architects of Medicare, we have a responsibility to shore up the program before it collapses.

He goes on to say that:

Members of both parties should work together on this important issue, just as Republicans joined Democrats in voting for Medicare in 1965. Unfortunately, Democratic leaders in Congress have decided otherwise, choosing to attack Republican Medicare plans rather than offering an alternative. By politicizing the issue, Democrats are threatening the viability of the very program they created.

Mr. Speaker, this is from former Representative, Democrat, Tim Penny of Minnesota.

What I would say, on top of that, is that not only is it bad policy what is being done here in terms of the Democrats attack, it is also bad politics. It is not going to work.

PRESERVE HEALTH CARE FOR ALL AMERICANS

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

Ms. JACKSON-LEE. Mr. Speaker, last Friday eight Democrats remained steadfast listening to the hogwash in the Ways and Means so-called Medicare hearings. I regret to say that as the hearings ended there was a paucity three Republicans remaining expressing how little sincere interest they have in this so-called document that preserves Medicare.

Today I have just heard from my Republican colleague, the prior speaker, saying that Republicans joined Democrats in the 1960’s to put Medicare forward. Let me tell Members that my historians tell me there was not one single Republican vote that helped past Medicare legislation, but yet there are today a whole bunch of votes to undermine it by cutting $270 billion from Medicare in order to put the blame on our senior citizens.

What is in this so-called Medicare preservation package sponsored by Republicans. Well, I will tell Members, it is to dispossess and put out senior citizens, who need long-term care in nursing homes. It is the blame game on doctors and hospitals in rural and urban communities. It is high premiums for senior citizens who have to make choices between frequent prescription drugs and the ability to keep the lights on and the doors open in their residences.

Mr. Speaker, I am here to save Medicare. Mr. Speaker? I do and I am ready to discuss with my Republican colleagues any time they want to the elimination of $270 billion in draconian Medicare cuts.
I want to save Medicare so that all Americans can have good health care like the Democrats provided for 30 years since 1965.

COMPARING APPLES AND ORANGES

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

Ms. PRYCE. Mr. Speaker, let us talk about apples and oranges. The Republican Medicare plan will increase funding for each Medicare beneficiary by $4,800 today to $6,700 in 2002. Let us call that fact our apple. House Republicans have also promised to provide tax relief to American families. Let us call that fact our orange.

The Democrats are comparing apples and oranges. The point is these two issues have nothing to do with each other. The tax cuts from working families are more than set off by reductions in discretionary spending and program savings. Medicare would still be broke in 2002 even if we did not provide those tax cuts.

Why are the Democrats trying to confuse things? To scare the American people. They have no plan, just scare and confusion. To scare the American family. Let us call that fact our apple. House Republicans have abandoned Medicare. With the havoc they have wreaked with Medicare, they have also promised to provide tax relief to American families. Let us call that fact our orange.

The point is these two issues have nothing to do with each other. The tax cuts from working families are more than set off by reductions in discretionary spending and program savings. Medicare would still be broke in 2002 even if we did not provide those tax cuts.

Senator about to take a double hit

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

Mr. WATT. Mr. Speaker, the seniors in our country are about to experience something we call in North Carolina a double hit. Not only are the Republicans cutting Medicare by $270 billion, they are cutting Medicaid right behind it $182 billion. Medicare is for the elderly, Medicaid for the poor, but 69 percent of the money Medicare goes to the elderly also, even though they represent only 28 percent of the people who are served. Sixty-nine percent. A double hit they will be taking.

Medicare cuts on the one hand, Medicaid cuts on the other hand. It is un-American to be mean to our poor and our elderly and we should stop it right now before we get too far down the line.

KEEP HANDS OFF STOCK CAR RACING

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

Mr. FUNDERBURK. Mr. Speaker, Sunday I was in Martinsville, VA, enjoying the Goody’s 500 stock car race with 60,000 hard-working, law-abiding fans, drivers, and promoters. They sent a loud and clear message to the White House and the FDA: “Bill Clinton, keep your hands off racing.”

As you know, Mr. Speaker, millions of race car fans are up in arms about Bill Clinton’s plan to destroy auto racing by unconstitutionally banning legal, tobacco-based advertising at sporting events. Mr. Speaker, enough is enough. One driver summed it up before the race, “* * * until they did this I really didn’t know what the difference was between a conservative and liberal. Now I know. If we let big government get away with this, next they will ban Hardee’s and McDonald’s hamburgers and Coca-Cola, then they will be bashing down my door to take my guns.”

Mr. Speaker, America’s race car fans really do know what separates liberals from conservatives. If Bill Clinton had been in Martinsville with real America instead of partying through the night with his left wing buddies in Hollywood, maybe he would realize that difference also.

WOMEN STILL HAVE A LONG WAY TO GO

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

Ms. HARMAN. Mr. Speaker, time is running out to move the statue of women suffragettes from the Capitol crypt to the Capitol rotunda. Despite the unanimous support of the Senate and wide bipartisan support from the House, no action has been taken. Is that where women’s rights have been relegated this Congress, to the basement?

This Congress has already waged numerous assaults on women. During the appropriations process, choice opponents succeeded in restricting a woman’s constitutional right to choose, and they threaten to take us back to the days of dangerous back alley abortions. Congress has broken its promise to take violence against women seriously. Last Congress we passed the Violence Against Women Act, yet this year its funding was substantially reduced.

Education is one of the best ways to increase opportunities for women. Congress, however, recently eliminated the Women’s Educational Equity Act and reduced job training programs for women. The refusal to fund the statue of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony is symbolic of this Congress’ assault against women. If women cannot gain a reasonable place in the Capitol rotunda, what can we expect legislatively?

Women gained the right to vote 75 years ago, but we still have a long way to go, even to get out of the basement.

HIGHER TAXES, MORE GOVERNMENT, AND MORE REGULATION

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

Mr. WHITFIELD. Mr. Speaker, over the past 40 years the National Democratic Party has shown without question they sincerely believe that higher taxes, more government, and more regulations can best solve the problems of the American people.

In 1993, the Clinton administration, with help from the Democrats on that
Mr. Speaker, on March 8 of this year, Speaker Gingrich himself announced a new policy concerning speech on the House floor. Let me quote directly, for your consideration in making this ruling, his comments on March 8. He said, I quote, "I believe that the rules do refer to conduct, and under House rules that is not currently pending before the Committee on Standards of Official Conduct, and Members should refrain from references in debate to the official conduct of other Members where such conduct is not under consideration in the House by way of a report of the Committee on Standards of Official Conduct or a question of the privilege of the House." Mr. JOHNSTON of Florida. Mr. Speaker, their fair adjudication depends on a serious and faithful reading of the rules and the laws that govern our conduct. Anything less is totally unacceptable.

ADORING THE WITHEOLDING OF A MEMBER'S SALARY FOR DAYS MISSED

(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, today a Member of Congress will appear in court for sentencing due to his August conviction on charges of criminal sexual assault, child pornography, aggravated criminal sexual abuse, and obstruction of justice.

Mr. Speaker, he has not cast a single vote since June. Through the end of
last week, he has missed 31 consecutive days of congressional session, including every day this month.

Mr. Speaker, I respectfully submit that no Member should be paid for a month in which he completely failed to report for work and was sentenced to jail. Under the law, the Speaker has the authority to deduct from Members' salaries for each day they are absent from the House, unless the Member was absent for his sickness or family sickness.

Mr. Speaker, today I am submitting a letter to Speaker Gingrich, signed by quite a few Members of the House, requesting him to stop this Member's collection of over $11,000 of taxpayers' money for September's salary. The National Taxpayers Union has led the investigation into the Speaker's authority into this matter and strongly supports this urgent request.

ETHICS INVESTIGATION REQUIRES CONSISTENCY
(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the credibility in this institution requires that both the public and the Members serving here know that there is consistency in the application of the processes by which Members are investigated for alleged wrongdoings. Specifically, that the Committee on Standards of Official Conduct follows the same process for each and every Member.

Simple due process for anyone requires that they know what to expect, and know what the procedures are. That is why I have some concern when I read that the gentlewoman from Connecticut, the present chair of the Committee on Standards of Official Conduct, was quoted as saying recently that, and I quote from the Hartford Courant, "The letter of the law is not compell[ing] to me. I will work with the rules. Our rules have a certain amount of flexibility. Our goal is to have a process that the committee members feel good about."

Mr. Speaker, justice and Committee on Standards of Official Conduct investigations are not best conducted in a hot tub, feel-good atmosphere. I am concerned when an aide of hers quotes Speaker Gingrich in 1987, when he said that investigation requires a high standard. I urge it to be followed today.

READ ALL ABOUT IT
(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, read all about it. The Washington Post Thursday, September 28. Democratic former Member of Congress, Tim Penny, "Medicare Mistake." "My party is making a big mistake. The Democratic Party is closely identified with Medicare, and rightfully so. Democrats first conceived of Medicare, put it into law. As architects of Medicare, we have a responsibility to shore up the program before it collapses."

Democratic Congressman Tim Penny says:
"We cannot afford to ignore Medicare's shaky financial situation or put it off until after the next election. It is just too important. Medicare trustees have given us a 7-year warning. Those 7 years shouldn't be squandered in indecision, stall tactics and politicking. We should view this time as an opportunity to ask the creative solutions. Democrats should be the leaders in this debate, not the obstructionists."

Mr. Speaker, my parents are on Medicare. I love my parents. As Republicans, we are promoting protecting and preserving Medicare for this generation and future generations. Democrats, take Mr. Penny's comments seriously. Join us in the fight to protect it and stop the demagoguery.

THE EFFECTS OF A $270 BILLION CUT IN MEDICARE
(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, in a few weeks this House will have a profound choice. We can cut $270 billion from the Medicare Program, or we can scrap big tax cuts and move forward with a reasoned program of Medicare reform.

Many of my constituents have made that choice. I have spoken to hundreds of them, both elderly and young people, about Medicare. They have looked at this budget and decided that it is unfair to pay for big tax cuts at the expense of health care for the elderly.

Mr. Speaker, I toured hospitals that are typical of the 13 rural hospitals in my district. One administrator told me that 56 percent of his facility's revenues are derived from Medicare and that Medicaid accounts for another 13 percent. This hospital is 50 miles from another acute care facility and, like many rural hospitals, it operates at a loss.

The hospital administrator told me that if cuts of the magnitude being proposed now in the Republican plan are adopted, they could well force this facility to close. Who will the elderly go then? If we move forward recklessly or cut too deeply just to pay for a tax cut, we will do irreparable damage.

Mr. Speaker, I urge this body to move responsibly and to reject $270 billion in cuts in Medicare.

DEMOCRATS: COME IN FROM THE RAIN
(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, last week the Democratic leadership sat outside in the rain moaning and groaning and grandstanding for the television cameras about the Republican plan to preserve and strengthen Medicare and increase spending on Medicare.

What do others have to say about that? The Washington Post calls them "mediogues." Former Congressman, Democratic Congressman, Tim Penny calls their tactic the "Medicare mistake." He says:
"There was a time when Democrats were willing to act responsibly, but by politicizing these issues, Democrats are threatening the viability of the very program they created."

He goes on to say:
"We cannot afford to ignore Medicare's shaky financial situation or put it off until after the next election. It is just too important."

So, what have the Democrats done? Nothing. Where is their plan? Nowhere.

Mr. Speaker, that is not surprising for people who do not even know enough to come in from the rain.

THE REPUBLICAN RECORD AFTER 7 MONTHS
(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, today I rise to inform you of the Republican record after 7 months. The Republican agenda is strictly an agenda that caters to the rich and powerful special interest and alienates and belittles the rest of us. For example, the Republicans have given families earning more than $100,000 a $245 billion tax cut while on the other hand they are cutting Medicare spending by $270 billion. Talk about robbing Peter to pay Paul—Paul must be an awfully happy camper.

Mr. Speaker, not only do the Republicans want to save the wealthy money—they want to give them money. The Republican plan giving an average tax break of $20,000 a year to the richest 1 percent of taxpayers while senior citizens are going to experience an average reduction in Medicare benefits of more than $1,000 a year. I ask you, does this sound like a fair agenda for our seniors that have worked so long and hard for their benefits?

Finally, Mr. Speaker, the Republicans want to hurt our educational system by making changes in our student loan program that would increase profits for banks and guarantee agencies while the spending cuts would make college students pay $4,500 to $7,500 more for each student loan.

Mr. Speaker, I ask my colleagues, does this sound like a fair agenda for our seniors who have worked so long and so hard?

Mr. Speaker, these uncalled for tactics show you why the American people are becoming more disgruntled with the Government.
HELP SAVE MEDICARE

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

Mr. HERGER. Mr. Speaker, Democrats have been playing a broken record for the last few months. It goes something like this: "Medicare is not really going bankrupt—Republicans only want to give a tax break to the rich."

What unmitigated drivel. I've heard a lot of tall stories in my time, but this takes the prize. It is true that Republicans advocate tax cuts. But the vast overwhelming majority of those tax cuts go to middle-income working American families. One of those tax cuts is the $500-per-child tax credit for almost every child in America.

Now, let me ask a question: Are there more millionaires in this country, or working families with children?

The most important point to realize here is that tax cuts have nothing to do with Medicare. Even if the budget was balanced and all people were taxed 100 percent of their income, Medicare would still go broke in 7 years.

Mr. Speaker, Democrats need to fix their broken record and begin helping Republicans save Medicare.

WHY CUT $270 BILLION FROM MEDICARE?

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

Mr. STUPAK. Mr. Speaker, there are philosophical differences between Democrats and Republicans on Medicare, and there is no doubt that the Republican party would like $270 billion in tax cuts, but with $270 billion in tax cuts in the Medicare program? To pay for the tax breaks for the wealthiest 1 percent of all Americans and for tax breaks for corporations.

[45x272]breaks for corporations.

cuts in the Medicare program? To pay in tax cuts, but why $270 billion in tax publican party would like $270 billion permission to address the House for 1 going to take the $270 billion in tax corporations do not? Because they are summary. In that summary that we going to happen, Mr. Speaker, is just the $270 billion in tax cuts and put it billion will go and be reinvested into people out there, avoid these fraudulent organizations. Contact your Congressperson directly.

PEOPLE WANT THE LETTER OF THE LAW

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

Mrs. SCHROEDER. Mr. Speaker, as an American, I feel very good about the fact that everybody is under the letter of the law. As a Member of this body during Watergate, I was very saddened by the fact that the Presidency was being attacked, but I also felt very good that we were showing the world that no one is above the letter of the law in this great and wonderful country, thanks to Thomas Jefferson and many of our forefathers and the rules they put together.

Yesterday, Mr. Speaker, I felt sick because I found an article in the Hartford Courant in which the ethics complaints against the Speaker were being discussed. This is a woman of the Ethics Committee who said, the letter of the law is not compelling to me, that there is a lot of flexibility in our rules, and I wanted to put together a process that will make Members feel good.

I do not think people want that flexibility. I think they want the letter of the law.

Mr. Speaker, include for the record the letter of the law preferred.

J. JOHNSON DEFENDS ETHICS CASE STANCE

WASHINGTON.—Rep. Nancy L. Johnson, R-Rh District, confirmed Tuesday that she signed a 1988 letter to the House ethics committee urging if to conduct a "full inquiry" into complaints against then Speaker Jim Wright, a Texas Democrat.

The letter was circulated by Rep. Newt Gingrich, who at the time was a relatively unknown Republican from Georgia. Now, he is speaker of the House and is the subject of more complaints under review by the ethics committee.

Johnson became the committee's chairwoman when Republicans took control of the House in January.

In addition to the letter, Gingrich issued a press release May 28, 1988, in which he said it "was vital" for the committee to hire an outside counsel to pursue the complaints against Wright thoroughlg.

The letter and press release are significant because they may be considered part of the standard the committee has failed to meet in its Gingrich investigation.

Asked why that was not happening, Johnson said, "This is not new speaking, and you see some of our Democratic colleagues agree with him. . . . In signing this original letter, that didn't mean I agreed with him on all this stuff."

Johnson's comments came during a widespread meeting with Connecticut reporters.

The committee is considering complaints relating to a book deal that involved media magnate Rupert Murdoch, the financing and promotion of a college course Gingrich taught in Georgia and whether the Speaker allowed an inside consultant to perform official House business.

Johnson also defended the committee's decision not to use an investigative procedure set out in the House Ethics Manual.

"The letter of the law is not compelling to me," she said. "I will work with our rules. Our rules have a certain amount of flexibility. . . . My goal is to have a process that the committee members feel good about."

Rep. Jim McDermott of Washington, the senior committee Democrat, has objected to the course the committee is following, complaining that the panel was not prepared to question key witnesses who appeared in July. Tuesday, Johnson complained that McDermott had not raised his concerns with the committee before making them public.

McDermott did not respond to a request for comment.

As she has in the past, Johnson held out the possibility that the committee will turn to an outside counsel, as many House Democrats and several government watchdog groups have requested. But she said the 10-member panel, evenly divided between Republicans and Democrats, had not reached that point.

Responding to reports the panel was close to appointing an outside counsel, Johnson said, "It is absolutely true, without doubt in my mind, that the committee has made no decision."

Johnson sought to portray the committee as struggling to find a consensus on how to complete its inquiry. "I'm just a position is certainly legitimate," she said, referring to McDermott. But, she went on, "Six-four decisions aren't healthy. They don't get you anywhere, particularly 6-4 procedural decisions. Six-four procedural decisions tend to set up 5-5 deadlocks." A 6-4 vote is the narrowest majority by which the 10-member committee can approve an action.

The letter Johnson and 70 other House Rep. signed in 1988 has been circulated in recent days by groups seeking an outside counsel with unlimited authority. It concluded: "The integrity of the House of Representatives and the American people require a full inquiry [into the Wright complaints]."
Mr. NEUMANN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2404) to extend authorities under the Middle East Peace Facilitation Act of September 28, 1995, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. HAMILTON. Reserving the right to object, Mr. Speaker, I do not intend to object, and I yield to the gentleman from New York [Mr. GILMAN], chairman of the committee, to explain his unanimous-consent order.

Mr. GILMAN. Mr. Speaker, H.R. 2404 temporarily extends the Middle East Peace Facilitation Act of 1994, which otherwise would have expired on October 1, 1995. That act was previously extended by Public Law 104-17 and by Public Law 104-22. H.R. 2404 extends the act until November 1, 1995, and includes a transition period of 90 days from certain that there is no lapse in the act's authority. Mr. HAMILTON. Mr. Speaker, continuing my reservation of objection, I do not intend to object, and I yield to the gentleman from Louisiana [Mr. LIVINGSTON], to explain his unanimous-consent order.

Mr. HAMILTON. Reserving the right to object, Mr. Speaker, I do not intend to object, and I yield to the gentleman from New York [Mr. GILMAN], chairman of the committee, to explain his unanimous-consent order.

Mr. GILMAN. Mr. Speaker, H.R. 2404 temporarily extends the Middle East Peace Facilitation Act of 1994, which otherwise would have expired on October 1, 1995. That act was previously extended by Public Law 104-17 and by Public Law 104-22. H.R. 2404 extends the act until November 1, 1995, and includes a transition period of 90 days from certain that there is no lapse in the act's authority.

Mr. HAMILTON. Mr. Speaker, continuing my reservation of objection, I do not intend to object, and I simply want to note that I do not think it is helpful to Israel, to the Palestinians or to maintaining momentum in the peace process to have to come to this floor every 30 or 45 days to extend these authorities on a short-term basis. I hope that we will be able to make this the last such extension of the Middle East Peace Facilitation Act and that we can instead fashion a provision that holds the parties to the Middle East peace process to the terms of the agreements they have negotiated but which does not go beyond those terms.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my friend from Indiana for yielding to me.

Mr. Speaker, this is now the third time that we are renewing the Middle East Peace Facilitation Act. This, in my opinion, is not really the way to go about it. Each time we renew it, we say it is for a temporary moment until we can put the law together and pass a new Middle East Peace Facilitation Act and each time there is just a simple renewal.

I do not think this is a good process. We have had legislation introduced. I have introduced a bill. We have had no markups on the committee. We had one hearing last week, but we have not had any markups.

The Senate is moving ahead with its floor troops bill. Senator HELMS and Senator PELL are putting together language. Quite frankly, I see no reason why we should cede our authority to the Senate. Why should the Senate language ultimately be the language that is adopted?

I think that this House has a very important role to play and, frankly, I think that our Committee on International Relations ought to put all the legislation that has been proposed at a hearing, talk about it, do a markup, have a markup of their H.R. and we ought to come up with new MEPEA language. That is the way I think that we ought to proceed.

Yasser Arafat's feet must be held to the fire. I know there is a signing going on in the White House today. I intend to be there. All of us hope and pray for Middle East peace, but I think a just peace will only be a just peace if there is compliance on all sides, and that includes the PLO and it includes Mr. Arafat and it includes Mr. Yasser.

I believe that United States money should continue to flow for this process, if the Palestinians, if Mr. Arafat is keeping his pledges. If he does not, then I think the money ought to stop; only Mr. Arafat and the PLO can determine that.

So I do not think an automatic renewal is the way to go. I understand it is only for 30 days and I will not object to the 30 days, but I will be hard-pressed when the House members come here and agree to another extension.

Again, I think that the peace process will only work and American money should only continue to flow if both sides are adhering to what they agreed. We do not have that now. The cov- enants are still in place, talking about the destruction of Israel, the PLO covenants, and Yasser Arafat's track record has been less than admirable. So I think that while we probably have no choice today, again, I think that my committee, and I would hope the chairman, in fact, I wonder if the chairman would give a commitment that we would have a markup of my
Continuing Appropriations for Fiscal Year 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 230
Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

The SPEAKER pro tempore. The gentleman from California, Mr. Dreier, for purposes of debate only, I yield the floor to the minority leader or his designee.

Mr. DREIER. Mr. Speaker, the rule provides for consideration of House Joint Resolution 108, a continuing resolution making appropriations for fiscal year 1996 through November 30, 1995. The rule provides for consideration of the joint resolution in the House, any rule of the House to the contrary notwithstanding, with 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

Finally, the rule provides for one motion to recommit with or without instructions. The motion to recommit may include instructions only if offered by the minority leader or his designee.

Mr. Speaker, we are in the midst of an historic effort to change the Washington culture of deficit spending by balancing the Federal budget over a 7-year period. For the first time in three decades, the majority in Congress is insisting that Federal spending not take priority over the future of our children. We are implementing a budget plan that sets priorities within the $3.1 trillion Federal budget by slowing the rate of growth of most Federal programs while eliminating those that are clearly wasteful, duplicative, or unnecessary.

Balancing the budget is clearly not a simple job, especially when the President, sizable minorities in the House and Senate, and special interests that live off the fat of the bloated Federal Government stand in the way. The appropriations process is a central feature of that budget balancing struggle.

It is clear that the bills that meet the targets of the 7-year balanced budget plan will not be completed by October 1, the beginning of the new fiscal year. The continuing resolution that we are going to be considering here today gives Congress time to complete the regular appropriations bills.

Mr. Speaker, the administration supports House Joint Resolution 108, the chairman and ranking minority member of the Committee on Appropriations appeared before the Committee on Rules yesterday and both supported both the rule and the measure. This continuing resolution is a bipartisan compromise that was the result of a long, sincere, and tireless negotiating process.

While this continuing resolution is a responsible bill, there should be no mistake the fact he continuing resolutions will not replace the regular appropriations process. House Joint Resolution 108 provides the time we need to do the work we need, and that is it. It is a temporary stopgap, and it is a fiscally responsible stopgap.

The spending level incorporated in this continuing resolution is below the level in the House-passed balanced budget plan. It should be made clear that this continuing resolution does not attempt to impose major policy changes on the Federal Government. Those policy changes will be accomplished through the regular legislative process, an effort, even a struggle in some cases, that I look forward to. But they will not be implemented today.

Mr. Speaker, with the beginning of the new fiscal year rapidly approaching, it is important that we act quickly. I urge my colleagues to support this rule and to support the resolution. It should be approved, sent to the other body for equally prompt and responsible consideration, and sent to the President for signature this weekend. Then we can get back to the critical work of balancing the Federal budget, saving the Medicare system from bankruptcy, ending welfare as we know it, and implementing a growth-oriented tax cut that will create more jobs and increase the take-home pay of American workers.

Mr. Speaker, I include for the Record a comparison of the rules considered by the Committee on Rules during the 103d and 104th Congresses.
Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

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

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

Mr. HALL of Ohio. Mr. Speaker, House Resolution 230 is a closed rule to allow consideration of House Joint Resolution 108, a bill making continuing appropriations for the fiscal year 1996.

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

Under the rule, no amendments will be allowed. A motion to recommit with instructions may be offered only by the minority leader or his designee.
The Rules Committee reported this rule by voice vote without opposition.

Too often in recent years, Congress has waited until the last minute to keep the Government going past the beginning of the fiscal year. With this ritual usage, much fear of Government furloughs, shutdowns, and programs grinding to a halt.

This year, with loud threats being made not to compromise, the fears were stronger than usual. There was talk of a train wreck coming October 1. The stakes have never been higher. What kind of a signal are we sending to the dedicated, public-spirited civil servants who work for the Government?

What kind of a signal are we sending to Americans who depend on Government services?

What kind of a signal are we sending to the people of other nations who are our allies and trading partners?

There has to be a better way.

During Rules Committee consideration of the continuing resolution, we heard testimony from our colleague from Pennsylvania, Mr. Gekas, who has proposed a bill that would provide an automatic back-up plan in case the appropriations bills are not passed before the end of the fiscal year. It is a sound idea that has merit.

I hope that the House will give serious consideration to his bill—or any proposal that will end this embarrassing ritual coming from all of us.

The rule under consideration is a closed rule. In general, I am opposed to closed rules. This institution usually does its best work when full and open debate is permitted, giving the American people an opportunity to hear complete discussion of the issues.

But there is a time when legislation is so urgent and so fundamentally important to our Nation that a closed rule is acceptable. This is such a time.

We must pass this bill quickly to ensure the smooth continuation of Government services into the next fiscal year. Even more important, we must send a signal to the Federal workers at military bases, veterans' hospitals, air traffic control towers, national parks, and elsewhere that this House respects their work.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to my good friend, the distinguished former chairman from Glen Cove, NY [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I certainly thank the vice-chairman of the Committee on Rules, Mr. DREIER, for yielding to me the floor so that I might explain that partisan politics have ground the legislative process to a halt, this rule and this continuing resolution should provide some encouragement. Today we have before us the product of good faith negotiation and practical cooperation between the Houses of Congress and up and down Pennsylvania Avenue. The continuing resolution reflects a bipartisan commitment to ensuring that the Government continues to function better than it has in the fiscal year. Yet we must be perfectly clear—this continuing resolution is temporary—lasting no more than 6 weeks—and it is carefully designed to speak just briefly to the aspect of a closed rule.

This is not a typical closed rule. What this rule does is simply allow the Committee on Appropriations to bring a continuing resolution to this floor to keep the Government in business for the next 6 weeks at a balanced budget for this body to negotiate between the Democrats and the Republicans, to negotiate between Republicans and Republicans, and to negotiate with the other body as well as the White House. I want to be very clear: This in no way diminishes our effort to stay on a glidepath toward a balanced budget. This Member of Congress is voting for nothing that is going to in any way diminish that effort to bring about a balanced budget. As a matter of fact, the continuing resolution, as the gentleman from Louisiana [Mr. LIVINGSTON] has stated and will state in a few minutes, and the gentleman from California [Mr. DREIER], this continuing resolution actually keeps us on the glidepath.

For example, when various programs or projects or bureaus or agencies have been zeroed out, have not been funded, it is important that they can continue at last year's 1995 levels, minus or not to exceed 90 percent; nor can they go ahead with any kind of expediting of programs that are not provided for. For all of the other programs, and this is very important, they will only be funded during the next 6 weeks at the average of the House and Senate, minus another 5 percent.

That means by passing this continuing resolution, we are actually saving the taxpayers dollars. That is important to keep in mind. I hope everyone does support this continuing resolution so we can get on toward balancing this budget, which is desperately needed in this country.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Goss], a member of the Committee on Rules and the chairman of the Subcommittee on Legislative Process.

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

Mr. Goss. Mr. Speaker, I am very pleased to rise in support of this rule and I thank my friend, the vice-chair of the Rules Committee, Mr. DREIER, for yielding to me the floor to explain that partisan politics have ground the legislative process to a halt, this rule and this continuing resolution should provide some encouragement. Today we have before us the product of good faith negotiation and practical cooperation between the Houses of Congress, and up and down Pennsylvania Avenue. The continuing resolution reflects a bipartisan commitment to ensuring that the Government continues to function better than it has in the fiscal year. Yet we must be perfectly clear—this continuing resolution is temporary—lasting no more than 6 weeks—and it is carefully designed to squeeze discretionary spending enough so that all parties to the budget negotiations will have the incentive to get the real job done in passing—and signing—the 13 regular appropriations bills. This concurrent resolution reflects our commitment to balancing the budget and cutting Federal spending, while allowing us to work out some very deep philosophical differences on issues involving the size and scope of the Federal Government. That work lies at the heart of what must be accomplished in the next Congress. I believe that we know that many Americans are concerned about what has been labeled an impending train wreck in the budget process. While we have yet to reconcile the issues of Medicare, Medicaid, welfare and other major components of the budget picture, today's action at least clears the way for the discretionary spending train to leave the station, only slightly delayed, but on the right track. Mr. Speaker, this rule, as has been explained, is simple and should be noncontroversial. And for many people believe that continuing resolutions have been—or should ever be—standard business, today's rule is highly standard for such matters and I hope my colleagues will support it. I would also like to note that we did have some testimony in the Rules Committee from Members taking a longer view of the congressional budget process, seeking a way to avoid annual action on continuing resolutions in the future. While we are not able to resolve that question here today, I would like to assure Members interested in the broader topic of budget process reform that our Rules Subcommittees, chaired by Mr. DREIER and myself, have been reviewing our entire budget process and seeking opportunities for reform. We welcome the input of all Members. While process cannot protect us from making the tough policy decisions needed to find balance in our budget, it can help us adhere to those decisions once they are made.

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

Mr. Speaker, I do so to simply inform my colleagues that we are very pleased to have the distinguished former chairman of the Committee on Rules, the ranking minority member from Massachusetts [Mr. MOAKLEY], and the entire House would like to extend our very warm welcome.

Mr. Speaker, I yield 4 minutes to my very good friend, the gentleman from Loveland, CO [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I would like to thank the gentleman from California [Mr. DREIER] for yielding me time. I commend the gentleman for his hard work in bringing about reform in the Congress.

Mr. Speaker, I rise in support of H.R. 2197, the Continuing Resolution Reform Act. In August I introduced H.R. 2197, the Continuing Resolution Reform Act. It was clear to me that a continuing resolution was very likely and that it would
That is all I ever intended, to prevent a shutdown of our Government. We had the anomaly, the sad state of affairs, where in 1990, as our youngsters were gathering their military forces in Saudi Arabia—waiting for Desert Storm to occur, in forming Desert Shield—that they were there the Government supported the shutdown. That is unacceptable.

Well, Mr. Speaker, where are we? I should feel chagrined that the Rules Committee again smashed me down and did not take my proposal, but, on the other hand, the sense that that instant replay has been incorporated in the current continuing resolution. It prevents shutdown of Government, does bring in the lower levels of spending for an appreciable time, but the problem is that, after this 6-week continuing resolution's life, the question recurs, the danger recurs, the specter of a shutdown in Government comes back to haunt us.

Mr. Speaker, my instant replay would have prevented that for all time. But I am happy at least for 6 weeks to be able to debate the merits of instant replay again. There should never be a Government shutdown.

Mr. DREIER. Mr. Speaker, I would inquire of my friend if he has any speakers on the other side of the aisle. Mr. HALL of Ohio. Mr. Speaker, I have no requests for time. I would simply say that I am thankful that we are avoiding this endless embarrassment, this big, certainly hurt to the country by having this continuing resolution before us. I am very thankful to the gentleman from Louisiana [Mr. LIVINGSTON] for his work, certainly the gentleman from Wisconsin [Mr. OBEY] for his diligence behind the scenes and working very, very hard to keep this, for his diligence, along with Mr. LIVINGSTON, and certainly our President for making it happen.

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

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, and I would join in saying that I believe this is a very important day. We are headed toward a balanced budget within the next 7 years. We have successfully, when we pass this resolution, avoided a shutdown of the Federal Government. It is due to the efforts of the gentleman from Louisiana [Mr. LIVINGSTON] for his work, certainly the gentleman from Wisconsin [Mr. OBEY] for his diligence behind the scenes and working very, very hard to keep this, along with Mr. LIVINGSTON, and certainly our President for making it happen.

I hope, very much, that we will be able to move quickly to passage of this and then provide it so that the President can sign it this weekend. With that, Mr. Speaker, I urge support of the rule and support of the resolution.

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

The previous question was ordered.
We have had to take a little extra time at the back end, but we are in the process of completing our business, and I think that this 6-week continuing resolution will enable us to get over the hump without unduly stressing the work force of the Federal Government or the business of the United States of America.

I am very, very pleased then to bring to the House this fiscal year the 1996 continuing resolution, House Joint Resolution 1. It will not have all 13 appropriations bills enacted into law before October 1. A continuing resolution to keep the Government operating is, therefore, necessary.

This continuing resolution has been developed in consultation with both sides of the aisle, with our Senate counterparts, and with the joint leadership, as well as with the President. The President has indicated that he will sign it if it is presented in its current form. The passage of this continuing resolution will not affect any necessary and costly disruption of Government operations while we work out our differences on the regular 13 appropriations bills.

Mr. Speaker, the current status of our 13 regular bills is as follows: Two bills, military construction and legislative branch, have been cleared by us for presentation to the President. Two more conference reports, Interior and Defense, are ready for consideration in the House. One bill, the Agriculture bill, has completed conference, and I expect that the conference report will be filed later today, and I am hopeful we may even consider the conference report on the floor of the House tomorrow before adjourning for the week. Three bills, Energy and Water Development, Transportation, and Treasury-Postal, have passed both bodies and are currently in conference. Two bills, foreign operations and VA-HUD, have passed both bodies and are awaiting appointment of conferees. Two bills, Labor-HHS and Commerce-Justice, passed the House and are awaiting floor consideration in the Senate. The bill on the District of Columbia has not yet been reported to the House, but we anticipate that it could be considered in the coming days.

We are well on our way, Mr. Speaker, to completing congressional action on all of these bills. Not all will be signed at the outset when they are presented to the President. Some may be vetoed, but until action on all 13 is completed and they are enacted, we will need to have a continuing resolution.

We need to continue Government while maintaining funding prerogatives and providing incentives to get all 13 bills signed into law. The key features of this continuing resolution are, first, that its funding levels are below, and I think that Mr. Speaker, they are below the section 62(a) levels of the budget resolution. In order words, any projected savings that we anticipated with the 13 appropriations bills in fiscal year 1996 leadership will be achieved, and we will exceed those savings under the rates in the continuing resolution during its term of no more than 6 weeks.

As such, it will not be more attractive, and it is even more attractive actually during the period of the continuing resolution, for the administration to sit back, not sign the appropriations bills and depend on a continuing resolution to fund Government. Also, because it does not produce the specified funding levels, it is important; it provides an incentive to us to produce the bills that provide the savings we want.

The continuing resolution has restrictive funding rates but does not prematurely terminate any ongoing program. It does not allow for any new initiatives. It prevents costly furloughs and associated termination costs. It does not prejudge final funding decisions either up or down in the 13 regular bills, which is conductive to all involved to produce 13 bills as soon as possible. It is clean of extraneous provisions. It runs until November 13 or until all of the regular bills are signed into law, whichever is sooner, meaning that as appropriations bills are signed by the President, all the programs within that bill are taken off the table and the continuing resolution pertains only to the bills which have not yet been signed into law under the normal appropriations process.

Mr. Speaker, this continuing resolution should be passed by the House and the Senate. If that occurs the President will sign it and we will avoid any unnecessary shutdown of the Government. It will give us the additional time we need to work out our remaining individual bills.

Mr. Speaker, I strongly urge the adoption of this joint resolution.

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

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Louisiana [Mr. LIVINGSTON] for his kind comments.

Mr. Speaker, Let me simply say that I think this bill is very simple. It simply guarantees that the functions of Government will continue and that innocent Federal workers will not, through no fault of their own, be furloughed because the Congress itself has not yet completed its work on appropriation matters.

I appreciate very much the flexible attitude of the gentleman from Louisiana. As he knows I was especially concerned yesterday when things appeared to be breaking down, and I am happy that a little frank private talk could resolve those matters in a very short period of time, and I appreciate the gentleman's help in that.

Mr. Speaker, I would simply say that, as the gentleman from Louisiana has indicated, this bill creates some additional pressure on both sides, both the White House and the Congress, to finish action on the appropriation bills on which action has not yet been completed, because it contains a spending level which is lower than the level provided for in the budget resolution. It also works out a fair way of dealing with the differences in funding levels between the bills in the two Houses. It does not unfairly advantage either the White House or the Congress in the disagreements that are still pending, and I think it is well worth the support of people in this body.

Mr. Speaker, those who say that somehow the way to avoid these potential train wreck problems is some procedural fix, I would urge a bit of caution on that. It has been my experience that these bills get finished when the committee is allowed to do its work without outside forces and pressures intervening, and I think we demonstrated last year, for instance, when every single appropriation bill was passed by the House and by the Senate. If that occurs the President will sign it and we will avoid any unnecessary turmoil in the country just because there are strong differences on legislation before this body. Dick Bolling, my old mentor in the House taught me that when you do not have the votes you talk, and when you do have the votes you vote. So I would just as soon we get to the voting, as soon as the gentleman assures me there are no other speakers. Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I have one remaining speaker and, otherwise, we will not ask for additional time.

I yield such time as he may consume to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I want to congratulate the distinguished chairman of the full Committee on Appropriations for his great leadership in bringing about this step forward that we are making today, along with the help of the gentleman from Wisconsin [Mr. Obej], the distinguished ranking Democrat on the committee. These two gentlemen should be congratulated by the entire country for the work that they have done, their yeoman's work over the last several days in trying to avert the shutdown of the Federal Government.

Mr. Speaker, shortly I will offer a technical amendment to the bill to assure that international broadcasting operations under the United States Information Agency are covered under the terms of this continuing resolution.

What the amendment does is waive the provision in the 1994 International Broadcasting Act which says that no
appropriation can be provided unless previously authorized.

Since there is no authorization in place, no appropriation could be provided for the next 43 days without this waiver, and international broadcasting operations would have to shut down.

There are already waivers in the continuing resolution for all the programs at the State Department, the Agency for International Development, the Arms Control and Disarmament Agency, and other programs at USIA, but it was not right, in light of their lawyers discovered in the 1994 Act, a requirement was inserted applying to international broadcasting that requires a separate waiver.

Since then, the Director of USIA has called requesting this; the Office of Management and Budget says it is necessary; the chairman of the Committee on International Relations has requested it; and the ranking minority member of the committee has concurred.

AMENDMENT OFFERED BY MR. ROGERS

Mr. Speaker, I offer an amendment, and I ask unanimous consent that it may be considered at this point, and that the previous question be considered as ordered on the amendment and on the joint resolution in accordance with House Resolution 230.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk reads as follows:

Amendment offered by Mr. Rogers: On page 2, line 16, after "1948", insert the following: "section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236)."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Kentucky [Mr. Rogers].

The amendment was agreed to.

Mr. HOYER. Mr. Speaker, while I rise in support of the continuing resolution, I want to express my deep regret that the leadership has waited until 3 days prior to the end of the fiscal year to bring this important bill to the floor.

For the last 2 months, the Federal Government has invested an enormous amount of time and effort preparing for a possible shutdown of Government operations beginning this weekend.

While I am glad that this scenario will not occur, I very much regret the leadership's decision to allow millions of dollars to be spent in preparation for such a shutdown.

In addition to the expense, this delay has caused unnecessary worry for Federal employees in Maryland and throughout our Nation who have children to feed and mortgages to pay. Some of my colleagues may have found it amusing rhetoric to talk about a furlough of many of our civil servants, but I believe they are the wrong way to treat those who have committed their lives to public service.

A private company that treated its employees this way could certainly not expect the best and the brightest to stay on staff.

In August I pressed for the Appropriations Committee to hold a hearing on a possible shutdown. While I can think of no more important issue for the committee to consider, we have yet to have a single hearing.

On September 13, during consideration of the Treasury, Postal Service, General Government, and Independent Agencies Appropriations Conference, I offered a continuing resolution to keep the Government operating after September 30.

At that time it was clear that the Congress would not get all of the appropriations measures to the President's desk before the end of the fiscal year. Despite the fact that it was clear then that a crisis was imminent, none of the Republican House members supported my motion.

My intention in offering that resolution was to ensure that no Federal employee would be furloughed. I am pleased that the leadership has accepted my contention that no employees should be laid off even if the House or the Senate or both bodies have made substantial cuts in fiscal 1996 funding.

While I join in supporting this measure, I think we should have passed it several weeks ago. Federal employees should not have been forced to wait until today to find out whether they might next get a paycheck.

Mr. MUFUME. Mr. Speaker, I rise today in strong support of the continuing resolution and to urge its swift enactment.

This resolution I understand is a compromise worked out between the White House and the congressional Republican leadership, will allow the Government to continue to operate after the beginning of fiscal year 1996, and through November 13, 1995. The resolution will allow Federal employees to continue to go to work and collect their paychecks.

As the representative of tens of thousands of Federal employees, I can assure you that this resolution is well received. And, although I support the resolution, I would like to take a moment to reflect on why I feel that we should really be doing more. We should be exploring possible options of ensuring that Federal employees are not put in the untenable position of not knowing if they are going to have to work for a paycheck—after October 1 every year.

We may hear today that Federal employees are being used as "pawns in the budget battle." While I agree that there does appear to be some merit to that accusation, it has always been my sense that in order to use a person or a group in that fashion, you must at least be aware of their existence.

I am not convinced that the concerns of Federal employees are even being taken into account by the people who are leading the confrontations that result in furloughs. From the Republican leadership, we hear strong words about not backing down and allowing the "train wreck" to go forward. Yet I have not heard from one of these "leaders" about trying to help, or at least abate the impact of a shutdown, on the people who would be most affected.

Combine the threat of furloughs with the other proposals that have been floated this year which would have an adverse affect on Federal employees and the result is an unwarranted disrespect for the men and women who have committed their lives to this Nation. Rather than place these dedicated people on a situation of constant uncertainty, we should be thanking them for their efforts on our behalf and providing them with the benefits and security that they deserve.

There are Members, on both sides of the aisle, who have been working hard to try to ensure that Federal employees are not adversely affected by a Government-wide shutdown. I urge them to support these efforts and I certainly support them. I am hopeful that at some point in the very near future we will be successful and the budget problems that may exist between Congress and the White House do not result in sleepless nights and tension-filled days for Federal employees.

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

Mr. MFUME. Mr. Speaker, I rise today in support of the continuing resolution and hope that my colleagues will join me in working towards its swift enactment.

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

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

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

The joint resolution, as amended, was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

The SPEAKER pro tempore (Mr. Hefley). Pursuant to House Resolution 228 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. 1601.

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. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station, with Mr. Hoagin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, September 27, 1995, all time for general debate expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered to be compressed and read a third time, and passed, and a motion to reconsider was laid on the table.

H 9606 CONGRESSIONAL RECORD—HOUSE September 28, 1995
and an amendment that has been printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

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 “International Space Station Authorization Act of 1995.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the National Aeronautics and Space Administration has restructured and redesigned the International Space Station, consolidated contract responsibility, and achieved program control, and stability;

(3) the significant involvement by private ventures in marketing and using, competitively servicing, and commercially augmenting the capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners;

(4) further rescoping or redesigns of the International Space Station will lead to costly delays, increase costs to its international partners, discourage commercial involvement, and weaken the international space partnership necessary for future space projects;

(5) total program costs for development, assembly, and initial operations have been identified and capped to ensure financial discipline and maintain program schedule milestones;

(6) in order to contain costs, mission planning and engineering functions of the National Space Transportation System (Space Shuttle) program should be coordinated with the Space Station Program Office;

(7) complete program authorizations for large space programs must promote program stability, reduce the potential for cost growth, and provide necessary assurance to international partners and commercial participants;

(8) the International Space Station represents an important component of an adequately funded civil space program which balances human space flight with science, aeronautics, and technology.

The CHAIRMAN. Are there any amendments to section 2?

Mr. WALKER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

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

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

The term in section 3.

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

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term ‘‘Administrator’’ means the Administrator of the National Aeronautics and Space Administration; and

(2) the term ‘‘costliest’’ means a potential change to the program baseline documented as a potential cost by the Space Station Program Office.

SEC. 4. SPACE STATION COMPLETION COMPLETE PROGRAM AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (b), there are authorized to be appropriated by the Administrator by any involved party.

(b) CERTIFICATION AND REPORT.—None of the funds authorized under subsection (a) may be appropriated for any fiscal year unless, within 60 days after the submission of the President’s budget request for that fiscal year, the Administrator—

(1) certifies to the Congress that—

(A) the program reserves available for such fiscal year exceed the total of all cost threats known at the time of certification;

(B) the Administrator does not foresee delays in the International Space Station’s development or construction as a result of any delays relating to agreements between the United States and its international partners; and

(C) the International Space Station can be fully developed and assembled without requiring further authorization of appropriations beyond amounts authorized under subsection (a); or

(2) submits to the Congress a report which describes—

(A) the circumstances which prevent a certification under paragraph (1);

(B) remedial actions undertaken or to be undertaken with respect to such circumstances;

(C) the effects of such circumstances on the development and assembly of the International Space Station; and

(D) the justification for proceeding with the program, if appropriate.

If the Administrator submits a report under paragraph (2), such report shall include any certification under paragraph (1);

(c) Neutral Buoyancy Laboratory.—The Administrator is authorized to exercise an option to purchase, for not more than $35,000,000, a development facility, containing the Sonny Carter Training Facility and the approximately 13.7 acre parcel of land on which it is located, using funds appropriated to the National Aeronautics and Space Administration; and

SEC. 5. COORDINATED WITH SPACE SHUTTLE.

The Administrator shall—

(1) coordinate the engineering functions of the Space Shuttle program with the Space Station Program Office to minimize overlapping activities; and

(2) in the interest of safety and the successful integration of human spacecraft development with human spacecraft development with human spaceflight operations, maintain at one lead center the complementary capabilities of human spacecraft engineering and astronaut training.

SEC. 6. COMMERCIALIZING OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is to promote and facilitate commercial participation.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the submission of the President’s budget request for fiscal year 1997, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administration is advancing to encourage these commercial opportunities, the cost savings to be realized by the Administration from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States government from commercial users of the Space Station.

SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that the ‘‘cost incentive fee’’ single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial responsibility into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation’s civil space program.

SEC. 8. SPACE STATION ACCOUNTING REPORT.

(a) DESCRIPTION AND PURPOSE.—It is the sense of Congress that a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

(b) REPORT.—The Administrator shall transmit to the Congress, within 60 days after the enactment of this Act, and annually thereafter, a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

(c) Decision by Congress.—It is the sense of Congress that the cost incentives fee shall be subject to the approval of Congress.

It is the sense of Congress that the ‘‘cost incentives fee’’ single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial responsibility into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation’s civil space program.

Mr. BEVILL. Mr. Chairman, I rise today in strong support of H.R. 1601, the international space station authorization. This legislation fully establishes the space station as a national priority. In fact, it sets completion of the space station as NASA’s highest priority.

I commend the committee for crafting a bill that authorizes adequate funding to complete this project. Stable funding is essential to the success of the space station program. At the same time, we want to make sure that the project stays on time and on budget. This legislation contains those safeguards.

As you know, the space station is the largest, most expensive scientific enterprise in history. It has become a premier international undertaking with the participation of the United States, Canada, Japan, the European Space Agency, and Russia. Our international partners expect us to meet our obligations. This legislation will send a strong message that the United States is committed to completing the space station on schedule.

NASA has made great strides in streamlining the space station program. The changes have been extremely positive and excellent collaboration has been maintained. Much of the actual flight hardware has been completed and the redesign of the space station has succeeded in lowering its expected cost. The timetable for completion has been advanced and a launch schedule has been firmly established for late 1999.

The space station is important to the future of high technology in this country. It will help us advance into the 21st century and keep us on the cutting edge in our scientific endeavors.

I urge my colleagues to support this important legislation.

Ms. LOFGREN. Mr. Chairman, I rise in strong support of H.R. 1601, the international space station authorization.
Space station Freedom represents a challenge for the 21st century. Not since President John Kennedy challenged this country to land a man on the Moon has this country had such an opportunity to respond.

The space program has already given us new technologies and products that have enhanced the quality of our lives. Technological spinoffs from space research have produced important benefits for our society. The development of high-speed computers and space programs and software has improved industrial engineering. Other advances in computers, miniaturization, electronics, robotics, and materials have dramatically affected industrial production and U.S. technological competitiveness.

Advances in biomedical technology from the space program are abundant, particularly in the areas of monitoring, diagnostic, and testing equipment. Devices such as the electroencephalograph (EEG) and the electrocardiogram (EKG), pacemakers and medical scanners have their origins in equipment developed for the space program. Other medical advances include surgical tools, voice operated wheelchairs, and an implantable insulin delivery system.

New products such as photovoltaic power cells, improved thermal underwear, digital clocks, battery-powered hand tools and scratch-resistant coating for glasses are only a few of the useful innovations that are a direct result of the space program.

All of these advancements have provided great benefits to our society, but as I said during committee consideration of the space station: The truth is we don’t know all of the innovations, discoveries, and prosperity the space station will bring to us.

Detractors of the space station will argue that during these times of tough budget decisions we just can’t afford it. We have problems in this country, and we need to tend to them. Having said that, I would point out that cutting the space station Freedom is not going to solve our problems.

Our country will not be stronger, greater, braver, or more prosperous if we pull back and retreat from human space exploration.

In fact, it will be just the opposite. It is during these times of tough budget decisions that we just can’t afford it. We have problems in this country, and we need to tend to them. Having said that, I would point out that cutting the space station Freedom is not going to solve our problems.

Our country will not be stronger, greater, braver, or more prosperous if we pull back and retreat from human space exploration.

For I dipped into the future, far as human eyes could see
Saw the vision of the world and all the wonder that would be.

Tennyson held in wonder the universe—
I ask my colleagues to support space station Freedom.

Ms. HARMAN. Mr. Chairman, I rise today to support both H.R. 1601 and a strong, balanced space program.

Exactly 2 months ago, the House decisively defeated an amendment to terminate funding for the international space station. Today, we have the opportunity to pass a multi-year space station authorization bill. This legislation will provide the program with much-needed stability and will show our partners from around the globe that we are firmly committed to this truly international space station.

The bill contains an amendment I offered which was adopted by voice in the Space and Aeronautics Subcommittee, providing that the station is an important part of an adequately funded space program that balances human space flight with key science, aeronautics, and technology initiatives like the Mission to Planet Earth.

Mr. Chairman, our country needs a strong and balanced space program. The international space station needs stability once and for all. I urge my colleagues to support H.R. 1601.

Mr. DAVIS. Mr. Chairman, I rise today to express my support for H.R. 1601, the International Space Station Authorization Act of 1995. This bill gives NASA the authority to proceed with its current space station development plan, extending the authorization through complete assembly in fiscal year 2002. H.R. 1601 authorizes a total of $13.1 billion for the station, with authorizations not to exceed $2.1 billion in any 1 fiscal year. Importantly, the authorization is conditioned upon each year’s success, meaning NASA must be on time and on budget for this legislation to remain effective.

As you are aware the space station has gone through numerous redesigns since its inception in 1984, as the space station Freedom program. The redesigns and the on-again, off-again nature of space station budgets has led to increased costs. The bill before us is essential if we are to secure completion of the international space station, ensure reduced costs, and demonstrate to our international partners our commitment to completing this long-awaited project.

The international space station is the largest international scientific and technological endeavor ever undertaken. The project is taking shape not only here at home, but in 13 nations around the world. The space station will provide a permanent laboratory in an environment where gravity, temperature, and pressure can be changed and manipulated in such a way that is not possible on Earth. The opportunities for scientific and technical experimentation and for educational growth are unlimited. The space station will be the scientific testbed for the technologies of the future. It will allow us to expand our existing capabilities in areas such as telecommunications, medical research, and new and advanced industrial materials. And the technologies we develop in space will have immediate and practical applications for our citizens on Earth.

Mr. Chairman, the space station project is essential for the United States if we are to maintain our commitment and leadership in space. It will serve as the driving force for the technical R&D that will keep us competitive in the 21st century. Further, it will inspire our children, and foster their interest in space and science. I urge my colleagues to support H.R. 1601.

Mr. GANSKE. Mr. Speaker, I rise today in opposition to H.R. 1601, the International Space Station Authorization Act of 1995.

The American people are tired of Washington wasting their money on frivolous projects. Projects that begin with good intentions. Projects that grow in size and price and begin to take on a life of their own because no one has the courage to stop them.

Proponents of this bill state that we must authorize the space station for the next 7 years to demonstrate a commitment to our international partners. Meanwhile, we leave ourselves no way out should any of our partners decide to end or decrease their participation. And if they do drop out, we will be forced to increase our spending to pick up the slack, or publicly admit that we have spent billions of dollars on a failed program.

Full-program authorization is premature and ill-advised. Boeing has still not signed contracts with major subcontractors. International agreements have not been reached. Space station supporters recognize that the program may not have the financial reserves to cover cost overruns. They acknowledge that our international partners are facing budget constraints and may not be able to fully participate. What they refuse to admit is that we do not need to spend $94 billion to construct and maintain the space station until 2012 in order to demonstrate a cooperative international effort in space.

I have too many questions and far too many doubts about authorizing the space station to support a 1-year, let alone a 7-year, $13 billion authorization. We cannot afford the space station and we cannot afford to make the space station NASA’s top priority at the expenses of other worthwhile programs.

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute? The question is the on the committee amendment in the nature of a substitute agreed to.

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

The CHAIRMAN. Under the rule, the Committee rises, accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. HOBSON, 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. 1601), to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station, pursuant to House Resolution 288, 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.

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

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

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

The bill ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.
H. Res. 227

Resolved. That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1170) to provide that cases challenging the constitutional validity of measures passed by State referendum be heard by a 3-judge court. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment, in the nature of a substitute, shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend the gentleman from Woodland Hills, CA [Mr. BEILenson], pending which I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, this is an open rule for consideration of the bill, H.R. 1170, legislation to bolster in American voters the confidence that their democratic system is fair and just.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the judiciary. The rule makes in order the Committee on the Judiciary amendment in the nature of a substitute as the original bill for the purpose of amendment, and each section will be considered as read. Under this open rule amendment process, Members who have preprinted their amendments in the Record prior to their consideration will be given priority and recognition to offer their amendments if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, we are at a critical time in our Nation's history. The very institutions of American democracy are threatened with increasing public discontent, or at least apathy. Too many Americans are losing faith in our system, threatening the very foundation of the democracy that has served the people of the State can, and does, undermine public confidence in our system.

As we have learned in the State of California, special interests often shop around to find an ideologically biased Federal judge to stop State referenda from taking effect by gaining a temporary injunction pending final court action. Of course, such final action can take many years. H.R. 1170 is not an indictment of any particular judge. Nor is it an indictment of any past legal decision which resulted in a referendum in California, or any other State, not taking effect after it was passed by the State's voters. Instead, the legislation takes direct aim at the practice of judge shopping that stacks the deck in legal challenges in order to undermine the clearly expressed will of a State's populace.

For example, and this actually was really the genesis of this legislation, when the people of California approved the highly emotional Proposition 38 by an overwhelming 3 to 2 margin, a single Federal judge in San Francisco issued an injunction when the polls had been closed for 24 hours keeping the measure from ever taking effect.

It does not matter whether the injunction in that case was technically warranted. The very fact that a Federal judge with a lifetime judicial appointment can single-handedly overturn the directly expressed will of the people of the State can, and does, undermine public confidence in our system.

Using a three-judge Federal panel to determine injunctions in cases of statewide voter referenda, as they are currently employed in cases involving voting rights, is a sensible insurance policy to bolster public confidence in our democratic process.

Mr. Speaker, this rule provides, as I said, for an open amendment process. It is a fair rule, respectful of the right of every Member of this House to participate in debate.

There was no opposition to the rule in the Committee on Rules, and I look forward to rapid and bipartisan approval of the rule now so that the House can get down to the very important business of considering this bill.

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

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE: 103D CONGRESS V. 104TH CONGRESS  

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

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

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

4 A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).
Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I thank the gentleman from California for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we support this open rule for H.R. 1170, the bill mandating that three-judge panels review constitutional challenges of State referenda.

With respect to the bill itself, we are somewhat mystified at the manner in which it has moved through committee and on to the House floor.

According to the dissenting views in the committee report, the Committee on the Judiciary rushed through the hearing and markup of H.R. 1170 before the Judicial Conference of the United States had an opportunity to consider the bill and provide the committee with the benefit of its views.

The conference's official views would have been especially important to the Committee on the Judiciary in this case since the conference has consistently, since 1970, opposed three-judge courts except for certain reapportionment cases.

The 12 members signing the dissenting views noted that, and I quote them: not for the first time this year, the judiciary Committee majority has ridden roughshod over the Federal judiciary, taking action on measures with a significant impact on the workload of the Federal judiciary without waiting the short period of time it would take to permit the Judicial Conference to consider the proposal and give the Committee the benefit of its views.

Mr. Speaker, the Committee on Rules should have a fundamental concern about process, about the manner in which committees that come to us have considered the legislation under their jurisdiction.

We ought to ensure that there is no perception that the standing committees have given inadequate thought to measures they report out to the floor for consideration by the full membership of the House, that there has not been a sufficiently deliberative committee process prior to consideration by the full House.

That is especially applicable in the consideration of legislation such as this, that has no need at all to be rushed.

Mr. Speaker, H.R. 1170 was written because of frustration with the injunction granted by a federal court preventing immediate enforcement of California's proportional representation law.

As a Californian, I think it is fair to say that everyone in California, even those of us who voted against this very...
controversial immigration-related referendum, is anxious for a resolution of the matter.

It is also fair to say that many proponents of this referendum knew from the beginning that it had very serious constitutional problems and that those problems would hold up its implementation because they would have to be tested in court.

In fact, the major proponents of proposition 187 always described it as a means of sending a message to the Federal and State legislatures that they knew it would run into the very problems this bill is seeking to prevent, not only in Federal courts but also in the State courts, one of which, incidentally, has issued an injunction against its taking effect because it raised substantial questions about the State’s involvement in Federal areas of jurisdiction.

Members should also be very concerned, we think, about voting for legislation like this that would mandate an appeal to the State’s Supreme Court from the decision of a three-judge court. The Judicial Conference has argued that this procedure bypasses the screening and fact-finding that occurs at the court of appeals level and circumvents the development of legal interpretations through the various circuits.

As the Judicial Conference recently wrote, and I quote them:

“Bypassing intermediate appellate review prior to ultimate constitutionality determination of constitutional issues by the Supreme Court is an extraordinary measure that should be left to the Supreme Court in the exercise of its constitutional responsibilities.”

Members should also carefully consider whether Congress should be saying, in effect, that one method of enacting a State law is preferred over another. The premise of H.R. 1170 is that a State law enacted by a ballot measure passed by the voters is somehow more valid than one enacted by a State legislature, and that the Federal judiciary should be mandated to give preferential treatment to State laws adopted by referendum. As UCLA law professor Evan Caminker recently said, and I quote:

“It ought to make no difference that it is a ballot measure, because the people have no greater authority to transgress the Constitution than does the State legislature.”

Mr. Speaker, we do support this rule. It is an absolute rule, but we are concerned about the legislation and the need for it and the need to rush it to judgment here on the floor. We urge the adoption of the rule so that we can proceed today with the debate on this bill and, hopefully, a full discussion of what it will and will not accomplish.

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

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

Mr. Speaker, this is an open rule and does not seem to be controversial. I urge an “aye” vote on this rule. I am a strong supporter of the legislation of the gentleman from California, Mr. Bono, and should say that I believe it is a great day when Mr. Bono has seen something that he believes is wrong and needs to be corrected and has stepped forward and introduced this legislation before our Committee on Rules and will be in just a very few minutes speaking here on the floor for this legislation.

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

The previous question was ordered. The resolution was agreed to. A motion to reconsider was laid on the table.

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 1170, THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1170, pursuant to House Resolution 227 the Chairman of the Committee may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee on the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

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

There was no objection.

THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1170.

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

Under the rule, this gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD]. Mr. MOORHEAD. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 1170, which provides for a three-judge court review of statewide referenda.

H.R. 1170 provides that requests for injunctions in cases challenging the constitutionality of measures passed by State referendum must be heard by a three-judge panel. Like other Federal legislation containing a provision providing for a hearing by a three-judge court, H.R. 1170 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the populace of a State be subject to the protection of a three-judge court pursuant to 28 U.S.C. 2284 when an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

In effect, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expeditiously reviewing the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other Voting Rights Act cases.

H.R. 1170 recognizes that referenda reflect, more than any other process, the one-person, one-vote system, and seeks to protect a fundamental part of our national foundation.

Unlike other acts which provided for three-judge court consideration of constitutional challenges to State laws prior to the abolition of many such panels in 1976, H.R. 1170 is specifically limited to State laws which are voted on directly by the entire populace of a State. This legislation is closely paralleled by apportionment and Voting Rights Act cases which traditionally have been granted three-judge court panel consideration by Congress because of the importance of such cases and because such cases are presented so rarely that they do not produce the same burden on the courts as cases which involve constitutional challenges to general State laws passed by the ordinary State legislative process. Thirty-six States have some sort of referendum system.

A Congressional Research Service survey conducted on March 9, 1995, reveals that over the past 10 years, only
10 cases in the Nation would have been eligible for review by the three-judge court procedure provided under H.R. 1170. Given that this statute would only require a three-judge panel in actions for injunctive relief which attack the constitutionality of a State or referendum, the burden on the judiciary as a result of this legislation is very small. The importance of this bill to Federal-State relations, however, is great.

H.R. 1170 will assure that State laws adopted by referendum or initiative, reflecting the will of the electorate of a State on a given issue, will be afforded greater reverence than measures passed generally by representative bodies because of their importance and their expression of the direct vote of the populace of a State.

The use of a three-judge court is imperative to the proper balance of State-Federal relations in cases such as these where one Federal judge can otherwise impede the direct will of the people of a State because he or she disagrees with the constitutionality of the provision passed. A three-judge court panel will help to provide fairer, less politically motivated consideration of cases.

Mr. Chairman, if a law passed directly by the majority of the people of a State is unconstitutional, then the people have a right to a final decision on the merits as soon as practicable. H.R. 1170, as reported by the Committee on the Judiciary, will safeguard the direct expression of democracy, and preserve individual voting rights.

I urge a favorable vote on H.R. 1170.

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

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

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

Mrs. SCHROEDER. Mr. Chairman, to this bill, can I ask my colleagues, let us talk? I mean, this sounds like something very easy, but it is very complex and I think it is not a solution for the problem that some are saying it is.

My fear is, whenever we adopt something telling people we have just solved a problem and then they later find out we have not solved it at all, it only builds voter frustration.

It is very clear that this bill arose out of Californians’ frustrations with having passed proposition 187 and then having had a Federal judge say that that proposition was unconstitutional. Listen to the words, that is what they are saying. So they are saying, well, that judge was probably biased and what we really need is a three-judge panel and that would not happen.

It is very easy, because this would not have solved, if we had this on the books at the time that proposition 187 went to the courts, this would not have solved that problem.

No. 1, the State court judge also held it was unconstitutional. This goes to the Federal court, so it would not have done anything about the State court. No. 2, enough time has passed so the Federal judge who held it was unconstitutional is no longer on the court of appeals, which are three Federal judges, and they unani-

mously held it was also unconstitutional. So we have the State court saying it is unconstitutional, we have the Federal court holding it is unconstitutional. And to stand up and say that if we pass today a bill 1170, which will solve these kind of issues, is really, I think, not accurate.

Now, let me also say there are some other problems with this bill. We are saying to the States that if a legisla-

ture passes a bill to which citizens have a challenge on constitutionality, that will be treated differently than if there is a referendum.

Now, we are saying the Constitution is the Constitution, and the courts are the courts, and why isn’t a constitutional issue, whether it is passed by the legis-

lature or passed by referendum, equally as important to deal with in the same manner? I do not agree with that, and I think people would think there is an awful lot of arrogance if we start deciding one requires more judges than the other or whatever.

There are other problems with this. In 1976, both the House and the Senate, I believe unanimously, repealed this very same procedure on a three judge court. Why? Well, there was all sorts of rhetoric at that time about how it was the worst idea that ever happened, because what we are really doing today by going back and undoing what we did in 1976 is we are mandating that Federal courts have to act a certain way. Everybody talks about mandates, and one more time we have got one branch mandating on another branch and how they are going to allocate their re-

sources. On the one hearing that we did have, the Federal courts were very clear that these three judge panels are very difficult to deal with.

Why? Because each judge in every Federal circuit is up to here with their agenda. They have got drug cases, criminal cases, all sorts of cases. There is no American that does not know we have a terrific backlog and all sorts of pressures in the Federal system. If instead of going to one judge you now have to pull three judges out of their courtroom and you have to put this at the front of everything, you are going to be delaying all sorts of other issues and all sorts of other progress, and you are not giving the courts the resources, you are not doing everything else.

So this is a judicial mandate. The Federal courts have spoken very clear-

ly through their policy branch, under Justice Rehnquist, who is not a left-

leaning liberal, for heaven’s sake. They have spoken very clearly that they think this is not the right bill; this is

the wrong bill. They hope people vote against this bill because of the tremen-

dous management problems it will give the Federal courts.

When you look at many of the other issues around, you find that the other bill does not. So, one of these coming from a referendum will go from the three-judge panel right to the Supreme Court, and that the Supreme Court will not have any option as to whether or not to take the case. They must take the case. We are also mandating the Su-

preme Court must have to do this.

Now, this is also very critical, because I think, again, every American knows there are all sorts of issues that want to get to the Supreme Court. The Su-

preme Court has a process. This will be much more complex for the Supreme Court to handle than any other case, because any other case comes to the Supreme Court with an appellate deci-

sion from an appellate court. This will be an appellate-type decision. This will be a district court-type decision with three judges trying to decide what the rules of evidence and every other issue must be.

Imagine three Judge Ito’s. That is kind of what you are going to have here, and that is a very different proc-

ess. So you are going to get an entirely different kind of record that is going to be much more difficult for the Supreme Court to handle.

One of the great things in this coun-

try has been the Constitution has not been a rough draft. I always thought we in this body said we were to protect and defend the Constitution. Appar-

ently some people think it is protect and amend. But I feel very strongly that, yes, it is frustrating sometimes; there are other problems with this bill, whether or not it is a rough draft, whether or not people can amend it simply by having a refer-

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endum.
did the State judge and so did now the court of appeals. So now we are going to try and tell them, well, that Federal judge was wrong, the court of appeals was wrong, the State judge was wrong, and, if we only had this process, it would yield a different answer. No, I do not think they would.

In the interim we are going to mess up this whole thing. You are going to hear on the other side too “forum shopping, forum shopping, forum shopping.” If that is truly your concern, we have an amendment that would limit this process to circuits where they do not apply and put the judge on according to the normal way.

When this case came to the district in California where it was assigned, there were 25 judges on that bench and it was assigned in the normal rotating way. So if you said you were forum shopping for a judge, I do not know how you could do that. If there are 25 judges there and they are assigned routinely in a rotating manner.

But I will offer an amendment when we get into the amendment process that will fix this so that the last are any circuits where there are just one or two judges, so you could forum shop, or where there is any circuit where they do not use the traditional rotation, then, of course, you could have this process, and it would keep people from forum shopping.

That will go right directly to the forum shopping. But other than that I think this is much too broad. It is like shooting flies with an automatic weapon. You are not going to get the fly, and you are apt to do a lot of other damage.

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

Mr. MOOREHEAD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Bono].

Mr. BONO. Mr. Chairman, first of all, I would like to say that this is a tremendous honor for me, because the last thing I thought I would be doing at this time in my life is being a Congressman. These kind of things only happen in America. It is so magical that a citizen can have views, and then decide to get involved, and then decide they are willing to make the effort to get elected, and then get elected, and then submit bills that you think will improve the country or contribute to the country and the society.

So, for me, this is the first time for me. For me to come here and make this contribution to my country is a tremendous honor, and I will never forget it.

In this case, being a Californian, I saw the people speak. Five million people spoke, and they believed in something. They went to the polls and they turned out in droves. They had a comment, and they had a feeling, and they decided they wanted a change. They were so dedicated that they themselves put their signature on the change that they wanted in our country, and that part worked fine.

But after that part, what happened is someone who opposes their view, is very politically savvy, and very legally savvy, and knows the ins and outs and how to do something, so they forum shop.

Well, I did not even know what forum shopping means. But forum shopping is going to an area or a district where the judge is sympathetic to the opposition, and decides to help the opposition and bury the very referendum that was voted on by the people.

So this injustice has been going on. And it occurred to me that if the people speak, we represent the people, and their voice is the most important voice of all voices, and if we do not represent their voice and if we do not fight for what they believe in, then we are not doing our job. This all becomes a charade and a game.

Not being a politician, but being a very patriotic American, I want to fight with them as well. So now here I am able to carry the banner for them, and I have come up with a bill that I think will eliminate this injustice that occurs now when the people speak. It is important not being able to go to one Federal judge who has an opposing opinion and have him bury that referendum, which, by the way, is still tied up in the courts, it will require three judges. That will give that referendum an opportunity to be represented more fairly, because it is going to be hard to get three people that are biased the same way.

So with all the legal rhetoric that the gentlewoman has given us, we know, there is legal rhetoric, and then there are the facts. And fact is that this is a game, and the game is if you lose at the polls, we have got another angle. We will get it to a judge who will bury the case.

Those are the kind of things that we want to get rid of. Those are the reasons that I ran for Congress and now am a Member of Congress, with great pride.

So as a first effort, and as my very first bill, I am asking this Congress to vote for this bill and correct this injustice.

Mrs. SCHROEDER. Mr. Chairman, yield myself such time as I may consume, only to say my understanding was that while the gentleman is saying there was judge shopping, this case went to a district that had 25 judges, sitting judges, and that it was random judge in there. Then it was appealed to a three Federal judge panel at the Court of Appeals, two of whom were known to be very conservative.

Mr. MOOREHEAD. If the gentlewoman will yield, I want the gentlewoman to know the California situation is not the reason that I am so strongly in favor of this bill.

Mrs. SCHROEDER. Mr. Chairman, re-claiming my time, what the other gentle- man from California said, he did this because of judge shopping. I know the gentlewoman knows that the districts in California are run the way Federal dis-tricts are supposed to be run.
to report. There can not be any in
lection because it is random. So at
end of the day we are left here with
the conclusion that it is not good policy
to mandate greater use of the three-judge
panels.
That is why this Congress, on a bi-
partisan basis, repealed almost all of
the three-judge provisions in 1976. That
is why the judicial conference, which
must live with the burdensome require-
ments of this proposal before us, and
the administration strongly oppose the
bill. The judges that have ever heard of this proposition are out-
ragged that we would be moving back to
pre-1976 to try to get back at a pro-
posal in California that we felt badly
that it was improperly worded and we
held unconstitutional.
Mr. Chairman, the real tragedy, how-
ever, is the bill’s proponents would
have the voters believe that we are
taking some magic action that will
allow for fair and more expeditious legal
challenges of State referenda. When they learn this is not the case,
the blame will rightly lay with this
body, so oppose H.R. 1170.
Mr. MOORHEAD. Mr. Chairman, I
yield 2 minutes to the gentleman from
California [Mr. DREIER].
(Mr. DREIER asked and was given
permission to revise and extend his
remarks.)
Mr. DREIER. Mr. Chairman, I want
to extend congratulations to the gen-
tleman from California [Mr. BONO], my
friend from Palm Springs, for the val-
ant effort he has put into the legisla-
tion. As I was saying during manage-
ment of the rule, he saw a wrong and
decided to right it and he stepped for-
ward and I am pleased we are able to
proceed with this legislation.
I have been listening to debate here,
and one thing that needs to be under-
scored is the fact that the U.S. Con-
gress has consistently maintained the
use of three-judge panels when it comes
to issues of voting rights an voting pro-
cedure, and this legislation we are con-
sidering here today simply moves into a
very small and limited areas that
same provision.
Mr. Chairman, some have said this
would be a tremendous burden. Well,
we have seen 10 of these cases over the
last 10 years. I think that as we recog-
nize that, this is a very responsible
route to take.
One of the questions that was raised,
Mr. Chairman, and this was given to
me by the gentleman from California
[Mr. MOORHEAD], the subcommittee
chairman, was why should legislation
passed by statewide referenda be af-
forded preferential treatment? The an-
swer is, in this concurring opinion in
Baker versus Carr V regarding apor-
tionment.
Justice Clark explicitly recognized
the similarity between State referenda
and the protection provided by the con-
stitution against state of unfair apor-
tionment. By use of a referendum, a
State is reapportioned into a single
voting district to vote directly on leg-
islation. When the population exercises
its individual vote, that process is re-
vered as a cornerstone of our democ-
acy. For that reason, apportionment
cases go to a three-judge panel for the
same reason the cases falling under H.R. 1170 should go to a three-judge
panel.
This is very important legislation. I
again congratulate the gentleman from
California [Mr. BONO] for having the vi-
sion to introduce this measure and I
urge my colleagues to support it.
Mrs. SCHROEDER. Mr. Chairman, I
reserve the balance of my time.
Mr. MOORHEAD. Mr. Chairman, I
yield 2 minutes to the gentleman from
Indiana [Mr. BUYER].
Mr. BUYER. Mr. Chairman, it is al-
most comical to me, because the gen-
tleman from California almost gave my
speech. I think that as I sit listening to
the gentleman from Michigan, Mr.
CONYERS, even Mr. CONYERS, I do not
think, would advocate—matter of fact,
I will ask the gentleman.
I do not think the gentleman advac-
dates, whether he does or does not, set-
ing aside the mandatory three-judge
panel under the 1965 Voting Rights Act.
Would the gentleman be in support of
that or not?
Mr. CONYERS. Mr. Chairman, if the
gentleman would yield, no, I supported
leaving it like it is.
Mr. BUYER. Mr. Chairman, the gen-
tleman has indicated for the 1965 Vot-
ning Rights Act.
Mr. CONYERS. If the gentleman
would continue to yield, does he?
Mr. BUYER. Mr. Chairman, I do also.
I listened to the gentleman’s arg-
ments, and I wanted to make that
clear.
Mr. WATT of North Carolina. Mr.
Chairman, will the gentleman yield?
Mr. BUYER. I yield to the gentleman
from North Carolina.
Mr. WATT of North Carolina. Mr.
Chairman, I thought it might be help-
ful for the gentleman from Indiana
[Mr. BUYER] to refer back to the histori-
cal and factual background in which the
three-judge panel for voting rights
cases was adopted initially. If the gen-
tleman is interested in that, I would be
happy to tell him. It had nothing to
do with this kind of situation.
Mr. BUYER. Mr. Chairman, reclaim-
ing my time, the three-judge panel
is important because not only do we have
the nexus of the 1965 Voting Rights Act,
but we have that of the gentle-
man from California [Mr. DREIER]
refered to when we have a State ref-
erendum. We have voters acting as one
voting block, so there is a nexus. And
I compliment the gentleman from Cali-
ifornia [Mr. BONO] for drafting this leg-
islation.
Mr. Chairman, this legislation recog-
nizes the nexus and the needs for the
three-judge panel. Whether we want to
debate this issue about the forum shop-
ing or not, I think when we have the
people’s voice, we must respect the
people’s voice under the law.
So often, Mr. Chairman, people like
to talk about the fact we have a de-
mocracy in America. We do not have a democracy, we have a republic, a na-
tion of laws, not of people, for the pre-
servation of the rights of the minority.
When we have a State referendum act-
ning with that nexus we are talking
about, I think it is important to have
the three-judge panel so we do not have
this debate about whether they are act-
ing as capricious or arbitrary authori-
ties. I think it is imprudent and it
would be an imprudent exercise of Fed-
eral power.
I compliment the gentleman from
California [Mr. BONO] for his legisla-
tion and urge its passage.
Mrs. SCHROEDER. Mr. Chairman, I
yield 10 minutes to the gentleman from
North Carolina [Mr. WATT].
Mr. WATT of North Carolina. Mr.
Chairman, I thank the gentlewoman
for yielding me time and being gener-
ous with her time, and I will try not to
use the entire time but I think this is an
important issue.
I rise in opposition to the bill which
is under debate at this time. The gen-
tleman from California [Mr. BONO] ap-
parently thinks that because he does
not like the result that a court gave
changing the process by which the
court got to that result is the appro-
ciate thing to do.
I will submit to the gentleman that,
first of all, I never, ever got a spanking
when I was growing up that I liked the
result of, but I never had the opportu-
nity to go back and say, I want three
mothers or fathers to make this deci-
sion about whether I get a spanking or
not just because I did not like the re-
sult.
Mr. Chairman, I do not like the re-
sult when I get stopped by a highway
patrolman out on the highway and get a
traffic ticket.
Mr. HOKE. Mr. Chairman, will the
gentleman yield?
Mr. WATT of North Carolina. I will
not yield. The other side has plenty of
time over there. I will be happy to
yield after I get through making the
points I want.
I do not have the right to ask for
three highway patrolmen to come out
on the street and decide whether it was
proper for me to get a speeding ticket
just because I do not like the result.
Mr. Chairman, what the gentleman
from California [Mr. BONO] is proposing
is tantamount to the same thing. We
do not have the resources to bring to
bear on the traffic ticket that I get out
there.
Mr. DREIER. Mr. Chairman, will the
gentleman yield?
Mr. WATT of North Carolina. Mr.
Chairman, would the gentleman please
stop interrupting me? I will yield at
the end of my presentation.
The CHAIRMAN pro tempore (Mr.
Ewing). The gentleman declines to
yield. The gentleman from North Car-
olina will continue the more of his
presentation.
Mr. WATT of North Carolina. Mr.
Chairman, I will yield at the end of my
presentation. If the other side is going
to interrupt me every time I get into the middle of a sentence, then I am going to do the same with them.

Mr. DREIER. Mr. Chairman, I have asked the gentleman to yield one time. Mr. WATT of North Carolina. Mr. Chairman, I want to go back to the point. We have three biases in a situation where a referendum has been held rather than one bias. I did not realize that our Federal Judiciary consisted of any biases. We go through a rigorous process of trying to select the best judges we can select, and we have a very intense process of appeals to the court of appeals, to the Supreme Court of the United States.

There are always appeals in the process if we do not like the process or bias of that particular judge. So this notion that we ought to bring three biases to bear in a referenda issue rather than the bias of one judge, I hope we do not bring any biases to bear. If they are looking at the Constitution and interpreting the Constitution in the way that the U.S. Supreme Court has indicated the Constitution ought to be interpreted, and in the way that we know is correct, then it ought not be a question of whether there are any biases or not.

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

Mr. WATT of North Carolina. Mr. Chairman, regular order. I will be happy to yield to the gentleman at the end of my presentation.

Mr. Chairman, if the gentleman from California [Mr. DREIER] wants to play this game, I am going to do it to him when the gentleman gets up.

Mr. DREIER. Mr. Chairman, I am used to it.

Mr. WATT of North Carolina. Mr. Chairman, I will be happy to yield to the gentleman at the end of my presentation.

Mr. Chairman, the third point I want to address is this notion that we ought to, basically, dictate to States that they have referenda in their States, rather than deciding their State's policies through the regular legislative process.

If we say we are going to provide a three-judge panel if they have a referendum, then we pass around every day what is constitutionally suspect, then all we have done is we are going to give the States that have a preference for referenda some kind of deference. That ought not to be the case. There are States who do not submit issues of this kind, or any other kind, to State referenda. In North Carolina, we seldom have a Statewide referendum on any issue. That is what we elect State representatives for, to go and make public policy, and we ought not give a referenda State any greater deference than we give the regular legislative process.

Finally, Mr. Chairman, and then I will be happy to yield to the gentleman, and I will be happy to engage in whatever dialog the gentleman wants, and I hope the gentleman will yield to me and we can engage in it on his time.

Mr. Chairman, let me talk to my colleagues about the historical background for having a three-judge panel in voting rights cases. The Voting Rights Act was adopted in 1965, in the midst of overt racial discrimination in the South.

It applies, primarily, to southern States. All of the judges in the South were from the part of the South that was set up to try to get those racial biases out of the process by bringing more people to bear on it. There was a historical record of why it was necessary.

Mr. Chairman, there is no record of anybody discriminating against the State of California. Nobody has come in here and said that the judges have discriminated against the State of California.

The State court in California also held unconstitutional this proposition that you are concerned about the result of. The Federal court held it unconstitutional, and the State court held it unconstitutional.

So, are we asking for a three-judge panel in the State courts of California also? Are we accusing the State courts of discriminating against California?

There was a factual basis for a three-judge panel in voting rights cases. There is simply not that factual basis in this case.

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

Mr. WATT of North Carolina. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank the gentleman from North Carolina [Mr. WATT], my friend, very much for yielding and I compliment him on his statement even though I have disagreement with it.

We need to realize that in cases of voting rights, Baker verses Carr.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, are we going to have a three judge panel in the gentleman going to give a speech? If the gentleman is going to give a speech, I want the gentleman to do it on his time.

Mr. DREIER. Mr. Chairman, I was going to respond to the three mothers and the three highway patrolmen, but if the gentleman does not want me to, that is fine.

Mr. WATT of North Carolina. Mr. Chairman, I yield back the balance of my time, since the gentleman from California does not want to engage in a dialog; the gentleman wants to make a speech.

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. Hoke].

Mr. HOKE. Mr. Chairman, I want to respond to a couple of things the gentleman from North Carolina [Mr. WATT] said. It is perfectly legitimate, it is utterly appropriate that we would actually give a preference to referenda, popular referenda, State referenda, because that is the only instance in which the people speak themselves. It is the purest form of democracy that we have got and we ought to do everything in our power to protect that, to give assurance to the people, to let them know, without any question, that that will be respected and that will be given a preference, if you will, and a larger standing or a higher standing than the legislative process.

Mr. Chairman, what happens in the legislative body? People get elected and they make decisions as representatives, but in a referendum it is the only time that we actually have a small equivalent of a statewide town meeting. We have a situation in California where there were 5 million people and their voices was then drowned out by one individual.

The fact is, and the gentleman from North Carolina brings up a good point, the fact is that we are obviously admitting that there are the possibilities of imperfections in our Federal judiciary and that we are going to do a better job of dealing with those imperfections in a way that spreads it out, that balances it out, so that we cannot have an abuse and so we cannot have a forum shopping situation where we look for a particular judge.

We work specifically and hard to make sure that there is not only the reality of fairness but, in fact, the perception of fairness. Because this is the way that we ensure that these Democratic institutions have the confidence of the people.

Mr. Chairman, the other thing I would like to say is that I find it a little bit silly to listen to the fiscal responsibility argument regarding this; that somehow we cannot afford—in the handful of cases that will be brought up under this across the country—we cannot afford a three-judge panel instead of a one-judge panel to decide these matters.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I have asked the gentleman to yield one time. The other Republicans tell us every day that we have referenda, we have pass around every day what is constitutionally suspect, then all we have done is we are going to give the taxpayers' money.
Mr. HOKE. Mr. Chairman, reclaiming my time, of course I am not saying that. What I am saying is that the benefit far, far, far, outweighs the burden.

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

Mr. WARD. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, what I think we are seeing on this side of the aisle is that we had about 5 million Californians overridden by 1 judge. Prop 187 was approved by an overwhelmingly majority of Californians, and a couple of other issues. We are just saying that is wrong and we would like to make sure that that does not happen again.

Mrs. SCHROEDER. Mr. Chairman, could I inquire, please, of the remaining time on both sides?

The CHAIRMAN (Mr. Ewing). The gentleman from Colorado [Mrs. SCHROEDER] has 6 1/2 minutes remaining and the gentleman from California [Mr. Moorehead] has 16 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, could the gentleman from California use a little more of his time, because the remaining time is unbalanced.

Mr. MOOREHEAD. Mr. Chairman, may I inquire how many speakers the gentleman has?

Mrs. SCHROEDER. At least one, and maybe more.

Mr. MOOREHEAD. Mr. Chairman, I would like to get to the heart of the question and the gentleman have 10 minutes remaining for one speaker to speak and we have nothing.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mrs. Seastrand].

Mrs. SEAstrand. Mr. Chairman, I rise in strong support of H.R. 1170. As was mentioned, we talk about 5 million Californians speaking out last year in support of an initiative that passed by overwhelming majority and 1 man silenced their voice. If there is one thing I hear on the central coast of California, our constituents are very concerned, whether real or not, about the shopping for a judge that is going to come out with a decision that is opposite the majority voice on this. Whether it is real or perceived it is there.

State referenda are special. They allow, more than any other process, the direct will of the majority of citizens in that State to be heard. I do not believe any single person without accountability to anyone should have the power to dismiss that will.

Mr. Chairman, under the current system, a single judge can suspend the direct will of the majority of citizens so that the people decries them. But the gentleman from California, [Mr. Bono] could answer some questions about the exact language of the bill.

Mr. Chairman, on line 11 of page 2 of the bill, the gentleman from California [Mr. Bono] mentioned that these cases would be heard by a three-judge panel, and then appealed only directly to the Supreme Court. I wonder what is his understanding correct?

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

Mr. WARD. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, the gentleman is correct. Under U.S.C. 2284, that is the procedure.

Mr. WARD. Mr. Chairman, I wonder if the gentleman would ask, what kinds of cases are sent directly to the Supreme Court.

Mr. BONO. Mr. Chairman, the gentleman is welcome to make any amendments the gentleman cares to. However, it is a very simple bill. It represents the people of America. It is uncomplicated. I am not a lawyer, but I feel very strongly that the people deserve this representation. And it goes to constitutionality. It really, in my view, does not need any altering.

Mr. WARD. But the gentleman is saying I may offer any amendment I wish?

Mr. BONO. That is what an open rule means.

Mr. WARD. Would the gentleman not be supportive? As the gentleman knows, there is no text of an open rule. We still have to have the assent of the sponsor of the bill in order to offer an amendment which is not beat on a party line vote.
Mr. BONO. As I said before, it is simple, very clear. If the gentleman wants to submit an amendment, fine. Otherwise, I really would like it to stand as it is.

Mr. WARD. Mr. Chairman, I understand it is a very clear bill. It is very straightforward. There are actually a couple other questions I might ask, if I can seek the gentleman's indulgence in that.

Mr. BONO. Mr. Chairman, what is being displayed before America right now is the thing that they hate. That is lawyers in Congress dealing with rhetoric rather than substance and discouraging Americans in believing in Congress.

Mr. WARD. Mr. Chairman, if I might respond to the gentleman, my only comment would be, first, I am not a lawyer. I am a citizen legislator, as I expect the gentleman is, but I think that we need not denigrate the decisions we are making by saying that only lawyers would care about these decisions. These are laws which will affect every American. We cannot say, this is just a simple law; let it slide through. What are we going to do about cases that also deserve to go directly to the Supreme Court?

Mr. MOORHEAD. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BONO].

Mr. BILBRAY. Mr. Chairman, I would like to thank the gentleman from California [Mr. Bono] for bringing forth this proposal, because I think it really is a determining factor of the credibility of our democratic processes that we have not only here in the United States but I think we need to recognize in many parts of our States separately.

Mr. Chairman, this is not about 187. That is water under the bridge. But it is about the credibility of the Federal Government's commitment to the right of voters to have that right executed, the voting rights concept.

There is no desire to deny a citizen the right to able to express themselves through the ballot box. One way is the old way that was addressed in 1965. That is not allow them to the ballot box at all. Never let them drop their vote certificate in that. That was addressed in the 1965 law. But now we have this new insidious approach that says, let us wait for them to drop the ballot in the box and then let us erase every ballot in that box by going to one judge who will override the democratic process by that judge's own process.

For good reason in the 1970's, we pointed out that we needed, in 1976, that the need to make sure that we defended this most sacred right of democracy, the right to express yourself at the polls by having a three-judge requirement. And we can talk all we want, about that it is only one part of this country that law was meant to apply. Have theory, the last part I read the law, it applies to us all, and it applies to California, Michigan, Connecticut, and, yes, to Louisiana.

We are asking, with this law that Mr. Bono has brought up, that we defend the whole foundation of democracy just as much after the ballots have been dropped as we have before the ballots. I think that it is appropriate that we follow through. I am rather distressed that democracy, as we know it, can somehow be expendable. I ask those who claim to be from the Democratic Party to one time stand up and support the gentleman from California [Mr. Bono] in his rational and logical defense of the democratic process.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentlewoman from Colorado both for her work and her sincere work on this issue.

I would simply like to note that members of the Committee on the Judiciary are entrusted with the responsibilities of justice, as well as the responsibilities of overseeing the full justice system, as it relates to the courts, both lawyers, nonlawyers and the courts are opposed to this particular legislation.

I would like to ask, if I could, the sponsor of this bill, my colleague, the gentleman from California [Mr. Bono], if he would again answer an inquiry that I have concerning this legislation.

I would simply like to ask the gentleman a yes or no question.

If, in fact, this proposition had been ruled on, if the decision in the 187 proposition in California had been ruled on, I assume, in the gentleman's favor, the gentleman would have not offered this legislation? I ask that question because clearly the U.S. judicial conference has stated that this is a bureaucratic piece of legislation that would clog up the Federal courts.

I know the gentleman to be a person that wants to unclog the courts, wants to ensure that people do have reasonable concern to justice.

My concern is, is this an isolated incident of which the gentleman is now trying to create legislation to, in his opinion, correct?

Mr. BONO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, if I understand the gentlewoman correctly, this certainly is not retroactive to prop 187; 187 is now the law.

Ms. JACKSON-LEE. Mr. Chairman, but would the gentleman have promoted this legislation if the decision by that judge had been one that the gentleman would have considered favorable?

Mr. BONO. Mr. Chairman, if the gentlewoman will continue to yield, would she restate that again?

Ms. JACKSON-LEE. Would the gentleman have promoted this legislation if in fact he had gotten what he would consider a favorable decision?

Mr. BONO. Mr. Chairman, I would stand behind this legislation any time.

It is bipartisan, in my view, and it represents the public. So the referendum is a side issue.

Ms. JACKSON-LEE. Reclaiming my time, Mr. Chairman, I think the point is that the gentleman did not answer the question directly.

Mr. BONO. Mr. Chairman, I said I would support it.

Ms. JACKSON-LEE. Was the genesis of the gentleman's interest the fact of prop 187, which denies rights to those children and adults in California needed social services?

Mr. BONO. Mr. Chairman, that is a whole other discussion.

Ms. JACKSON-LEE. Mr. Chairman, the judicial Conference of the United States, the U.S. judicial policymaking group, declares that this would be a horror story for the Federal judiciary. The Conference stated that it would be difficult to manage. The legislation would cause scheduling problems, consume limited judicial resources, of which many of the Republican Congress saw they would not support, and, frankly, it would clog the Supreme Court and take away from them the discretion of making determinations on which cases to hear.

I see no judicial basis in having this legislation passed other than disgruntled representation from one State suggesting that they want to have one court decision over the decision the federal court in their jurisdiction fairly rendered.

The other point that I would to end on is that this is not forum shopping. The judge in the 187 case made a fair and impartial decision. We in the legislature now, with this legislation, are trying to detract from an independent, unbiased decisionmaking. I think that is poppycock. I ask my colleagues, to vote this bad bill down.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise to support this very excellent legislation of the gentleman from California [Mr. Bono].

This legislation will enhance our system of checks and balances by establishing three-judge courts under limited circumstances, which are where injunctive relief has been requested regarding a voter approved initiative. As Thomas Jefferson said, Mr. Chairman, trust not to the good will of judges but bind them down by the chains of the Constitution. This bill takes us 10 steps in that direction.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, this was the judge's decision based on the Constitution in this case. Is the gentleman saying that we should disregard the judge's decision based on the Constitution?

Mr. DOOLITTLE. Reclaiming my time, Mr. Chairman, I am saying it
Mr. MOORHEAD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to make it clear that this proposition, this bill, does not apply to proposition 187. Proposition 187 is gone. It has nothing to do with it whatsoever. Only future cases in other States where problems arise; they can be on the right or left. It cuts both ways. They can get judges that are far to the right and those that are far to the left.

The question has been raised as to whether this procedure is too difficult. It is not. The procedure already exists for similar cases and is used more in Voting Rights Act cases and apportionment cases than would be used in referendum cases.

Mr. Chairman, I rise today in strong support of H.R. 1170. As a strong supporter of proposition 187, which was overwhelmingly passed by the people of California in 1994, I was deeply disappointed by the abuse of power 1 judge can have over the will of the people. Proposition 187, which was overruled by a three-judge panel, should exist for statewide referendum on the same principle—the right to vote.

Again, Mr. Chairman, I call upon all of my colleagues to act in good faith and return the right to vote to the people in California and all the States by passing H.R. 1170.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that is printed in the designated place in the Congressional Record. Those amendments will be considered.

Pursuant to the order of the House of today, 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 made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting my 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 question in any set of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. 3-JUDGE COURT FOR CERTAIN INJUNCTIONS.

Any application for an interlocutory or permanent injunction restraining the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground of the unconstitutionality of such State law unless the application for the injunction is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2281(b)(1) of United States Code, as soon as practicable, and the court shall expedite the consideration of the application for an injunction.

Mr. MOORHEAD. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.
The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

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

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "State" means each of the several States and the District of Columbia;

(2) the term "law" means the constitution of a State, or any statute, ordinance, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto;

(3) the term "referendum" means the submission to popular vote of a measure passed upon or proposed by a legislative body or by popular initiative.

SEC. 3. EFFECTIVE DATE.

This Act applies to any application for an injunction that is filed on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: In the first sentence of section 1, strike "Any application" and insert "(a) GENERAL RULE.—Subject to subsection (b), any application:"

Add the following at the end of section 1:

(b) APPLICABILITY.—Subsection (a) applies only to—

(1) any case filed in a judicial district, or a division in a judicial district, that has only 1 sitting judge; and

(2) any case that is filed in a judicial district with more than 1 sitting judge but is assigned to a judge in any manner other than on a random basis only.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

There was no objection.

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

Mrs. SCHROEDER. Mr. Chairman, this amendment takes this case, or this bill, and it applies it to the case that many have alleged they are most concerned about, and that is the issue of judge shopping. What my amendment says is that, if this procedure may go forward wherever there is just one or two judges in that district, so obviously one could pick it or where they do not use randomly applied, normal procedures for assigning the case inside the circuit. So, if there is any evidence of forum shopping, then this procedure comes forward because on that issue I think the gentleman from California has a legitimate concern.

My understanding is that in proposition 387, no matter what they say, it was an district with 25 judges, and they were randomly assigned. But if there are districts with one judge, of which of course there are, and if there are districts, and I do not know if there are, that do not use random assignment so forum shopping would be possible, then this is insurance against forum shopping because forum shopping really would corrupt justice. So I think that this amendment then brings down the inconveniences this bill might impose on certain circuits to just those who were really trying to misuse the system.

What are we hearing? We are hearing today that what people are really mad about is that American citizens have the right to challenge a referendum in the courts, and since nobody wants to take away the right of the citizen to challenge the referendum, we are now blaming the judge. But in the case of 187 it was not only one Federal judge. It ended up at this point being four Federal judges because it went to the three-judge panel of the court of appeals and also the State judges. So all of those agreed that whoever brought the appeal this appeal was that, that I do not think anybody wants to take that right away from American citizens to challenge anything if it violates their constitutional rights.

Now the second thing and the reason I think it is so important to narrow this bill is that, if we pass this bill, and it is really going to impact just certain circuits because there is just a handful of circuits where the referendum process is so problematic, but in those circuits each single time we call one of those three-judge panels what we are going to do is close down three courts to drug cases, three courts to crime cases, three courts to all the other cases on the Federal docket that are so critical.

At the same time we are going to be showing these cases right at the Supreme Court, and they will be given absolutely no discretion as to whether they take them up or not, and they will be having to take them up within an entirely different record, not the appellant record they usually look at, but a much more complex record, and so they will be shutting out the ability of the Supreme Court to look more fairly and openly at the whole range of issues that come in front of it.

All of us know that every year there are more and more and more appeals to the Supreme Court, but there is just a very limited number they can take, and they are on critical constitutional issues that are under dispute about. We hear a lot of debate about that, and so should we give this specific referendum a very special pass? We are giving them the golden keys to the Supreme Court.

They can then unlock the Supreme Court, but there is just a handful of circuits where the referendum process is so problematic, but in those circuits each single time we call one of those three-judge panels what we are going to do is close down three courts to drug cases, three courts to crime cases, three courts to all the other cases on the Federal docket that are so critical. At the same time we are going to be showing these cases right at the Supreme Court, and they will be given absolutely no discretion as to whether they take them up or not, and they will be having to take them up within an entirely different record, not the appellant record they usually look at, but a much more complex record, and so they will be shutting out the ability of the Supreme Court to look more fairly and openly at the whole range of issues that come in front of it.

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Mr. HYDE. Mr. Chairman, I am reading her mind and assuming that is what she really wanted.

Mrs. SCHROEDER. Absolutely. I am delighted, and I think the gentleman would admit that people do have that right, as the three-judge panel. They could appeal it to the Court of Appeals, and of course in this case on 187 they did. So at this point they have had four Federal judges, and all four Federal judges have agreed.

Mr. HYDE. Is the gentlewoman saying an appeal is as good as winning the case in the first instance?

Mrs. SCHROEDER. Mr. Chairman, I think, if one does not win it in the first instance, as the gentleman also knows, one has an immediate right, if they think that that injunction was unfairly granted, one has an immediate right to move on that, and I think that is the insurance that a person has.

Mr. HYDE. But that is costly and cumbersome, and maybe the people who do this do not have the resources that some of the special interests who want to set it aside do. But an appeal is never as good as winning it in the first place; the gentlewoman knows that I am saying.

Mr. MOORHEAD. The gentlewoman knows that we always want to win it the first time, but I want to say also I want to make sure that people have those rights and they have the right to immediately go up, and I think the gentleman knows that all the Federal courts have randomly assigned judges and that, unless there is only one judge on the circuit, one cannot forum shop really in the Federal courts.

I guess the other question I have is: if you have a constitutional issue that comes out of a legislature, why should that have a lesser right, if you think this is a higher right, than one by referendum?

Mr. HYDE. Reclaiming my time, that is another issue, and we can debate that on another day, but one of the things that I have never particularly felt favorably toward is no change of venue in the Federal courts, and one can get a budget that they are not at all comfortable with, and perhaps with good reason, and there is no way one can change a venue from him if he or she does not choose to grant it on their own.

So that is another reason that one can go the process more readily by the collective wisdom of a three-judge panel than one, and I am sure the gentlewoman has much more to say, and she can do it on her own time, and I will listen to her with interest.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Colorado [Mrs. Schroeder] to the bill. I obviously oppose this bill. The amendment would make it slightly better, probably not well enough for me to vote for it even if it passes because I just think this is a bad idea, and I think the American public and my colleagues need to understand why this is a bad idea and why we have not done this in more circumstances. I mean if it was a wonderful idea, why is the only case in which one gets a three-judge panel is in voting rights cases? Why not in the 70 cases? Why not when judges are whimsical, as the chairman of the Committee on the Judiciary indicated, and they are; I mean I practiced law for 22 years, I know judges are whimsical.

But that does not mean that this is a good idea. There is a reason that we have not done this in other areas of the law.

You should know that we had this process in the Federal law from 1948 to 1976. We repealed this process in 1976. The reason we repealed it was that the bench, the Federal judiciary, lawyers, judges, the President, and this is from a report that was filed, that “This was the single worst feature in the Federal judicial system.”

Now, as if we have forgotten this history, we are going to go back and institute this again. Well, if we do it for this line of cases and it is a good idea, where are we going to draw the line? We are going to get on this slippery slope, and next week we are going to want it for, I guess, traffic offenses or legislative things that are subject to judicial attack, and this is certainly if the Congress of the United States passes a law, should it not require three judges to declare it unconstitutional, as opposed to just one judge, even though we can appeal it up through the process and go through the normal routine?

This is a bad idea. This is a bad idea. This is not about having an adjudication in a reasonable way, as the chairman of the Committee on the Judiciary has said. If this were reasonable and this were the only way to get a reasonable adjudication or deal with adjudications in a reasonable way, then we would be doing it for all of the cases.

There is a reason that we have not adopted this process for other cases. It is costly to have three judges come in and decide something that one judge, who is open to an appeal if he is wrong, can decide. It is costly.

Mr. Chairman, under this proposal the judges would sit in the same city. They will be coming from different parts of the state. You have got to put them up overnight. You have got to pay their expenses. They have got to have their law clerks with them. You have got to pay their expenses. And at a time when my Republican colleagues are beating us up over limiting expenditures at the Federal level, they are coming in here and proposing something that is absolutely nonsensical, just to do a favor to the Republican Memior from California.

That is what is this is all about. That is why 99 percent of the people who have debated on this side of the aisle on this issue have been from California. They do not like the results that the judge gave them, two judges, I might add, not one, in this proposition case in California, so they want to change the process, a process which has worked for America for years and years. That is not true. This is about the result that they do not like.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Schroeder amendment. It would certainly limit the areas in which H.R. 1170 could be used. There are no States in the Union where there are not at least three judges. We are talking about the trial of a case where a piece of legislation has gone to the people of all the State. There would be no difficulty in getting a three-judge panel if the case came up. Actually, we have the same situation exactly in voting rights cases and in cases of reapportionment.

What this amendment would do would be to change the procedure that is already established for those other cases and have a different kind of a procedure for cases arising out of an amendment or a state referendum.

Mr. Chairman, I know that there are people that would say that where you have only one judge or where you have one-judge districts, you can shop; but where you have 25 judges, as you do in the other counties of the Nation, you cannot.

But actually there are different proclivities of different panels, in Los Angeles, San Diego, and San Francisco. Believe it or not, they do shop for panels where they hope to have a more favorable judge that is assigned to their case, even though it is done by rotation. That happens even there.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. Mr. WATT of North Carolina.

Mr. Chairman, I rise in opposition to the Schroeder amendment. It would certainly limit the areas in which H.R. 1170 could be used. There are no States in the Union where there are not at least three judges. We are talking about the trial of a case where a piece of legislation has gone to the people of all the State. There would be no difficulty in getting a three-judge panel if the case came up. Actually, we have the same situation exactly in voting rights cases and in cases of reapportionment.

What this amendment would do would be to change the procedure that is already established for those other cases and have a different kind of a procedure for cases arising out of an amendment or a state referendum.

Mr. Chairman, I know that there are people that would say that where you have only one judge or where you have one-judge districts, you can shop; but where you have 25 judges, as you do in the other counties of the Nation, you cannot.

But actually there are different proclivities of different panels, in Los Angeles, San Diego, and San Francisco. Believe it or not, they do shop for panels where they hope to have a more favorable judge that is assigned to their case, even though it is done by rotation. That happens even there.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. Mr. WATT of North Carolina.

Mr. Chairman, does that mean if we have got these panels that have these proclivities, the next step is to have three panels so we have to have nine judges now?

Mr. MOORHEAD. Mr. Chairman, reclaiming my time, absolutely not.

Mr. WATT of North Carolina. I am relieved.

Mr. MOORHEAD. I hate to see this bill, which I think is a fine bill, tied to a proposition which has gone its way. I know some people have felt emotionally involved because they have not agreed with the court on this particular proposition. But this applies to the American people, to give them a better opportunity of being satisfied that there has been a balanced three-judge panel that has heard their case. And I know it does go both ways. You can get a very rightwing judge that may decide this on that line of reasoning because his tendencies go in that direction, as well as you have the other direction.
We are bringing more democracy to the American people, who have feelings on one side or the other. And I think that the bill, as it is written, is much better than if you lock out certain parts of the country because the judges are not, nor are there not as many in one district, where there are several districts in the State.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hold in my hand a document that many of us hold extremely dear, and that is the Constitution of the United States. Our Founding Fathers wisely designed a form of government that established the executive, the legislative, and the judicial branches, and in that I think their wisdom was that it was important for the American people to have access to government in three separate and distinct branches. It also offers an opportunity for mutual respect, and also, to a certain extent, some cross-pollination, with basic factual premises.

I think the difficult concepts that need to be evidenced here as I rise to support the Schroeder amendment are important. This is a very carefully crafted legislation, which would eliminate the very burdensome, costly and time-consuming procedures, and answer the so-called question of forum shopping. The concepts are that while we are here discussing a judicial issue, we are really talking about a political question in the State of California and a legislative undoing of an important judicial decision.

I do respect and appreciate the people's right to vote, and I do believe that the people of California were heard by a randomly selected district judge, federally appointed, who would have the freedom and the independence to make a constitutional decision based upon the Constitution and the responsibilities of the three distinct branches of government.

We now find ourselves here in this legislative body disturbing that sacred process by suggesting that a few disgruntled citizens did not get their way in California, partly to put poor people out in the street, denying educational rights to children and health benefits to the elderly that are in this country, a whole other story, a whole other issue. But because that was not a decision in this body appreciated, we now want to alter the Constitution of the United States.

The Schroeder amendment gives some dignity to the Constitution, for what it says is if we determine there is a problem, then in fact this process can be one that we would adhere to. If there is documentation that there has been a real problem in a jurisdiction, then this three-court panel can be established.

Right now we have no documentation. The irony is we have a disgruntled bunch not willing to accept the ruling of the court, and we now want to distort the Constitution and clog up the courts, in direct opposition to a letter from the Judicial Conference of the United States of America.

How interesting. How interesting. In contrast, my colleagues on the Committee on the Judiciary wanted to undermine just a California law, and pass the habeas proceedings, again dealing with the rights of individuals to access justice. Now we want to abuse the process and clog the courts, even though citizens have a right to go into a courtroom and an impartial judge sits and makes decisions under the Constitution of the United States. We now want to get a panel of three judges, rejected by the Judicial Conference, clogging up the Supreme Court, and rejecting, again, a process that has worked now since 1976.

The Schroeder amendment is clear and simple and precise. It is on the premise that we can in fact fix what is broken. It does not go in massively, all over the Nation, and upset the apple cart, and upset the three branches of government, executive, legislative, and judicial, sanctioned and confirmed by the Constitution of the United States of America.

Mr. Chairman, I would suggest that we support this amendment, which would allow those who have a sincere concern with judge shopping to respond to their problem, while at the same time preserving precious judicial resources. It allows us to go in where there is a problem and fix it. I hope my colleagues who have mentioned this issue of forum shopping, and I do respect the chairman of this subcommittee, I hope that they can understand that we are doing great damage, great damage, to this judicial process, and I frankly cannot understand why we would completely ignore the Judicial Conference of the United States of America which opposes this legislation strongly and firmly.

Mr. BONO. Mr. Chairman, will the gentleman object?

Ms. JACKSON-LEE. I yield to the gentleman from California.

Mr. BONO. Mr. Chairman, I would just like to comment that this case has not been heard. Everything that has occurred has simply been on technicalities. But the case itself has simply been on technicalities. We do not need that duty that we have. I urge support of the voting rights bill and I urge opposition against the gutting Schroeder amendment.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just to review the purpose of this legislation, and I rise in strong opposition to the Schroeder gutting amendment and in support of the Bono voting rights bill, but I ask the Members if they can imagine this scenario? Last November an overwhelming number of Californians voted, almost 60 percent, supporting the passage of proposition 187. What proposition 187 would have done is eliminate social services for illegal aliens. Not legal aliens or citizens, but for a people who are in this country illegally in the first place. An overwhelming 59 million California taxpayers said enough is enough.

They said that they have problems enough taking care of their own citizens and they voted to put a stop to this spending that costs California taxpayers over $200 million every year. But, amazingly, this overwhelming will of the people in California was snubbed by just one individual.

Mr. Chairman, referendums, more than any other electoral process, reflect the direct will of the people and should not be easily cast aside. Under the current system, opponents of a referendum can go judge shopping to find one single judge that will stop the referendum. This legislation, the Bono voting rights legislation, will replace that practice with a three-judge panel from all parts of the State so that the referendum, the will of the people, gets a fair shake. And in support of the voting rights bill and I urge opposition against the gutting Schroeder amendment.

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

Mr. Chairman, I want to say to the gentleman from California [Mr. Bono], there was a preliminary injunction against proposition 187 that was affirmed on appeal.

We have not gone on the premise where there is something to fix. We are fixing the courts. This amendment will in fact help isolate the problem and solve the problem where there is one, and not broadly disregard the Constitution of the United States.
Mr. HERGER. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I appreciate the gentleman yielding to me so I can respond to the previous speaker on the other side of the aisle. The gentleman from California [Mr. BonO, for example] referred to the 5 million California voters, who, as she points out in her remarks, overwhelmingly voted to approve proposition 187 as a disgruntled few.

I would like to tell the gentlewoman that when I have my town meetings back home in my district, I am approached by constituents all too often who inquire about proposition 187 and they ask why proposition 187 is not the law of the State of California today. I have to explain to them about the Ninth District Court, about a very liberal and activist judiciary we have in that court.

Mr. Chairman, I really believe what we are talking about here is correcting a flawed judicial system and correcting this bad practice, this precedent of thwarting the people's will by, in fact, venue shopping, or forum shopping. I want to point out again that those 5 million disgruntled few are the voters who are disenfranchising by the law today.

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

Mr. HERGER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I keep hearing these allegations of forum shopping. My understanding is that the district that this went to had 25 Federal judges and they are randomly assigned. My question is, Does the gentleman have some evidence of forum shopping we do not know about? And does random assignment in circumstances with more than one judge not prevent that type of forum shopping?

Mr. HERGER. Mr. Chairman, to respond to the gentlewoman, again, what we are attempting to do is get the will of the people. We still have a situation where 5½ million, right at 60 percent of the voters of the State of California, voted overwhelmingly on a measure that would prevent their taxpayer dollars going to illegal aliens and we had a situation where one judge, one Federal judge, was able to upset the overwhelming will of the people of the State of California.

What we are trying to do is at least bring in to play a three-judge panel so that the voters will have a better shake in future referendums.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will continue to yield, have three judges not acted on that now? It has gone to the court of appeals and they unaniomously upheld that one judge.

I think what the gentleman is complaining about is a judicial system that has overstepped the Constitution of the United States, a judicial system and a citizen's right to challenge, not the court system. That is why this is so troubling. This is not a solution for what the gentleman is saying his complaint is, which is the right of a citizen to challenge a statute that they think is unconstitutional.

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

Mr. MILLER. Mr. Chairman, I move to strike the requisite number of words and to speak in support of the amendment.

Mr. Chairman, the reason we are here today and the reason we are in this debate is because some of those who are elected to public office simply do not have the courage to explain the facts to the people they represent. In the State of California, that I represent, along with many of my colleagues in this body, we use the initiative process like some people change their clothes or change channels. It is not a pure process, it was put in as a reform, but now anybody who can come up with about $5 million, I can guarantee, can get the signatures for an initiative in California. It is not always that they desire to have put on that ballot.

Many have ridiculed the California initiative process. Many people say it is crazy, it is out of bounds, whatever, but it is a means by which the people get to vote on various issues. But it is not always the people that put it on the ballot. Very often it is a commercial interest. It is the tobacco industry that puts an initiative on. And then people who do not like smoking, put an initiative against smoking.

The farm bureau put one on so nobody could regulate farm workers. The people turned that down. Then the farm workers put one on that said everybody has to regulate the farmers, and the people turned that down.

When they got to putting a smoking initiative on they said, the people who wrote that said, people can smoke in rock concerts but they cannot smoke at the opera. The people said, that sounds perfectly fine.

The tobacco industry put on an initiative that said we will overrule all the local jurisdictions trying to eliminate smoking, and the people said that does not sound good, we will turn this down.

Most of this happens because it gets stalled in the legislature. The insurance industry said we will have no fault insurance. Somebody else said, no, we will have fault, fault, fault insurance, and we passed both of those. The farmers, the irrigation districts, the gentlewoman from California [Mr. BonO] maybe will remember this, I think they spent $20 million on this. This was about the will of the people? This was not about the will of the people.

Mr. Chairman, now along came 187 and people decided that they did not think they should any longer pay for illegal aliens in this country, residents in this country who had not come here legally. It made a lot of common sense. But when they got into it, they started writing it in a kind and kind of over-reaching, going further and further, and they went right past the U.S. Constitution. People were emotionally caught up so they voted for it and it passed overwhelmingly.

A lot of politicians were for it and a lot of politicians were against it. Most people reviewed it after the fact and said it probably was not the greatest legislation. But, the people who are impacted by it or disagreed with it under the laws of the land of the United States went to court and said, I think this is unconstitutional. The court said, well, I think they might be right, and they had a restraining order. Mr. Chairman, they lost on that side said this is not good, we will appeal it. They appealed it. It went to a three-judge panel and they said, we think the lower court might be right and they upheld the injunction. Those are the laws of the United States of America.

Rather than tell people that some individual out there that might be impacted was petitioning the court to protect their rights under the Constitution of the United States, the gentleman from California [Mr. BonO] has decided he would make the Government the enemy. He has decided it was come corrupt judge who was not really giving him a fair shake; that was fora dem, shopped.

What the gentleman is suggesting is that somehow the system let the people down; the system let the people down because the judge came from northern California instead of southern California. Were they disenfranchised during the vote? Should they be disenfranchised from reviewing it? Of course not. This is not forum shopping, this was testing the provision against the Constitution.

Mr. Chairman, this is not the first time this has happened. Not the first time in California. They have done it on handguns and other gun control measures. Sometimes we win and sometimes we lose. This is what the constitution does, it protects the minority, it protects the unpopular, that they have a right to go and petition.

If that one judge had ruled in the gentleman's favor, he would not be here today. But we must understand something. Because 5 million people in this country vote for something, that certainly makes us take notice, and that is why we are on the floor today, but it does not make their vote right in terms of the Constitution.

Mr. Chairman, we have nine members across the lawn here that have overruled the desires many times and the wants of tens of millions of Americans when they decide cases, when the decide cases on abortion, or they decide cases on apportionment or on civil rights.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER. Without consent, Mr. MILLER of California was to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, if Members want to know how we
make cynical voters; if they want to know how to make people hate the system, it is that we mislead them about what the system did. Nobody was mistreated under this system. Those people that voted for 187 and those that voted against it, were being protected throughout this process.

The initial question of whether or not we should enjoin the law before we find out its impacts and who it will hurt and is it the Constitution, one individual deciding that is not a crime. There may be be better or worse, but that is not why we are here today. We are here today because people have chosen to trash the Government rather than explain the Constitution and explain to people that sometimes might does not make right. We are one of the few countries where that is the case.

Mr. Chairman, 5 million people voted. Their views are being acknowledged. We have changed our attitudes here. We have changed the laws on immigration. The State legislature has done the same, and a lot of things have happened since that vote, but it does not necessarily mean that that vote was constitutional. People have a right to seek a review of this.

We would be a better government, we would better serve the people if we leveled with them that there is a process, and whether it is the work product of the initiative in California, where people go to the polls, or whether it is the work product of this Congress, there is a means by which it is reviewed so that people can protect their rights and enforce others' responsibilities. It is the judicial system. And that was not abused in this process.

Mr. Chairman, the judge did nothing willy-nilly. And I would not like to be this judge, overturning the views of a popular side of an election. But judges are there because they discharge tough issues. I suggest that they brought before them. They have to make that decision. We would probably want to have a hearing on it. We would probably want to send it to interim. We would want to hold it over till the next session, but that judge had to rule, and now the system is engaged.

We would be better served if we discussed that rather than trying to refight proposition 187 on the backs of the judges and the courts and the system in this country, because I think we do it. We mislead our constituents. We mislead the voters and mislead the citizens about what they can and cannot do under the Constitution of this country.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(BY unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California [Mr. Bono].

Mr. Bono. Mr. Chairman, first of all, if I understand the referendum system correctly, there is often a disillusionment on behalf of Government to the people, in that they do not act on things. They pontificate, but they do not necessarily act. At a certain point of frustration, the people themselves respond and get it done.

Mr. Chairman, the gentleman has the same passion about proposition 174, where the CTA spent $25 million to prevent the freedom of school choice and vouchers?

Mr. MILLER of California. Mr. Chairman, reclaiming my time, and I will yield if the gentleman needs more time, but I would have the same passion. What I said at the outset, my point was this, if we want to represent that somehow the pure view and motives of the California voting public was overruled, and I am suggesting to the gentleman that we are all residents in California and we watched this process. The initiative process is the most manipulative process because usually it is a few million dollars by people who want to change the rules of the game one way or another because they were not successful in the legislature for one reason or another.

Mr. Chairman, this is not just Polly Purebreath and her friends coming out and saying, we want to do this for the good of society. It does not happen that way, because most of those people cannot gather the signatures because the legislature makes it harder to get in the courts, with tens of millions of dollars by people who want to change the rules of the game one way or another. They are not successful in the legislature for one reason or another.

Mr. Bono. Mr. Chairman, if the gentleman would continue to yield, they lost at the ballot box.

Mr. MILLER of California. Mr. Chairman, again reclaiming my time, what is happening here is the trashing, the absolute trashing of the Government for political motives, which is about trying to lead people to believe that somehow they have been screwed in the process, because somebody exercised their right on the court.

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

Mr. MILLER of California. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, this bill does not apply to proposition 1345. It is not better to have a three-judge panel on these rare instances when millions of people participate in this process and want to have a little better assurance? It is a protection on both sides.

That judge could have ruled that it was constitutional and the gentleman from California might have thought it was not constitutional. Why not have a three-judge panel give better protection for the people?

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I am almost less concerned about the content than I am about the political motivation here. I think when we see a country that is more and more disenfranchised with its institutions, we are suggesting here that when one side or the other, however it happened, whatever the process is, again, we have been through this numerous times in California, when one side exercises their rights, people want to run around and suggest that they cheated. That somehow the institutions let them down. That is what concerns me here more than anything else.

Again, there will be millions of people that will vote on initiatives this next election in California. We have several that are slated to come up. And in the gentleman's State of Virginia, they have the initiative process. That will happen, but that does not mean that the result of their work product, their voting and interest and involvement, is necessary constitutional.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. Mr. Chairman, this is more about suggesting to them that their review was outside of the system; that they should have proceeded, they would get it from the ballot box. The gentleman from Virginia [Mr. GOODLATTE] knows, the gentleman is a lawyer, that is simply not the case. We do not get to do that.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield further, look ahead prospectively. This does not apply to proposition 1345. Whatever the politics of that is, leave it behind and look ahead prospectively and say in the future we are going to tell people when they participate hundreds of thousands or the millions that they have the opportunity to be assured they will have a three-judge panel.

Mr. Chairman, 10 times in 10 years is all this would have happened. Once a year. Very reasonable, because when you bring that many people out, you get that many people aroused about an issue. And you may be right. Sometimes they are ginned up over something that is not a good idea. Let it sit, we carefully with a three-judge panel.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?
Mr. MILLER of California. I yield to the gentleman from California.

Mr. MOOREHEAD. Mr. Chairman, I want to tell the gentleman from California [Mr. MILLER] that I love the court system, having practiced in it a great deal of my life and having been on the committee that has jurisdiction over the courts for many years. I would not trash the courts for any reason. I love this body that we are in, the House of Representatives, and I would not trash it in any way either. I just think the court system better, where our responsibility leads us in that direction.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mrs. SCHROEDER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I think if I can answer some of the questions that I think the gentleman from California has so eloquently asked, and I really believe that the gentleman is getting a perfect idea of what is taking the floor, we had this process in 1976, and this Congress unanimously did away with it, because they said it was so burdensome on the court.

Mr. Chairman, it takes three judges. You pull them out of the courtrooms in different places. We know that the Federal system is absolutely overloaded with drug cases, crime cases. We do not want to give any more resources to the courts, so we are handing them another mandate.

Mr. Chairman, I think the other issue that has been raised is this gives them a direct access to the Supreme Court without an appellate record, because they do not go through the Court of Appeals. Other people do not get direct access to the Supreme Court. They have got to go and make their case and the Supreme Court picks and chooses the ones they want. But this gives them direct access and it is a wonderful way to just push everybody else out of the line.

Mr. Chairman, I think what my colleagues are doing is treating somebody unfairly, and so does J ustice Rehnquist and his group that has sent us a letter asking us, please, to remember our history; to remember we tried this from 1948 to 1976, to remember we are the ones who do not want to give anyone else any more resources for anything; and to say that this is not a good idea.

So, Mr. Chairman, I thank the gentleman for pointing that out.

Mr. MILLER of California. Mr. Chairman, reclaiming my time, I thank the gentlewoman from Colorado. I think the gentlewoman raises a good point.

Mr. Chairman, we are just here politically trashing the courts. This judge is a perfectly honorable person, and I assume the three judges were perfectly honorable judges. But some people believe that when they lose, somebody cheated, and then they have to run around and scream.

Mr. Chairman, I do not think the people who are vehement on this issue on 187 would be here saying we have 3 judges overruling 5 million people, so that sound like a good deal. That is not the case at all. I just think the motivation here is terribly bad. I think it is terribly costly for the court system and costly for the institutions of this country and I think it is how we make cynics out of the American public.

Mr. BILBRAY asked to strike the requisite number of words. (Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, I keep hearing references to 187, and all I have got to say it is not even 5 million we are talking about. We are talking about the almost 10 million people, because people voted for and against, through their electoral process, for the initiative. And fine, that is one thing. But I am talking about consistency now and let us talk about the Constitution and the concepts of the Constitution.

The fact is, right now we have a process with three judges for reapportionment and that has stood since the 1940's and was reaffirmed by the Congress back in 1976, that we were going to maintain that. What has happened is that we have found a glitch where the existing statutes do not follow Supreme Court ruling and that it is inconsistent. The proposal of the gentleman from California [Mr. BONO] makes the law consistent with the Supreme Court ruling on the Constitution. So this act is, constitutionally compatible activity.

Mr. Chairman, let me remind my colleagues, in Baker versus Carr, J ustice Clark said, and I quote, "By the use of an arbitrary method of apportionment into single voting districts to vote directly on legislation."

All the legislation of the gentleman from California [Mr. BONO] is saying is that we are going to be consistent now with the Supreme Court ruling. It is not really talking about: Let us have our laws reflect the Constitution as clarified by the Supreme Court.

Mr. Chairman, I hear my colleagues on the other side of the aisle keep saying about the Constitution is supreme and we all agree. But here we have a Supreme Court ruling that says: This is a constitutional issue and this is a Voting Rights Act issue. It is not a Crime Act issue; it is not a drug issue; it is not a violent crime issue. It is a Voting Rights Act issue.

Mr. Chairman, there are Members of this Congress who have been here since 1976 and who supported having the three-judge process for reapportionment. I have not heard horror stories about how terrible and how absolutely outrageous this process has been since then. It has worked for reapportionment.

Under J ustice Clark's ruling, all the gentlewoman from Colorado [Mr. BONO] says is let us reflect the fact that the initiative process is a reapportionment issue and should be treated equal and that the Supreme Court ruling and that same process that reapportionment has had since the 1940's and was specifically retained by this Congress back in 1976.

Mr. Chairman, I have to say to the gentlewoman from Colorado [Mrs. SCHROEDER], if it is going to cause so many problems to follow the lead of the gentleman from California [Mr. BONO] on this thing, then why was this law not changed in 1976? Why did we not have these conditions when the gentleman from California [Mr. BONO] has seen it, begging us not to do this again because it is so onerous. It really impacts on all of their different docket issues that they have got that are so backed up and it does not end up with any result. They still get a 3-court panel, because they get to appeal to the Court of Appeals. So they are saying, "Wait a minute, wait a minute. This is very different." And the voting rights case only happened once a decade. That is a little bit unique. That is once a decade. And that is a very different type of case from this. There are 20 referendums a year.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, J ustice Clark was clarifying that it is not a totally different issue and that has not been overturned yet. The letters from the judges, as somebody who ran a county court system for 15 years, I know what the process is. I know what the process looks like and would like to be. They have to follow the Constitution too.

Mr. Chairman, this clarifies the fact that again, if the 3-judge process has 1976 and who supported having the three-judge process for reapportionment, then all parts of activity that relate to reapportionment should be following the same rule. Mr. Chairman, I insist that we recognize that the gentleman from California [Mr. BONO] is only referring to a ruling of the Supreme Court and basically statutorily corrects an inconsistency that we have detected recently. And we not only have the right
to correct this inconsistency; we have the responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mrs. SCHROEDER].

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

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

Mr. MOORHEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. DREIER] having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that he, having had under consideration the bill, (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, with Mr. EWING in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No. 692]

Ayes—177

Noes—248

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. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, with Mr. EWING in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

\[\text{AYES—177}\\]

\[\text{NOES—248}\]

\[\text{In the Committee of the Whole}\]

\[\text{Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, with Mr. EWING in the Chair.}\]

\[\text{The Clerk read the title of the bill.}\]

\[\text{The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.}\]

\[\text{The Clerk will designate the amendment.}\]

\[\text{The Clerk designated the amendment.}\]

\[\text{The CHAIRMAN. A recorded vote was ordered.}\]

\[\text{The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:}\]

\[\text{[Roll No. 692]}\]

\[\text{Ayes—177}\]

\[\text{Noes—248}\]

\[\text{In the Committee of the Whole}\]

\[\text{Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, with Mr. EWING in the Chair.}\]

\[\text{The Clerk read the title of the bill.}\]

\[\text{The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.}\]

\[\text{The Clerk will designate the amendment.}\]

\[\text{The Clerk designated the amendment.}\]

\[\text{The CHAIRMAN. A recorded vote was ordered.}\]

\[\text{The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:}\]

\[\text{[Roll No. 692]}\]

\[\text{Ayes—177}\]

\[\text{Noes—248}\]
My colleagues, this is a bad, bad bill. It is bad, bad public policy. We should be serious about it if we are interested in saving taxpayers money. We have been here trying to balance the budget, we say. Yet, in this one instance to play politics with one person from California, we are getting ready to add a substantial cost to the judiciary and make a public policy decision that makes absolutely no sense.

A State court judge held the referendum in this case unconstitutional. A Federal court judge held the referendum and the results of that referendum unconstitutional. It would not have mattered who decided this case; the issue on that referendum was unconstitutional. To go back and try to address that by changing the process makes no sense.

To say that we are going to convene three Federal judges to come together in one location, when we have the substantial backlog in our courts that we have, every time we get a referendum that somebody does not like the results of, we have got to convene three Federal judges, take up their time, take up their clerk’s time, expose the taxpayers to this additional expense. I submit to my colleagues is very, very, very bad public policy.

I understand why the gentleman from California is offering this. It is good politics at home. He can go home tomorrow and say, look, I got something for you and I can deliver. I am a Member of Congress now. But it is our responsibility as Members of this body to set good public policy.

I want to say, this amendment would limit this abomination of a bill to the State of California.

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with apologies to my good friend, the gentleman from North Carolina [Mr. WATT], who is a very valuable member of the House Committee on the Judiciary, but I was taken aback by his remarks about the extra cost and the burden on the courts was somewhat taken aback by the gentleman from North Carolina’s concern about the extra burden on the courts for convening a three-judge panel to decide a State referendum or initiative that the constitutionality, I believe my memory could be faulty, I concede that, but I do not recall the gentleman being at the point in habeas corpus reform where cases go up and down and up and down and up and down. I can think of one that lasted 14 years, with 52 appeals. I just do not recall the gentleman being a leader in trying to reform that burden on the courts.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I want to respond to the chairman that the last time I checked the Constitution, there is nothing in the Constitution that guarantees anybody a three-judge panel. There is something that talks about habeas corpus and the writ of habeas corpus.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, justice delayed is justice denied. If it takes 14 years to process a habeas corpus petition and 52 appeals, there is something very wrong. I would expect the gentleman who is sensitive about burdens on the court to help us lead that fight. Mr. MOORHEAD. Mr. Chairman, I yield to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I rise in opposition to the amendment, and I want to thank the gentleman from North Carolina [Mr. WATT] for giving me the distinction of bringing forth the worst bill he has ever heard of in his life.

However, it is a bill that I am very proud of and simply for this reason: We are here to represent the people. And why do they have a referendum? Because sometimes people are not represented so they can do that themselves.

Five million people from a State speak and feel that they have been the victim of an injustice. And I have heard the Constitution brought up over and over and over. But nobody brings up that our State has been suffering from crime, from illegal aliens. That means against the law. So I think that carries weight as well as the Constitution does.

So, we have people that continue to violate the law. The State is up to here with it. They wanted it ended. Governor not ended it. It is delayed until they end it themselves. I respect their position. After they ended it, again they were duped. And now they are the victims of this dupe.
Mr. BUYER. Mr. Chairman, I move to strike the last word.

PARLIAMENTARY INQUIRY

Mr. MFUME. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MFUME. Mr. Chairman, is it not parliamentary procedure that, when the time on one side has expired, the Chair acknowledges for recognition those seeking time on the other side?

The CHAIRMAN. The gentleman was the last one seeking recognition. The Chair will alternate. There was no committee member seeking recognition on the gentleman's side that came to the attention of the Chair.

Mr. MFUME. Mr. Chairman, if I might respectfully disagree with the Chair, the Chair's call for the culmination of the gentleman's time was so fast and the time that he recognized the other gentleman, that there were persons on this side that did not even know that the Chair was seeking other Members.

The CHAIRMAN. The Chair will alternate between sides.

The gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Chairman, I would like to make several points. I will not take the full 5 minutes.

That is, I think the 1965 Voting Rights Act rightfully mandates the three-judge panel to pass judgment on issues dealing with voting rights. When we have a State acting as one voice in a State referendum, there is a proper nexus between the State's voice and that of issues of voting rights under the Voting Rights Act. So with that proper nexus, I think it is a very good issue for this Congress to take.

So what we are saying here, if in fact we are going to always mandate in a voting rights case so that it be decided by three Federal judges and now the nexus, it is not also proper for us to have the three-judge panel decide the issues of a State referendum on the issues of constitutionality?

□ 1545

I would submit that, yes, it is, because we do not want to take such a paramount issue and allow it to be decided by one.

Now one can debate on either side whether it is arbitrary or capricious. I think it is very important to move to the three-judge panel, especially when we are talking about the people's voice. It is the people's voice under the law. The people's voice under the law is the protection of the minority, and I think that is what is so wonderful about our country and society as a republic, a nation of laws, not people, and I compliment the gentleman from California. It is a side issue to talk about, well, what is the underlying reason. I think that this is a good bill and should be applied across to all States.

Mr. Chairman, that is why I rise in opposition to the gentleman's amendment and say, oh, we are just going to allow it to apply to California. No, we should apply this to any State out there, so let us vote down the gentleman's amendment, and let us side with ration and reason and not with the side of politics.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

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

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HEFLEY] reported that the Committee, having had under consideration the bill (H.R. 1170) to provide that cases, challenging a State's voice, or the determination of the ayes and noes, are cases of constitutionality, and that the bill have under consideration 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, pursuant to House Resolution 227, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. The question is on the resolution of the bill. The previous question is ordered.

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

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

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

The question is on the engrossment and reading of the bill.

The Speaker pro tempore (Mr. H EFLEY) reported that the Committee, having considered the bill (H.R. 1170) to provide that cases, challenging a State's voice, or the determination of the ayes and noes, are cases of constitutionality, and that the bill have under consideration 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, pursuant to House Resolution 227, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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Mr. GUTIERREZ changed his vote from "aye" to "no."
Mr. BARCIA changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide that an application for an injunction restraining the enforcement, operation, or execution of a State law adopted by referendum may not be granted on the ground of the unconstitutionality of such law unless the application is heard and determined by a 3-judge court."

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1976
AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SKEEN submitted the following conference report and statement on the bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

CONFERENCE REPORT (H. REPT. 104-268)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recede from its amendment numbered 1, 3, 4, 9, 11, 14, 21, 39, 45, 50, 55, 61, 69, 70, 71, 74, 75, 81, 84, 85, 86, 90, 94, 95, 98, 99, 102, 106, 111, 113, 116, 123, 127, 129, 130, 132, 139, 144, 145, 147, 148, 151, 153, 155, 156, 157, 159.

That the House recede from its disagreement to the amendment of the Senate numbered 5, 6, 7, 10, 13, 19, 22, 24, 27, 30, 46, 52, 53, 54, 56, 58, 60, 63, 64, 66, 67, 73, 76, 77, 79, 80, 82, 83, 88, 97, 101, 110, 112, 115, 120, 133, 138, 140, 141, 142, 143, 146, 149, 150, 154, and agree to the same.

Amendment number 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:

In lieu of the sum named in said amendment, insert: $7,500,000; and the Senate agree to the same.

Amendment number 3:
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:

Amendment number 4:
That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same.

Amendment number 5:
That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same.

Amendment number 6:
That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same.

Amendment number 7:
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: $710,000,000; and the Senate agree to the same.

Amendment number 8:
That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Amendment number 9:
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:

Amendment number 10:
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:

Amendment number 11:
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:

Amendment number 12:
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:

In lieu of the sum proposed by said amendment, insert: $710,000,000; and the Senate agree to the same.

Amendment number 13:
That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $9,200,000; and the Senate agree to the same.

Amendment number 14:
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:

Amendment number 15:
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 sum proposed by said amendment, insert: $8,100,000; and the Senate agree to the same.

Amendment number 16:
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:

In lieu of the sum proposed by said amendment, insert: $49,846,000; and the Senate agree to the same.

Amendment number 17:
That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $9,200,000; and the Senate agree to the same.

Amendment number 18:
That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $936,000; and the Senate agree to the same.

Amendment number 19:
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:

Amendment number 20:
That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $96,735,000; and the Senate agree to the same.

Amendment number 21:
That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $9,200,000; and the Senate agree to the same.

Amendment number 22:
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:

In lieu of the sum proposed by said amendment, insert: $650,000; and the Senate agree to the same.

Amendment number 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:

In lieu of the sum proposed by said amendment, insert: $1,203,000; and the Senate agree to the same.
Amendment numbered 38:
That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $9,850,000; and the Senate agree to the same.

Amendment numbered 40:
That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $2,438,000; 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 sum proposed by said amendment, insert: $3,291,000; 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:

In lieu of the sum named in said amendment, insert: $2,709,000; 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:

In lieu of the sum named in said amendment, insert: $25,090,000; 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 sum proposed by said amendment, insert: $427,750,000; and the Senate agree to the same.

On page 15, line 22 of the House engrossed bill, H.R. 1976, strike, “$331,667,000” and insert “$46,583,000,” and the Senate agree to the same.

Amendment numbered 51:
That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $8,757,000; and the Senate agree to the same.

Amendment numbered 57:
That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $544,906,000; and the Senate agree to the same.

Amendment numbered 59:
That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $1,000,000; 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:

Delete the sum stricken and the sum proposed by said amendment; 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:

Delete the sum stricken and the sum proposed by said amendment; and the Senate agree to the same.

Amendment numbered 72:
That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

Delete the sum stricken and the sum proposed by said amendment; and the Senate agree to the same.

Amendment numbered 78:
That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the first sum named in said amendment, insert: $20,000,000; and the Senate agree to the same.

Amendment numbered 82:
That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: $629,986,000; and the Senate agree to the same.

Amendment numbered 87:
That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment, insert: $3,411,000; 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: $148,723,000; and the Senate agree to the same.

Amendment numbered 99:
That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $1,724,000; and the Senate agree to the same.

Amendment numbered 102:
That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $2,000,000; and the Senate agree to the same.

Amendment numbered 103:
That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and the matter inserted by said amendment, insert: For the cost of direct loans, $22,395,000, as authorized by the Rural Housing and Development Loan Fund (42 U.S.C. 9812(a)): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $37,544,000: Provided further, That through June 30, 1996, the Rural Development Loan Fund shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,476,000, of which $1,470,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses." 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 sum proposed by said amendment, insert: $654,000; and the Senate agree to the same.

Amendment numbered 105:
Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $7,946,024,000; 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: $2,348,166,000; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: Provided further, That none of the funds in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); 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 matter proposed by said amendment, insert: Provided further, That none of the funds in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $27,597,828,000; 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 matter named in said amendment, insert: $500,000,000; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

RURAL UTILITIES ASSISTANCE PROGRAM

For the cost of direct loans, loan guarantees and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, $487,868,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants: Provided, That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, not to exceed $5,400,000 shall be available for contracts with the National Rural Water Association: Provided further, That none of these funds shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: Provided further, That none of the funds made available by this Act may be used to carry out activities of the market promotion program (U.S.C. 5623) which provides direct grants to any for-profit corporation that is not recognized as a small business concern under 41 U.S.C. 5624 and which makes payments to trade associations, and cooperatives as described in 7 U.S.C. 291 and non-profit trade associations: Provided further, That funds available to trade associations, cooperatives and small businesses may be used for individual branded promotions; with the beneficiaries having matched the cost of such promotions; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $6,215,000; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: $13,601,000; 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 proposed by said amendment, insert the following: Commodity assistance programs (including transfers of funds) Sec. 730. None of the funds appropriated or made available by this Act shall be used to operate the Commodity Credit Corporation pursuant to section 426 of Public Law 103-465; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: Provided further, That funds made available to the Food and Drug Administration by this Act shall be used to operate the Board of Tea Experts.

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

In lieu of the matter proposed, amended as follows: Strike "immediately withdraw" and in lieu thereof insert: not enforce; and the Senate agree to the same.
Amendment No. 4: Restores House language requiring a cost-benefit analysis of commercial software systems and related work at the National Finance Center with commercial systems.

**AGRICULTURE BUILDINGS AND FACILITIES**

Amendment No. 5: Adds the United States Code citation providing for the delegation of authority from the Administrator of the General Services Administration to the Secretary of Agriculture as proposed by the Senate. The House bill contained no similar provision.

**ADVISORY COMMITTEES (USDA)**

Amendment No. 6: Appropriates $500,000 for USDA Advisory Committees as proposed by the Senate instead of $800,000 as proposed by the House.

**HAZARDOUS WASTE MANAGEMENT**

Amendment No. 7: Makes a technical correction by adding the word "and" to the bill language as proposed by the Senate.

**OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS**

Amendment No. 8: Restores House language consolidating all funding for congressional affairs activities into a single account and appropriating $3,797,000 for such activities. The conference agree that this consolidation of funds will result in greater efficiencies and oversight of overall departmental activities. The conferees also agree that these congressional affairs efforts are more effective if personnel are retained at the agency level. Therefore, the conference agreement includes language transferring not less than $2,355,000 to agencies funded in this Act to maintain personnel at the agency level.

The following table reflects the conference agreement.

<table>
<thead>
<tr>
<th>OFFICE OF THE INSPECTOR GENERAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment No. 9: Provides $95,000 for confidential operational expenses of the Office of the Inspector General as proposed by the House instead of $125,000 as proposed by the Senate.</td>
</tr>
<tr>
<td>Amendment No. 10: Provides the Office of the Inspector General with authority to use funds transferred through forfeiture proceedings for authorized law enforcement activities as proposed by the Senate. The House bill contained a similar provision.</td>
</tr>
</tbody>
</table>

**ECONOMIC RESEARCH SERVICE**

Amendment No. 11: Appropriates $53,131,000 for the Economic Research Service as proposed by the House instead of $53,526,000 as proposed by the Senate. The conference agreement provides for the continuation of the rice modeling project under the special grants program of the Cooperative State Research, Education, and Extension Service.

**AGRICULTURE RESEARCH SERVICE**

Amendment No. 12: Appropriates $710,000,000 instead of $707,000,000 as proposed by the Senate and $705,630,000 as proposed by the House.

The conference agreement includes the following increases:

- **Nutrition Intervention (Delta Initiative)** ............... $900,000
- **National Agricultural Library** ......................... 1,462,000
- **Rural Development, Rural Utilities Service** (Alcorn State University) ....... 167,000
- **Citrus Root Weevil** .................................. 400,000
- **Alternatives to Methyl Bromide** ....................... 750,000
- **Horticultural Research, National Arboretum** ........ 350,000
- **Animal Improvement Laboratory (BARC)** ............ 300,000
- **Joranado Rangeland Management** ....................... 500,000
- **Citrus Tristeza Virus** .................................. 500,000
- **Pine Bluff, AR (Staffing)** ............................... 40,000
- **Arkansas Children's Hospital** ......................... 300,000
- **Fish and Wildlife Experiment Laboratory, AR** .... 500,000
- **Small Fruit Laboratory, OR** ............................ 485,000
- **Alternative Livestock, AR/ MO** ......................... 475,000
- **Cereal Crops, WI** ..................................... 175,000
- **Warmwater Aquaculture, MS** ......................... 260,000
- **Southern Insect Management Laboratory, MS** .... 630,000
- **Geriatric Nutrition Research, PA** ...................... 200,000

Amendment No. 13: Makes a technical correction to properly identify the American Sugar Cane League Foundation as proposed by the Senate.

**BUILDINGS AND FACILITIES**

Amendment No. 14: Deletes Senate language providing that not less than $1,000,000 of the funds made available for the National Center for Agriculture Utilization Research be available for the Grain Marketing Laboratory in Manhattan, Kansas. The House bill contained no similar provision.

The following table reflects the conference agreement:

<table>
<thead>
<tr>
<th>BUILDING AND FACILITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>House bill</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>Arkansas: National Research Center , Stuttgart</td>
</tr>
<tr>
<td>Florida: Horticultural Research Laboratory, Ft. Pierce</td>
</tr>
<tr>
<td>France: European Biological Control Laboratory, Montpellier</td>
</tr>
<tr>
<td>Illinois: National Center for Agricultural Utilization Research, Peoria</td>
</tr>
<tr>
<td>Kansas: Grain Marketing Laboratory, Manhattan</td>
</tr>
<tr>
<td>Louisiana: Southern Regional Research Center, New Orleans</td>
</tr>
<tr>
<td>Maryland: Agricultural Research Center, Beltsville</td>
</tr>
<tr>
<td>Mississippi: National Center for Natural Products, Oxford</td>
</tr>
<tr>
<td>National Center for Watermark Aquaculture, Stennis</td>
</tr>
<tr>
<td>New York: Plum Island Animal Disease Center</td>
</tr>
<tr>
<td>South Carolina: U.S. Vegetable Laboratory, Tifton</td>
</tr>
<tr>
<td>Plant Stress and Water Conservation Laboratory, Lubbock</td>
</tr>
<tr>
<td>Subtropical Research Laboratory, Weslaco</td>
</tr>
</tbody>
</table>

Total, buildings and facilities: .................... 30,200 30,200 30,200
Amendment No. 15: Provides $168,734,000 for payments under the Hatch Act instead of $166,105,000 as proposed by the Senate.

Amendment No. 16: Provides $20,497,000 for cooperative forestry research instead of $20,185,000 as proposed by the House.

Amendment No. 17: Provides $27,735,000 for payments to 1890 land-grant colleges and universities instead of $27,313,000 as proposed by the House and $28,157,000 as proposed by the Senate.

Amendment No. 18: Provides $49,846,000 for special research grants instead of $31,930,000 as proposed by the House and $42,670,000 as proposed by the Senate.

Amendment No. 19: Provides no earmark for the global change special grant.

Amendment No. 20: Provides $9,769,000 for improved pest control as proposed by the Senate instead of $11,599,000 as proposed by the House.

Amendment No. 21: Provides $96,725,000 for competitive research grants instead of $98,165,000 as proposed by the House and $99,582,000 as proposed by the Senate.

Amendment No. 22: Makes a technical correction to the United States Code citation as proposed by the Senate.

Amendment No. 23: Provides $650,000 for alternative crops instead of $1,350,000 as proposed by the House and $500,000 as proposed by the Senate. The conference agreement includes $500,000 for research on canola as proposed by the House, the both the House and the Senate, and $150,000 for research on hayselae as proposed by the House.

Amendment No. 24: Provides $500,000 for the Critical Agricultural Materials Act as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 25: Provides $8,100,000 for low-input agriculture instead of $8,000,000 as proposed by the House and $8,112,000 as proposed by the Senate.

Amendment No. 26: Provides $9,200,000 for capacity building grants instead of $9,207,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 27: Provides $3,450,000 for payments to the 1994 Institutions as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 28: Provides $421,929,000 for Cooperative State Research, Education, and Extension Service, Research and Extension Activities instead of $380,172,000 as proposed by the House and $421,622,000 as proposed by the Senate.

The following table reflects the conference agreement:

<table>
<thead>
<tr>
<th>Cooperative State Research Service—Continued</th>
<th>House bill</th>
<th>Senate bill</th>
<th>Conference agreement</th>
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<tr>
<td>Agricultural management systems (MA)</td>
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<td>Alfalfa (KS)</td>
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<td>Alliance for food protection (NE, IA, KS)</td>
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<td>Alternative crop supply (Southeast)</td>
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<tr>
<td>Alternative crops for arid lands (TX)</td>
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<td>Alternative Marine and Fresh Water Species (MS)</td>
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<td>Biotechnology (MO)</td>
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<td>Black snail removal (MI)</td>
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<td>Center for animal health and productivity (PA)</td>
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<td>Center for innovative food technology (OH)</td>
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<td>Chesapeake Bay agriculture</td>
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<td>Crop soil enegy research (ID, WA)</td>
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<td>Cranberry/blueberry disease and breeding (ME)</td>
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<td>Delta rural revitalization (MS)</td>
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<td>Farm and rural business finance (IL, AR)</td>
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<td>Floriculture (RI)</td>
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<td>Food production center (NE)</td>
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<td>Food systems research group (IA)</td>
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<td>Forestry (AR)</td>
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<td>Fruit and vegetable market analysis (AZ, MO)</td>
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<td>Global change</td>
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<td>Global marketing support service (AR)</td>
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<tr>
<td>Grass seed cropping systems for a sustainable agriculture (WA, OR, ID)</td>
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<td>Human nutrition (AR)</td>
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<td>Human nutrition (WA)</td>
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<td>Human nutrition (KS)</td>
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<td>Human nutrition (WY)</td>
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<td>Improved dairy management practices (MI)</td>
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<td>Improved fruit practices (MI)</td>
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<tr>
<td>Institute for Food Science and Engineering (AR)</td>
<td>1,184</td>
<td>750</td>
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<tr>
<td>Integrated production systems (MI)</td>
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<td>161</td>
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<tr>
<td>International aid consortia (MI)</td>
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<td>329</td>
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<tr>
<td>Iowa biotechnology consortium (Iowa, Kansas)</td>
<td>1,792</td>
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<td>1,792</td>
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<tr>
<td>Irrigated ground water research (GA)</td>
<td>296</td>
<td>296</td>
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<td>Livestock and dairy policy (WA)</td>
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<tr>
<td>Lowbush blueberry research (WA)</td>
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<td>Michigan research (MI)</td>
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<td>Michigan biotechnology consortium (MI)</td>
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<td>Midwest advanced food manufacturing alliance (WA)</td>
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<td>Midwest agricultural products (MI)</td>
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<td>Milk safety (PA)</td>
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<tr>
<td>Minor use animal drug (WA)</td>
<td>550</td>
<td>550</td>
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CONGRESSIONAL RECORD — HOUSE

H 9633

September 28, 1995

COOPERATIVE STATE RESEARCH SERVICE—Continued

[In thousands of dollars]

<table>
<thead>
<tr>
<th>State</th>
<th>Cooperative State Research Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1,338</td>
</tr>
<tr>
<td>Arkansas</td>
<td>1,000</td>
</tr>
<tr>
<td>California</td>
<td>1,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>1,347</td>
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<td>Delaware</td>
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<td>Florida</td>
<td>1,500</td>
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<td>Idaho</td>
<td>1,180</td>
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<td>Illinois</td>
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<td>Maryland</td>
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<td>Massachusetts</td>
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<td>Mississippi</td>
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<td>Nebraska</td>
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</tr>
<tr>
<td>Washington</td>
<td>1,000</td>
</tr>
<tr>
<td>Wisconsin</td>
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</tbody>
</table>

BUILDINGS AND FACILITIES—Continued

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Building</th>
<th>Project</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri: Center for Plant Biodiversity, St. Louis</td>
<td>3,995</td>
<td>3,995</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Jersey: Plant Biodiversity Facility, Rutgers University</td>
<td>2,262</td>
<td>2,262</td>
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</tr>
<tr>
<td>New Mexico: Center for Arid Land Studies, New Mexico State University</td>
<td>1,646</td>
<td>1,646</td>
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<td></td>
</tr>
<tr>
<td>New York: New York Botanical Garden</td>
<td>3,000</td>
<td>3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Carolina: Bowman-Gray Center, Wake Forest</td>
<td>2,438</td>
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<tr>
<td>Oklahoma: Grain Storage Research, Extension Center, Oklahoma State University</td>
<td>495</td>
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<tr>
<td>Oregon: Forest Ecosystem Research Lab, Oregon State University</td>
<td>5,000</td>
<td></td>
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<tr>
<td>Pennsylvania: Center for East Market, St. Joseph’s University</td>
<td>2,700</td>
<td></td>
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<tr>
<td>Rhode Island: Coastal Institute, Narragansett Bay, University of Rhode Island</td>
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<td>South Dakota: Animal Resource Wing, South Dakota State University</td>
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<td></td>
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<tr>
<td>Vermont: Rural Community Interactive Learning Center, University of Vermont</td>
<td>2,706</td>
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<tr>
<td>Washington: Animal Disease Biotechnology Facility, Washington State University</td>
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<tr>
<td>West Virginia: Research facility, Washington State University</td>
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</table>

Completed.

EXTENSION ACTIVITIES

Amendment No. 31: Provides $286,409,000 for sections 3(b) and 3(c) of the Smith-Levy Act instead of $256,405,000 as proposed by the House and $272,582,000 as proposed by the Senate.

Amendment No. 32: Provides $60,510,000 for the Food and Nutrition Education Program (EFNEP) instead of $59,588,000 as proposed by the House and $63,431,000 as proposed by the Senate.

Amendment No. 33: Provides $2,943,000 for farm safety instead of $2,898,000 as proposed by the House and $2,981,000 as proposed by the Senate.

Amendment No. 34: Provides $7,782,000 for 1890 facilities grants instead of $7,664,000 as proposed by the House and $7,902,000 as proposed by the Senate.

Amendment No. 35: Provides $398,000 for rural development centers instead of $392,000 as proposed by the House and $395,000 as proposed by the Senate.

Amendment No. 36: Provides $11,065,000 for water quality instead of $10,887,000 as proposed by the House and $11,234,000 as proposed by the Senate.

Amendment No. 37: Provides $1,203,000 for agricultural telecommunications instead of $1,184,000 as proposed by the House and $1,221,000 as proposed by the Senate.

Amendment No. 38: Provides $9,850,000 for youth-at-risk programs instead of $9,700,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 39: Deletes Senate language providing $4,265,000 for the nutrition education initiative. The House bill contained no similar provision.

Amendment No. 40: Provides $2,438,000 for food safety instead of $2,400,000 as proposed by the House and $2,475,000 as proposed by the Senate.

Amendment No. 41: Provides $3,291,000 for the Renewable Resources Extension Act instead of $3,241,000 as proposed by the House and $3,341,000 as proposed by the Senate.

Amendment No. 42: Provides $1,724,000 for Indian reservation grants instead of $1,697,000 as proposed by the House and $1,750,000 as proposed by the Senate.

Amendment No. 43: Provides $2,709,000 for rural health and safety education instead of $2,750,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 44: Provides $25,090,000 for the 1890 colleges and Tuskegee University instead of $24,789,000 as proposed by the House and $25,472,000 as proposed by the Senate.

Amendment No. 45: Deletes Senate language providing $2,000,000 for payments to the 1994 institutions. The House bill contained no similar provision.

Amendment No. 46: Makes a technical correction to the United States Code citation as proposed by the Senate.

Amendment No. 47: Provides $12,209,000 for Federal administration of Extension Activities instead of $6,351,000 as proposed by the House and $10,998,000 as proposed by the Senate.

The following table reflects the conference agreement:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995 enacted</td>
<td>426,133</td>
<td></td>
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</table>

EXTENSION ACTIVITIES

[In thousands of dollars]

<table>
<thead>
<tr>
<th>State</th>
<th>Extension Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>1,338</td>
</tr>
<tr>
<td>Arkansas</td>
<td>1,000</td>
</tr>
<tr>
<td>California</td>
<td>1,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>1,347</td>
</tr>
<tr>
<td>Delaware</td>
<td>1,751</td>
</tr>
<tr>
<td>Florida</td>
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<td>Idaho</td>
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<tr>
<td>Illinois</td>
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<tr>
<td>Louisiana</td>
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</tr>
<tr>
<td>Maryland</td>
<td>1,461</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>2,288</td>
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<tr>
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<td>Texas</td>
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<td>Wisconsin</td>
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Federal Administration and special grants:

<table>
<thead>
<tr>
<th>Agency</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
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<tbody>
<tr>
<td>General administration</td>
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</tr>
<tr>
<td>First transfer (OA)</td>
<td>331</td>
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</tr>
<tr>
<td>Pesticide transfer (WA)</td>
<td>250</td>
<td></td>
<td></td>
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<tr>
<td>Rural rehabilitation (GA)</td>
<td>230</td>
<td></td>
<td></td>
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<tr>
<td>Integrated pest management demonstration (OH)</td>
<td>250</td>
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<tr>
<td>Rural development (NM)</td>
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<tr>
<td>Rural development (NE)</td>
<td>300</td>
<td></td>
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<tr>
<td>fibrin mesh</td>
<td>67</td>
<td></td>
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<tr>
<td>Beef producers incentive (AR)</td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Integrated civil rights management (MS)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Extension specialist (GA)</td>
<td>100</td>
<td></td>
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</tr>
<tr>
<td>Rural center for the study and promotion of crop and pest disease prevention (OH)</td>
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<td></td>
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</tr>
<tr>
<td>Cranberry development (ME)</td>
<td>50</td>
<td></td>
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<tr>
<td>Delta teachers academy (AR)</td>
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<tr>
<td>Agricultural Plastics (VT)</td>
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<tr>
<td>Total, Federal Administration</td>
<td>12,611</td>
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</tbody>
</table>

Total, Extension Activities | 438,744 | 431,527 | 439,681 | 427,750

Amendment No. 48: Provides $427,750,000 for Extension Activities instead of $431,257,000 as proposed by the House and $439,681,000 as proposed by the Senate. The House bill contained no similar provision.
The conference report includes several provisions for the Agriculture Department. The conferees expect the agency to continue with the implementation of the organic certification program. The conference report also includes language allowing the Secretary of Agriculture to fund all costs for agricultural equine quarantine inspection services in connection with the 1996 Summer Olympic Games.

**budget and facilities**

Amendment No. 50: Deletes Senate language adding the word “modernization” to the list of authorized uses of Animal and Plant Health Inspection Service, Buildings and Facilities funds. The House bill contained no similar provision.

Amendment No. 51: Appropriates $8,757,000 for Animal and Plant Health Inspection Service, Buildings and Facilities instead of $12,541,000 as proposed by the Senate and $4,973,000 as proposed by the Senate.

**marketing services**

Amendment No. 52: Appropriates $46,517,000 for Marketing Services of the Agricultural Marketing Service as proposed by the Senate instead of $46,662,000 as proposed by the House. The conference expects the agency to continue with the implementation of the organic certification program.

**payments to states and possessions**

Amendment No. 53: Makes a technical correction changing the year of the Agricultural Marketing Act as proposed by the Senate.

Amendment No. 54: Appropriates $1,200,000 for Payments to States and Possessions as proposed by the Senate instead of $1,000,000 as proposed by the House.

**inspection services**

Amendment No. 55: Appropriates $23,058,000 for Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses instead of $23,289,000 as proposed by the Senate.

**office of the under secretary for food safety**

Amendment No. 56: Appropriates $440,000 for the Office of the Under Secretary for Food Safety as proposed by the Senate instead of $450,000 as proposed by the House.

**food safety and inspection service**

Amendment No. 57: Appropriates $544,906,000 for the Food Safety and Inspection Service instead of $540,365,000 as proposed by the House and $563,004,000 as proposed by the Senate.

The conference agreement includes language allowing the Secretary of Agriculture to fund all costs for agricultural equine quarantine inspection services in connection with the 1996 Summer Olympic Games.

**state mediation grants**

Amendment No. 58: Makes a technical correction and provides for the administration and implementation of programs that are administered by the Consolidated Farm Service Agency as proposed by the Senate.

**Agricultural Credit Insurance Fund Program Account**

Amendment No. 59: Appropriates $795,000,000 for Salaries and Expenses of the Consolidated Farm Service Agency instead of $788,380,000 as proposed by the House and $798,880,000 as proposed by the Senate.

Amendment No. 60: Provides $1,000,000 for employment under the Organic Act of 1944 as proposed by the Senate instead of $500,000 as proposed by the House.

**Outreach for Socially Disadvantaged Farmers**

Amendment No. 61: Appropriates $2,000,000 for Outreach for Socially Disadvantaged Farmers instead of $2,000,000 as proposed by the Senate.

Amendment No. 62: Appropriates $1,000,000 for Outreach for Socially Disadvantaged Farmers instead of $1,000,000 as proposed by the Senate.

Amendment No. 63: Provides a total of $60,000,000 for farm operating loans as proposed by the Senate instead of $2,300,000,000 as proposed by the House.

Amendment No. 65: Deletes funding for credit sales of acquired property instead of $22,500,000 as proposed by the House and $21,696,000 as proposed by the Senate.

Amendment No. 66: Restores House total of $34,053,000 for the subsidy cost of farm ownership loans as proposed by the Senate instead of $22,206,000 as proposed by the House.

Amendment No. 67: Appropriates a total of $111,505,000 for the subsidy cost of farm operating loans as proposed by the Senate instead of $91,000,000 as proposed by the House.

Amendment No. 68: Deletes funding for the subsidy cost of credit sales of acquired property instead of $4,113,000 as proposed by the House and $3,966,000 as proposed by the Senate.

Amendment No. 69: Appropriates $221,541,000 for administrative expenses as proposed by the House instead of $222,258,000 as proposed by the Senate.

Amendment No. 70: Provides for a transfer of $208,466,000 in administrative expenses to Salaries and Expenses as proposed by the House instead of $241,163,000 as proposed by the Senate.

**Title II—Conservation Programs**

Office of the Under Secretary for Natural Resources and Environment The conference agreement includes language allowing the Senate to submit to the Committees on Appropriations a detailed report on grantees and results of the program.

**agricultural credit insurance fund**

Amendment No. 61: Appropriates $2,000,000 for State Mediation Grants as proposed by the Senate instead of $3,000,000 as proposed by the Senate.

Office of the Under Secretary for Natural Resources and Environment

Amendment No. 71: Restores House total of $34,053,000 for the subsidy cost of farm ownership loans as proposed by the Senate instead of $22,206,000 as proposed by the House.

Amendment No. 72: Deletes funding for credit sales of acquired property instead of $22,500,000 as proposed by the House and $21,696,000 as proposed by the Senate.

Amendment No. 73: Provides a total of $34,053,000 for the subsidy cost of farm operating loans as proposed by the Senate instead of $22,206,000 as proposed by the House.

Amendment No. 74: Provides for a transfer of $208,466,000 in administrative expenses to Salaries and Expenses as proposed by the House instead of $241,163,000 as proposed by the Senate.

Amendment No. 75: Deletes funding for the subsidy cost of credit sales of acquired property instead of $4,113,000 as proposed by the House and $3,966,000 as proposed by the Senate.

Amendment No. 76: Appropriates $221,541,000 for administrative expenses as proposed by the House instead of $222,258,000 as proposed by the Senate.

Amendment No. 77: Provides for a transfer of $208,466,000 in administrative expenses to Salaries and Expenses as proposed by the House instead of $241,163,000 as proposed by the Senate.
changes in administration policy and other matters is afforded all interested parties as a means to best serve the comity of public policy debate and avoid unnecessary and potentially harmful misunderstandings and misdirections. The Senate decision to recede to the House is based on personal assurances from the Secretary that he will take steps to address the issue to be addressed by the Senate. The Senate should review the concerns and recommendations outlined by the Senate during its consideration of this matter.

**NATURAL RESOURCES CONSERVATION SERVICE**

**SALARIES AND EXPENSES**

Amendment No. 72: Appropriates $629,966,000 for Natural Resources Conservation Service, Conservation Operations as proposed by the House instead of $637,860,000 as proposed by the Senate. The conference agreement also provides for the funds to remain available until expended as proposed by the Senate. The conference agreement includes $350,000 for Great Lakes Basin Program for Soil and Erosion Sediment Control as proposed by the House instead of $250,000 as proposed by the Senate. The conference agreement also provides for the continuation, at the fiscal year 1995 level, of technical assistance for a rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi; and existing groundwater projects in eastern Arkansas, including Bayou Meto an Beaufort/Tensas.

Amendment No. 73: Adds the United States Code citation allowing for the temporary employment of qualified local engineers as proposed by the Senate. The House bill contained no similar provision.

**RIVER BASIN SURVEYS AND INVESTIGATIONS**

Amendment No. 74: Deletes language proposed by the Senate providing $8,369,000 for River Basin Investigations. The conference agreement deletes this issue in Amendment No. 81.

**WATERSHED PLANNING**

Amendment No. 75: Deletes language proposed by the Senate providing $5,630,000 for Watershed Planning. The conference address this issue in Amendment No. 81.

**WATERSHED AND FLOOD PREVENTION OPERATIONS**

Amendment No. 76: Deletes House language providing that only-high-priority authorized Public Law 534 projects be funded. The conference address this issue in Amendment No. 81.

Amendment No. 77: Provides $15,000,000 for authorized Public Law 534 projects as proposed by the Senate. The House bill did not provide a specific dollar amount for these projects.

**RESOURCE CONSERVATION AND DEVELOPMENT**

Amendment No. 78: Adds language proposed by the Senate and appropriates $29,000,000 for Resource Conservation and Development bill providing for this program as part of Amendment No. 82.

**FORESTRY INCENTIVES PROGRAM**

Amendment No. 79: Adds language proposed by the Senate and appropriates $6,325,000 for the Forestry Incentives Program. The House bill provided funding for this program as part of Amendment No. 82.

The conference agreement provides for the continuation of assistance in the replanting of harvested pine trees in Texas at the fiscal year 1995 funding level.

**COLORADO RIVER BASIN SALINITY CONTROL PROGRAM**

Amendment No. 80: Adds language proposed by the Senate and appropriates $2,683,000 for the Colorado River Basin Salinity Control Program. The House bill provided funding for this program as part of Amendment No. 82.

**WATERSHED SURVEYS AND PLANNING**

Amendment No. 81: Restores House language providing $14,000,000 for Watershed Surveys and Planning.

**CONSERVATION PROGRAMS**

Amendment No. 82: Deletes language proposed by the House consolidating the furnishing for Resource Conservation and Development, the Forestry Incentives Program, and the Colorado River Basin Salinity Control Program into a single appropriation. The conference agreement continues to fund these programs as separate appropriations as proposed by the Senate.

**WETLANDS RESERVE PROGRAM**

Amendment No. 83: Provides $77,000,000 for the Wetlands Reserve Program as proposed by the Senate instead of $210,000,000 as proposed by the House.

The conference agreement includes the fiscal year 1995 level to continue a demonstration project to reduce atrazine levels in the lakes of Macoupin County, Illinois. The conference agreement also includes the fiscal year 1995 level to continue to provide cost-share financial assistance to farmers and local communities in support of rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi; and existing groundwater projects in eastern Arkansas, including Bayou Meto an Beaufort/Tensas.

Amendment No. 84: Appropriates $75,000,000 for the Agricultural Conservation Program as proposed by the House instead of $50,000,000 as proposed by the Senate.

Amendment No. 85: Provides $11,000,000 for the Water Quality Incentives Programs as proposed by the House instead of $15,000,000 as proposed by the Senate.

The conference agreement contains the fiscal year 1995 level to continue a demonstration project to reduce atrazine levels in the lakes of Macoupin County, Illinois. The conference agreement also includes the fiscal year 1995 level to continue to provide cost-share financial assistance to farmers and local communities in support of rural recycling and water resource protection initiative in the Mississippi Delta region of Louisiana, Arkansas, and Mississippi; and existing groundwater projects in eastern Arkansas, including Bayou Meto an Beaufort/Tensas.

Amendment No. 86: Restores Senate language establishing a Rural Community Advancement Program. The conference agreement provides an appropriation of $8,836,000 for agricultural conservation program as proposed by the House instead of $3,555,000 to support a loan level of $34,583,000 for guaranteed loans. The conference agreement also provides for credit sales of acquired property instead of $2,250,000,000 as proposed by the Senate.

**CONSOLIDATED FARM SERVICE AGENCY**

**AGRICULTURAL CONSERVATION PROGRAM**

Amendment No. 87: Appropriates $148,723,000 for the subsidy cost of section 502 loans. The conference agreement also appropriates $34,880,000 to support a loan level of $148,723,000 for section 502 loans as proposed by the Senate.

Amendment No. 88: Appropriates $14,000,000 for Watershed Reserve Program as proposed by the Senate instead of $210,000,000 as proposed by the House.

The conference agreement continues to fund these programs as separate appropriations as proposed by the Senate.

**RURAL HOUSING AND COMMUNITY SERVICE**

**SALARIES AND EXPENSES**

Amendment No. 89: Provides $34,880,000 for Rural Housing and Community Development Service, Salaries and Expenses as proposed by the House instead of $372,897,000, from administrative expenses as proposed by the Senate.

Amendment No. 90: Restores Senate language providing that the Pine View West Subdivision in Gibsonville, North Carolina, be eligible for section 502 loans.

Amendment No. 91: Appropriates a total of $3,555,000 to support a loan level of $210,000,000 for section 502 loans instead of $118,335,000 as proposed by the House and $212,790,000 as proposed by the Senate.

Amendment No. 92: Restores and amends Senate language providing that funds for the section 515 rental housing program are available only for rehabilitation of existing units and related costs and funds for new construction be available upon election of making all funds for the program contingent on reauthorization as proposed by the Senate.

Amendment No. 93: Deletes for the subsidy cost of credit sales of acquired property instead of providing $6,100,000 as proposed by the House and $7,405,000 as proposed by the Senate.

Amendment No. 94: Restores House language establishing a $1,000,000 demonstration program of loan guarantees for multifamily housing in rural areas to be funded from the section 515 program, if authorized.

Amendment No. 95: Appropriates $385,889,000 for Rural Housing Insurance Fund Program Account administrative expenses as proposed by the House instead of $389,818,000 as proposed by the Senate.

Amendment No. 96: Provides for the transfer of $372,897,000, from administration expenses to Rural Housing and Community Development Service, Salaries and Expenses instead of $372,897,006 as proposed by the House and $376,860,000 as proposed by the Senate.

**RENTAL ASSISTANCE PROGRAM**

Amendment No. 97: Appropriates $540,900,000 for the Rental Assistance Program as proposed by the Senate instead of $535,900,000 as proposed by the House.

**COMMUNITY FACILITY LOANS PROGRAM ACCOUNT**

Amendment No. 98: Restores House language appropriating a subsidy cost of $34,880,000 to support a loan level of $200,000,000 in direct loans and a subsidy cost of $3,555,000 to support a loan level of $34,880,000 in guaranteed loans. The conference agreement continues to fund these programs as separate appropriations as proposed by the Senate.

Amendment No. 99: Restores Senate language providing for the Rural Housing and Community Development Service, Salaries and Expenses instead of $34,880,000 to support a loan level of $34,880,000. The conference agreement also provides for the program to be available upon reauthorization instead of making all funds for the program contingent on reauthorization as proposed by the Senate.

Amendment No. 100: Provides $1,000,000 for Supervisory and Technical Assistance Grants. The House bill contained no similar provision.

Amendment No. 101: Appropriates $9,013,000 for Rural Housing and Community Development Service, Salaries and Expenses as proposed by the Senate instead of $9,520,000 as proposed by the House.
 Amendment No. 102: Restores House language appropriating a subsidy cost of $6,457,000 to support a loan level of $500,000,000. The conference agreement includes a subsidy cost of $148,000 to support a loan level of $1,000,000,000 for empowerment zones and enterprise communities. The conference agreement also appropriates $14,868,000 for administrative expenses, of which $14,747,000 shall be transferred to Salaries and Expenses. The Senate bill provided for these programs in the Rural Community Advancement Program.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

Amendment No. 103: Deletes House language and inserts Senate language appropriating a subsidy cost of $22,356,000 to support a loan level of $37,544,000. The conference agreement provides a subsidy cost of $4,322,000 for empowerment zones and enterprise communities as proposed by the House instead of $6,484,000 as proposed by the Senate. The conference agreement also appropriates $27,276,000 for administrative expenses as proposed by the Senate. The House bill contained no funds for administrative expenses.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

Amendment No. 104: Appropriates $654,000 for administrative expenses of the Rural Economic Development Loans Program Account instead of $594,000 as proposed by the House and $724,000 as proposed by the Senate.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

Amendment No. 105: Appropriates $6,500,000 for the Alternative Agricultural Research and Commercialization Revolving Fund instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conferees expect the Secretary to provide a report to the House and Senate Committees on Appropriations on steps taken to resolve the problems in this program identified by the Inspector General in his Semiannual Report to Congress (Fiscal Year 1995—First Half). Specifically, the report should address issues relating to conflict-of-interest in board decisions, failure to file financial disclosure reports, and exceeding the authorized terms of Board Members.

RURAL BUSINESS ENTERPRISE GRANTS

Amendment No. 106: Restores House language appropriating $45,000,000 for Rural Business Enterprise Grants. The Senate bill contained no funds for these programs in the Rural Community Advancement Program.

The Senate bill contains similar language, but did not allow any additional funds for the Rural Business Enterprise Grants program. The conferees believe that there will be other commendable applications to the Department in addition to those mentioned in the report. The conferees expect the Department to approve only those applications judged meritorious when subject to the established review process.

The conferees urge the Department to consider the following projects which were not mentioned in the House and Senate reports. The conferees expect the Department to apply the same criteria of review to these projects as are applied to other applications. The conferees expect the Department to be empowered to accommodate these projects.

Rural Health Coop. Inc., Iowa City, Iowa.
St. Cloud Area Economic Development, St. Cloud, Minnesota.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

Amendment No. 107: Appropriates $2,300,000 for Rural Technology and Cooperative Development Grants instead of $1,500,000 as proposed by the Senate. The Senate conference agreement would appropriate up to $1,300,000 of these funds for the Appropriate Technology Transfer for Rural Areas program as proposed by the Senate.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Amendment No. 108: Establishes a loan level of $550,000,000 for Rural Electric loan institutions instead of $500,000,000 as proposed by the Senate. The conference agreement agrees that up to $1,300,000 of these funds may be used for the Appropriate Technology Transfer for Rural Areas program as proposed by the Senate.

Amendment No. 109: Appropriates $2,992,000 for administrative expenses as proposed by the Senate instead of $32,183,000 as proposed by the Senate.

RURAL UTILITIES ASSISTANCE PROGRAM

Amendment No. 110: Appropriates $487,868,000 for the Rural Utilities Assistance Program instead of $770,000 as proposed by the House. The conference agreement appropriates $435,000,000 as proposed by the House instead of $540,000 as proposed by the Senate.

CONFERENCE AGREEMENT

The conference agreement provides a subsidy cost of $22,395,000 to support a loan level of $37,544,000. The conference agreement also appropriates $4,500,000 for a circuit rider program instead of $500,000,000 as proposed by the Senate. The conference agreement appropriates $3,000,000 as proposed by the House and $3,000,000 as proposed by the Senate.

The conference agreement provides for the Alternative Agricultural Research and Commercialization Revolving Fund instead of $6,484,000 as proposed by the Senate. The Senate bill contained no similar provision.

The conferees expect the Secretary to provide a report to the House and Senate Committees on Appropriations to this Act as amended, at a rate not less than that of fiscal year 1995. The conference agreement also appropriates $12,740,000 for administrative expenses. The Senate bill provided for the $5,023,000 for Rural Telephone Bank loans as proposed by the Senate instead of $770,000 as proposed by the House.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

Amendment No. 111: Appropriates a subsidy cost of $539,400,000 for Rural Telephone Bank loans as proposed by the Senate instead of $435,000,000 as proposed by the House.

The conference agreement also includes $18,449,000 for Rural Utilities Assistance Program instead of $18,449,000 for Rural Utilities Assistance Program as proposed by the Senate. The conferees expect the Secretary to provide a report to the House and Senate Committees on Appropriations of sections 17, 19, and 21 of the Child Nutrition Act of 1966 as proposed by the Senate.

Amendment No. 112: Appropriates $3,000,000 for a circuit rider program instead of $770,000 as proposed by the Senate. The conference agreement agrees that up to $1,300,000 of these funds may be used for the Appropriate Technology Transfer for Rural Areas program as proposed by the Senate.

The conference agreement also includes $18,449,000 for Rural Utilities Assistance Program instead of $18,449,000 for Rural Utilities Assistance Program as proposed by the Senate. The conferees expect the Secretary to provide a report to the House and Senate Committees on Appropriations to this Act as amended, at a rate not less than that of fiscal year 1995.

The conferees agree to change the name of the program from the Rural Development Performance Partnerships Program to the Rural Utilities Assistance Program.

SALARIES AND EXPENSES

Amendment No. 115: Appropriates $12,449,000 for Rural Utilities Service, Salaries and Expenses as proposed by the House and $3,000,000 instead of $19,211,000 as proposed by the Senate.

CONFERENCE AGREEMENT

The conference agreement provides for the funding of these two programs through a permanent appropriation established in the Healthy Meals for Healthy Americans Act of 1994.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

Amendment No. 121: Provides that none of the funds provided by Public Law 103-448, Healthy Meals for Healthy Americans Act of 1994, for 1996 are to be used for administrative expenses as proposed by the Senate. The Senate bill contained no similar provision.

The House bill contains no similar provision.

Amendment No. 122: Deletes language proposed by the House providing for the Nutrition Education and Training Program and the Food Service Management Institute. The conference agreement provides for the funding of these two programs through a permanent appropriation established in the Healthy Meals for Healthy Americans Act of 1994.

CHILD NUTRITION PROGRAMS

SCHOOL LUNCH PROGRAM

Amendment No. 123: Appropriates $4,433,690 for the School Lunch Program account as proposed by the Senate.

State administrative expenses

Summer food service program

Child and adult care food program

SPECIAL MILK PROGRAM

Food Service Management Institute

School meals initiative

Total

CONFERENCE AGREEMENT

Children's Health Act of 1990 (PL 101-508); Conference agreement
CONGRESSIONAL RECORD — HOUSE
H 9637
September 28, 1995

the Commodity Supplemental Food Program. The House bill contained no similar provision. The conference agreement addresses this program in Amendment No. 126.

FOOD STAMP PROGRAM Amendment No. 126: Appropriates $27,597,828,000 for the Food Stamp Program instead of $27,097,828,000 as proposed by the House and $28,097,828,000 as proposed by the Senate. The conference agreement allows the Department of Agriculture to carry out three commodity assistance programs—Commodity Supplemental Food Program, The Emergency Food Assistance Program (TEFAP), and Soup Kitchens. The conference agreement also allows for TEFAP commodity purchases.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS Amendment No. 127: Appropriates $215,000,000 for the Food Donations Programs for Selected Groups as proposed by the House instead of $217,250,000 as proposed by the Senate.

Amendment No. 128: Adds language proposed by the Senate establishing a maximum rate of reimbursement to states, subject to reduction if obligations exceed available funds. The conference agreement also makes this provision permanent law. The House bill contained no similar provision.

Amendment No. 129: Deletes language proposed by the Senate providing $40,000,000 for Soup Kitchens. The House bill and the conference agreement address this program in Amendment No. 126.

THE EMERGENCY FOOD ASSISTANCE PROGRAM Amendment No. 130: Deletes language proposed by the Senate providing $40,000,000 for the Emergency Food Assistance Program. The House bill and the conference agreement address this program in Amendment No. 126.

FOOD PROGRAM ADMINISTRATION Amendment No. 131: Appropriates $107,769,000 for Food Program Administration instead of $110,215,000 as proposed by the House and $107,215,000 as proposed by the Senate. The House bill contains no similar provision.

Amendment No. 132: Deletes language proposed by the Senate earmarking $760,000 for an automated data processing infrastructure. The House bill contained no similar provision.

TITLE VII—FOREIGN ASSISTANCE AND RELATED PROGRAMS FOREIGN AGRICULTURAL SERVICE Amendment No. 133: Appropriates $124,775,000 for the Foreign Agricultural Service as proposed by the Senate instead of $123,520,000 as proposed by the House. The conference agreement includes the budget request for the Cochran Fellowship Program.

Amendment No. 134: Provides a limitation on activities of the Market Promotion Program which will prohibit the granting of Federal funds to for-profit corporations that are not described under the Small Business Act. The conference agreement, however, allows that funds would continue to be available to farmer-owned cooperatives and trade associations. The conference also recognizes the important role that trade associations in directing branded promotional activities in emerging foreign markets. The conference also agrees that the Department of Agriculture should not discriminate between cooperatives and small businesses in allocating Market Promotion Program funds.

Amendment No. 135: Provides that $60,000,000 in savings resulting from Public Law 103-465 be used to finance title II of Public Law 480 funding. The Senate bill proposes that the $60,000,000 credited savings be used for title III. The House bill contained no similar provision.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION DEPARTMENT OF HEALTH AND HUMAN SERVICES FOOD AND DRUG ADMINISTRATION BUILDINGS AND FACILITIES Amendment No. 136: Appropriates $12,150,000 for Food and Drug Administration, Buildings and Facilities instead of $8,350,000 as proposed by the House and $8,350,000 as proposed by the Senate. The conference agreement addresses this program in Amendment No. 136.

Amendment No. 137: Appropriates $53,601,000 for the Commodity Futures Trading Commission instead of $49,144,000 as proposed by the House and $54,058,000 as proposed by the Senate.

FARM CREDIT ADMINISTRATION Administrative Provision Amendment No. 138: Adds language proposed by the Senate allowing employees of the Farm Credit Administration to reenter the Federal Employees Health Benefits Plan.

Amendment No. 139: Deletes the word "and" which was added by the Senate.

Amendment No. 140: Adds language proposed by the Senate which adds that Consolidated Farm Service Agency, Salaries and Expenses funds made available to county committees remain available until expended. The House bill contained no similar provision.

Amendment No. 141: Makes a technical correction updating the fiscal year citation as proposed by the Senate.

Amendment No. 142: Adds language prohibiting the use of Small Business Innovation Development grants from a 14 percent overhead cap. The House bill contained no similar provision.

Amendment No. 143: Adds language proposed by the Senate which adds that Consolidated Farm Service Agency, Salaries and Expenses funds made available to county committees remain available until expended. The House bill contained no similar provision.

Amendment No. 144: Makes a technical correction changing the word "Agriculture" to "Agricultural" as proposed by the Senate.

Amendment No. 145: Restores House language prohibiting increases in full-time equivalent positions in certain offices of the Food and Drug Administration above the fiscal year 1995 level.

Amendment No. 146: Restores House language prohibiting the use of Market Promotion Program funds for assistance to the U.S. Tobacco Market Promotion Coalition or any mink industry trade association. The Senate bill addresses this issue in Amendment No. 157.

Amendment No. 147: Restores House language requiring the use of Market Promotion Program funds for assistance to the U.S. Tobacco Market Promotion Coalition or any mink industry trade association.

Amendment No. 148: Limits the acreage enrollment in the Wetlands Reserve Program to no more than 100,000 acres in fiscal year 1996 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 149: Prohibits the enrollment of additional acres in the Conservation Reserve Program in fiscal year 1996 and requires $1,570,000 new acres to be enrolled in the year beginning on January 1, 1997, as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 150: Provides that none of the funds in this Act may be used to develop guidelines, implement, or enforce mink industry trade association labeling regulations promulgated on August 25, 1995, until legislation is enacted directing the Secretary of Agriculture to promulgate such a regulation and Senate and House authorizing committees receive and approve a revised proposal as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 151: Deletes language proposed by the Senate prohibiting funds from being used for the salaries and expenses of the Board of Tea Experts. The House bill contained no similar provision. The conference agreement addresses this issue in Amendment No. 151.

Amendment No. 152: Provides that none of the funds appropriated or made available to the Food and Drug Administration in this Act shall be used to operate the Board of Tea Experts. The conference agreement does not repeal the Tea Importation Act as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 153: Deletes the sense of the Senate language providing that the marketing assessment statute for the Tobacco program be amended to include administrative costs of the tobacco program. The House bill contained no similar provision.

Amendment No. 154: Provides that none of the funds shall be used for any action that results in a loss or restriction and use of water from existing water supply facilities located on National Forest lands as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 155: Deletes language proposed by the Senate providing for energy administrative costs. The House bill contained no similar provisions.

Amendment No. 156: Deletes the sense of the Senate language providing that the marketing assessment statute for the Peanut program be amended to cover the administrative costs of the peanut program. The House bill contained no similar provision.

Amendment No. 157: Deletes language proposed by the Senate prohibiting the funds made available in the Market Promotion Program from being used to carry out mink related activities. The House bill and the conference address this issue in Amendment No. 145.

Amendment No. 158: Deletes the sense of the Senate language on United States-Canada Cooperative Council for an outlet to relieve flooding at Devils Lake in North Dakota. The House bill contained no similar provision. The conference expects the Natural Resources Conservation Service to participate in a technical committee to address the problem.

Amendment No. 159: Deletes language proposed by the Senate repealing the Swine Health Advisory Committee and the Global Climate Change Technical Advisory Committee. The House bill contained no similar provision.

Amendment No. 160: Amends language proposed by the Senate directing the Secretary of Agriculture to not enforce final regulations promulgated on August 25, 1995, to implement the Forest Resources Conservation and Shortage Relief Act of 1990. The
amend the Small Business Act to re-

duce the level of participation by the Small Business Administration in cer-
tain loans guaranteed by the adminis-
tration, and for other purposes.

CONFERENCE REPORT (H. REPT. 104-269)

The committee of conference on the dis-
agreeing votes of the two Houses on the amendments to the House bill (S. 895) to amend the Small Business Act to reduce the level of participation by the Small Busi-
ness Administration in certain loans guaran-
teed by the Administrator for other purposes, having met, after full and free con-
ference, have agreed to recommend and do recommend to their respective Houses as fol-

ows:

That the Senate recede from its disagree-
tment to the amendment of the House to the amendment as follows:

In lieu of the matter proposed to be in-
serted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Lending Enhancement Act of 1995”.

SEC. 2. REDUCED LEVEL OF PARTICIPATION IN GUARANTEED LOANS.

Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

``(2) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—

``(A) IN GENERAL.—Except as provided in sub-
paragraph (B), in an agreement to participate in a loan on a deferred basis under this sub-
section (including a loan made under the Pre-
ferred Lenders Program), such participation by the Administration shall be equal to—

``(i) 75 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds $100,000; or

``(ii) 80 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance is less than or equal to $100,000.

``(B) REDUCED PARTICIPATION UPON RE-
Quest.

``(i) IN GENERAL.—The guarantee percentage specified by subparagraph (A) for any loan under this subsection may be reduced upon the request of the participating lender.

``(ii) PROHIBITION.—The Administration shall not use the guarantee percentage requested by a participating lender under clause (i) as a cri-
terion for establishing priorities in approving loan guarantee requests under this subsec-
ction.

``(C) INTEREST RATE UNDER PREFERRED LEND-
ERS PROGRAM.—

``(i) IN GENERAL.—The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the maximum interest rate, as determined by the Administra-
tion, applicable to other loans guaranteed under this subsection.

``(ii) PREFERRED LENDERS PROGRAM DE-
FINED.—For purposes of this subparagraph, the term ‘Preferred Lenders Program’ means any program established by the Administrator, as authorized under the proviso in section 5(b)(7), under which a written agreement between the lender and the Administration delegates to the lender—

``(I) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration; and

``(II) authority to service and liquidate such loans.”.

SEC. 3. GUARANTEE FEES.

(a) AMOUNT OF FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

``(18) GUARANTEE FEES.—

``(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Admin-
istration shall collect a guarantee fee, which shall be payable by the participating lender and may be charged to the borrower, in an amount equal to the sum of—

``(i) the deferred participation share of the loan that is less than or equal to $250,000; and

``(ii) the deferred participation share of the loan that exceeds $250,000, 3.5 percent of the differ-
ce between—

``(I) $500,000 or the total deferred participa-
tion share of the loan, whichever is less; and

``(II) $500,000, and

``(iii) if the deferred participation share of the loan exceeds $500,000, 3.875 percent of the differ-
ce between—

``(I) the total deferred participation share of the loan; and

``(II) $500,000.

``(B) EXCEPTION FOR CERTAIN LOANS.—Not-
withstanding subparagraph (A), if the total de-
ferred participation share of a loan guaranteed under this subsection is less than or equal to $80,000, the guarantee fee collected under sub-
paragraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

``(C) PAYER.—The annual fee assessed under subparagraph (A) shall be payable by the par-
ticipating lender and shall not be charged to the borrower.

``(D) CONFORMING AMENDMENT.—Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 636a(4)(A)) is amended—

``(1) by striking the first sentence and inserting ‘‘(1) by striking ‘‘shall’’ and inserting ‘‘shall’’; and

``(2) by striking ‘‘, and’’ and all that follows through the end of the subparagraph and inserting a period; and

``(2) by striking subparagraph (C).

SEC. 4. ESTABLISHMENT OF ANNUAL FEE.

(a) IN GENERAL.—Section 5(e)(4) of the Small Business Act (15 U.S.C. 636(e)(4)) is amended by adding at the end the following new paragraph:

``(22) ANNUAL FEE.—

``(A) IN GENERAL.—With respect to each loan guaranteed under this subsection, the Adminis-
tration shall, in accordance with such terms and procedures as the Administration shall establish by regulation, assess and collect an annual fee in an amount equal to 0.5 percent of the out-
standing balance of the deferred participation share of the loan.

``(B) PAYER.—The annual fee assessed under subparagraph (A) shall be payable by the par-
ticipating lender and shall not be charged to the borrower.

``(c) CONFORMING AMENDMENT.—Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 636a(4)(A)) is amended—

``(1) by striking the first sentence and inserting the following: ‘‘The Administration may collect a fee for any loan guaranteed sold into the sec-
ondary market under subsection (f) in an amount equal to not more than 50 percent of the portion of the sale price that exceeds 110 percent of the outstanding principal amount of the por-
tion of the loan guaranteed by the Administra-
tion.’’;

``(2) by striking ‘‘fees’’ each place such term ap-
pears and inserting ‘‘fee’’.

SEC. 5. NOTIFICATION REQUIREMENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following new paragraph:

``(24) NOTIFICATION REQUIREMENT.—The Ad-
ministration shall notify the Committees on Small Business of the Senate and the House of Repre-
sentatives not later than 15 days before making any significant policy or administrative change affecting the operation of the loan pro-
gram under this subsection.”.

SEC. 6. DEVELOPMENT COMPANY DEBENTURES.

Section 503(b) of the Small Business Invest-
ment Act of 1958 (15 U.S.C. 679(b)(1)) is amended—

``(1) in paragraph (5), by striking ‘‘and’’ at the end; and

``(2) by striking (6), by striking the period at the end and inserting ‘‘; and’’ and
SEC. 8. APPLICABILITY.

(1) 1988 (15 U.S.C. 694b note) is amended by striking...

SEC. 7. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking...

(a) I N GENERAL. Except as provided in subsection (b), the amendments made by this Act...

(b) E XCEPTIONS. The amendments made by this Act...

(3) by adding at the end the following new...


Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. HELFLEY). The gentleman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

The Clerk reads the resolution, as follows:

H. RES. 231

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived.

Specifically, the resolution waives all points of order against the conference report and against its consideration on the floor today. As a precautionary step, the blank waiver includes a waiver of clause 2 of rule 20, regarding legislative or unauthorized items, and clause 3 of rule 28, regarding items which go beyond the scope of the conference.

The resolution was reported unanimously by the Rules Committee yesterday by voice vote, and I would urge my colleagues to give it their full support.

Mr. Speaker, the Interior appropriations bill is certainly no stranger to controversy. When such divergent issues as land use and mining claims are combined with Federal funding for the arts and humanities into a single spending bill, difficulties are bound to arise.

Yet, where there are difficulties, there is also potential for bipartisan compromise. Under the strong leadership of my good friend from Ohio, Chairman REGULA, and the members of the conference committee—on both sides of
the aisle—have worked very hard to finalize a balanced, responsible product in the face of competing interests, and limited Federal resources.

The American people have charged us with cutting Government spending, and this conference report responds to their calls for a smaller, more efficient Government. The bill is $1.7 billion below the President's budget request and $1.4 billion below the fiscal year 1995 level—a 12-percent savings from the 1995 funded level.

The conference report also meets our fundamental goal of reducing the size and scope of the Federal Government. In addition to eliminating certain agencies and programs and consolidating others within existing Federal departments, almost all agencies covered by the bill are funded below the 1995 level.

Mr. Speaker, in recent days we have heard that this conference report has attracted a potential veto threat from the White House. In light of our efforts to resolve funding differences in a bipartisan manner, I believe such a step would be very unfortunate, and even counterproductive as we work to finalize this year's appropriations processes.

The Senate will soon consider the continuing resolution which the House passed earlier today to ensure that the Federal Government remains open for business as the new fiscal year begins on Sunday.

A Presidential veto at this time would just add to the challenges we face in providing the Federal work force with its fiscal stability.

In closing, Mr. Speaker, we have the responsibility to move this critical process forward and to complete work on each of the 13 regular appropriation bills. House Resolution 231 is a simple and straightforward rule providing for the timely consideration of the fourth conference report to come to the floor of the House. I urge my colleagues to support this reasonable rule and to pass this balanced conference report.

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

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

Mr. Speaker, we oppose this rule, and we oppose the measure that it makes in order, the conference report on Interior appropriations for fiscal year 1996.

The legislation cripples a joint Forest Service-BLM ecosystem management project for the Columbia River Basin to the Northwest, a project intended to allow a sustainable flow of timber from that region. This provision threatens the protection of salmon and other critical species and guarantees continued court battles over logging in that region.

In addition, Mr. Speaker, to all these troubling provisions, the conference report endangers resource protection by reducing spending for many critical activities. The conference report cuts Environmental Protection Agency by one-third and increases spending for the military by $7 billion over the President's request, and that includes funds for weaponry the military officials themselves say the Nation does not need.

In other words, if both conference reports are enacted, we will be spending five times the savings gained from this bill on additional unnecessary spending for the Pentagon.

Thus, the significance of this conference report is not its contribution to the Federal budget deficit as its proponents claim. Rather, its significance lies in its contribution to the multi-pronged assault on environmental protection that has been launched by the Republican leadership in the House.

When this legislation is viewed in the context of other anti-environmental measures this House has considered or will be considering, its negative impacts are even more apparent. This bill follows House passage of several so-called regulatory reform bills, the Contract With America bills, that would cripple Federal regulatory agencies' ability to implement and enforce environmental protection laws. It follows House passage of the amendments to the Clean Water Act that would permit more water pollution and the destruction of more than half the Nation's remaining wetlands. It follows enactment of a provision included in the fiscal 1995 rescission bill which will dramatically increase logging in environmentally sensitive areas of the forest.

The conference report prohibits adding new species of plants and animals to the endangered species list, despite clear scientific evidence that hundreds of species awaiting listing are headed toward extinction.

The legislation cripples a joint Forest Service-BLM ecosystem management project for the Columbia River Basin to the Northwest, a project intended to allow a sustainable flow of timber from that region. This provision threatens the protection of salmon and other critical species and guarantees continued court battles over logging in that region.

In addition, Mr. Speaker, to all these troubling provisions, the conference report endangers resource protection by reducing spending for many critical activities. The conference report cuts Environmental Protection Agency by one-third and increases spending for the military by $7 billion over the President's request, and that includes funds for weaponry the military officials themselves say the Nation does not need.

In other words, if both conference reports are enacted, we will be spending five times the savings gained from this bill on additional unnecessary spending for the Pentagon.
at this Nation's most cherished resources and will benefit special interests at the expense of the taxpayers.'"

For those reasons, the President has announced his intentions to veto this bill. We have to put to a stop the wholesale destruction of our Nation's resources that has been taking place this year. This is the place to do it.

Rather than sending this bill on to the President at this time, I would urge the House to shorten the process by deleting and sending the bill back to conference for the numerous major revisions it needs.

Mr. OBEY. Mr. Speaker, this bill deserves to be stopped dead in its tracks. It is an absolutely lousy bill. The best way to stop it is to defeat the rule that will allow its consideration.

There are a lot of things wrong with it, but the worst thing in the conference report is the provision which relates to the moratorium on mining patent claims which is an abomination under the Constitution.

The conference agreement lifts the existing moratorium and allows mining companies, many of which are foreign owned, to gain title to Federal lands containing valuable hard rock minerals. As a result, billions of dollars being pocketed by mining companies without payment of any royalties to the owner of the land, the U.S. taxpayer.

This, in my view, is a travesty left over from the political stone age. The original law that permits this outrage, this outrageous raid on the Treasury, was enacted in 1872. If my old colleague Bill Proxmire were still representing Wisconsin in the other body, you can be sure that this provision would be the epitome of one of his Golden Fleece awards. The magnitude of this giveaway is incredibly hard to grasp.

Let me give you one example. Just last year the Interior Department signed away land containing an estimated $10 billion in gold for less than $10,000. The so-called reform in this bill would mean that it will only cost $10,000. The so-called reform in this bill back to conference for the numerous major revisions it needs.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California [Mr. Miller], the ranking member of the committee on resources.

Mr. MILLER of California and my colleague from Wisconsin have pointed out, there is just so much wrong with this bill that it is unbelievably that we are considering it in this Congress. It does not do anything to the environment and the harm that it does to the American taxpayers. The deficiencies are complete, they are throughout, and this bill should not become law.

One of the most egregious provisions of this bill is that instead of maintaining the patent moratorium on giving away lands, western lands, to mining companies as this House has strongly advocated year after year, the conference committee chose to ignore the clearly stated House intent. Earlier this year the House voted 271 to 153 to support extension of the 1995 patent moratorium. We took this action in response to widespread concern that taxpayers were being cheated out of hundreds of millions of dollars because of an archaic law enacted in the days of Jesse James, the robber barons, and mineral kings. Rather than honor or solidify the established bipartisan position, the conference adopted language that replaces the patent moratorium with even more deplorable language that currently exists under the 1872 law. The conference report not only renews the processing of patent applications which were substantively frozen by the 1995 appropriations bill, but it also directs the Interior Department to take such action as may be necessary to take final action on all pending applications within 2 years.

This is no small matter. Since 1872, the United States has lost over 3.2 million acres of lands and 231 billion dollars' worth of mineral assets slip through our fingers in this way, charging minimal costs for land transfers and no royalties at all for the people of the United States who were the owners of this land when the land was transferred.

If this conference report is approved, the mining industry will receive title to an additional 607 patents covering 230,000 acres of the public's lands for the measly price of the surface rights. Corporations clamoring to loot the public domain include ASARCO, U.S. Gypsum, United States Steel, Exxon, Union Oil, American Barrick, Manville Corp., Georgia Pacific, Santa Fe Pacific, Pfizer, Newmont, and Noranda Mining Cos.

Mr. Speaker, I would hope that we would reject this legislation. If a motion to recommit the conference report to exclude this provision is offered, I would hope Members of the Congress would support that, as they did earlier this year in their motions to maintain the patent provisions of the bill.

Mr. Speaker, the flaws in this conference report are not limited to the failure to extend the
moratorium on issuing mining patents. An egregious example of abuse of the taxpayers and an unprecedented attack on our natural resources is contained in the Senate rider dictating that timber interests dominate management of the Tongass National Forest in Alaska.

Without any public hearings, the Senate has insisted on sweeping language which will greatly increase taxpayer subsidized logging of the magnificent old-growth forest in Alaska. Over the past several years, the Tongass has earned the dubious distinction of losing more money—$64 million annually according to one economist’s study—than any other national forest. The Senate language makes things worse.

The Senate rider would abort the Forest Service planning process and conspiratorially dictate that the Tongass be managed according to a discredited, draft 1991 plan. That plan—which has been rejected by the administration for relying on outdated science—would provide for at least 418 million board feet of timber annually, one-third more than the average annual harvest on the Tongass over the past decade. Fully implementing this provision could cost an additional $18 million annually in Federal subsidies to support the increased logging.

Language added by the conference committee will inadvertently constrain the Forest Service from amending the forest plan in any manner which would limit lands allocated to timbering. Moreover, the provision attempts to overturn a Ninth Circuit decision in a case brought by tourism, Native, and conservation interests and would insulate timber sales from environmental and subsistence use laws.

Mr. Speaker, the Tongass language has been highlighted as objectionable to the administration by Vice-President GORE in conveying the President’s veto threat. It is opposed by Agriculture Secretary Dan Glickman. It is opposed by the Governor of Alaska, Tony Knowles. It is opposed by the Alaska Outdoor Council, a coalition of conservative hunting and fishing groups. It is opposed by every Alaska and national environmental group.

As an architect of the 1990 Tongass Timber Reform Act, I take special offense at this assault on our largest national forest. These permanent changes in law are not within the proper jurisdiction of the appropriations committee. Moreover, there is simply no justification for this outrageous abuse of public process and legal rights. Southeast Alaska’s jobless rate is lower than the national average. The economy is more diversified than ever before and is growing. The Senate language is an ill-advised attempt to turn back the clock and to manage these public lands to favor a heavily taxpayer subsidized special interest over all other competing users of the forest.

While the Tongass language alone provides sufficient reason for the conference report to be rejected by the House, there are many other fundamentally flawed provisions which undermine the 1994 California Desert Protection Act by giving the National Park Service only $1 to manage the Mojave National Preserve; unfairly target Indian tribes and people by cutting the Bureau of Indian Affairs budget $351 million, 19 percent below the President’s request and $184 million, 11 percent below the fiscal year 1995 funding level; derail the Columbia River Basin ecosystem management project; fund Department of the Interior scientific research at $35.7 million below the President’s request; prohibit wildlife species from being added to the endangered species list and the designation of critical habitat; fund the Land and Water Conservation Fund land acquisition programs at $71 million notwithstanding a $11.2 billion surplus in the Fund.

Mr. Speaker, the list of objectionable provisions goes on and on. This conference report should be rejected by the House. If not, the President should veto it and insist that the Congress come up with a new bill which is not an insult to the American people and our natural heritage.

Mr. GEJJDENSON. Mr. Speaker, I rise to object to certain provisions in the conference report on H.R. 1976. While I am deeply concerned about the effect of cutting $1.4 billion from our natural resource management agencies, several individual items are especially egregious.

First and foremost, the conference report contains language which will dramatically increase logging in the Tongass National Forest. This provision may be unfamiliar to Members because it was not in the House bill. It is a backdoor attempt to open the Tongass when scientific evidence and sound forestry management dictate limiting harvests overall and protecting important fish and wildlife habitat.

This provision may be unfamiliar to Members because it was not in the House bill. It is a backdoor attempt to open the Tongass when scientific evidence and sound forestry management dictate limiting harvests overall and protecting important fish and wildlife habitat. The Senate rider language, the American people continue to get the shaft under the 1872 mining law. In another effort to run around the authorization process, the conference report contains House language, effectively transferring management of the Mojave National Preserve from the Park Service to the Bureau of Land Management.

As many Members know, debate on the California Desert Protection Act consumed several weeks during the 103rd Congress. The gentleman from California [Mr. MILLER] must be congratulated for bringing措施 to the House floor under a completely open rule. Every Member of this body had the opportunity to offer amendments. The gentleman from Idaho [Mr. LAROCCH] proposed an amendment changing the status of the Mojave from a National Park to a National Preserve. While this Member opposed that amendment, a majority supported it and the law reflects this change. At the same time, the Congress supported transferring management to the Park Service.

The financial arrangement in this measure is in direct contravention to the will of the Congress. Once again, this appropriation bill is being used to effect policy changes which should move through the authorization process. This is an issue of national importance which should be the subject of hearings and debate in the Resources Committee.

Mr. Speaker, the other body has added certain provisions making fundamental policy changes which could adversely affect resources belonging to every American regardless of where they live. The appropriation process should be reserved for annual revenue measures. We have an authorization process through which Members can effect major policy changes. Various provisions of this bill make a mockery of that process.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.
The SPEAKER pro tempore (Mr. Hefley). The question is on the resolution.

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

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

The SPEAKER pro tempore. Pursuant to clause 5 of the rule I, the Chair postpones further proceedings on this resolution until after the vote on House Resolution 232.

The point of no quorum is considered as having been withdrawn.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H. R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 232 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 232

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H. R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from Florida [Mr. Goss] is recognized for 1 hour.

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

(Mr. Goss asked and was given permission to include extraneous material in the RECORD.)

Mr. GOSS. Mr. Speaker, this is a very simple, very fair rule for the consideration of the conference report for H. R. 2126, the Department of Defense appropriation bill. We provide for an hour of debate, and all points of order against the report are waived. It is that simple.

As we rapidly approach the end of the 1995 fiscal year, and it becomes clear that we will not be able to have all 13 appropriations bills signed into law by October 1, I am pleased that we are making defense a priority. The Constitution explicitly requires Congress to provide for the national defense, and if it is entirely appropriate that we are moving this bill today. Many people, myself included, feel that this administration has allowed our military readiness to decline at an alarming rate. I am concerned that scaling our Armed Forces back too far in the name of peace may actually invite new aggression. Certainly the Soviet threat is gone, but in the wake of its passing, we are left with multiple problems. Mr. Speaker, the lessons of history serve us well here—allowing our defensive capabilities to be reduced too much could easily be an invitation to aggression against American interests abroad, or even here at home. The collapse of the Soviet Union and Warsaw Pact, United States troops have been far from idle—they have been actively involved in a major shooting war in the Gulf, and many hotspots such as Haiti, Somalia, and the Kurds have emerged, too. Many relatively small countries are gaining access to advanced equipment such as submarines and nuclear weapons. And international terrorism has reared its ugly head here at home. Mr. Speaker, being properly means meeting our defense needs—from top to bottom. And the little things are important—it does an army no good to have thousands of soldiers, equipped with the latest weapons, if those soldiers do not have boots for their feet and rifles. My friend and colleague, Bill Young, chairman of the Defense Appropriations Subcommittee, vividly demonstrated for the Rules Committee all the small needs like boots, laces, and so forth, that were not currently being met by stretching a list of these items from one end of the Rules Committee hearing room to the other. I am pleased that we have made some real headway in correcting these problems in this bill, and I urge adoption of the rule and the conference report.

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

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

Mr. Speaker, I rise in support of this rule which provides for the consideration of the conference report to accompany the fiscal year 1996 Department of Defense appropriation. The subcommittee chairman, Mr. Young, and his gentle friend and colleague, Mr. Munro, are to be congratulated for negotiating an agreement which should receive strong support both in the House and the Senate.

Mr. Speaker, I am personally pleased that the conference agreement contains $493 million for the continued production of the B-2 stealth bomber. I am a firm believer that in a troubled and dangerous world, a significant bomber capability is required to ensure our military and our national security. The 20 already authorized will ensure the continued capability of our armed services to protect and defend our national interests.

I am also gratified that the conference report provides $159 million for the procurement of new B-2 bombers. I am a strong believer that we must continue to use our military forces to maintain a strong joint service capability. I am very pleased that the conference report provides $12.2 billion for research and development funds for the F-22, the next-generation fighter intended to replace the F-16. The conferees are to be congratulated for providing for both the near-term and long-term tactical needs of the Air Force. And, while the conferees reduced the funds for research and development for the V-22 Osprey, I am pleased that the conference report does contain $758 million for an important addition to the Marine Corps arsenal.

Mr. Speaker, this conference report represents a great deal of hard work and hard bargaining and I believe the rule merits the support of the House. I recognize that a number of my colleagues have reservations about the total amount of defense spending contained in the conference report. They will have an opportunity to express that concern by voting against the conference report itself and I urge that they support the rule. I urge my colleagues to support the conference agreement and I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I have no speaker scheduled at this time and I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I would again urge defeat of this rule so that this bill could be sent back to conference and we can get serious about deficit reduction. As every member of this House knows, we are being asked to participate in a virtual every domestic arena to make incredibly tough cuts that will squeeze people out of opportunity for a decent education; we are being asked to squeeze people who are on family farms; we are being asked to make savage reductions in environmental protection laws of the country; we are being asked to make huge reductions in Medicare; we are being asked to eliminate the protections that seniors now have so that when one partner goes into a nursing home, the other does not have to go bankrupt before they can qualify for Medicaid.

Mr. Speaker, we are being asked to swallow all of that, and yet we are being asked to swallow a defense appropriation bill which does the following: We have a half billion dollars in here as a downpayment for more B-2 bombers than the Pentagon wants to buy. Just the cost of one of those B-2 bombers would pay the tuition for every single undergraduate at the University of Wisconsin for the next 12 years.

We are having a big controversy in our State about whether or not the State should pay a new stadium for the Milwaukee Brewers. I just the cost of one of those B-2 bombers would pay for four of those stadiums with a dome, and yet we will go ahead and build and buy those new B-2 bombers.

We have a half billion dollars extra in here for star wars that the Secretary of Defense says all we need is another $350 million for C-130 aircraft built in Georgia for which the military cannot even identify a military requirement. We have a number of other
items. We have $2.4 billion for a new fighter to be built in Georgia, the F-22, which the GAO has repeatedly recommended should be put on hold for at least 7 years because we already have hundreds and hundreds of F-15's, the best fighter in the world.

And speaking of F-15's, Mr. Speaker, this bill also buys six new ones that the Pentagon did not ask for at a cost of $300 million. And yet the supporters of this bill pretend that they are going to abide by the budget limits in the Kasich budget resolution. There is a very well kept secret in the defense portion of this budget. The secret is that the Kasich budget resolution in the 7th year winds up taking the military budget below that of President Clinton. The problem is, if we buy every new weapon system in this bill, we will never be able to live within that budget ceiling imposed by the Kasich budget resolution. And so what this bill represents is the first shot in the effort to blow the lid off the budget ceilings in the Kasich budget resolution with respect to military spending in this country over the next 7 years.

Mr. Speaker, I would suggest there are an awful lot of reasons to vote against this bill. The best reason is simply that we cannot seriously uphold the budget limitations in the Kasich budget resolution for the defense portion of the budget if we vote to pass this bill and turn it into law. The White House is absolutely correct to say that this bill is going to be vetoed in its present form. I think the President has no choice if he wants to impose fiscal prudence on all parts of the Federal budget.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to my colleague, the distinguished gentleman from Florida [Mr. YOUNG], the chairman of the appropriations subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time, and I take this time just to maybe clear up a misperception that the gentleman from Wisconsin [Mr. OBEY] might have created in his statement.

We are within the budget limits. As a matter of fact, if the gentleman will recall when the bill was on the floor, we were $2.2 billion below the armed services level. When we went to conference, actually during the conference, we were presented with an additional cut in our 602(b) allocation, so we have been coming down, since the first of the year, from the numbers that we thought we should have. We have been coming down in a very dramatic way.

The gentleman talked about several areas where we could do this or that if we did not build a particular airplane or ship. I would turn in the wake of this case. If we were to freeze the level, as he suggested, what that would do is keep us basically at last year's level and provide for the pay raise that we have promised our men and women who serve in the military. If he wants further cuts, the Defense Department would like to cut the program for breast cancer. They do not want to spend the breast cancer money for the purpose that we appropriated. We are going to insist that those dollars be spent.

Mr. Speaker, just in the interest of time, and the Members have other things to do today, I would like to say this. We can stand here with a long list of things that we could do if we did not have the Defense Department or if we did not build a ship or if we did not buy an airplane or if we did not pay the troops an increase in their salaries. But most of those things can actually be done by the State governments through block grant programs with their own funds or by the local governments. But, Mr. Speaker, if there is one thing that State governments cannot do, or one thing that local governments cannot do, that is to provide for the national defense, the national security and the intelligence requirements of the United States of America. The Congress and the President, as Commander in Chief, that is our obligation. And the bill that this rule provides for meets that obligation in a very straightforward way.

Mr. Speaker, this is not a political bill. There are no big pork projects in here. There was a rule that I applied at the subcommittee level that any item in this bill had to have military application, number one, or there had to be a requirement for it. Military application by itself would not do it, there also had to be a requirement.

Mr. Speaker, this is actually a good bill. This is a good defense bill, and there is no reason why it cannot pass the House and the Senate and be signed by the President, who, incidentally, his press aide today, in a press conference, indicated they had not decided to veto this bill. We have reason to believe that the President, who claims to be a strong national defense President, to sign this bill because that is what this bill is.

Mr. FROST. Mr. Speaker, the gentleman from Wisconsin [Mr. OBEY] has requested 1 additional minute in response to some remarks that the previous gentleman just made, and I yield 1 minute to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, the gentleman from Florida [Mr. YOUNG], compulsively mentions the question of military pay every time someone dares to question the total dollar amount in any of these appropriation bills. Let me stipulate I know of not a single person in this House who does not want to see the full military pay increase go through. It will. We have $243 billion in this bill.

We are suggesting this bill is $7 billion over where it ought to be. That still leaves $236 billion in this bill. The first dollars that will go out under that bill, whenever it is signed, will go for pay. There is no action that any Member is going to take to eliminate in any way any of the contemplated pay increase for our military personnel, and the gentleman ought to know better than to suggest otherwise.

Mr. GOSS. Mr. Speaker, I do not have a further amendment at this time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time and I urge a vote for the rule.

Mr. GOSS. Mr. Speaker, I will only say that this vote is about the rule. It is a fair rule. They do not get any simpler or better, when we come to rules.

Mr. Speaker, I urge support for the rule.

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

The SPEAKER pro tempore (Mr. Hefley). The question is on the resolution.

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

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

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

The Sergeant at Arms will now notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 139, not voting 11, as follows:

[Roll No. 694]

YEAS—284

Abercrombie Fox
Ackerman Costello
Allard Clinger
Andres Franks (CT)
Archer Frelinghuyzen
Armey Frisa
Bachus Geake
Balcom Gehr
Balaker Cooper
Ballenger Cooley
Barron Cordero
Barrett (NE) Cox
Bartlett Cran
Bartow Cran
Bass Cran
Bateman Cred
Bearden Creneas
Belenko Cunningham
Beverly Davis
Biliray de la Garza
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Bishop Del. ay
Billey Dickey
Blake Dicks
Blute Dixon
Boehlert Dooney
Boehner Dornan
Boone Doyle
Bouchey Doyle
Boucher Doyle
Brewster Dreier
Brown (CA) Dunn
Brown (FL) Dunn
Brown (ME) Dunn
Brown (NY) Dunn
Bunning Dunn
Burr Dunn
Burton Ehrlich
Buyer Eikenberry
Callahan Ehrenreich
Calvert Eshoo
Camp Everett
Canady Ewing
Campbell Fawell
Campbell Fields (TX)
Campbell Flanagan
Castle Fielding
Chablis Fisher
Chadisco Ford
Christensen Ford
Chrysler Fowler
Johnson (CT)
Johnson (SD)

NOES—99

Ackerman (NY) Fox
Ackerman (PA) Costello
Allen Fred (OH)
Alfaro Frelinghuyzen
Allard Franks (CT)
Allard (WA) Franks (N)
Anderson Cordero
Anderson (TX) Cooper
Anderson (WI) Frelinghuyzen
Armey Frisa
Bachus Geake
Baker Gehr
Barnyard Cran
Bartlett Cran
Bartow Cran
Bass Cran
Bateman Cred
Bearden Cred
Bilirakis Del auro
Bishop Del ay
Billey Dickey
Blake Dicks
Blute Dixon
Boehlert Dooney
Boehner Dornan
Boone Doyle
Bouchey Doyle
Boucher Doyle
Brewster Dreier
Brown (CA) Dunn
Brown (FL) Dunn
Brown (ME) Dunn
Brown (NY) Dunn
Bunning Dunn
Burr Dunn
Burton Ehrlich
Buyer Eikenberry
Callahan Ehrenreich
Calvert Eshoo
Camp Everett
Camp Fawell
Campbell Fields (TX)
Campbell Flanagan
Castle Fielding
Chablis Fisher
Chadisco Ford
Christensen Ford
Chrysler Fowler
Johnson (CT)
Johnson (SD)

Mr. LEWIS of Kentucky, Mrs. SMITH of Washington, and Messrs. BRYANT of Tennessee, HI LLEARY of LUTHER, OWENS, EWING, ISTOOK, FAZIO of California, and ORTON, Ms. PELOSI, Mr. SALMON, Ms. JACKSON-LEE, Mr. BARCIA, and Mr. EMERSON changed their vote from “nay” to “yea.” Mr. ABERCROMBIE, Mr. CLAYTON, and Messrs. WAMP, ENSIGN, and CHRISTENSEN changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were ayes 251, noes 171, not voting 12, as follows:

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So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COPSPONSOR OF H.R. 2275
Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill, H.R. 2275.

The SPEAKER pro tempore. Under a previous order of the House, the following Members will be recognized for 5 minutes each.

APPOINTMENT OF MEMBER TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP
The SPEAKER pro tempore (Mr. BUNN of Oregon). Without objection, and pursuant to the provisions of section 169(b) of Public Law 102-138, the Chair announces the Speaker’s appointment of the following member to the British-American interparliamentary group on the part of the House: The gentleman from Nebraska [Mr. BEREUTER].

There was no objection.

SPECIAL ORDERS
The SPEAKER pro tempore. 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.

INTRODUCTION OF H.R. 2350, THE PATIENT CHOICE AND ACCESS ACT
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, as Congress begins its consideration of reforming Medicare, I want to bring to the attention of my colleagues, perhaps the most important component of the Medicare reform debate. What must we do to ensure the quality of care that Medicare patients will receive after changes are made to the program?

While all of us in Congress are deeply concerned about the solvency of the Medicare trust fund, we must be equally concerned that the changes made to this program do not adversely affect the availability of health care to the elderly. As a practicing physician, I have spoken with my patients; and as a Member of Congress, I also hear from thousands of my constituents. Their message is a clear one. Any Medicare reform proposal must guarantee patient choice and access quality. It must not result in a decline in the quality of care Medicare patients now receive.

For the last several months, I have been working closely with the patient access to Specialty Care Coalition, a group of 115 patient, senior citizen, physician, and nonphysician organizations, dedicated to the principle that patients must be able to access the providers of their own choice. This week, I introduced H.R. 2350, the Patient Choice and Access Act, a bill to provide protection to beneficiaries enrolled in the Medicare program. Through the process of crafting a Medicare reform bill, I have been urging the House leadership to include my patient protection provisions.

The cornerstone of the current Medicare law is choice of health care provider. Presently, there is a belief that the Federal Government can save money by enrolling seniors into managed care deliver systems. And I agree how such changes can produce dramatic Federal savings. However, I am not opposed to the concept of managed care or a gatekeeper model. Instead, I want to make sure that quality of care for seniors is preserved, should most of the elderly population be moved into managed care. In addition, I have deep concerns about how these proposed changes in Medicare may affect my rural constituents.

Today, many major changes are taking place in the way people purchase health insurance and receive medical care. The pressures to reduce health spending continues to be intense, and health plans and providers have become more aggressive in their cost containment activities. While many health plans have developed a number of effective techniques to achieve economy and maintain quality of care, others have not always achieved that balance. Since Medicare is a federally funded program, we should make sure that these tax savings are returned to Medicare enrollees in the form of appropriate patient care.

After changes are made to Medicare, many existing and new products will be offered to the Medicare population. Our most vulnerable population, I am not opposed to the concept of managed care. However, I believe that in this rapidly changing environment, Medicare patients must be given basic rights and effective protections that preserve their ability to use these new markets may inappropriately restrict access to medically necessary health care services.
The managed care industry has consistently claimed that a point-of-service feature in all health plans would greatly increase the cost of doing business. This assertion is simply not true. The point-of-service feature is not costly. According to a cost-impact study released this year by the actuaries of Milliman and Robertson, Inc., at the request of the Patient Access to Specialty Care Coalition, a point-of-service feature built into all managed care plans would place no financial burden on these plans.

Moreover, in testimony before the Congress this year, the Congressional Budget Office stated that requiring a point-of-service feature would not add to the Federal Government's cost of the Medicare Program. Instead, the cost is covered by patients, who expect to bear some additional expense for this point-of-service feature. This cost, however, is not great, and it is a simple actuarial calculation to determine a reasonable copayment. My legislation calls for the managed care plan to share with its potential enrollees the cost schedule for going out of network.

My legislation contains additional provisions to ensure that patients receive the full range of health care services to which they are entitled. It assures access to specialty care, and providers of Medicare patients will have an information checklist so they can have adequate and important information to compare the quality of all health care plans offered to seniors. Also, it includes several Medicare patient rights provisions, and a streamlined rapid appeals process within health care plans, when there has been a denial of care. Finally, my bill places a ban on provider financial incentive arrangements, or a denial of a referral.

My legislation does not include any provider provisions deal with the contractual relationships between health plans and providers of medical services. The focus of my bill is on patient choice and the healthcare rights of Medicare enrollees.

Mr. GIBBONS, Mr. Speaker, H.R. 2350, the Patient Choice and Access Act of 1995, offers Medicare enrollees real choice and real patient protection. It will give the Medicare patient effective protection against the potential for restricting access to medically necessary health care services. Finally, it will provide a quality assurance check on all health care plans to make sure that they are providing the full range of health care services to their enrollees.

I urge my colleagues in the Congress to co-sponsor this bill, and to join with me in my efforts to include these provisions in a Medicare reform proposal. Only if this patient component is included in Medicare reform legislation can we be able to say that we have worked to achieve quality health care and Medicare enrollees' protection, and preserved patient freedom of choice in selecting health care providers.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

[Mr. HOEKSTRA 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 Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GIBBONS] is recognized for 5 minutes.

[Mr. GIBBONS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SUPPORT REPEAL OF THE DAVIS-BACON ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BALLENGER] is recognized for 5 minutes.

Mr. BALLENGER. Mr. Speaker, Congress is under increasing pressure to balance the budget. The taxpayers are demanding that Government be more efficient and held accountable for the expenditure of their hard-earned tax dollars. The Davis-Bacon Act is the perfect example. It is expensive, unnecessary, and difficult to administer. The act must be considered in light of its economic effects as well as its objectives.

The Davis-Bacon Act has long since outlived any usefulness it may have had. The rationale for special wage protection was never very persuasive but the act remains law, adding millions and millions of dollars to Federal construction costs.

Davis-Bacon was enacted to discourage non-local contractors from securing Federal construction jobs by hiring cheap labor from outside of the project area. Proponents of the legislation complained that this practice was disruptive to the local wage structure. When the act was passed 64 years ago there was no Federal minimum wage or other labor laws with protections for workers. Since that time, Congress has enacted numerous laws to protect the wages and working conditions of all workers, including construction workers.

The taxpayers are the real losers under the Davis-Bacon Act. Some $48 billion of construction spending annually falls under the Act's coverage. In effect, Davis-Bacon is a tax on construction. For example in Baltimore, the Davis-Bacon requirements add between 5 and 10 percent to the costs of inner city housing. Davis-Bacon effectivly wipes out much of the good that banks do when they provide lower interest rate loans to such projects.

Clearly, Davis-Bacon drives up construction costs. Electricians in Philadelphia who are working on a Davis-Bacon project are paid about $37 an hour compared with electricians on a private contract who are paid an average of $15.76 an hour. Companies can not stay in business paying $15 to an employee who is worth $6. If companies have to pay $15 per hour, they are going to hire skilled workers, thus effectively shutting out those who need the opportunity to acquire job skills and work experience.

The total cost of Davis-Bacon extends to State and local government construction programs, this having the same practical implications as an unfunded mandate. Davis-Bacon is particularly burdensome in the area of school construction, by restricting the ability of school districts to reduce construction costs. For example, the cost to build two schools and an academic center in Preston County, WV, could have been reduced by one-third or $1.9 million dollars, had the project been exempt from Davis-Bacon.

The savings could have been realized for the taxpayers or used in other ways through the educational system.

There are additional costs to Federal agencies, which must collect, process, and disseminate the prevailing wage rates. Likewise, there are direct costs to contractors who must comply with the recordkeeping and paperwork requirements under the Copeland Act. Compliance costs to the industry total nearly $100 million per year, money which could be better spent creating additional jobs.

Recently, an investigative report was released which detailed fraud in the ability of contractors to the Department of Labor to determine prevailing wages in certain areas in Oklahoma. The report uncovered numerous instances of interested parties claiming phantom projects and ghost employees, all with the intent of inflating Davis-Bacon wage rates issued by the Department of Labor. In some cases, employees were allegedly paid $5 to $10 an hour more than actual market wages in the area. After repeated demands by local authorities and the involvement of members of the Economic and Educational Opportunities Committee, the Department of Labor revoked the wage determinations in Oklahoma City and Tulsa because of the allegations of fraudulent Davis-Bacon claims.

Repeal of the Davis-Bacon Act would have the taxpayers $2.7 billion over 5 years. It would allow the Federal Government to get more construction for the money, or to get the planned construction done for less money. Over 4,000 petitions were sent to Congress by taxpayers across the country supporting repeal of the Davis-Bacon Act. Last November, the voters sent a message to Washington. They want to end Government that is too big, costly, and intrusive. I urge my colleagues to support repeal of the Davis-Bacon Act.
The SPEAKER pro tempore (Mr. BROWN of Oregon). Is there objection to the request of the gentleman from Pennsylvania? There was no objection.

CERTAIN POLITICAL METHODS DESTRUCTIVE TO CONGRESS

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

Mr. JOHNSON of South Dakota. Mr. Speaker, recently it became publicly known about an e-mail directive from the leadership of the Republican Party that sheds light on the political methods being used as we work on our agricultural portion of reconciliation. It lays bare political methods which, frankly, are destructive to this institution, destructive far beyond simply the agricultural issues which it directly addresses. It is the leadership saying, "You'll have to pass our version of agricultural reconciliation, one that involves three times the cuts that are needed to reach a zero deficit, and if you don't, individual Members will lose committee memberships. The committee could be lost. In fact, the entire House Committee on Agriculture could be abolished."

This is the sort of heavy-handed leadership that does not serve this institution well. We have difficult decisions to be made, but if we pull together in a bipartisan fashion, using the strengths of House Committee on Agriculture, I am confident that through the course of the debate this year we can in fact arrive at a point where we are helpful to the debate this year we can in fact arrive at a point where we are helpful to this institution, helpful to the budget deficit, and it is done in a fair and open manner.

THE GINGRICH MEDICAID PLAN WILL PAY FOR TAX CUTS FOR THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. Brown] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, late last week the Committee on Commerce passed the Gingrich Medicaid plan. There were no hearings on this bill similar to the restricted small number of hearings, one hearing in fact, that there were no hearings on the Gingrich Medicaid plan.

The plan was given to us, the actual legislative language, was given to us less than 24 hours before the hearing. There was no public input, because no one anywhere from the country really knew much about it. And members of the committee on both sides, Republicans and Democrats, had little opportunity to read the bill and to become familiar with the details of the Gingrich Medicaid plan.

Unfortunately, though, Mr. Speaker, that Gingrich Medicaid plan cuts Medicaid money that goes for nursing homes for the middle class and all of our parents, many of our parents and grandparents. It is money for children in Health Hill Hospital in Cleveland, many poor kids, many middle-class kids, upper-class kids that have been injured in tragic accidents, with serious brain damage, whose families are saddled with $20,000 a month hospital bills. That is paid for with Medicaid. It is funding for poor children for prenatal care, for well baby care, for all the kinds of things that are important in our society.

Nonetheless, that $180 billion cut in the Gingrich Medicaid plan is going to be used to pay for tax cuts for the rich. Equally as unfortunate, this bill and this Gingrich Medicaid plan in the committee on commerce, everything passed by a party line vote. They eliminated quality care standards in nursing homes on a party line vote, coming down from Gingrich's plan that was simply approved on a party line vote. They eliminated breast cancer services, mammograms, and other breast cancer services, again on a party line vote. They eliminated prenatal care and well baby care and protection for children, again, those programs on a party line vote, all ratifying what the Gingrich Medicaid plan had written.

There is an old Mark Twain line said many years ago, that when two people think alike all the time, one of them isn't doing much thinking. Unfortunately, that is what this Gingrich Medicaid plan is all about. It was a plan not written by the committee, not written with public input, not having any hearing held for the public to understand it, to learn about it, to talk about it, to persuade Members of Congress that this might be good or that might be bad. It was simply a piece of legislation handed down and voted on quickly.

What is particularly of concern to a lot of us on that committee that opposes this $180 billion cut in Medicaid in order to pay for tax breaks for the wealthiest Americans is that these quality care standards for nursing homes were eliminated; where we can remember 10 years ago, 20 years ago, reading in the paper almost every month some scandal in a nursing home, some number of patients were abused and restrained and medicated, and people that were about as defenseless as anybody in society, people that are typically very old in nursing homes and cannot speak for themselves, and the Federal Government enacted standards to make sure that those kinds of abuse do not take place in nursing homes.

Now we are saying it is OK for the States, it is OK for local governments, it is OK for these nursing homes, to not live up any longer to these Federal standards.

The same with breast cancer services. My home of America, northeast Ohio, has one of the highest breast cancer rates in the country. I am concerned when the Federal Government says, "No longer is Medicaid going to cover breast cancer services, mammograms." First, that is inhumane, not to cover mammograms. Second, it is just stupid. The Republicans simply have failed Economics 101. If you do not detect breast cancer early, you are going to pay a lot more for a lumpectomy or a mastectomy, and the Government is going to end up paying for it. It is inhumane, and it is just bad economics not to move forward and continue to cover those breast cancer services.

This money will be turned over to the States in the form of block grants, this money, again this shrinking number of dollars, in order to pay for tax breaks for the wealthy. This shrinking number of dollars will be grabbed up by as many interest groups in the States as possible. Nursing homes will have the first round, the first shot, at so many of these dollars as they shrink. And because nursing homes are better organized and better lobbyists and more effective and a stronger interest group on the State level than are groups that might advocate breast cancer services or groups that might advocate on behalf of nursing home patients, that money will likely go to those interest groups that fight for a wealthy group of people rather than people that really do represent those women that have breast cancer, represent those people that are victims of problems and care in nursing homes.

Mr. Speaker, it simply does not make sense to make these cuts all to pay for tax cuts for the wealthy.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSORS OF RESOLUTIONS THAT FIGHT FOR A WEALTHY GROUP OF PEOPLE RATHER THAN PEOPLE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 497.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 497.

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Mr. SAXTON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 497.
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. Norwood] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I come to the floor today to talk about a great American. Next week, Dr. Don Johnson will end his reign as president of the International College of Dentists. It is the crowning achievement of one man’s tremendous career, a man I am very proud to call my friend.

Don is a Georgian through and through. He was born and raised in Atlanta. He graduated from the Emory University School of Dentistry in 1961 and has been a practicing dentist ever since. He continued to contribute to his alma mater as a member of Emory’s Board of Visitors. Two things that have always amazed me about Don. He has been a visionary in the dental field, and he has a boundless energy to contribute to his profession. I recently had the opportunity to go back and read an interview with Don that appeared in the Georgia Dental Association’s Newsletter. I was astounded at how insightful his comments were. Don was able to see in 1986 where the dental profession needed to go. He foresaw the problems in the dental profession needed to be addressed. Don was able to see in 1986 that Medicaid spending was going to be big, they have ended up suffering and living under horrible conditions.

Six months after the inauguration of the new Republican Congress, it has become apparent that the most important issues facing the country are not economic. Without a doubt, high taxes, government spending and welfare dependency are problems sorely in need of the attention focused on them. But the real question is whether Congress can reclaim the law from unelected bureaucrats and judges. He also said this:

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I think these words of Paul Greg Roberts are right. He went on in this column to say:

In the coming months we will discover whether the Republican Congress can do something that the Democratic Congress failed to do for 40 years: Hold government accountable to the people. This, not the size of the Federal budget, is the ultimate test of whether it matters which party controls Congress.

He said:

I think the problem in America is not that the budget is out of control, but that the government is.

The problem in America is not that the budget is out of control, but that the government is.
There are so many examples that I could give of the fact that the government has come under the control of bureaucrats. One of the best came up recently in regard to the National Reconciliation Office. It came out last year that they had spent $310 million building a paper mill that nobody wanted, about a 1 million square foot building, $310 a square foot.

I would simply say this. It is time that we give the government of this country back to the people of this country and not the Federal bureaucracy that they are working for us, and not us for them.

IT IS TIME TO REPEAL THE DAVIS-BACON ACT

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I appreciate the opportunity to address the House this evening.

Earlier today the Education and Economic Opportunity Committee did something that the General Accounting Office suggested we do in 1979. We began the process for eliminating the Davis-Bacon Act. Davis-Bacon is not right for America in the 1990's. It might have served a role in 1931 when it was originally formatted, but today, it is an outdated law. It has to be changed.

What Davis-Bacon requires is that workers on Federal construction projects be paid a wage at or above the level determined by the Department of Labor to be the prevailing wage in the area. Since 1931, the prevailing wage provision has been extended by many statutes to involve construction, financed in whole or in part by the Federal Government.

In 1989, the General Accounting Office recommended the repeal of the Davis-Bacon Act. They stated that it appeared to be impractical to administer. Davis-Bacon is impractical to administer due to the magnitude of the task of producing an estimated 12,400 accurately and timely generated prevailing wage determinations.

Mr. Speaker, what we have here is the Department of Labor trying to determine prevailing wages in specific job categories around the country for every county. It does not make any sense in 1995. Prevailing wages can be determined very effectively through the competitive bidding process.

I would like to yield to my colleague from Michigan [Mr. SMITH] to just give us an example of what happens when the Department of Labor tries to determine prevailing wages throughout the country.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to give a quote from George Will. He says: "Although there is stiff competition for the title, 'Dumbest Thing the Government is Doing,' a leading candidate is the government's refusal to repeal the Davis-Bacon Act."

Mr. Speaker, guess who said this? Milton Friedman:

Davis-Bacon is not outdated; it never made sense. From the outset, it was special interest legislation intended to have the taxpayers provide a subsidy in concealed form to members of the construction unions and to the union leaders. It never should have been enacted, and it should be repealed.

Mr. HOEKSTRA. Mr. Speaker, let me also just inform some of my colleagues of what is happening. In the State of Oklahoma, two wage analysts have been responsible for handling the data submitted to and generated by the Department of Labor for the 11-state region that includes Oklahoma. What has happened in Oklahoma?

In mid-August the U.S. Department of Labor faxed copies of 49 WD10s. This is the form that various people voluntarily submit to the Federal government. It was indicated that several of the projects were entirely bogus and virtually all of the submitted forms contained grossly inflated or otherwise inaccurate information. The end result: Taxpayers end up paying more for construction than they otherwise would have to.

Among the bogus WD10 forms is a form indicating the use of seven asphalt lay-down machines and seven roller finishers for an Internal Revenue Service building in downtown Oklahoma City. In reality, the paving lot is very small, fewer than 30 total spaces, and is made of concrete, not asphalt. A bogus form intended solely to drive up the rates on the prevailing wage scale.

Specifically in the case of the asphalt lay-down machine operators, the bogus wage and fringe benefits were 44 percent higher than the union collective bargaining agreement and 30 percent higher than the prevailing wage rate in existence at that time. A clearly fraudulent attempt to take money from the American taxpayers.

At best, in 1995, the Davis-Bacon wage rates reflect a 7-year-old reality. The average prevailing wage study is 7 years old. At worst, they reflect a fraudulently manipulated wage level.

We do not need to reform Davis-Bacon. It cannot be reformed. It cannot be fixed. It does not make sense in 1995. It did not make sense in 1931. Mr. Speaker, I yield to my colleague from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, for example, electricians in Philadelphia average $15.76 per hour on private contracts, but the prevailing wage for them is $37.97. There are many similar examples, as you point out.

Mr. HOEKSTRA. Mr. Speaker, we need only use the same wages determined in the Private sector, which is supply and demand. Only the market can accurately set wages that reflect reality.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY 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 Minnesota [Mr. MINGE] is recognized for 5 minutes.

Mr. MINGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

CONGRESS NEEDS MORE HEARINGS ON MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BARCIA] is recognized for 5 minutes.

Mr. BARCIA, Mr. Speaker, the debate on Medicare has spiraled out of control. To cut $270 billion from this senior program, without proper debate and substantial information, will only hurt the future of the program.

Medicare is one of the most critical issues that Congress will consider this year. It only makes sense to hold hearings, and discuss changes with not only Members but also with seniors who will be greatly impacted by these changes. It is unthinkable that a senior's access to health care will be reduced or eliminated without allowing them a chance to voice their opinions.

I continue to hear from hundreds of seniors in my district, urging me to protect their benefits. They are worried their small monthly incomes will not allow them to pay higher fees for Medicare. I have even heard from older Americans who are not yet eligible for Medicare. They are telling me that health care must be changed in this country, but that the budget debate not be balanced on the backs of the elderly.

If we increase the monthly premiums of Medicare, then we must also be prepared to address the issue of seniors who cannot pay these premiums and how elderly Americans will have access to health care. I am afraid too many will have to go without.

I have also heard from hospitals in my district, many of them in rural areas. Most of the revenue for these hospitals comes from Medicare patients. These hospitals are already struggling with soaring costs and to lose them would be devastating to the rural communities in my State. If Medicare reimbursements are cut even further they will have no other choice but to simply go out of business.

I feel Congress must make efforts to save Medicare by strengthening and improving the system, not destroying it. For many seniors, Medicare has not only improved the quality of their lives, but for many it has extended their life. With 99 percent of Americans over 65 currently having access to health care, Congress must not forget...
the extraordinary success and impact this program has had on our country.

Any changes that are made hastily will be devastating to the program and to the seniors that depend on Medicare. Although this program is in need of reform, it must not be done without debate and discussion and it must not be done by taking away health care from seniors who depend on it for their survival.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. Wise] is recognized for 5 minutes.

[Mr. Wise addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. Maloney] is recognized for 5 minutes.

[Mrs. Maloney addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Gene Green] is recognized for 5 minutes.

[Mr. Gene Green addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COMMITTEE ON AGRICULTURE MUST BE ALLOWED TO PERFORM ITS WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Stenholm] is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, yesterday a very alarming happening occurred in the House Agriculture Committee. For the first time in recollection, the leadership of this House took away the prerogative of the Agriculture Committee for doing its work, in this case on a reconciliation bill. It was not that the Agriculture Committee was not trying to do its work, and I take great exception to a statement that was made by the chairman that says, "This situation, which has caused the differences of opinion, has been made more difficult because our Democratic colleagues have opted for a destructive role in the process." I do not see how anyone could make that statement with a clear conscience.

Mr. Speaker, we had a Democratic alternative, we have a Democratic alternative, and we will fight for that alternative, and that alternative for the budget reconciliation process says that basically we think $400 billion in cuts from Medicare and Medicaid are excessive, that the additional cuts in education being proposed are excessive, and that the $13.4 billion in cuts from agricultural programs are excessive when they are used for purposes of granting a tax cut. We will show on this floor that there is an alternative and we hope that there will be 21 votes for that alternative.

However, yesterday the leadership of this body decided that unless the Agriculture Committee reports a politically correct solution, we do not want to see it. That is disturbing.

No witnesses have ever been called on the Freedom to Farm Act. I am the ranking member of the Ag subcommittee on Finance. I was never informed that there were ever considered to be hearings on the Freedom to Farm Act. The only time we heard about it was when it came from the leadership of this body in suggesting that that is the way we ought to go to the reconciliation committee.

We have a Democratic alternative. It was voted on in the Ag Committee and it was voted down predictably because we do not have the votes and I understand that. But I think it stretches the point when we say when there were 2 Republicans who offered an alternative and some of us who even disagreed with the 134, the majority of Democrats voted for it, but we were unable to get votes from the Republicans for that. It stretches the imagination and it stretches the truth when we read and we hear what is going on.

It bothers me greatly when the leadership of this House suggests to the Committee on Agriculture that unless you do our will, our bidding, we may even consider eliminating the Committee on Agriculture, and put it in writing.

Now, I do not know what is going on, but as a Member of this body who has traditionally participated in bipartisan action, who shares the frustration of those who share the frustration of the American people that we are constantly fighting Democrats and Republicans, I do not know what is happening in this body now when the hand of bipartisanism is not being offered, in fact it is being cut off regularly.

When we look at what happened yesterday in the Committee on Agriculture, it is a very disturbing trend. I hope that as we proceed now to the budget reconciliation that the general public will begin to understand there are alternatives out there, there are ways to balance the budget by the year 2002, but the most abundant food supply, the best quality of food, the safest food supply at the lowest cost of any other country in the world, warts and all? Of all the criticism we are hearing from the editorial boards that agree with the Freedom to Farm Act because they want to eliminate farm policy, should we the American people not stop for just a moment and say, maybe just maybe American agriculture is doing a few things right? And not have to follow blindly a philosophical leadership of this House that does not have a clue about farm policy and agriculture but has a great philosophical belief that somehow, someway by eliminating farm programs we are going to do better?

It is not a budget question, it is a philosophical question. The sooner we start debating these things on this floor and in the Committee on Agriculture and not getting mad and taking our bat and going home, the sooner we will get on with the kind of policies required for this country to see that we continue to have this abundant food supply.

REPUBLICANS PROPOSE CUT IN MEDICARE PLAN

The SPEAKER pro tempore. (Mr. Bunn of Oregon.) Under a previous order of the House, the gentleman from Alabama [Mr. Hilliard] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, the general public is outraged at the Republicans' scheme to destroy Medicare, especially since it is common knowledge that the Republican proposal is cutting $270 billion from Medicare just to give wealthy persons a tax cut.

The new and fresh Republicans are supposed to represent the people, not the Republican Party. Several recent polls indicate that the American public is highly skeptical of Republican efforts to cut Medicare.

Let us listen to what the American people are saying as set out by a series of independent polls that have recently been taken. Seventy-one percent of Americans have very little or no trust at all in House Republicans to handle the Medicare financing problems. This was a Time/CNN poll taken by the Associated Press.

Sixty-eight percent of Americans place no trust in the Republicans on the issue of Medicare. This is by a Time/CNN poll.

Fifty-three percent of Americans oppose the Republican plan to offer vouchers to seniors as a way of reducing costs. This is an NBC/Wall Street Journal poll.

Only 19 percent of Americans offered support for a Republican plan to make large cuts in Medicare. Yes, this is by Time/CNN. CNN, right in the heart of the South.

Seventy-five percent of Americans oppose cutting Medicare to pay for tax breaks. Once again, NBC/Wall Street Journal.

Finally, Mr. Speaker, 76 percent of Americans believe it is more important to maintain Medicare as it is than reducing the budget deficit. That needs to be repeated; 76 percent. That is from CBS.

All of these polls are independent in nature. None of them have anything to do with the Republican or with the Democratic Party.
Mr. Speaker, the message is clear. The message from our fellow Americans is also clear. Americans throughout this country insist that the current Medicare plan that is in place be preserved as is. This is a message to each one of us as a Member of this body, disregarding party.

**MEDICARE ALTERNATIVE HEARINGS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, all Americans should be concerned about the proposed massive cuts in the Medicare Program—not simply because they may affect current and future benefits under the program, but they will affect health care cost for all of us.

A large percentage of the $270 billion reduction comes from cuts in payments to health care providers. All employers should be especially concerned about such massive reductions, because ultimately they will have to pay for them.

The problem is that the same number of people will get sick and require the same amount of care, regardless of whether their care is paid for. Providing providers less for that care under the Medicare Program does nothing about costs other than to pass them on to Medicare beneficiaries and other paying patients. There is a big difference between controlling costs and simply not paying the bills.

Last year, we learned from our efforts to reform the health care delivery system in this country that it is like a balloon—if you squeeze it in one place, it pops out in another. Likewise when health care providers give care to patients who cannot or do not pay the full cost, those providers shift the cost of that care to patients who pay the going rate for the care they are receiving, thereby making up for the uncompensated care.

We will see those higher costs in our insurance premiums and in higher copays, deductibles, and prices for medical procedures.

Higher health care costs will also mean more costly care as people avoid addressing minor problems to save money and those problems become emergencies or require acute care. Thus, we will all pay more and get less if the proposed Republican plan goes into effect.

Of course, there is one group who is not worried about the cost-shifting and the higher medical costs. That group is not worried about the cost-shifting and the higher medical costs. That group is not worried about the cost-shifting and the higher medical costs. Thus, we will all pay more and get less if the proposed Republican plan goes into effect.

While we all agree that we need a long-term fix of the Medicare financing plan, we believe that we put those dependent upon Medicare in jeopardy to do so, especially if the reason is to pay for a tax cut to benefit mostly wealthy individuals. We have made adjustments in the program before to keep it viable; we can do that now for a lot less than $270 billion if we do not have to make room in the budget for a $250 billion tax cut.

The real solution to the Medicare financing issue is to fix it in the context of universal health care. Neither Medicare nor any other part of the health delivery system can be permanently fixed on a stand-alone basis. That is why hearings are needed to hear from experts, not just politicians, on what is taking place. We have to fix the program in a fiscally sound manner that does not impose unnecessary hardships on beneficiaries.

The current approach to fixing Medicare is a cure worse than the disease. Taking $270 billion from beneficiaries to justify a $250 billion tax cut to mostly benefit wealthy individuals is certainly not the way to do it.

**WHY CUT $270 BILLION FROM MEDICARE?**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, we have heard quite a bit of debate in recent weeks over Medicare and then $270 billion cut that we are proposing to make in Medicare.

Of course every time I begin discussion of this with various people, I am asked time and time again to give the difference in what we are talking about as we talk about part A and part B. I want to take just a moment, Mr. Speaker, to talk about those two separate parts, to explain the difference so that people out there listening will get an idea of what we are talking about, because it is very important for them to understand that all of this debate that we are undertaking here sometimes means has little to do with what really ails them.

Medicare has two separate parts, Medicare part A and Medicare part B. Medicare part A is the Medicare hospital insurance program which mostly covers inpatient hospital stays. Medicare part B is financed through the Medicare trust fund. Like Social Security, employers and workers pay into the Medicare trust fund while an individual is working through a dedicated payroll tax, a 1.45-percent tax paid by employers and a 1.45-percent tax paid by workers.

Medicare part B is the Medicare medical insurance program which covers such other medical services as doctor services, hospital outpatient services, clinical laboratories, and durable medical equipment. Medicare part B is financed in a completely different way than Medicare part A. Medicare part B is financed through a combination of premiums paid by Medicare beneficiaries and the Medicare Trust Fund.

As we listen to all this debate about insolvency, the American public must understand that it is only the Medicare part A trust fund that faces an insolvency problem in the year 2002. However, we recently heard from the administrator of this program that the insolvency problem could be solved with a modification or a correction or a tax cut, if you will, at that of $89 billion. That would keep this program solvent through the year 2002.

We must then ask the question, if the administrator says that that is all that is required, why then are we pushing $270 billion in modifications to this program?

I say, Mr. Speaker, that we are doing that simply to cover the cost of this $240 billion tax cut that we are proposing to give to those who do not need it. In fact, the bulk of that tax cut will go to people who make over $100,000 a year, most of whom that I talk to as I visit my district tell me they are not asking for a tax cut, they do not need a tax cut, and they do not want a tax cut.

So, then, why are we doing it? There are two things being lost in all of this. One, of course, is Medicaid, a $182 billion cut in Medicaid, programs for the poor.

**THE FIGHT FOR A FAIR DEAL FOR FARM PRODUCERS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. BISHOP] is recognized for 5 minutes.

Mr. BISHOP. Mr. Speaker, when jurisdiction over farm commodity programs is transferred from the Agriculture Committee to the Budget and Rules Committees, it is an unprecedented attempt by the Republican leadership in this body to stifle the influence of Members who represent the interests of our farmers.

We must then ask the question, if the administrator says that that is all that is required, why then are we pushing $270 billion in modifications to this program?

It is an abuse of power.

It is a slap in the face of America's farmers.

It should outrage everyone who is concerned about the future of rural communities.

There is one thing you can say about this development: It may be an abuse of power, and it is bipartisan abuse. It not only seeks to shut out the voice of

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Democrats on the Agriculture Committee, like myself, it shuts out the voices of Republican Members who also oppose radical changes that would effectively destroy critically needed commodity programs.

Reform is needed. We need to cut the costs of these programs. We need to make them more market oriented. Farmers understand this.

The area of Georgia I represent grows more peanuts than any place in the world. I come from the neighboring Eighth District and I have introduced a new peanut program that eliminates Government costs. It represents dramatic change. But, evidently, this is not enough. The majority leadership will evidently not be satisfied until commodity programs that give our farmers a more level playing field in the world marketplace are destroyed.

Members of the Agriculture committee represent agricultural areas. They have experience in these areas as farmers and agribusiness. Just like other committees dealing with other areas of the economy, they have always had a key role to play in shaping farm policy.

That area is now under attack.

Mr. Speaker, we will not be silenced. Members who represent farm-belt areas will continue the fight for a fair deal for the country’s farm producers.

THE FREEDOM TO FARM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. Smith] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, several issues have come up, but I would like to start out with agriculture, what the Federal farm policy should be in this country and the advantages and disadvantages to the farm program.

Since the early 1930’s, we decided that by controlling production we could guarantee a stable supply of food in this country. However, what has happened in the last 30 years is the consumer interests, the White House, the consumer interests in Congress have started dictating farm program policy, and what has happened is we have driven more and more of the small family farmers out of agriculture. Here is how farm programs have worked: We tell the farmers if they will grow a certain amount of crop and slightly have a policy that encourages overproduction, we will give those farmers subsidy payments. So what we have done, in effect, is encourage slight overproduction, keeping the prices down, which has been good for agriculture in this country because it has become lean and mean.

But in the process, we have disadvantaged the small family farmer in the United States. That is why, and I as a farmer from Michigan, I am now suggesting that we move to the market economy to give the rewards to the producers of this Nation so that the farmers and ranchers can make their own farm management decisions based on their best interpretation and understanding of what the market is demanding for those special crops.

By doing this, economists that have been advising us on freedom to farm have said that farmers will end up better off as we make this transition to the marketplace.

Make sure, it is a difficult transition, that that small family farmers to become more and more dependent on farm subsidies during the last 40 years. So their cash flow, in many cases, depends on it.

What we have got to do as we make this transition to a market economy, and that is what the Freedom to Market Act does, is make the kind of transition that is going to keep American agriculture the strongest in the world.

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

Mr. SMITH of Michigan. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, now let me ask the gentleman about this freedom to farm bill because as I understand from a previous speaker tonight, that did not pass committee. Is it dead? Are you going to try to move it out of the Committee on Agriculture a second time? What is the status of that?

Mr. SMITH of Michigan. That now becomes, because of the failure for that committee to enact legislation consistent with the budget resolution, a new proposal will be offered by the chairman of the Committee on the Budget that achieves the same kind of budget reductions.

Let me tell you what has happened in the U.S. Congress, as I observe it, and that is Members traditionally members of the Committee on Economic and Educational Opportunities that wanted to study money on education, say, “I want to be on the Education Committee.” Members that want more roads in their districts want to be on the Committee on Transportation and Infrastructure. We have got Members on the Committee on Agriculture that would like more money for their farmers.

If we are going to phase out agriculture in a smart way and not make that farmer continuously dependent on the Federal Government and, hopefully, end up with a larger income for that farmer, then we have got to move to a market economy.

Mr. KINGSTON. Well, I think that the gentleman is walking on the very delicate balance, as you said, between farm programs that work and moving toward an economy that is more free-market oriented, and I know that is a tough road for you.

I have some provincial concerns; cotton, tobacco, soy, etc., but I do think what is important is that our farmers are involved in this process and stay involved in this process as things start changing, because I know the peanut farmers have come a long way in their work and the cotton folks are trying to work for something that is a suitable solution.

There are some concerns I have on the sugar program. As you know, America is a net importer of sugar, and even though the taxpayers are not paying the difference, the world cost of sugar is about 11 cents a ton, but the domestic price is 24 cents a ton. We have an 18-cent-per-ton price support.

Mr. SMITH of Michigan. I am going to start with the gentleman from Pennsylvania [Mr. Fox], and always on special orders sharing his wisdom with us, the gentleman from Michigan [Mr. Smith], who has just given us a description of where we are in the ag program.

Let me ask you gentlemen, and I say to the gentleman from Pennsylvania [Mr. Fox] I am going to start with the gentleman from Michigan [Mr. Smith] because he and I were freshmen together. We came here in 1992, along with a new President of the United States, trying to balance the budget and do everything we can. We did not, in the 103rd Congress, get very far in that effort.

How do you think we have done so far? Do not pat yourself on the back. People are tired of that.

Mr. SMITH of Michigan. The House has done very well. Now we need to finalize our ambitions, get these bills enacted into law. You know, it should be frightening to everybody in this country, how big this Government has grown to be.

After World War II, in 1947, we were spending 12 percent of our gross domestic product to run the budget of the United States. That is what we spent as a percentage of gross domestic product, 12 percent. Today we are almost twice that.

Every day the United States writes out over 3,200,000 checks. Can you...
Mr. KINGSTON. Let me give you a statistic. The reason why I wanted to mention this is because I want to contrast the 103d Congress to the 104th Congress that the gentleman from Pennsylvania [Mr. FOX] is a Member of. In the 103d Congress before the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Texas [Mr. ARMEEY] started running this House, 95.7 percent of all witnesses at the congressional hearings advocated more spending. Only 0.7 percent were for less spending, and that is a statistic from the National Center for Public Policy Research.

So now, I say to the gentleman from Pennsylvania [Mr. FOX], you were one of the people that were doing the traditional tax-and-spend job. I think you are going to hold the line on taxes and spending. Do you think we are moving toward balancing the budget?

Mr. FOX of Pennsylvania. I think we absolutely are, thanks to your efforts and that of the gentleman from Michigan [Mr. SMITH]. I think the fact is the 104th Congress, fired up by 86 new freshmen, 73 Republican, 13 Democrat, I think it is pretty evident that we have an accountability issue out here where the people are saying, OK, you say you are going to make the Government more accountable, you say you are going to hold the line on taxes and spending, let us see if you can do it, and if you can, you may come back, if you do not, then maybe you are just like past Congresses that said one thing and did another.

If I could just add to that point, I think we have certainly set the tone by passing the balanced budget amendment, line item veto, unfunded mandates, the reform of the lockbox reduction where we are going to have the savings go into taxpayers having to pay less interest on the national debt, those kinds of programs which the people of the United States want, Mr. Speaker, which are, in fact, what they have gotten. So I think that we are on our road to putting our fiscal house in order just like State governments do, just like county governments and school boards, but the Federal Government when we have had a 4.5 percent increase in those important programs, while we made sure there is a 4.5 percent increase in those important programs, we have also said we are going to block grant that back to the Governors. We used to spend 15 percent to administer the programs. We told the Governors you can only spend 5 percent. With the extra 10 percent, you have to feed more kids, more meals. That is meaningful reform.

And that brings us up one more point, if I can, Congressman KINGSTON and Congressman SMITH.

Mr. KINGSTON. The folks in Michigan and Pennsylvania, are they saying we are going too far too fast, or all we are doing is passing bills out of the House, they are not doing it in the Senate, we are dead in the water, it is just rhetoric, there is no difference between Republicans and Democrats?

Mr. SMITH of Michigan. At least in Michigan, they are saying you are not going far enough, you are not going fast enough. You know, we are not doing the traditional tax-and-spend anymore. I mean, the voters of this country have said, “Look, we are paying over 42 percent of what we earn in taxes. Now, that is enough.” So what Government has done is they have decided that they can go out and borrow the money and expand the programs and they have done so in a bureaucracy by borrowing more and more money. The interest just of servicing the Federal debt, the interest on the debt subject to limit this year was over $330 billion, almost 22 percent of our budget and so the borrowing has got to be stopped. We have got to bring down the size of this Government if we want individuals to have the freedom and independence that the founders of our Constitution designed.

Mr. KINGSTON. So what the people in Michigan are saying is keep going and do not chicken out. What are they saying in Pennsylvania?

Mr. FOX of Pennsylvania. In Pennsylvania, the people are very happy about the fact we are holding the line on wasteful spending. They want to make sure, however, that the direct services that can be handled by the Federal Government should be handled by the Federal Government, and so we do so in a meaningful manner. By this I mean we are looking at the whole budget this year in the right way. If it should be the private sector that should be doing what the Federal Government is not doing, give it to the private sector. If it should be done by the Federal Government, what is the government closest to the people doing the best job? It may be local government, it may be county government. The government of last resort that should be working on a program is probably the Federal Government. You have already seen we have recommended in the House the WIC program, the food nutrition programs, while we made sure there is a 4.5 percent increase in those important programs, we have also said we are going to block grant that back to the Governors. We used to spend 15 percent to administer the programs. We told the Governors you can only spend 5 percent. With the extra 10 percent, you have to feed more kids, more meals. That is meaningful reform. We are getting more direct services to the people, but less waste.
September 28, 1995

CONGRESSIONAL RECORD — HOUSE

Mr. KINGSTON. Well, now let me ask you this because I hear so much on Medicare: Is it not true that seniors should be allowed to keep some of the savings and give them the chance to have a greater role in health care?

Mr. SMITH of Arizona. This is not a proposal from more than one side of the aisle, and frankly American people are sick and tired of the intangible product. Will my parents, or your parents, or any senior's parents, be confused when they reach the age of 65? Will they still be able to identify with the system they have known? Will it be a smooth transition?

Mr. KINGSTON. That is very true. What I am asking is, do we have the answers? Are we going to do a better job, and I do not want to say give me the answer, because I know how complicated it is. I am asking if there is an alternative that we can present, and there you would get $4,800 a year, but you could use it for whatever purposes you want. The money you would not spend you could keep or roll it over until you reach the age of 65, and I do not think that much has gotten out well enough. Is that what I am hearing?

Mr. HAYWORTH. That money is yours if you choose a medical savings account, and the notion is this. And I think that much has gotten out well enough. Is that what I am hearing?

Mr. KINGSTON. Yes, that is what I am hearing.

Mr. HAYWORTH. That is very true. What I am saying is that now use now, and there is a legitimate public debate as to what is the proper role of the Federal Government, and so what we are doing now in this new Congress, what some would call a revolution, is we are sitting down and examining, not as contractors would say, to turn the clock back, but to say what is the reasonable role of the Federal Government.

So what I am hearing from seniors, from young married folks, from those who are new to the process, is this notion: Let us rethink the proper role of the Federal Government, and, as my friend from Pennsylvania spoke a moment ago, let us look for the practical role of the Federal Government as we approach the next century.

With reference to Medicare, one of the basic notions in this Nation is one of choice, economically, to have a variety of different options, and, as the gentleman from Georgia [Mr. KINGSTON] pointed out, we have another Congress member who oftentimes sits in the Speaker's chair here, this Medicare task force I think summed it up quite well. What we have with Medicare in its current state is basically 1964 Blue Cross codified into law. The question becomes: Do we maintain that? Or should we maintain that for those folks satisfied with the 1964 health insurance policy, but should we also offer the seniors innovative plans that maximize choice and give them the chance to have a greater role in health care?

Mr. KINGSTON. Well, now let me ask you this because I hear so much on Medicare: Is it not true that seniors will still be able to keep traditional Medicare if they want to, and I know the gentleman from Michigan has done some work on this?

Mr. SMITH of Michigan. No. Thank you, Mr. KINGSTON, no. These were the trustees actually, were three of the Cabinet Members that the President appointed.

You know, the President has even said as we look at the Medicare B provisions, he--this is--what he expects recipients to pay for their share of the premium ends up be $7 less than what the Republican proposal is, so we have a $7-a-month difference in the President's proposal and the Republican proposal. Everybody that is honest about this knows that we have got to do a better job, and I do not want to talk too long here with these good ideas, but look what the private sector has done, look what the private sector has done in terms of lowering their medical health care costs. We have actually had negative cost increases in the private sector while we have had 11 percent in the public sector.

Mr. KINGSTON. Mr. FOx of Pennsylvania, I think it is very important to understand. You pointed out the President had a proposal, and you have heard a Republican proposal, but there has been nothing from the Democratic House in the way of a proposal, and it is not responsible, I would submit, for us to debate the issue of how we are going to save Medicare unless we have a proposal from more than one side of the aisle, and frankly American people do not want to see a program that is going to come to a resolution, every good idea from Congressman HAYWORTH's district, Congressman SMITH's district, Congressman KINGSTON's district; we want to
hasten those ideas. That is how this Congress can do a better job, and I have invited my senior citizens and others interested in health care to come forward with those good ideas, and —

Mr. KINGSTON. Well, I do think it is also important to point out that there is bipartisan support on it. Now there is some partisan criticism, but we do have a lot of bipartisan support saying. Don’t let this thing go broke in 6 years. Let’s roll up our sleeves and get this gathered, for what is at stake here is what is fair, and what is simple, and what is best to protect and preserve the system.

Mr. SMITH of Michigan. Can I just say that I understand from the Committee on Rules that, if the Democrats do propose a plan that meets the budget guidelines, that will be made in order for debate.

Mr. HAYWORTH. And if the gentleman would yield, I think it is important for us to ask our colleagues in the minority now say that they want to complain, about very serious policy understandings that the American people are here to act first as legislators, when we take the oath of office here, through 2 years to an election. No, this is not a fledgling step for political appearances that important to remember this. Is it a fledgling step toward coming up with a plan. However, it is important to point out that the gentleman pointed out that it is now bipartisan, but it was also a bipartisan Republican leadership that led the fight to make sure the 1993 unfair Social Security tax was repealed by the House, and it also was a Republican-led Congress that made sure we allowed seniors who made up to $11,200 without having a bite out of their Social Security, can now, if this law gets approved by the Senate, make up to $30,000 without having a bite come out of Social Security, so that is important. What the Istook amendment is, there are 40,000 different organizations, most of them, loans or straight funding. Many of these organizations, and by the way this is to the tune of $39 billion, many of these organizations, most of them, are not even open to public disclosure of their records, saying where the money is going, who is spending it, what kind of salaries the directors are making, and so forth. What the Istook-McIntosh amendment says is that if you receive Federal money, you have to open your books, and I think that is important. We are the same Republican-led House that is going to make sure that Medicare is strengthened, preserved, and protected, so not only will senior citizens who are living today, but those generations that will follow will also have a quality health care program as seniors that will be second to none in this country.

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Mr. KINGSTON. When the April 3, 1995, trustees' report came out saying that Medicare was going to go bankrupt, it did not say, "It is going to go bankrupt in 6 years if you pass a tax cut." They just said, "It is going to go bankrupt." They are two independent things. As the gentleman earlier pointed out, the gentleman from Michigan, the average American right now is paying 40.5 percent in taxes. These are middle-class people. Each family has two incomes, you never get to see your spouse anymore, your children are all running around going crazy. It is their dollars. We are not giving them back something, we are just not going to colonize it in the Federal Government, but it seems to me the fact is that is what the gentleman earlier pointed out that that is, according to one newspaper account, bancrupt in 6 years. Let’s roll up our sleeves and get this gathered, for what is at stake here is what is fair, and what is simple, and what is best to protect and preserve the system.

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Mr. SMITH of Michigan. I would hope we can use part of this hour to talk about some of the other crazy things that are happening in the Federal Government, but it seems to me the fact is that is what the gentleman earlier pointed out that that is, according to one newspaper account, bancrupt in 6 years. Let’s roll up our sleeves and get this gathered, for what is at stake here is what is fair, and what is simple, and what is best to protect and preserve the system.

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Mr. KINGSTON. I have never seen the gentleman speechless.

Mr. HAYWORTH. And you shan't during my time here. Although it is very good to listen to my friend, the gentleman from Georgia, outline the paradigm and important legislation which passed this House overwhelmingly, and we look forward to seeing it enacted into law, and I realize quite often this is the function of State governments. But when many highway projects that involve some of the areas that you were growing up, you would see that famous slogan, "Your tax dollars at work."

Mr. Speaker, I think it is just important for the American public, who has seen so much of its income, the American families have seen so much of their income, taken in taxation by this Government, to the point, as my friend, the gentleman from Georgia, pointed out a few moments ago, in 1948 the average family of four paid roughly 3 percent of their income to the Federal Government. By last year, almost one-quarter of the average family of four's income was surrendered to the Federal Government in terms of taxation. I believe the hardworking people of America not at off time, and certainly not here in the well of this Congress, where we preserve everyone's right to have a diversity of opinion and to express that opinion.

However, the point is, pure and simple, it is an inappropriate use of tax money for groups to come to this Congress and ask for the largesse which is the money of the American taxpayer, to take that money and go out and spend it. I believe, as our good friend, the gentleman from Arizona [Mr. SMITH] and the gentleman from Georgia [Mr. KINGSTON], who are on the Committee on Appropriations. I think the gentleman from Arizona [Mr. HAYWORTH] is going to speak out about how this is going to be in the right direction.

Mr. HAYWORTH. If the gentleman will continue to yield, I think it is important, Mr. Speaker, because the vernacular of Washington, and especially the liberal press corps, has really taken over. Two years ago it was the notion of gridlock. Now it is the notion of a train wreck.

It is important to note, just borrowing that phrase right now, that I believe, as our good friend, the gentleman from Arizona, Mr. Danial HASTERT, has put it, we need to get the federal state so well, I believe the American people firmly have their train on the tracks toward lower spending, lower taxes, reshaping this to be a limited and effective government for the next century.

With that train on the tracks, the challenge now exists in the executive branch for the President, who came on television in a brief 5-minute speech a few months ago, who again asserted the importance of balanced budget. That the President for the President to come along with us in a bipartisan fashion to move to balance this budget in 7 years. And if the President is willing to do that, and if the President is willing to come along with us in a bipartisan fashion, all the members of this balanced budget, then the American people's train will stay on track.

However, if others who cannot seem to part from an almost pathological pursuit of more money, to make government larger and larger, if they cannot abandon those outmoded notions, then the responsibility for any wreck will be on them.
Mr. SMITH of Michigan. I would like to ask a test question. Mr. Speaker, I would like to ask the question to the American people to give me your best guess, of all of the money lent out in the United States last year, how much of the money you think was borrowed by the Federal Government? I will give you the answer. Think about it a second.

The answer is 42 percent of all of the money lent out in the United States was borrowed by the Federal Government. It is why Greenspan says if we can just do what we should do and not spend more than we are taking in, interest rates will go down 2 percent. How do we cut down on some of this wasteful spending of the Federal Government? I think that is a question for the gentleman from Georgia [Mr. KINGSTON]. Let us all pitch in some ideas on wasteful spending.

Mr. KINGSTON. I am going to throw some things out at you. I have a constituent, Kenneth Richardson, actually from Atlanta, and he came up with this figure. He said that every minute in the United States, under their calculations, we waste $2,152,207, and they show what our interest is. I think what our fraud and waste is in various government programs year in and year out. That is a scary thought.

He said, "What are you going to do about it, because every minute you are costing every taxpayer $2.1 million." There are so many things that we have done in the appropriations process that, even though the Senate did not pass the balanced budget amendment, it is clear the American people want a balanced budget.

So I think the number one thing that we are doing is every bill that we pass, 13 different appropriations bills, we are moving towards a balanced budget.

Mr. Speaker, there are a couple of things that I want to point out. There are 163 different Federal job training programs. Sitting in on the hearings, many of them do the exact same thing. You cannot get the agencies to agree to consolidate, but if you sit there and you are not involved in the program, they sound like they are doing just exactly the same.

I would submit to my colleagues that out of 163 different Federal job programs, certainly we can combine many, many of them. I am not going to give a number, but I would say substantially most of them.

Let me yield to the gentleman from Pennsylvania [Mr. Fox].

Mr. FOX of Pennsylvania. Mr. Speaker, talking about what we have tried to do so far, two items come to mind. First, the line-item veto which is the President's way that we have given him, at the House and Senate versions are agreed upon, to line-item out pork barrel legislation, which will take out those programs which have been in prior Congresses to get people re-elected. They are not items that are of regional value or permanent value. That line-item veto is one item.

No. two, the Lockbox Act which we passed is going to guarantee that the money that is saved from the elimination of a program through appropriations is actually going to deficit reduction.

We have the problem that the gentleman from Florida [Mr. FOLEY] identified. They took out $25 million for a terrorist program which was requested to be pork. He took it out in committee. The next day it was in someone else's district already reassigned as pork somewhere else. It is moving around, and we cannot catch all of this pork.

Well the Lockbox Reduction Act which we passed last week is going to be one more way to make sure that the savings that the American people want in this wasteful spending, the items that do not belong in the Federal Government will in fact be eliminated permanently.

Mr. HAYWORTH. Mr. Speaker, if the gentleman from Georgia is right, I think it is very important, and indeed, Mr. Speaker, as Americans join us via C-SPAN to watch the hearings, there are a couple of things that the gentleman asked about.

I was involved in an interview with a national magazine yesterday where the question was put to me saying, Well, you have yet to eliminate a cabinet level agency. We realize you are working very hard in the Commerce Department, and certainly there is great merit to the elimination and consolidation of some worthwhile programs, and ultimately the elimination of that cabinet level agency.

I think in fact very irresponsible, I think in fact very irresponsible, public benefit and assistance program. I am going to read something that maybe the gentleman from Arizona is very familiar with from a group called FEDERAL REFORM for America. The Immigration Reform. I am not familiar with this group, but I have heard this story many times and I know the gentleman from Arizona has heard it also. That in the town of San Luis, Arizona, there are 8,100 people, but there are only 4,000 people who live there.

Every month the post mistress of the town, Ms. Rodriguez, has to sift through thousands of letters containing welfare checks, unemployment checks, and food stamps, and in the last month there were 13,500 income tax refunds that were all fraudulent.

What is happening is that 10 to 15 percent of the people are using a mailbox and they are getting Federal Government, American support and they are not American citizens, but they are defrauding the American Government. This problem for the Western States and all the border States is tremendous, and it is costing Americans billions of dollars each year. I think the cost to the California school system only last month came to $1.5 billion. Twenty percent of the prisoners for our Federal penal system are illegal aliens, and my colleagues and me and our constituents are picking up the costs.
Mr. HAYWORTH. Mr. Speaker, if the gentleman from Georgia would yield, yes, I am very familiar with the story of what transpired in San Luis and indeed would like to thank the Arizona Republic newspaper for bringing that story to such prominence to citizens of Arizona, and indeed, to the Nation.

Mr. HAYWORTH. The gentleman from Georgia [Mr. KINGSTON] points up something that is very, very important here. Again, it is time to pause for a distinction, because implicit in what the gentleman says is the notion that groups of people, whether they are citizens or not, would move to take advantage of what I believe to be misguided largesse of this Federal Government, and we need to make this distinction.

Mr. Speaker, when we are here tonight speaking, we are not here to demonize those who come to these shores looking for a better life who follow the path of legal immigration, but it is summed up in the very description that I believe some people have almost become immune to hearing. It has become a cliche. Why do you think we call it illegal immigration? It is against the law.

Therefore, it is incumbent upon this Congress to carry out the wishes of the American people, especially the people of the border States, and indeed nation-wide, who see the fruits of their labor, their hard-earned money taken through what many would call confiscatory taxation policies and bestowed on folks who are not even citizens of the United States.

Now, there can be a legitimate debate, and indeed, there is great diversity in this House, and there are many different philosophies, and there are those in this body who genuinely believe that it is the role of this government to be the charity of first resort. I think that is blantly wrong. Some people have that idea. But even if we accept that idea, should not charity begin at home?

Mr. SMITH of Michigan. Mr. Speaker, one of the things that bothers my constituents as much as anything maybe is their experience standing in food lines and the individuals ahead of them at one time or the other have food stamps, and the food that they are buying with those food stamps is more than that they are working very hard for a living, that goes every day even when they do not feel like it, can afford. So they are bothered by what turns out to be a $25 billion a year food stamp program and welfare, AFDC.

Can my colleagues imagine going to our own daughters and saying, I want to talk about your allowance. If you get pregnant, we are going to increase your allowance by $500 a month, provide you housing, and a food allowance on top of that. Do you say to your own daughters, but as a society we are doing that. In some cases, it is a deciding factor in what has happened in this country with these young women, where now 30 percent of the births in the United States are out of wedlock.

Mr. HAYWORTH. Mr. Speaker, I believe it is a point made quite well by Marvin Olasky in his book, "The Tragedy of American Compassion." Some-where along the line in this country we decided that government should be substituted for caring, and so engrained has it become in the subconscious of the body politic that it is pervasive almost to the point that we gauge caring by examples of caretaking through Federal largesse.

Now, are we saying that people should just be cut off, tough luck? No, not at all. What we are saying is this: as we transform this welfare State into an opportunity society, we should take care to make sure that what we truly have is a safety net instead of a ham-mock. That is the challenge we face as we move to confront a new century, and as we engage in open and honest debate with those who may have a different point of view.

Mr. KINGSTON. Mr. Speaker, re-claiming my time, I think what we want with welfare reform is a program that has a work requirement, if you are able to work, a program that lets States have flexibility, because in Georgia we are going to do it differ-ent than you do in Arizona, different than in New York City and San Francisco, and that is the way it should be.

Let us decide how we are going to deal with our poverty. Give us some guidelines, but give us the flexibility that we need, and then there is that il-legal immigration component. We do not want money being used to attract people to come to America just so that they can enjoy the public benefit.

Then, finally, as the gentleman from Michigan [Mr. SMITH] said, you want to have a component and not that does not reward irresponsibility, particularly when it is not age appropriate for 16 and 15-year olds to be parents.

Mr. Speaker, we are coming to a close. I do want to say on the subject of welfare reform and all of the things that are going on in my hometown, Savannah, GA, where there is a group called the Chatham Citizen Advocacy led by a good friend of mine, Tom Kohler. I believe Tom Kohler leans Democratic, but I was kidding him be-cause he works for an agency who I think the philosophy is Republican, be-cause No. 1, it does not take any Fed-eral dollars or local dollars.

What Tom does is he matches up somebody who is established, promi-nent, better off, upper middle class, with somebody who is unfortunate, who has had some hard knocks, who is down on the ground. He matches the two together. Not so that the wealthy one can write a check and feel good about it, but so that the individual who is established can help that into friends. The wealthy person says to the poor person, let me help you. What are your problems? How can I help you get a job? How can I get you to the hos-pital today? How can I help you kick the habit, or whatever it is?

Tom says that the benefit to society of course is economic. The benefit to the two individuals when they come together with human compassion is im-measurable.

Mr. KINGSTON. I think you have wrapped it up real well. I am going to add one last line. A lady named Charlie from Decatur, TX, wrote me and said on the subject of the public debt, which is of course what has been our central theme today, saving money, cutting back on the size of Government and so forth, she says:

I’m very upset that some people think it’s okay to tax my grandchildren, 17 years to 3 months old, for things other people have already used up.

We have got to balance that budget, we have got to give a promise so that Charlie’s grandchildren and your grandchildren will have a bright, great America as we know it can and should be.
FURTHER MESSAGE FROM THE SENATE

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

H.R. 4. An act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4) "An Act to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence" and requests a conference with the House on the disagreeing votes of the two Houses thereon.

RADICAL LEGISLATIVE CHANGES ON HORIZON

The SPEAKER pro tempore (Mr. Bunn of Oregon). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to associate myself with the remarks of some colleagues of mine who were here earlier speaking about the Medicare cuts and the Medicaid cuts. Nothing is more important now on the legislative agenda than the rape of Medicare and Medicaid.

Many people have focused on Medicare and do not even know that Medicaid is being cut even more drastically than Medicare. Medicaid is being cut by $180 billion over a 7-year period. But it is a smaller program and the percentage of the cut is much greater.

Of even greater significance than that is the fact that there are proposals on the table to eliminate the entitlement for Medicaid. Medicaid at present offers a means-tested entitlement. As we speak, the Medicaid entitlement which on the basis of this means-testing process makes you eligible for Medicaid is being cut even more drastically than Medicare, the States would not do it. Before we had Medicare, the States would not do it. Medicaid, they would not do it. Before the Federal Government took over that burden once the Federal Government is removed, that is a great threat to America, especially when barbarians have power. They are a threat to America, because they are really in need and they are incapable of having compassion.

Barbarians are a threat to society, especially when barbarians have power. When barbarians are able to make decisions and they do not have any compassion, they are a threat to any society. They are a threat to America, because they are making these horrendous cuts and taking away entitlements like the entitlement of a needy child to help from their Government.

They are threatening to take away the entitlement from Medicaid, the entitlement of a person who is sick or families who are in need of medical attention and pay for that medical attention themselves. They are going to take it away.

They are going to leave the elderly out on the hillside to die, in symbolic terms, because when you cut Medicaid and you take away the Medicaid entitlement, what you are doing is cutting nursing home care, because two-thirds of Medicaid goes to nursing home care and care for people with disabilities. Two-thirds. One-third is for families who are poor, but two-thirds goes for nursing home care for the elderly and for people with disabilities. So you are going to take away the nursing home care from the elderly people when you remove that entitlement.

The Federal Government is going to get out of the responsibility of promoting the general welfare in that respect and leave it all up to the States who would not do it before. Before we had Medicaid, they would not do it. Before we had Medicare, they would not do it. So there is no reason to believe the States are going to take up that burden once the Federal Government gives them that responsibility and slowly the amount of money made available by the Federal Government is decreased.

We have a precedent that has been set in the last few days. We have witnessed the Senate follow the pattern of the House and eliminate the entitlement. That is, if you can prove that you are poor and needy, then you qualify for Medicaid if you are in the category which on the basis of this means-testing process makes you eligible.

This means-tested entitlement, as we call it, is now on the chopping block. It is being proposed that it be eliminated.

We have a precedent that has been set in the last few days. We have witnessed the Senate follow the pattern of the House and eliminate the entitlement. That is, if you can prove that you are poor and needy, then you qualify for Medicaid if you are in the category which on the basis of this means-testing process makes you eligible.

Welfare mothers, welfare families, welfare children, under the law that has existed since the Social Security laws were enacted, under the New Deal, under Franklin Roosevelt, have had an entitlement. That is, if you can prove that you are really in need and you are poor and you qualify under the means-testing, then you are eligible for the benefits of the Aid to Families with Dependent Children.

That is gone now. It is only a matter of the President signing it into law. The Senate has passed a bill which removes the entitlement. The House had already removed it before. It is a barbaric act.

I have used the word "barbaric" before. I have defined barbarians as those who have no compassion. If they have no compassion for anyone except their own kind and kin, then they are barbarians. They are incapable of having compassion.

Barbarians are a threat to society, especially when barbarians have power. When barbarians are able to make decisions and they do not have any compassion, they are a threat to any society. They are a threat to America, because they are making these horrendous cuts and taking away entitlements like the entitlement of a needy child to help from their Government.

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I want to loan any support and certainly associate myself with the remarks of my colleagues who spoke earlier about this problem of Medicare and Medicaid being number one on our agenda. Everybody has to be concerned about it. It is a snapshot of our civilization.

Where are we in America right now? If the American people sit still and allow this to happen, where are we? If we allow coverage for health care to instead of going forward to become universal coverage as we were discussing just a year ago, just a year ago we had plans on the table to move forward universal health care coverage, where eventually 95 percent, at least, of the people in America would be covered with some kind of health care plan.

Now instead of moving forward, we are going to take away the coverage which is being proposed that it be eliminated. We are going to take away the coverage which is being proposed that it be eliminated. We are going to take away the coverage which is being proposed that it be eliminated. We are going to take away the coverage which is being proposed that it be eliminated.

There will be many fewer Americans who are covered with any kind of health care plan after this Medicaid entitlement is removed. We are going to take away the coverage which is being proposed that it be eliminated. We are going to take away the coverage which is being proposed that it be eliminated. We are going to take away the coverage which is being proposed that it be eliminated.

Are we so desperate that we have to act as barbarians? Are we so desperate that we have to sit by as the voters and the citizens and approve of such barbaric acts? Are we going to swallow the arguments that we are on the verge of bankruptcy and there is no other way to get out of this threat of bankruptcy than to do mean and extreme things to each other, to the least among us, those who are unable to help themselves?

Please try to stay with it, because the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid. Next week we will have a week off, but the pace of change over the next 3 or 4 weeks will be quite rapid.
at this point. Because to have any attempt to stop the Government or even pretend to stop the Government at this point would be ridiculous.

There is so much to be done, there are so many appropriations bills that have not been considered by the Senate. There is so much, it would be ridiculous to pretend that we could stay here over the weekend or work out some kind of solution in such a short period of time. There will be still a problem later on. We have expanded it until November 13, and the continuing resolution ends on November 13.

The train wreck that has been talked about, the train wreck that is coming will definitely occur at that time. I assure you. There will be a clash between the President and the Republican-controlled Congress, because the President says he will not accept certain bills. He has made it quite clear. On some he says he may not accept them, but on one or two he has said he will not accept certain bills.

One of them is the human services, education and job training appropriation bill. If it comes out of the Senate and comes out of the conference process and looks the way the bill looks in the House, which is $3 billion in education cuts and $5 billion in job training and human services cuts, then the President has made it quite clear he will not sign the bill, he will veto it.

Probably how he will veto a Medicare bill which is as outrageous as those that are being proposed. I hope the President will shortly, in the next few days, make a clear statement that he will veto any bill which ends the entitlement for Medicaid.

We have lost the entitlement for Aid to Families with Dependent Children. We have lost the entitlement for people who are poor and are in need of assistance. It is lost. Overwhelmingly the Democrats joined the Republicans to vote against the Senate. They can never override in Presidential veto.

The power of the actions of the Senate has come back to influence the people in the House. It is a lost cause.

The House stood up firmly, Democrats in the House stood firmly on the principle of entitlement. I congratulate my Democratic colleagues, the conservatives, the liberals. Everybody got together on the bill that we offered as a substitute.

We offered a substitute bill which would have provided job training, would have provided a longer time for people to be educated and get job training. It would have provided some kind of program to help create jobs. In addition to that, most important, the bill that was offered by the Democrats on the floor of the House at the time of the welfare reform bill consideration kept the Federal entitlement. The Federal Government stands behind individuals who are in need when a hurricane happens.

We take it for granted. It is not written in the legislation that automatically you will get Federal aid; it is going to be there no matter how rich you are. If your house is blown down by the winds, no matter how many times you build your house in a place where the winds are likely to blow it down, when they come again, you will get Federal help. No matter how close you build your home to the river, no matter how many times you keep building your home close to the river, no matter how well-off you are, when floods occur, you are going to get help from the Federal Government. Earthquakes, $7 billion, $8 billion for the California earthquake. You can expect, regardless of the state of a person's income, everybody who is affected by the earthquake will get some help from the Government.

That is a civilized government. That is a government designed to promote the general welfare. That is the way it should be. But it should also be that way for people who have economic difficulties and need help.

Oh, yes, there are abuses in the welfare program. There are abuses in the earthquake relief program. Have you heard? There are abuses in the flood relief program. There are abuses in programs that relieve hurricanes and tornadoes. Wherever human beings exist, they promulgate abuses of programs.

Some people take advantage of the situation. There are going to be abuses.

I am going to talk in a few minutes about two sets of abuses, abuses that are in the welfare reform program that enrage so many citizens and abuses that took place in the savings-and-loans program, which seem to be forgotten already although they cost more than $250 billion. That is a most conservative estimate. I will make a comparison in a few minutes.

Before I do that, I just want to end my alert on Medicare and Medicaid. Among other things, please, keep your eyes on Medicaid and the Medicaid entitlement. Do not let the Medicaid entitlement be wiped away. We can only mourn now for the entitlement for poor people, public assistance, and only mourn now for the entitlement for children, dependent children. We can only mourn because it is almost all over. The agreement has been reached. There is very little we can do politically to roll back the clock and to get back and maintain an entitlement that was instituted by the Social Security Act under Franklin Roosevelt. We cannot bring it back.

But we can stop the escalation of the Farbarity. We can stop the barbarians from taking away the Medicaid entitlement. We can act. Let your Congressmen know. Let your Senators know. Let everybody know you do not want to move further away from universal health care that brings us closest to health care for poor people is the Medicaid Program. You do not want to take health care away from seniors who, after they exhaust their income, they exhaust whatever assets they have, go from Medicare to Medicaid. You do not want to do that. Too many of our senior citizens would be left on the hillside to die, in symbolic terms.

Let us move for a minute to take a look at the fact that Americans are outraged by abuses in welfare and the welfare reform has certainly been in response to some ridiculous kinds of things that have occurred. I would criticize the social work profession. I would criticize the public policy planners for allowing a lot of little things that could have been corrected to mushroom. But I assure you that welfare, as a system, is far more honest, the system for providing public subsidy to children who are dependent is far better run and far more honest than most Federal programs that exist today. Let me repeat that: There are abuses in any program that has ever been conceived by the Federal Government, State government, or local Government, and any government, any programs that have been conceived of by any government anywhere in the world.

The human mind is such that there are people who can and begin to find places to take advantage of the system. The abuses are inevitable because of the fact that human beings are so intelligent and some of them who are very intelligent are not honest. There is always the guy who is looking, the hustler who is looking for a way to take advantage of the system.

So welfare has had its abuses. The abuses, again, are minuscule compared to the abuses that we have seen in some other programs.

Let me just stop for a moment and read a couple of clippings to you. Let me just stop for a moment and take advantage of some recent developments that you might have missed. You might have missed the fact that in the New York Times, on September 25, and many other papers in the last few days, there has been a big discussion of the fact that the CIA had more than $1.5 billion. You know these numbers lose you.

You know, you think in millions, and hundreds of millions, but when you get to billions, people just cannot understand a billion dollars and what you can do with that. You know, a billion dollars, I assure you, would pay for a lot. We have insurance home time for hundreds of thousands of people. A billion dollars would cover a lot of food for a lot of school lunch programs. A billion dollars is a lot of money.

The school lunch program, lunch program, was cut by about $2 billion over a period of 7 years. We could give back that $2 billion and say:

School lunch program, you don't have to worry about searching out the immigrant children. You don't have to worry about driving out the immigrants, legal immigrant children, by the way. You do not have to worry about looking for the illegal ones. You do not have to deal with draconian cuts that are going to be squeezed as you move the program down to the State level.
The CIA has secreted. They have so much money and there are so many abuses, and the administration is so loose, that until $1.5 billion was secreted away in a slush fund without the Members of Congress being informed. The heads of the agency, the agency heads, the people in charge said that they did not know about it. The President, the Speaker of the House, this is not that I mean, how can they not know? How did it not show up on the books? What welfare recipient could ever get away with a few hundred dollars not showing up in the system? Here we have $1.5 billion.

What is going to be done as a result of finding that there were people who were keeping $1.5 billion or more out of the reach of their supervisors and out of the reach of Congress and the President? What is being done? Excuses are being made. All kinds of excuses are being made.

Now, this is in an agency which has been guilty before, ladies and gentlemen. This is the spy satellite agency. You know, in popular terms, this is the Nation’s spy satellite agency. It is the National Reconnaissance Office. The National Reconnaissance Office was cited, you know, not too many months ago for having a building under construction which cost $317 million, more than $3 million. This was a building under construction for more than, and I have it here, $347 million last year.

Last year, Senators said they were surprised to find the agency had built a new headquarters in northern Virginia near Dulles International Airport. The Senators of the United States were surprised that a whole building had been built, a new headquarters in northern Virginia near Dulles International Airport. You cannot hide a building, and you certainly cannot hide a building next to the airport, I guess, unless you are the CIA. But the Senators were surprised to find that $347 million had been used to build a building.

But what is going to be done about it? What is going to be done about the $1.5 billion which forced him to approve regulations, that is the same thing. "We are sorry, you, we are a little loose." Excuses are being made because these are white middle-class males. Excuses are being made. They can be sloppy. They can waste your money. They are not welfare children. They are not welfare mothers, who most people think are black or Latino, although the statistics will show that there are more whites on welfare.

The racism that creeps into the outrage about welfare will not here, because, after all, these are educated people, very well educated. If you can hide the building of a building next to an airport, you are a genius. It takes a whole set of geniuses to build a building next to an airport and, you know, Dulles is here in the Capital. It is in the Washington area, and the Senators not see it, not know about it, the Representatives not know about it, the White House not know about it. These aren’t geniuses, they are not men or more than $1.5 billion or more. They are geniuses, but barbarians in the sense that they have no qualms, no conscience, to say, "Look, we did not use this money, you can have it back, and you can use it to cover some food stamp costs, or you can use it to cover some earthquake victims’ costs, some flood victim costs."

No. They have kept the money and, fortunately, something happened that it was discovered. This is the same agency that so mishandled and blundered so much that they had a man named Aldrich Ames in there for years in charge of the spy operation in Eastern Europe and Russia, and he was a spy for Russia, for the Soviet Union. Aldrich Ames is his name.

Aldrich Ames grew up in the CIA culture. His father was in the CIA before him. Aldrich Ames was an alcoholic. He is a spy and Russia, and he was a spy for Russia, for the Soviet Union. Aldrich Ames is his name.

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land in Idaho for $275. I did not make a mistake, my colleagues, $275 for 110 acres of land.

Now I would say that $275 for 110 acres of land is a bargain almost anywhere, you know, even in a swamp. Well, yes, that is a bargain. Well, yes, you are going to find something in the swamp that is going to be useful. You got nothing to lose if it only cost you $275. But this land is estimated to contain a billion, a billion dollars worth, of minerals.

Let me repeat, $275 for 110 acres of Federal land in Idaho. The land may contain a billion dollars worth of minerals. I am quoting from the New York Times, September 7, 1995. You can go check it out with Mr. Babbitt, the Department of the Interior.

The next paragraph goes on to explain the land was conveyed to Faxcult, a Danish company, under an 1872 law that requires the Government to sell Federal mining rights for as little as $2.50 an acre. It is an 1872 law that requires the Government to sell Federal mining rights for as little as $2.50 an acre. Do you hear? It was sold to a Danish company, a foreign company.

Mr. Speaker, they are on the floor bashing immigrants and talking about how terrible it is that immigrants come in and they take jobs and do horrible things. Here we have given away to a foreign country 110 acres of land for $275, and the estimated mineral yield of that land is a billion dollars.

Now you might say, “Well, it’s very generous of us. There’s nothing barbaric about that.” You know, it is Americans who are compassionate enough to give to foreigners a great gift. Foreigners are not their kind and kin, so, if they are going to give to foreigners, the Danish owners, this kind of bargain, this kind of gift, then that shows that they are not barbaric. These are very generous people. They may be naive, but they are very generous, because, after all, they are giving it away, and they will not gain anything.

Well, life is a bit more complicated than that. Economics is a bit more complicated than that. Business is more complicated than that. Probably no American company thought they could stand up and take the heat from the American people of having gotten away with this kind of deal. So they have gotten a foreign company, but I assure you the people that owned this company are not all Danish. I assure you that the conditions which led to keeping this law would not be there just to benefit a foreign company.

Congress has sought for years to change the law according to the New York Times again. Congress has sought for years to change the law, but under the strong pressure from the mining industry, western lawmakers have repeatedly blocked the legislation. Supporters of the law maintain that it helps to promote mining in the United States and preserve jobs. To promote mining in the United States and preserve jobs you have to give away 110 acres at $2.75 an acre. Congress has sought for years to change the law under strong pressure, but under strong pressure from the mining industry.

Who is the mining industry? You know, I assure you it is not just this little Danish company, not foreigners. The mining industry has stockholders. The mining industry has very powerful people in very powerful places.

Western lawmakers have repeatedly blocked the legislation.

Western lawmakers? Who are the western lawmakers? They are not foreigners. We do not elect foreigners to office, so western lawmakers, whoever they may be, have blocked legislation, which is sought to correct this 1872 law. Probably made sense in 1872 that everybody—you would have to be a fool to believe it made any sense now. Any child can tell you this does not make any sense except if you want to rip off the American people.

Land is owned by the American people until it is conveyed to the mining company, and they say it helps the United States to promote mining in the United States and preserve jobs. If you charged a thousand dollars an acre, you cannot promote mining and preserve mining jobs? You know, if it is a billion dollars that is expected, a billion dollars worth of minerals, you certainly could get a higher price for it.

We are back to that old issue of taxation and revenue. I proposed before that we have a revenue commission, you might recall, a revenue commission to look at ways to get revenue more creatively instead of continuing to tax families and individuals so heavily. You know families and individuals are heavily taxed; 44 percent of our tax burden is borne by families and individuals, and only 11 percent is borne by corporations.

Now these are not the only sources of revenue. There are other kinds of revenue that help make up the total package. When you take a look at some of those other kinds of revenue, we can get revenue from mining lands that are sold, as the President proposes, but here we are up against lawmakers, western lawmakers, who are not consistent, enraged by the fact that somebody is ripping off the Government. No, these are the kinds of people, one out of every hundred, who might be a hustler, who might be taking advantage of the Government programs. These are not people using food stamps who might buy cigarettes for food stamps instead of buying food. These are not those kinds of people. These are people who are taking millions of dollars away from the American people that could go into our revenue coffers. Let me just read on a minute because it is a bit sickening, the whole story, and you get some flavor of how sick it is by just reading.

The wimpish way we react, the wimpish way our policymakers deal with these outrageous abuses, is enough to give you a heart attack. It is outrageous.

Quote from the New York Times article:

But Mr. Babbitt, in conveying the Federal tract in Idaho, said the following such deals, quote, “increasingly distasteful”, increasingly distasteful, and he called the law, the law that does this, whose intent originally was to promote development of the West, outdated and exploitative, exploitative of taxpayers. Mr. Babbitt found it increasingly distasteful, and he called the law outdated and exploitative of taxpayers.

Now I am not criticizing Mr. Babbitt except I think his language is much too wimpish.

You know, I am reminded of the quote from King Lear. King Lear, after his daughters have betrayed him, said, “Fool me not to bear it tamely. Touch me with noble anger.”

Somebody ought to have some noble anger when the CIA secretly has $1.5 billion stashed away and nobody knows about it. Somebody ought to have noble anger when the CIA can build a building near the airport and the Senators and the Members of Congress do not know about it, and the building costs $347 million. Somebody ought to be outraged.

They tremble and they shake when they talk about welfare people. You heard them before saying they stand in line, and they get with their food stamps instead of buying food. These are not people using food stamps. These are not people using food stamps better than the guy behind them who is working all day. That is outrageous, and they tremble and they shake when they say that, but they can let the white males, educated in many cases, rich, promulgate a system. Any lawmaker who is part of promulgating this system is not dumb. Somewhere there are benefits that his constituents are getting in larger amounts if you want to keep selling the land of the people of the United States for $2.50 an acre, you know you know billions of dollars are going to be made.

The 110 acres in Clark County, ID, are believed to contain an estimated 14 million tons of high-quality travertine, a mineral used to whiten paper. I am quoting from the New York Times article again. Last year, quote, “when American Barrick Resources, a Canadian mining company, used the law to buy a mine with $10 billion in gold deposits for about $10,000, Mr. Babbitt called it the biggest gold heist since the days of Butch Cassidy.”

Let me read that again. Last year, when American Barrick Resources, a Canadian mining company, used the same law to buy a mine with $10 billion in gold deposits for about $10,000, Mr. Babbitt called it the biggest gold heist since the days of Butch Cassidy.

Mr. Babbitt, I am glad you have such strong language for it, you know. If you get $10 billion from the people of the United States for $10,000, you think somebody would be on television screaming about it. They could do nothing else except tell the American people about it.
The President and his campaign said we want to end welfare as we know it. Why does somebody not say we want to end the giveaway of billions of dollars mostly to foreign companies, but they have American backers? We want to stop the giveaways. Is it not far more important to keep the United States from being taken over by these people? The failure. Several big banks have failed in this country and we have covered up the failure. Several big banks have failed in this country and we have covered up the Federal Deposit Insurance Corporation funds. The savings and loan debacle, which is the greatest swindle in the history of mankind, there are no other swindles as great as the savings and loan debacle. If we had been wise, we could have seen it coming and covered it up. It was a federally assisted program.

I quote again from the article: "The bill to overhaul mining laws would require companies to pay fair royalties on net profits in minerals taken under the 1872 law. Other proposals before the Congress would require companies to pay fair market value for the surface land, but nothing for the minerals." In other words, as we sit here today, as we talk today, there are Members of Congress in the Senate and in the House of Representatives who are protecting the thievery that is going on right before our very eyes. This is a Federal program that should have radical reform, radical change, but nobody is moving because we do not have the will, we do not have the guts to stand up and say, let's end the giveaway of billions of dollars to the banks and the savings and loan associations. Have we put them out of business? Have we been as radical in dealing with the savings and loan situation as we were with the reform of welfare? No, we have not. How many people were put in jail for their abuse, often outright stealing of large sums of money, that have never been caught by the Federal Deposit Insurance Corporation? How many people have been put in jail? Relatively few, because most of them are white, middle-class, well-educated, and sometimes very wealthy people. But it is not the same way as poor people, many of whom are Latinos and blacks, and most of all, poor. They are not treated the same way. If they were, then the savings and loans, the whole program would have had radical changes. Large numbers of people would have been put in jail. Large numbers of people would have been taken out of the banking industry. There was collusion all over the place among well-educated, wealthy people in high places, in many cases accounting firms who turned their heads away while all kinds of tricks were played with the books; lawyers who found a way to make everything that was done, no matter how terrible it was, legal. Why does somebody not say we want to end welfare as we know it. The President and his campaign said we want to end welfare as we know it. Did we get rid of savings and loan associations failing, the largest amount of money was lost in Texas, where the State of Texas has the power to regulate the savings and loan associations in Texas, but the Federal Government, all of the taxpayers of America, stood behind their savings and loan associations, just as they stood behind those in New York or any other part of the country. Why do I say that? Because in Texas you had the largest number of savings and loan associations failing, the largest amount of money was lost in Texas, where the State of Texas has the power to regulate the savings and loan associations, but the Federal Government, all of the taxpayers of America, stood behind them. Why do I say that? Because in Texas you had the largest number of savings and loan associations failing, the largest amount of money was lost in Texas, where the State of Texas has the power to regulate the savings and loan associations, but the Federal Government, all of the taxpayers of America, stood behind them. Why do I say that? Because in Texas you had the largest number of savings and loan associations failing, the largest amount of money was lost in Texas, where the State of Texas has the power to regulate the savings and loan associations, but the Federal Government, all of the taxpayers of America, stood behind them. Why do I say that? Because in Texas you had the largest number of savings and loan associations failing, the largest amount of money was lost in Texas, where the State of Texas has the power to regulate the savings and loan associations, but the Federal Government, all of the taxpayers of America, stood behind them.
the board of the Denver Silverado Bank. It was spread around, but Texas had the greatest concentration. After they had regulated their own banks to make rich those they wanted to make rich, they got the benefit of hav- ing a large portion of the savings and loan associations. But if they got away there the spread money there and hire people there. Many people who were hired in the Resolution Trust Corporation had formerly worked in some of the banks that had gone, that failed, some of the savings and loan associations. So they got away with this program as a result of swindling the American people out of a large part of that $250 billion to $300 billion.

This is happening in America. This happened recently in America, the largest swindle probably in the history of mankind, right before our eyes, and we reacted by coddling and taking care of those who were guilty.

Let me be more specific about guilt. You be the judge. The Silverado Bank in Colorado, in Denver, CO, the Silverado Bank made a deal with a person who came for a loan. One of the people who came for a loan wanted to buy a building. The building was assessed to be worth $13 million, $13 million. The bank said, “Look, we will accept an assessment of twice that much for the building, $26 million, if you will deposit in our bank the extra $13 million, so we will give you a loan of $26 million for a building worth $13 million on the condition you will deposit that $13 million back in the bank, because we know the auditors are coming and we have problems.”

If that is not a criminal action, I do not know what is a criminal action, but that was done by the Silverado Bank. That is just one of the things they did. They lost almost $2 billion. They are not the largest offender. We all know that California was the largest offender, but Silverado lost more than $1 billion, and on the board of Silverado was the son of George Bush, Neil Bush. This kind of transaction took place, and later on as they sorted it out, a recommendation was made that Neil Bush should be barred from sitting on any boards of any other banks. He protested vehemently.

Later on, I think secretly, out of the eye of the cameras, the eye that he was used to make some kind of fine, along with the other board members who had been a part of that situation. But nobody has said he should be put in jail or any other board members of Silverado should be put in jail. Two hundred fifty billion dollars, at least, and there are some estimates that it is twice that amount. You cannot get decent figures because the white males, the wealthy, educated white males who run the banking system and the accounting system and the lawyers create a system related to it, that is so complicated you cannot get clear figures as of right now as to what the savings and loan swindle has cost the American people.

This is a Government program: wasteful, blundering, billions of dollars down the drain. Nobody has ever said, “Let us get rid of all savings and loans, let us get rid of the Federal Deposit Insurance Corporation.” No, we have the $250 billion that is involved of the needs of the white middle-class wealthy who are involved in the abuse that have wrecked the savings and loan associations.

This is strong language, I know, but the barbarians do not hesitate to drive their spears through the bellies of babies. The barbarians come to the floor of the House and they talk about the need to streamline Government and the need to have a balanced budget by the year 2002. But the barbarians come to the floor of the House and they will not cut the B-2 bomber, which might cost us $33 billion over the lifetime of the program. The barbarians with a straight face said, “We must continue the B-2 bomber. They are on the floor and they win the votes to keep the B-2 bombers. The barbarians want to increase the funding for star wars, a system that has always been questioned by scientists.

The barbarians come to us and say that they want to give a tax cut, and I am all in favor of a tax cut, but if the tax cut is close to the same amount as the Medicare cut, the tax cut is, I think, $240 billion in a 7-year period, and the Medicare cut is $270 billion over a 7-year period; $240 billion for the tax cut, $270 billion for the Medicare cut. The barbarians look at us with straight faces and say, “We must have a tax cut. If that means that the elderly cannot have nursing homes, then so be it. If that means that prescriptions are going to be limited because people cannot afford to pay for their prescriptions, and of course when they cannot get their medication many will die, so be it.”

The barbarians are not afraid to make their case forcefully. The barbarians want to end Davis-Bacon, which was created to stop bringing in slave labor. It was created by two Republicans to stop people from bringing in slave labor and undercutting the wages of working people. We are going to have to have some other kind of Davis-Bacon to stop the nations like India from bringing in computer programmers, who are Americans, but only six percent of the amount of money computer programmers who are Americans work for. We are going to have to have some kind of Davis-Bacon to stop the Russian physicians and technicians who are working here for the minimum wage. They can come here and undercut American physicists.

We are in a situation where the civil- ization, the society, must take some steps to do what is rational to make for an orderly transition, where people have not dis- rupt things by allowing hustlers to take advantage of the situation by bringing in outsiders who can undercut the labor market. The labor market that we may be protecting tomorrow may be our physicists and our chemists and our college professors. We had bet- ter take a look at the logic of Davis- Bacon, the invention of two Republican Members of Congress.

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This shows corporate versus family and individual share of Federal reve- enues. The share of the revenue burden that is born by corporations went down from 38.8 percent in 1943 to 11.2 percent today, while the share of the individual and family tax burden went up from 27.1 percent to 48.1 percent, and now it is at 42.7 percent.

This is a simple solution. We do not have to cut Medicaid, we do not have to act barbaric, in a barbaric way toward children and the elderly. We should on a rational basis sit down and take a look at the next 7 years, or as the President has projected, the next 10 years; whatever my colleagues want to do to balance the budget, it is possible to do it in a rational way.

The barbarians come to us and say that they want to give a tax cut, and I am all in favor of a tax cut, but if the tax cut is close to the same amount as the Medicare cut, the tax cut is, I think, $240 billion in a 7-year period, and the Medicare cut is $270 billion over a 7-year period; $240 billion for the tax cut, $270 billion for the Medicare cut. The barbarians look at us with straight faces and say, “We must have a tax cut. If that means that the elderly cannot have nursing homes, then so be it. If that means that prescriptions are going to be limited because people cannot afford to pay for their prescriptions, and of course when they cannot get their medication many will die, so be it.”

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On the one hand we have to save money by dealing with all of these abuses that we allow to go on if white, rich, educated males are involved, get rip of those abuses and at the same time look at the revenue question, the revenue side and produce the revenue in a rational way and a less painful way.

This is income taxes. We can take a look at the mining, how much more we may realize by taking a hard look at the mining situation or other resources that are presently owned by the Ameri- can people that are being squandered. I have talked about the frequencies, the fact that we have auctioned off cer- tain frequencies and earned $9 billion already. We can take a hard look at that. There may be more.

There are solutions that are not bar- baric solutions, and I ask the American people to keep their eyes on activities in Congress for the three or four weeks. It is your money, it is your civiliza- tion. We do not want to be accomplices to barbaric acts. We want to promote
the general welfare. We want to take America forward, out of the spirit of Franklin Roosevelt and the spirit of Lyndon Johnson. We want to continue to have a great society. We want to take care of the majority of the people that need to be taken care of. We are Americans, we are not barbarians.

FRENCH NUCLEAR TESTING

The SPEAKER pro tempore, Mr. Bono of Oregon, under the Speaker's announcement of the presence of Mr. Faleomavaega, is recognized for 60 minutes as the designee of the minority leader.

Mr. Faleomavaega. Mr. Speaker, earlier last week I shared with my colleagues and the American people some observations on the crisis that has occurred on the island of Tahiti in French Polynesia, as a consequence of French President Jacques Chirac's recent decision for the Government of France to resume testing of nuclear bomb explosions on the Pacific island atolls of Moruroa and Fagautaua.

Mr. Speaker, despite thousands of petitions and the pleadings from leaders of countries from Europe, from South America, from Asia, and especially from the Pacific island nations, asking France to refrain from conducting nuclear bomb explosions under these Pacific atolls, President Chirac went ahead and pressed the nuclear button 3 weeks ago, exploding a nuclear bomb under Moruroa Atoll with a nuclear punch of 20 kilotons. The nuclear bomb detonated, Mr. Speaker, was more powerful than the atomic bomb dropped on the city of Hiroshima, Japan—which, incidentally, Mr. Speaker, killed some 200,000 men, women and children, from the direct explosion as well as the subsequent radioactive contamination of the residents of Hiroshima.

Mr. Speaker, it is the case that whenever a person calls out the word or name, “Tahiti,” immediately many of us think of paradise—the swaying palm trees, the lovely Polynesian maidens—a place where there is much dancing and singing in the air, amongst the frangi trees, the lovely Polynesian maidens—right there is the case that whenever a person calls out the word or name, “Tahiti,” immediately many of us think of paradise—the swaying palm trees, the lovely Polynesian maidens—a place where there is much dancing and singing in the air, amongst the frangi trees, the lovely Polynesian maidens—right there is the case that whenever a person calls out the word or name, “Tahiti,” immediately many of us think of paradise—the swaying palm trees, the lovely Polynesian maidens—a place where there is much dancing and singing in the air, amongst the frangi.

Perhaps, even more vividly, when the American people think of Tahiti, they recall visions from the silver screen classic, “Mutiny on the Bounty,” first with Clark Gable and later starring Marlon Brando.

The fact of the matter, Mr. Speaker, is that the Pacific islands of Tahiti, Moorea, Huahine, Raiatea, and Bora Bora, truly are among the most beautiful and volcanic islands in the world. The world of writers and authors, including James Michener, has described the island of Bora Bora as the most beautiful in the world. In my opinion, Mr. Speaker, France has now initiated the nuclear arms race again, and I would nominate Mr. Chirac as the world's leading nuclear arms proliferator. And, Mr. Speaker, I want to raise another serious problem—if I were Chancellor Kohl or any citizen of Germany, I would feel very uneasy and uncomfortable about the idea that President Chirac has his finger on a nuclear trigger that he will use to make the world more lethal. I would also wonder as a German citizen or as citizens of other European countries what assurances there are that French nuclear-armed missiles shall never be pointed at Bonn, Munich or Berlin, or other cities in Europe?

If I were Chancellor Kohl or a German citizen, I would further wonder what absolutely ensures that Mr. Chirac's nuclear forces would be used to defend Germany against the enemy country that might be an ally or a friend of Chirac's government. If I believed Mr. Speaker, we find ourselves in an interesting dilemma, and I am reminded of a Middle Eastern proverb that states that sometimes the friend of my friend is also my enemy.

Mr. Speaker, every country in Europe would feel the strongest unease about the possibility that France is the only country among the continental European nations with a nuclear trigger that may be pointed against any one of them.

Mr. Speaker, this is the kind of tension and uncertainty that Mr. Chirac has raised since the re-opening of its nuclear testing program last week. The implications are obvious, Mr. Speaker, and if Mr. Chirac's motive is to raise fear and apprehension about France's nuclear capabilities among its European allies, I must say, President Chirac has succeeded in this endeavor.

Mr. Speaker, the irony of this is that while 62 percent of the people of France do not approve of nuclear testing in the Pacific, the same majority of the people of France also want France to be recognized as a world leader and as a member of the nuclear club like Great Britain, the United States, Russia, and the People's Republic of China.

The problem, Mr. Speaker, is that among the permanent members of the United Nations Security Council and the world's nuclear club are two nations that are considered as having the second and third most powerful economies in the world. Mr. Speaker, I am making reference to Japan and Germany, respectively.

Mr. Speaker, if there is ever a time to examine regional and international conflicts as we confront them today, there is no way that we can deny the presence and considerable influence of Japan in the Asia-Pacific region and Germany throughout Europe, and certainly both nations to be directly involved with the affairs of the entire world.
Mr. Speaker, about 3 weeks ago I was in Tahiti in French Polynesia. I was joined with some 40 other parliamentarians from the Pacific, from Japan, from Asia, from South America, and from Europe. Led by the mayor of the territory and the leading Tahitian leader, Mr. Oscar Temaru, we joined together for a demonstration in the streets of Papeete, Tahiti to oppose the resumption of French nuclear testing on Moruroa and Faugataufa atolls. We were also joined by the Minister of Finance of Tahiti, Mr. Vito Haamatua, and myself traveled to the island of Turea which is located about 60 miles away from Moruroa where the nuclear bomb had already been placed in a shaft about 3,000 feet under the atoll. We were later joined with the arrival of the Rainbow Warrior II and together we headed for the Moruroa atoll.

Mr. Speaker, earlier on August 30, 1995, Mr. Temaru and his associates, Mr. Vito Haamatua, and myself traveled to the island of Turea which is located about 60 miles away from Moruroa where the nuclear bomb had already been placed in a shaft about 3,000 feet under the atoll. We were later joined with the arrival of the Rainbow Warrior II and together we headed for the Moruroa atoll.

Mr. Speaker, in anticipation of the French Government's announcement that the first nuclear explosion would take place on September 1, 1995 at about 6 in the morning, the Rainbow Warrior launched about six inflatable zodiaks at about 3 in the morning—in the dark, right under the nose of the French naval warships.

What is remarkable about these zodiaks, Mr. Speaker, is that they were manned by young men and women who were from New Zealand, from Italy, from Australia, from the United States, from France, from Portugal—kind of a mini United Nations representation. Mr. Speaker, I commend these young people. They were not commandos or soldiers. They were just ordinary citizens, committed to a nuclear-free world. It is no secret that the world is suffering tremendously as a result of careless, callousness in destroying the ecological balance between nature and all forms of plant and animal life.

Mr. Speaker, I want to share this basic item of fact again with my colleagues and with the American people. The fact is, Mr. Speaker, that the French Government has now exploded 176 nuclear bombs on Moruroa island. One hundred and seventy-six nuclear bombs exploded on one tiny island atoll. And President Chirac has the gall to say that this atoll is ecologically safe? Mr. Speaker, there are reports of hundreds of Tahitians who were subjected to nuclear contamination but were never properly tested after exposure.

As a consequence of these explosions, British scientists have confirmed that the atoll underneath Moruroa Atoll is "becoming a web of vitrified cavities, from which an unknown number of cracks are opening like spider's webs." Areas of Moruroa Atoll have already sunk by one meter or more. In fact, Dr. Roger Clark, a seismologist at England's Leeds University, has said that one more test could trigger the atoll's collapse, leading to huge cracks opening to the sea, threatening the fish and other marine life, and ultimately threatening our marine environment throughout the Pacific.

As early as 1954, the world-famous oceanographer and marine environmentalist, Jacques Cousteau, who I personally commend for his opposition to nuclear testing in the Pacific and for the appeals he made to Chirac, also found spectacularottics and fissures in the atoll as well as the presence of radioactive isotopes, in the form of iodine 131, plutonium 239, and cesium 134, more commonly known as nuclear leakage.

Mr. Speaker, there is also a strong link between ciguatera poisoning and military operations involving nuclear testing in French Polynesia. Ciguatera poisoning occurs when coral reefs are destroyed, releasing toxic marine organisms which are absorbed by plankton that eat fish that are ultimately consumed by humans.

Mr. Speaker, even if France stopped its nuclear testing today, the untold amounts of radioactivity encased in Moruroa Atoll will require scientific studies and health assessments to take place. Another fact remains, Mr. Speaker. As media coverage gave voice to even a French diplomat around the world, as well as to France's position that nuclear testing was necessary to national interest, the senselessness of the testing went untold. What the media failed to tell the world is that France did not need to update its technology via nuclear explosions. The United States had already offered France the technology it sought. Yet American journalists have not given this fact the same amount of airplay that French diplomats have gotten in asserting their insane claim that exploding eight more nuclear bombs in South Pacific waters is necessary to France's national interest.

The media in foreign countries, including Japan, Australia, New Zealand, Germany, and others have done a far better job of covering the global implications of France's resumed nuclear testing than has the American media. How ironic that this should be the case for a country that has zealously protected and promoted the right to free speech and press, and the widespread dissemination of information; and yet there was hardly any media discussion and debate in America concerning French nuclear testing. Just a few editorials here and there and that was it.

Mr. Speaker, the irony of it all—while just about every American household has a television tuned in for the nightly news tonight, on the fate of one man—Mr. O.J. Simpson, we have turned a deaf ear to health and welfare and even the lives of some 200,000 men, women, and children who are totally helpless and are not capable of withstanding the military might of the French Navy and the French Foreign Legion—as the French Government has literally forced the Polynesian Tahitians to accept such as awful fate, and a future with no promise to enhance their lives.

And, Mr. Speaker, if and when the French colonial power ever does leave these islands, what a sad commentary for writers to state that France's two gifts to these Polynesian Tahitians are French nuclear testing and a future island that is contaminated as a result of French nuclear testing for the past 30 years.

Mr. Speaker, I would have hoped that the French could have learned from America's experience with nuclear testing in the Pacific. In 1954, on Bikini Atoll, the United States exploded the most famous hydrogen bomb of that time—a 15 megaton bomb, 1,000 times more powerful than the atomic bomb dropped on Hiroshima. The sad part of this story is that before the bomb was exploded, the officials who were concerned about this experiment—the "Bravo Shot"—discovered that the winds had shifted and that the 300 men, women, and children living on the nearby island of Rongelap would be put at risk by the explosion. They exploded the bomb anyway, subjecting 300 innocent people to nuclear contamination. The accounts of their suffering are well-documented.

Though our Government is making every effort to resettle this island and offer monetary compensation to these people, the reality is, no amount of money can compensate for one's health. The women of Rongelap gave birth to what many termed "jelly babies," babies that were born dead and did not appear to look human. The people of Rongelap have suffered from cancer, leukemia, and all manner of disease associated with nuclear contamination.

Yes, we conducted these tests, but then realized the horrors associated with these tests. We realized how harmful these nuclear tests are to the atolls and to the Pacific Islanders way of life. So the United States stopped its nuclear testing program in the Pacific and moved its testing sites underground in the desert plains of the State of Nevada.

Mr. Speaker, I would like to commend President Clinton for his policy on nuclear testing. He has committed the United States to negotiate an absolute ban on all nuclear tests, and has rejected the argument that small-scale testing is necessary to ensure weapons reliability. This decision, serving as a model for the world, is a major step toward stopping nuclear proliferation.

On the other hand, Mr. Speaker, I must express my disappointment that Congress, in its 1995 appropriations bill, has failed to endorse a strong statement condemning France after the explosion on Moruroa Atoll on September 1, 1995. While other countries vigorously denounced France's
demonstration, the response of the United States to the French government: Please do not conduct the first in your controversial series of tests in the South Pacific.

Mr. Speaker, when President Clinton traveled to Hawaii early this month to celebrate the 50th anniversary of the end of the war in the Pacific, his aides dispatched an urgent message to the French government: Please do not conduct the first in your controversial series of nuclear tests in the Pacific while Clinton is in the region.

Even though French President Jacques Chirac was eager to proceed with the nuclear tests this summer, he realized he was in no position to turn down such a request from a special friend. Reluctantly, Chirac put off the politically embarrassing visit until Clinton had returned to Washington.

Chirac's gesture was partly a token of respect for the close relationship he has nurtured with Clinton during his first four months in office. But even more, say French and American officials, it was a tip of the hat to the enormous support and assistance provided by the United States to the French nuclear weapons program.

Despite its claims of developing an independent nuclear deterrent, France has long relied on the United States for some of the most sophisticated technologies needed to upgrade and maintain its modern nuclear arsenal, these officials say.

Although known to specialists, the U.S.-French nuclear links have been little discussed in public. French officials say the cooperation is scheduled to continue throughout the decade, which includes the 50th anniversary of the end of World War II and the 50th anniversary of the first atomic bomb test.

The cooperation between the two nations dates from the Cold War, when for more than two decades the United States offered assistance in building up a French nuclear arsenal as an important adjunct to the American strategic umbrella that shielded the Euro-alleys from threats from warheads aimed at the West. U.S. officials helped France design some missiles that carry its warheads and to develop devices that could prevent an accidental nuclear detonation.

The new U.S. facilities to be opened to French weapons scientists include the $1 billion National Ignition Facility in Livermore, Calif., which is to simulate the flow of radiation in a nuclear weapons fireball by firing 52 lasers—each more powerful than any laser elsewhere in the world—at a pellet of special nuclear material.

They will also be able to participate in experiments at the new Dual Axis Radiographic Hydrodynamic test center at Los Alamos, N.M., which is meant to snap two-dimensional or time-sequence photographs of the inner workings of mock weapons as they are detonated.

The experiments at these two facilities will not produce fission, making them non-nuclear to comply with the terms of the test ban treaty. But U.S. scientists acknowledge that the resulting data are applicable not only to studies of aging weapons in U.S. and French stockpiles, but also to the potential design of new weapons.

A delegation of U.S. energy and defense officials was dispatched to offer this access to French President Jacques Chirac who was especially interested in learning that the existence of U.S.-French nuclear collaboration be made public—which it was
in August. A similar deal had been proposed earlier to Chirac’s predecessor, François Mit-
terrand, but Mitterrand refused to allow Washington to make any statement referring to nuclear cooperation between the two na-
tions.

In some quarters of the French govern-
ment, the deepening American connection has sparked considerable concern. Foreign Minister
Hervé de Charette has warned that once France embraces the American simulation tech-
nology, it will jeopardize its own self-
sufficiency in nuclear proliferation...she American shell, we will no longer be certain that our nuclear program is fully under our own control,” de Charette told foreign re-
porters recently.

But French scientists and Defense Min-
istry officials believe cooperation between France and the United States is so close that the claim of self-sufficiency is a charade. These officials say even more American help will be needed if France pursues its ambition of developing a more robust nuclear force by fitting its warheads on new air-to-ground rockets—something that only the United States has mastered.

French officials also argue that the cost of thermonuclear research in the post-testing era will become so enormous—at a time when Western countries are striving to slash defense spending—that sharing state-of-the-art technology will become an absolute ne-
cessity.

The United States and France have not al-
ways approached the issue so amicably. When Pierre Mendes-France gave the green light in 1954 to develop a French atomic bomb, the United States was troubled by the spectacle of an emerging superpower looking to block French development of the bomb. French determination to build a nuclear force resulted in one French warship was allowed to begin rearming itself and the United States expedited the flow of American assistance to France to cope with such complex matters as ballistic missile guidance systems and multi-
tuple warhead technology. High-speed com-
puters also were supplied to the French on an exceptional basis.

When France shifted its testing site from the Algerian desert to the Mururoa atoll in the South Pacific, the American connection became even more critical. U.S. weapons sci-
entists were dispatched to the site to help the French learn to diagnose their test re-
results. French scientists, equipment and even nuclear bomb components were flown in DC-8 transports from Paris to the Tahitian capital of Papeete across American territory, with a refueling stop in Los Angeles.

Without America’s help to transform American air space, French officials say their coun-
try’s nuclear program would have been stopped dead in its tracks. But in 1987, the U.S. Congress became so alarmed about the risks of American warheads and other dangerous materials flying across U.S. terri-
tory that it passed a law barring the flights and this is said to find an alternative route for its bomb parts.

After scrutinizing the map, the French re-
alized that Panama was the shortest—and least troublesome—territorial crossing for such sensitive cargoes. The DC-8 planes, it was decided, would make the journey by fly-
ning with nuclear materials first to the French territory of Guadeloupe for a refuel-
ing stop, then proceeding across the isthmus before heading out over the Pacific to the final destination at Mururoa.

In a move perceived for Panama’s will-
ingness to provide a Central American air
bridge for the French nuclear program, Mit-
terrand in 1987 bestowed one of France’s highest honors on the Pan-
amanian dictator, Gen. Manuel Antonio
Noriega, French officials who confirmed an account of the incident published in the Newspaper Le Monde say it was the first time, and probably the last, that a notorious drug trafficker will be given such a medal.

[From the New York Times, Sept. 12, 1995] 

T H E A R M S R A C E I S O N

(By Spurgeon M. Keeny, J.r.)

In only a few months, the Republican Con-
gress has quietly managed to undermine...more than two decades of progress on nu-
clear arms control. With practically no pub-
lic debate, the Senate included in its Penta-
gon authorization bill a land-based missile defense system that would flagrantly violate the 1972 Anti-ballistic Missile Treaty, the foundation of all nuclear weapons agree-
ments.

Under the bill, the United States would ‘‘develop for deployment’’ a ballistic missile defense by 2003. The legislation calls for try-
ing to negotiate amendments to the Anti-
ballistic Missile Treaty to allow for the sys-
tem; but if such talks fail, we would have to consider withdrawing from the treaty.

The system, which could ultimately cost hundreds of billions of dollars, is designed to intercept only long-range ballistic missiles. The cold-war thinking behind it ignores the reduced threat of Russian nuclear attack. No rogue state will have long-range ballistic ca-
pability anytime soon.

The bill tacitly recognizes the limited value of an antiballistic defense system, be-
cause it also calls for creating new cruise and missile defenses (which could be equally costly) and for spending at least $50 billion more on so-called theater missile defense systems that would protect armed forces and allies overseas.

In addition to its huge expense, this pack-
page would all but destroy the possibility of new gains in nuclear arms control, starting with the as yet unratified second Strategic Arms Reduction Treaty. President Boris Yeltsin of Russia has said that Start II ‘‘can be fulfilled only provided the United States

extends the Nuclear Nonproliferation Treaties. Furthermore, the United States would preclude future reductions of strategic missile defenses (which could be equally costly) and for spending at least $50 billion more on so-called theater missile defense systems that would protect armed forces and allies overseas.

In addition to its huge expense, this pack-
page would all but destroy the possibility of new gains in nuclear arms control, starting with the as yet unratified second Strategic Arms Reduction Treaty. President Boris Yeltsin of Russia has said that Start II ‘‘can be fulfilled only provided the United States preserves and strictly fulfills the bilateral Anti-ballistic Missile Treaty.’’

Besides, if we build the antiballistic mis-
sile system, Russia would probably begin building its own. This bilateral buildup would preclude future reductions of strategic weapons below the levels called for in Start I and II, and might even seek increases.

Finally, a new American buildup would give belligerent countries grounds for with-
drawing from the Nuclear Nonproliferation Treaty or demanding changes in it.

The Clinton Administration deserves some blame for this dangerous new turn. Last year it advocated a theater missile defense sys-

tem that itself undercut the Anti-ballistic Missile Treaty. President Clinton can atone for this mistake by vetoing the Pentagon authorization bill unless the commitment to set up the antiballistic defense system is dropped before the House and Senate pass the final ver-
sion this fall. If he signs the bill because Congress is certain to override a veto, he must make clear that he will not deploy the system or seek any changes in the ABM Treaty.

Why risk restarting the arms race at a
moment when America has never been in less danger of a nuclear attack?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the re-
quest of Ms. JACKSON-LEE) to revise and extend their remarks and include extraneous matter:)

Ms. MCKINNEY, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. OWENS, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

Mr. HILLIARD, for 5 minutes, today.

Mr. BARCIA, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 min-
utes, today.

(The following Members (at the re-
quest of Mr. BALLenger) to revise and extend their remarks and include extraneous mate-

rial:)

Mr. MCEAN, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

(The following Member (at his own re-
quest) to revise and extend his re-
marks and include extraneous mate-

rial:)

Mr. SMITH of Michigan, for 5 min-
utes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the re-
quest of Ms. JACKSON-LEE) to revise and extend their remarks and include extraneous matter:)

Mr. DOYLE.

Mr. BONIOR in two instances.

Mr. STOKES.

Mr. LEVIN.

Mr. STARK.

Mr. BESSLER.

Mr. MECHAN in two instances.

Mr. STUPAK.

Mr. OWENS.

(The following Members (at the re-
quest of Mr. BALLenger) to include extraneous matter:)

Mr. BOEHNER.

Mr. OXLEY.

Mrs. MORELLA.
ADJOURNMENT

Mr. FALEOMAVAEGA, Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Friday, September 29, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

H.R. 2417. A letter from the Secretary of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 678 (b); to the Committee on Foreign Affairs.

H.R. 2418. A letter from the Secretary of the Interior, transmitting a report on the necessity to construct modifications to Scofield Dam, Scofield Project, UT, in order to preserve its structural safety, pursuant to 43 U.S.C. 509; to the Committee on Resources.

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. SKEEN: Committee of Conference. Conference report on H.R. 1976. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-269). Ordered to be printed.

Mr. MEYERS: Committee of Conference. Conference report on H.R. 885. An act to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes (Rept. 104-269). Ordered to be printed.

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. YOUNG of Alaska:
H.R. 2413. A bill to transfer the Tongass National Forest to the State of Alaska; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAESLIE:
H.R. 2414. A bill to establish the Federal authority to regulate tobacco and other tobacco products containing nicotine; to the Committee on Energy and Commerce.

By Mr. COLEMAN:
H.R. 2415. A bill to designate the U.S. Customs administrative building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, TX, as the “Timothy C. McCaghren Customs Administrative Building”; to the Committee on Ways and Means.

By Mr. DUNCAN:
H.R. 2416. A bill to amend the Higher Education Act of 1965 to require open campus security crime logs at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. HEFFLEY:
H.R. 2417. A bill to provide that United States Armed Forces may not participate in a peacekeeping operation in Bosnia and Herzegovina unless such participation is specifically authorized by the Congress; to the Committee on National Security, and in addition to the Committee on International Relations.

By Mr. McCOLLUM:
H.R. 2418. A bill to require the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

By Mr. MOOREhead (for himself and Mrs. SCHROEDER):
H.R. 2419. A bill to amend part I of title 35, United States Code, to provide for the protection of inventors for inventions in the field of microscopic imaging; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA and Mr. BERKELEY:
H.R. 2420. A bill to amend title XIX of the Social Security Act to require health maintenance organizations and other managed care plans providing medical assistance to recipients of Medicare benefits to accept assignment of claims and payments for assistance provided to such recipients by school-based health centers, and for other purposes; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. BALDACCI, Mr. BOEHLERT, Mr. HINCHEN, and Mr. SANDERS):
H.R. 2421. A bill to amend the provisions of the Northern Forest Lands Council; to the Committee on Agriculture.

By Mr. MCDERMOTT (for himself, Mr. FORD, Mr. OLVER, Mr. DELLUMS, Mr. TORRES, Mr. MOAKLEY, Mrs. CLAYTON, Mr. KLECZKA, Mr. SCOTT, Ms. MCKINNEY, Ms. PELOSI, Mr. SPRATT, Mr. BARRETT of Wisconsin, Mr. OWENS, Mr. FALEOMAVAEGA, Mr. YATES, Mr. VENTO, Mr. CONYERS, Mr. MARTINEZ, Miss COLLINS of Michigan, Mr. GENE GREEN of Texas, and Mr. WATT of North Carolina):
H.R. 2422. A bill to amend title XVIII of the Social Security Act to provide for security of the Medicare program; 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. SAXTON (for himself, Mr. EWING, Mr. MCCOLLUM, and Mr. THORNBERY):
H.R. 2423. A bill to amend the Internal Revenue Code of 1986 to provide an estate tax credit with respect to property managed according to certain habitat conservation agreements, to provide a credit for certain conservation expenses, and to exclude from income amounts received from others to pay for such expenses; to the Committee on Ways and Means.

By Mr. DOOLITTLE (for himself, Mr. HANCOCK, Mr. HANSEN, and Mr. SHAYS):
H.R. 2424. A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. DOOLITTLE (for himself and Mr. BURTON of Indiana):
H.R. 2425. A resolution condemning the abduction of Jasswan Singh Khaira and urging his release; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:
Mr. ROSE introduced a bill (H.R. 2424) for the relief of J. James M. Hughes; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 77: Mr. BLUTE.
H.R. 2411: Mr. MARTINI.
H.R. 497: Mr. SMITH of Texas, Mr. BAKER of California, Mrs. KELLY, and Mr. FOGLIETTA.
H.R. 528: Mr. Dixon, Mr. Chapman, Mr. Browder, Mr. Filner, Mrs. Clayton, Mr. Heineman, and Mr. Visclosky.
H.R. 580: Mr. Dixon and Mr. Foglietta.
H.R. 609: Mr. Foglietta.
H.R. 752: Mr. Vento, Mr. Thornton, and Ms. Slaughter.
H.R. 771: Ms. Lofgren, Mr. Stupak, Mr. Gejdenson, Mr. Andrews, and Mr. Foglietta.
H.R. 789: Mr. Dickey and Mr. Bonilla.
H.R. 609: Mr. Foglietta.
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H.R. 771: Ms. Lofgren, Mr. Stupak, Mr. Gejdenson, Mr. Andrews, and Mr. Foglietta.
H.R. 789: Mr. Dickey and Mr. Bonilla.
H.R. 858: Ms. Norton, Mr. Holden, Mr. Goodlatte, and Mr. Pickett.
H.R. 922: Mr. Barrett of Wisconsin, Mr. Fox, and Ms. Wolfsey.
H.R. 922: Mr. Barrett of Wisconsin, Mr. Fox, and Ms. Wolfsey.
H.R. 1061: Mr. Tobin.
H.R. 1204: Ms. Woolsey and Mr. McCollum.
H.R. 1248: Mr. Beilenson and Mr. Sanders.
H.R. 1493: Ms. Eshoo, Mr. Ney, and Ms. Pelosi.
H.R. 1499: Mr. Underwood, Mr. Flanagan, Mr. Schiff, and Mr. Buyer.
H.R. 1533: Mr. Schumer.
H.R. 1627: Mr. Cunningham, Mr. Stearns, Mr. Bachus, Mr. Scarborough, Mrs. Fowler, Mr. Traficant, Mr. Porter, Mr. Bass, Mr. English of Pennsylvania, Mrs. Vucanovich, Mr. Castle, and Mr. Kim.
H.R. 1636: Mr. Hayes.
H.R. 1637: Ms. Roybal-Allard, Mr. Hoyer, Mr. Neumann, Mr. Shadegg, and Ms. DeLauro.
H.R. 1735: Mr. Johnston of Florida and Mr. Foglietta.
H.R. 1747: Ms. Molinari, Mr. Dingell, Mr. Tejeda, and Mr. Payne of Virginia.
H.R. 1776: Mr. Gene Green of Texas and Mr. Skelton.
H.R. 1796: Mr. Wicker.
H.R. 1853: Mr. Foglietta.
H.R. 1889: Mr. Spence, Mr. Dells, Mr. Payne of Virginia, Mr. Wise, Mr. Pete Geren of Texas, and Mr. Foglietta.
H.R. 1969: Mr. Martinez and Mr. Johnston of Florida.
H.R. 2030: Ms. DeLauro and Mr. Holden.
H.R. 2043: Ms. DeLauro, Mrs. Lincoln, Mr. Rahall, Ms. Furse, Mr. Walsh, Ms. Woolsey, Mr. Ehlers, Mr. Payne of Virginia, Mr. Mascara, Mr. Jacobs, Mr. Traficant, Mr. Sawyer, Mr. Clyburn, Mr. Baldraci, Mr. Ackerman, and Ms. Kaptur.
H.R. 2046: Mr. Kennedy of Rhode Island.
H.R. 2060: Mrs. Meyers of Kansas, Mr. Brownback, Mr. Lautrette, Mr. Hoekstra, Mrs. Myrick, and Mrs. Kelly.
H.R. 2128: Mr. Bereuter.
H.R. 2132: Mr. Foglietta, Mr. Bonior, and Mr. Gutierrez.
H.R. 2138: Mr. McIntosh, Mr. Clyburn, Mr. Fox, and Mr. Davis.
H.R. 2147: Mr. Ney, Mr. English of Pennsylvania, and Mr. Hefley.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:
H.R. 497: Mr. Saxton.
H.R. 2072: Mr. Fox.
H.R. 2275: Mr. Martinez.
The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Here is an exciting Biblical promise to start our day:

“God is able to make all grace abound toward you, that you, always having all sufficiency in all things, may have an abundance for every good work” —II Corinthians 9:8.

Gracious Father, we thank You for Your amazing grace, Your unqualified love and forgiveness, and Your limitless strength that flows from Your heart into our hearts, filling up our diminished reserves. It is wonderful to know that You have chosen to be our God and have chosen us to belong first and foremost to You. We clarify our priorities and commit ourselves to seek first Your will and put that above all else. It is liberating to know that You will supply all we need, in all sufficiency, to discern and do what glorifies You. Grant us wisdom, Lord, for the decisions of this day.

We ask this not for our own personal success but for our beloved Nation. America deserves the very best from us today. Experience has taught us that You alone can empower us to be the dynamic leaders America needs. Fill us with a new passion for patriotism and fresh commitment for the responsibilities of leadership You have entrusted to us.

In the name of Jesus. Amen.

(Mr. ASHCROFT assumed the chair.)

HISTORIC WHITE HOUSE CEREMONY

Mr. SPECTER. Mr. President, in the absence of other Senators in the Chamber to debate the motion to proceed, and I know my colleagues will be arriving shortly, I think it appropriate to take a few minutes to comment on a historic ceremony which will take place at the White House at 12 noon today when the leaders of Israel and the Palestinian Liberation Organization are scheduled to sign a historic agreement.

I well recall the day, a little over 2 years ago, 2 years and 15 days ago, on September 13, 1993, when Prime Minister Rabin and PLO Chairman Yasser Arafat signed the initial agreement.

I must say that was a difficult day for me personally to watch Yasser Arafat honored at the White House after the long record of terrorism in which the PLO had engaged, including being implicated in the murder of the charge d’affaires at the United States embassy in the Sudan in 1974, the No. 2 United States official in that country, the hijacking of the Achille Lauro and the death of Mr. Klinghoffer, and many other acts of terrorism.

It seemed to me, as I think it did to most other Americans, that if Israel—the prime victim of the terrorist attacks by the PLO—through its leaders, Prime Minister Rabin and Foreign Minister Peres, were willing to shake hands with Yasser Arafat under those circumstances, that the United States should do what it could to facilitate the peace process. That is in deference to the leaders of that sovereign state.

I also recall when a letter was circulated on the floor of the U.S. Senate criticizing then Prime Minister Shamir for refusing to give land for peace. I was one who refused to sign that document on the proposition that U.S. Senators thousands of miles away from turmoil ought not to try to influence, let alone dictate, policies to the leaders of other sovereign states under those circumstances.

Now, after very protracted negotiations, we have Prime Minister Rabin and Foreign Minister Peres and Chairman Arafat coming to the White House today to sign this historic agreement.

During the course of the past several weeks, Senator HANK BROWN of Colorado and I have had occasion to travel, including a trip to the Mideast to talk to the leaders of the nations there. After being there, Mr. President, I have a sense of guarded optimism about the future of peace in the Mideast.

I have traveled into that region extensively, going back to my first trip there in 1964. I do have very substantial reservations as to the adequacy of the PLO, the Palestinian response, and the response of Yasser Arafat to eliminate terrorism in the area.

Last year, Senator SHELBY and I introduced an amendment to the foreign operations bill which would have cut off United States aid if the PLO and Chairman Arafat did not take steps to curtail terrorism, and also to amend the PLO charter to eliminate the provisions which called for the destruction of Israel.

Frankly, Mr. President, I am not satisfied with what Chairman Arafat has done in either regard.

There has been the explanation, really an excuse, that they could not amend the charter because there was not a convening Palestinian authority at that time. Also, Chairman Arafat has said that he has taken certain actions to declare those provisions null and void, but I think realistically much more could have been done.

Similarly, on the critical issue of stopping terrorism, I think a great deal more could have been done by Chairman Arafat on that important aspect.

Senator Brown and I had an opportunity to meet with Chairman Arafat, and we asked him those questions very directly. We asked him why he did not do more to control Hamas, why he did not turn over individuals in the Palestinian group who were suspected of murder.
When we went over a detailed list, for each one there was an explanation, really an excuse. Some of the acts of terrorism or murder occurred before the agreement was signed; in other cases, the appropriate Israeli officials had not filed the case. In other cases, the presidential order was not precise.

We challenged Chairman Arafat on why he made speeches condemning terrorism in English and not in Arabic, and although it is plain he has made the speeches in English and not in Arabic, I have been told that the English was not good and that he understood it in Arabic. He continues to make speeches which poison the atmosphere in which both parties seek a peaceful resolution to the conflict.

When pressed as to why he did not do more to control Hamas, he made an explanation that he himself was under threat of assassination from the Hamas who are in part directed from Syria.

Later in the conversation we discussed the Syrian Government and President Assad of Syria. Chairman Arafat said President Assad was a good friend of his, which led to the inevitable question: How could threats of terrorism come from Syria? We then challenged him on a number of alleged murderers who were in part directed from Syria. We then challenged him on a number of allegations that he had spoken in Arabic. We then challenged him on a number of allegations that he had spoken in Arabic. We then challenged him on a number of allegations that he had spoken in Arabic.

Frankly, I have doubts about this. To reiterate my earlier remarks, when Senator Brown and I were in Israel, we visited with Chairman Arafat in the Gaza and asked him a number of very direct, pointed questions.

First, on the subject as to why he spoke in English and not in Arabic when he was denouncing terrorism. Chairman Arafat denied that he always spoke in English and said that this English was not good and he spoke in Arabic. We then challenged him on a number of allegations that he had spoken in Arabic. We then challenged him on a number of allegations that he had spoken in Arabic. We then challenged him on a number of allegations that he had spoken in Arabic.

But it seems to me, Mr. President, that Chairman Arafat could do a great deal more than he is doing at the present time to restrain terrorism. I believe that the U.S. Congress, certainly the executive branch but also the Congress, must be alert on this very important issue.

On the issue about pressing Chairman Arafat, it seems to me this is an important issue, but we think these terrorist attacks make threats on Arafat’s life. Arafat said, well, that is President Assad, hardly an understandable explanation.

Also as part of our trip, Senator Brown and I visited other countries, and wherever we went, we were struck with the greatest respect and admiration that the United States has held all around the world. There is enormous prestige, there is enormous power, there is enormous good will for the United States to be an intermediary and a broker for peace.

When Senator Brown and I were in India, for example, we talked to Prime Minister Rao, who said that he would like to see a permanent nuclear free in the next 10 to 15 years.

The next day, I talked to President Benazir Bhutto and told her of the Indian Prime Minister’s statement. She said, “Do you have it in writing?” She was very surprised.

We then wrote to the President telling him of our conversations and suggesting that he take the initiative to try to broker a peace agreement between those two nations, where there is such enormous hostility.

I compliment President Clinton and Secretary of State Christopher for their leadership, which has been instrumental in bringing about the agreement which is scheduled to be signed within the hour at the White House and for their efforts and success in the agreement which was signed back on September 13, 1993.

There being no objection, the material was ordered to be printed in the Record; as follows:
States Frederick F. Chien. We discussed Tai-
wan's political reforms and its movement to-
ward freedom of the press, open elections and
democratization. We also discussed at great-
er length the One China policy and Taiwan's
diplomatic and economic relations with the PRC.

Dr. Lyushun Shen, the Director of Public
Affairs at the Taipei Education and Cultural
Representatives Office in Washington, D.C.,
noted that the PRC's recent missile firings
have had a strong impact on Taiwan's stock
market, with Taipei trending primarily down.

On the day of the elections, voters in Taiwan
did not have a choice of differing parties.

Mr. Sen further opined that the Cambodian
government is not like the democracies in the
West. He mentioned that if a political party
fails to win an election, it eliminates competition
and the ability of opposing parties to
work toward national unity and the
security and stability of Cambodia. He
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adjudged Constitutional.
We emphasized to General Nyuet the importance of human rights as the linchpin to warmer relations between Myanmar and the U.S., and advised the General that Congress is considering an additional sanction by Senator McColl that would impose stringent sanctions against Myanmar until there is concrete improvement in democracy and human rights. We also noted that the U.S. will closely monitor progress on a Constitutional Convention and the release of all political detainees. When I asked him whether Aung San Suu Kyi would be named to participate in the Convention, he shrugged and said that all the delegates had already been chosen.

Although I applauded his recent release of 1991 Nobel Peace Prize laureate Aung San Suu Kyi, we advised General Nyuet that SLORC can and should remove its remaining restrictions on Aung San Suu Kyi, including the monitoring of her meetings and harassment and intimidation of individuals with whom she meets. I also urged him to reconsider his suggestions that Aung San Suu Kyi would not be allowed to be a delegate to the Constitutional Convention.

The next morning, August 29th, we had the privilege of meeting Aung San Suu Kyi for breakfast. She was a very warm, dynamic, and impressive person who conveyed an intense desire for democratic reforms and improvement in human rights in Myanmar.

She spoke passionately and poetically about the importance of dialog as the means for resolution of conflict. Even a brief exchange of conflict ends in dialog, she noted, so intelligent people should be able to go directly to dialog without the need for devas-
tation and war, and the sooner this dialog begins, the better.

She also discussed the nearly 6 years she spent under house arrest without any charges, her trial and the similar treat-
ment accorded to many of her fellow countrymen and women.

Later that afternoon, we flew to New Delhi, where we met with Foreign Minister Pranab Mukherjee, the United States S.S. Ray, and other Indian officials for dinner at the Foreign Minister’s residence.

The main focus of our discussions was the relationship between India and Pakistan. In particular, we discussed the tremendous tensi-
ons between these two countries over the situation in Kashmir, terrorism and nuclear weapons. Our hosts spoke emphatically about the need to maintain sanctions against Pakistan for the purchase of missil-
ary equipment and that would lessen the incentives for Pakistan to develop its nuclear capabilities for peaceful uses and acknowledged that Syria is moving in this direction, with remaining a party to the Non-Proliferation Treaty and cooperating with international inspections.

We also discussed that status of peace talks between Syria and Israel and the importance of dialog between the two nations. Mr. Sharar expressed his concern over the deadlock in the peace talks, and hoped that if Syria had developed nuclear weapons, he might be feeling a bit of pressure that such an agreement may be possible only after the Israeli elections. Although the two sides have not completed any agreement on any components of the peace talks, there was agreement on the principles of security arrangements between the two nations.

On the issue of the Golan Heights, Mr. Sharar expressed his concern over the deadlock in the peace talks, and hoped that if Israel had developed nuclear weapons, he might be feeling a bit of pressure that such an agreement may be possible only after the Israeli elections.

We departed Islamabad on August 28th for Damascus, Syria. The next morning, we met with Foreign Minister Farouk al-Sharar. Our discussion with Sharar had barely begun when he complained about the nuclear threat posed by Israel.

I asked Mr. Sharar if Iraq fears that Isra-
el will use nuclear weapons against Syria. Interestingly, Mr. Sharar denied his concern, but noted that Israel would not likely detonate a nuclear device because any such, in a region where the nations are so close together, would affect Israelis as well as Syrians.

When asked if Syria had developed nuclear capabilities, Mr. Sharar responded that it is important that nations develop nuclear capabilities for peaceful uses and acknowledged that Syria is moving in this direction, with remaining a party to the Non-Proliferation Treaty and cooperating with international inspections.

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On the issue of the Golan Heights, Mr. Sharar stated his belief that if the Israelis did not intend to withdraw from the Golan Heights, then they would not have entered the peace discussions to begin with, and that a full peace can be achieved only by a full withdrawal from the Golan.

With respect to terrorism, we discussed the importance of ending support for terrorism. Mr. Sharar denied any complicity in the acts of terrorism by Hamas and the Hezbollah, or any training by these groups in Syria.

We departed on August 28th in the hopes of reaching the two countries before the situation in Iraq. Mr. Sharar noted that King Hussein’s recent speech in which he condemned the Iraqi dictator apparently had not been favorably received by Saddam, since the speech was transmitted in its entirety on Iraqi television. When I asked Mr. Sharar if
he believed it is possible to bring Saddam back into the family of nations, he responded that he did not believe it is possible.

After meeting with Mr. Sharar, we had a very instructive meeting with Mr. Yitzhak Hakim, the Governor of the Bank of Israel, in which we discussed Isra-

We left Damascus and flew to Tel Aviv on the evening of August 29th. The next morn-

We were then briefed by U.S. Ambassador Martin Indyk and his staff on the status of Israel-Syria peace talks. The U.S. had previ-

We then had lunch with key Palestinian leaders, including Faisal Hussein and Hanan Ashrawi, to discuss their perspectives on the peace talks with Israel. They expressed optimism about the negotiations. However, they also expressed their deep concerns about the situation in Jerusalem and the rights of Arabs and Palestinians in the city. They suggested that Jerusalem become the capital of two states, with the provision that Jerusalem would be under the exclusive sovereignty of NO state.

We also discussed the problem of terror-

We met with former Prime Minister Yitzhak Shamir, who stated that he did not think that he would continue peace talks with the PLO and his con-

Later on the afternoon of August 30th, we met with Hafiz al-Asad. He stated there will be peace between Syria and Israel and advised us not to be too impatient about the current peace negotiations. He stated that he thinks Mr. Rabin should move forward on these peace talks and accomplish something before the elections because of his platform for peace.

On Wednesday evening we met with Israeli Prime Minister Yitzhak Rabin. In our meet-

We asked Arafat if it is possible for the PLO to exert more pressure on Hamas to re-

In response to allegations that he only condemns terrorism when speaking in Eng-

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CONGRESSIONAL RECORD — SENATE
September 28, 1995

S 14438

U.S. SENATE
SELECT COMMITTEE ON INTELLIGENCE,

The PRESIDENT,
The White House, Washington, DC.

Dear Mr. President: I think it important to
call your general attention the signifi-
cance of meetings which Senator Hank
Brown and I have had in the last two days
with Indian Prime Minister Rao and Paki-
stan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would
be very interested in negotiations which
would lead to the elimination of any nuclear
weapon arsenals within the next fifteen
years including renouncing first use
weapons on his subcontinent within ten or
fifteen years including renouncing first use
weapons. His interest in such nego-
tiations and on all lines of support for those
weapons, including communication and con-
trol centers.

We also discussed the negotiation strategy
for NATO, including the status of talks with
Serbian. On his sub-Gen. Rahim Macic.
They expressed hope that these talks will be
productive, although they noted that Mladić
does not appear terribly cooperative. They
also noted NATO's intention to proceed with
the air strikes if Mladić and the Serbs do not
remove their heavy weapons from around Sar-
ajevo.

We returned to the United States on Sep-

Arlen Specter,
Chairman.

Sincerely,

DEPARTMENT OF LABOR, HEALTH
AND HUMAN SERVICES AND
EDUCATION AND RELATED
AGENCIES APPROPRIATIONS
ACT, 1996

MOTION TO PROCEED

Mr. SPECTER. Mr. President, on be-
half of the distinguished majority leader,
pursuant to the consent agree-
ment, I move to proceed to the Labor-
HHS appropriations bill, H.R. 2127.

Under the unanimous-consent agree-
ment, at 10 a.m. there will be a 15-
minute vote on a motion to proceed. If
there are not 60 votes in the affirm-
ative on the motion to proceed, there
will then be a second vote at 11 a.m. on
a motion to proceed. If there are not 60
votes on the second vote, the Senate
will be recessed until later in the day
to allow the Finance Committee to meet.

Remaining appropriations would be the
State, Justice, Commerce appro-
priations bill and the continuing reso-

Therefore, according to the instruc-
tion of the distinguished majority leader,
a late night session is expected with rol-
call votes throughout the day.

Now I do move to proceed, on behalf
of the majority leader, to the Labor-
HHS appropriations bill.

Mr. President, I spoke at some length
yesterday afternoon on the import of
this bill. It is my hope we would pro-
ceed and that we would pass a very im-
portant piece of legislation, containing
in excess of $62 billion in discretionary
appropriations for the Departments of
Labor, Health and Human Services,
and Education. It contains an addi-
tional $200.9 billion in nondiscretionary
expenditures. It is within the 602(b)
allocations given to the committee ac-
cording to the Congressional Budget
Office.

I, frankly, would have liked to have
seen more funds allocated to our sub-
committee so we could have had more
for very vital services under this bill.
As it was, the allocation to the Senate
subcommittee was almost $1.6 billion
above the House of Representatives,
and those additional funds were placed
significantly in the education account.

With the cooperation of Senator Har-
kIn, with whom I have worked for
many years—last year Senator Har-
kin was chairman, I was ranking; this
year our roles are reversed—we made the
best allocation we could, assisted by
very able and competent staff, allocat-
ing funds in a very, very complex bill.

We have maintained funding for
Goals 2000, which is in response to a
1983 report about the shambles in edu-
cation, where sufficient actions have
still not been taken. These goals are
voluntary on the States. The States
can accept the Federal standards and
goals or can adopt standards and goals
on their own as they choose.

We have made provision for LIHEAP,
low-income fuel assistance, which goes
principally to the elderly who are with-
out sufficient funds to buy their fuel. It
is really a proposition, as the expres-
sion of heat, eating that plagues those
individuals.

We have made allocation for funding
for violence against women. With the
House figure being at $32 million on the
shelter issue—the full authorization
was $50 million—in our subcommittee
allocations, we have found the funding
for the full $50 million.

We have presented a bill which has
taken care of key issues of plant safe-
ty. We have stripped the bill of provi-
sions relating to legislation because of
our conclusion that legislation ought
not to be included on an appropriations
bill, a policy adopted by the full com-
mitee as a general matter on all ap-
propriation bills under the leadership
of our distinguished chairman, Senator
Hatfield.

On biomedical research, Mr. Presi-
dent, we have for the National Insti-
tutes of Health nearly $11.6 billion,
an increase of some $300 million over the
fiscal year 1995 appropriations. These
funds will boost the biomedical re-
search appropriations to maintain and
strengthen the tremendous strides which
have been made in unlocking medical
mysteries which lead to new
treatments and cures. Gene therapy of-
fers great promise for the future. In the
15 years that I have been in the Senate,
all those years on the appropriations
committee dealing with health and
human services, where cuts have been
proposed by Presidents, both Democrat
and Republican, we have increased
funding for medical research, which I
think is very important.

Two years ago, I had a medical prob-
lem and was the beneficiary of the MRI
developed in 1985, after I had come to
the Senate, a life-saving procedure to
detect an intracranial lesion. So I have
professional, political, and personal ex-
periences to attest to the importance
of health research funding.

On Alzheimer's disease, Mr. Presi-
dent, this last year the United States
spent over $90 billion to care for Alz-
heimer's patients. This devastating dis-
ease robs its victims of their minds
while depriving families of the well-
being and security they deserve.

We have been working to focus more
attention and more money into the
causes and cures of Alzheimer's. To ad-
dress this problem, the bill contains in-
creased funding for research into find-
ing the cause and cures for Alzheimer's
disease. The bill also includes nearly $5
million for a State grant program to
help families caring for Alzheimer’s patients at home. The statistics are enormously impressive, Mr. President, that if we could delay the onset of Alzheimer’s disease, we could save billions of dollars.

On women’s health, in 1995, 182,000 women will be diagnosed as having breast cancer and some 46,000 women will die from the disease. The investment in education and treatment advances led to the announcement last year that the breast cancer death rates in America have declined by 4.7 percent between 1989 and 1992, the largest such short-term decline since 1950.

And while this was encouraging news, it only highlighted the fact that the Federal Government investment is beginning to pay off. While it was difficult in a tight budget year to raise fundings levels, the subcommittee placed a very high priority on women’s health issues. The bill before the Senate contains an increase of $25 million for breast and cervical cancer screening, increases to expand research on the breast cancer gene, to permit the development of a diagnostic test to identify women who are at risk, and speed research to develop effective methods of prevention, early detection, and treatment.

Funding for the Office of Women’s Health has also been doubled to continue the national action plan on breast cancer and to develop and establish a clearinghouse to provide wide health care professionals with a broad range of women’s health-related information. This increase has been recommended for the Office of Women’s Health, because of the very effective work that that office has been doing.

On Healthy Start, Mr. President, children born of low birthweight is the leading cause of infant mortality. Infants who have been exposed to drugs, alcohol, or tobacco in utero are more likely to be born prematurely and low birthweight. We have in our society, Mr. President, thousands of children born each year no bigger than the size of my hand, weighing a pound, some even as little as 12 ounces. They are human tragedies at birth carrying scars for a lifetime. They are enormously expensive, costing more than $200,000 until they are released from the hospital.

Years ago, Dr. Koop outlined the way to decrease the toll by providing its. The Healthy Start Program was initiated, and has been carried forward, to target resources for prenatal care to high incidence communities; it is funded as well as we could under this bill with increases as I have noted.

On AIDS, the bill contains $2.6 billion for research, education, prevention, and services to combat the scourge of AIDS, including $379 million for emergency aid to the 42 cities hardest hit by this disease.

What it comes to the subject of violence against women, it is one of the epidemic problems in our society. The Department of Justice reports that each year women are the victims of more than 4.5 million violent crimes, including an estimated 500,000 rapes or other sexual assaults. But crime statistics do not tell the whole story. I have visited many shelters, Mr. President, in Pittsburgh and we have seen first hand the physical and emotional suffering so many women are enduring. In a sad, ironic way the women I saw were the lucky ones because they survived violent attacks.

The Labor-HHS-Education bill contains $96 million for programs authorized by the Violent Crime Reduction Act. The bill before the Senate contains the full amount authorized for these programs, including $30 million for battered-women shelters, $35 million for rape prevention programs, $7 million for runaway youth, and $4.9 million for community demonstration programs, the operation of the hotline and education programs for youth. These increases have been appropriated, Mr. President, after very, very careful analysis as to where the subcommittee and the full committee felt the money could best be spent.

On the Social Work Program, the committee recommends $245 million within the Departments of Labor and Education, which is maintenance of the level provided in 1995. We would like to have had more money, but that was the best we could do considering the other cuts.

On nutrition programs for the elderly, for the congregate and Home-Delivered Meals Program, the bill provides almost $475 million. Within this amount is $110.3 million for the Home-Delivered Meals Program, an increase of $16.2 million over the 1995 appropriation because there are such long waiting lists, so many seniors who really depend upon this for basic subsistence.

On education, we have allocated the funds to the Department in education and have sought to reduce administrative costs as waste and others suggest that deeper cuts are justified. It is our judgment that any further reductions would be counterproductive.

In closing, Mr. President, I want to thank the distinguished colleagues who have worked on this program. On the Senate side, Bettilou Taylor and Craig Higgins have been extraordinary and professional in taking inordinately complicated printouts and working through a careful analysis of the priorities.

We received requests from many of our colleagues. And to the maximum extent, we have accommodated those requests. We have received many requests from people around the country. We have accommodated as many requests for personal meetings as we could, both with the Senators and with their staffs. And we think this is a very significant bill.

There are people on both sides who have objected to provisions of the bill. When a motion to proceed is offered, it is my hope that we will proceed to take up this bill and that we will pass it. We are aware that there has been the threat of a veto from the executive branch, and I invite the President or any of his officials to suggest improvements if they feel they can do it better.

There is a commitment in America to a balanced budget and, that is something we have to do. We have structured our program to have that balanced budget within 7 years by the year 2002. The President talks about a balanced budget within 9 years. I suggest that our targeting is the preferable target.

To the extent people have suggestions on better allocations, we are prepared to listen, but this is our best judgment. We urge the Senate to proceed with this bill.

At this time I yield to my distinguished colleague, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I inquire of the Presiding Officer, how much time does this side have?

The PRESIDING OFFICER. There are 27 minutes 46 seconds remaining on
your side and there are 18 minutes remaining on the side of the Senator from Pennsylvania.

Mr. HARKIN. Mr. President, I again thank my colleague, Senator SPECTER, for his kind and generous remarks on my behalf. I am truly grateful to him for his kind. Senator SPECTER is right, we have worked together for many years. We have switched places, majority/minority, but that has not in any way lessened or in any way changed our relationship. It is one of, I think, mutual respect. It is one of which we have worked together to try to fashion the best bill we possibly could, having been dealt a bad hand. So I commend Senator SPECTER and his staff for doing the best possible job with the bad hand of cards that was dealt to us.

I especially want to draw attention to Senator SPECTER’s efforts to restore funding for rural health care and the health and safety protections for workers, and especially his dogged determination that that had to be done. He, in particular, has worked long and hard for the Low-Income Home Energy Assistance Program.

I also credit my colleague, Senator SPECTER, for stripping the bill of its many unnecessary and inappropriate legislative riders, matters that ought rightfully to be taken up by the authorizing committees and not by the Appropriations Committee.

Unfortunately, the committee did agree to include this bill in an amendment to the striker replacement policy. This amendment, I believe, is one that will have the effect of removing funding for the Low-Income Home Energy Assistance Program.

So, for the benefit of Senators, what we face right now is a vote on the motion to proceed that will take place at 10 o’clock. That vote, if it happens, is, in a sense, a vote on whether or not we will have within this appropriations bill a rider that says that President Clinton cannot execute his Executive order which bans corporations—and I will get into the details of it later—banks companies having business with the Federal Government, contracts with the Federal Government, removing legitimate strikers and permanent replacements.

We had a vote on this earlier this year and the vote failed, the cloture vote failed on that vote. So this is the same issue we have before us, whether or not the President can implement his Executive order on striker replacement or whether we will have this rider on the appropriations bill prohibiting that implementation. So, that is what is facing us right now, and that vote will take place at 10 o’clock.

Before I yield on the issue of striker replacement to my colleague from Minnesota and my colleague from Massachusetts, let me say a couple of words about the bill in front of us. As I said, Senator SPECTER did a commendable job with the bad hand we were dealt, but I think this chart really points out the problems that we have in dealing with education, with health, with workers protection, with summer youth employment, with low-income home energy heating assistance—all the things that this pro-

What we say is, over 1992, 1993, 1994, 1995, our allocations and budget au-

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banks, pharmaceutical companies buying
ing pharmaceutical companies, more
concentration of power in the tele-
communications industry, congra-
erates dominating the economy.
Where do regular people fit into this
equation? In occupations that lack
health and safety protections, in cuts
in Medicare and Medicaid and health
care, cuts in protection for children. It
seems to me that somewhere in the
equation working families, the major-
ity of people of this country who do not
own their own homes and all the capital
and who are not the big players and do
not make all the big contributions
ought to have some representation in
the Senate.
I believe the President of the United
States has through this Executive
order sent a positive and important
message that he stands with working
families. I think we in the Senate who
are opposed to this amendment to
defund this Executive order are sending
the same message and I urge my col-
leagues to vote against this amend
ment and to vote against the motion
to proceed.
I thank both Senators for yielding
time.
Mr. HARKIN. I thank the Senator
from Minnesota.
Mr. President, I yield 15 minutes
to the Senator from Massachusetts.
The PRESIDING OFFICER (Mr. SMITH). The Senator from Massachu-
setts.
Mr. KENNEDY. I thank my friend
and colleague from Iowa for yielding
the time, and I would yield myself 13
minutes.
On March 8, 1995, President Clinton
took a dramatic and long overdue step
to put the federal government on the
side of fair and efficient labor rela-
tions. He issued an Executive order
which makes it the policy of the exec-
utive branch to prohibit Federal con-
tractors from permanently replacing
workers who exercise their lawful
grievance rights.
It was the right thing to do, not just
because it will promote better labor
relations among Federal contractors,
but because it tells America’s workers that
the Government will not let itself
be used to help grind down their wages,
break their unions, or punish them for
asserting their legal rights.
Today, for the second time this
session, we are debating a Republican at-
tempt to block implementation of
President Clinton’s Executive order
through a rider on an appropriations
bill. Last March, we were successful in
preventing that effort. The attempt to
block implementation of the Executive
order has no place on this or any other
appropriations bill, and I hope the Sen-
ate will vote today to block this bill as
long as this rider is included.
If anything, the case for the Execu-
tive order is even stronger now than it
was in March. When we debated this
issue 6 months ago on the defense ap-
propriations bill, we heard over and
over again that we needed to act be-
because the President was usurping his
authority, acting contrary to law, even
violating the constitutional separation
of powers.
But since that time, those arguments
have been heard in court and resound-
ingly rejected. Judge Gladys Kessler of
the Federal district court for the Dis-
trict of Columbia upheld the Executive
order against a challenge by the Cham-
ber of Commerce and various other
business groups.
In her decision, Judge Kessler ruled
that President Clinton acted within his
authority over Federal procurement,
that there is a close nexus between the
Executive order and efficient procure-
ment; and that the Executive order
does not conflict with the National
Labor Relations Act. In other words,
the court rejected all of the major ar-
guments that have been made against
the Executive order.
The President has not abused or ex-
ceeded his legal authority. He has the
power, given him by Congress in the
procurement laws, to deny Federal con-
tracts to employers who use permanent
replacements for striking workers. And
as the Federal court specifically found,
the President’s action does not change
or conflict with the National Labor Re-
lations Act.
There is no merit to the argument
that he has done an end run around the
Congress by trying to accomplish what
the striker replacement bill had failed
to do. The Executive order is much
more limited than the striker replace-
ment bill. The Order does not make the
use of permanent replacements illegal.
It deals only with how the Government
chooses its suppliers of goods and ser-
dices. And that, the court has ruled, is
a matter within the President’s author-
ity over the Government procurement
process.
Judge Kessler found clear precedent
for the striker replacement Executive
order in President Carter’s 1970 Execu-
tive order requiring bidders on fed-
ernally assisted construction projects to
submit an affirmative action plan,
President Carter’s Executive order re-
quiring companies seeking Federal
contracts to be bound by wage and
price controls which were voluntary for
everyone else, and President Bush’s Ex-
cutive order requiring Federal con-
tractors to post notices advising em-
ployees of their right not to join a
union.
Perhaps the most direct analogy, she
said, was the Executive order issued
by President Bush in 1992, which required
that contractors, as a condition of se-
curing contracts with the Federal Gov-
ernment, refrain from entering into
perihire agreements with labor un-
ions, though the Supreme Court has
held that such agreements are legal
and permissible under the National
Labor Relations Act.
So let me be clear—more than that
this is an unprecedented action by
President Clinton and that somehow it
exceeds his Executive authority. There
is ample precedent and ample authority
for the President to take this action.
This is no different than the authority
exercised by other Presidents before
him, Republicans and Democrats alike.
The requirements imposed on Federal
contractors by President Bush—banning
perihire labor agreements and re-
quiring employers not to use them—
they didn’t have to join a union—were
never enacted by Congress. But when those
orders were issued, were there any pro-
tests from my Republican colleagues?
The answer is no. In fact, many of my
Republican colleagues took the lead in
advocating those actions. It is clear that the objec-
tions that are now being raised to
President Clinton’s action are not
based on principle, or a consistent view
of the President’s authority with re-
spect to labor relations or Federal pro-
curement. They are part of a persistent
and unconscionable Republican attack
on basic protections for working men
and women.
We see it in the relentless efforts by
Republicans to repeal the Davis-Bacon
Act, which helps to assure decent wages
for hard-working construction
workers who make, on average, $27,000
a year. We see it in the Republican pro-
posal now making its way through the
Congress to roll back the earned in-
come tax credit, and raise taxes for 39
million low-income working Americans
to pay for tax breaks for the wealthy.
We see it in the attempt to open gaping
holes in the pension laws to allow com-
panies to raid billions of dollars from
workers’ pension funds. We see it in the
refusal of the Republican leadership to
even allow a vote on increasing the
minimum wage, which in real terms is
lower now than it has been at any time
in the past 40 years.
Seven times since the enactment of
the first Federal minimum wage law in
1938, bipartisan majorities of the Con-
gress have reaffirmed the Nation’s
commitment to working families by
voting in favor of increasing the mini-
imum wage. Increases have been pro-
posed and supported by Republican as
well as Democratic Senators. Six
years ago, 89 Senators—including all
but 8 of the Republican Senators—
voted for a minimum wage increase of
90 cents, an increase identical to that
which has been proposed by President
Clinton. Yet now we are not allowed to
even have a vote on the issue. Republicans
are for a minimum wage all right—the
minimum wage possible.
Republicans are for the right to
strike, as well—as long as striking
workers can be permanently replaced—
which means no real right to strike at
all.
We are prepared to move forward to
consideration of important spending is-
ues in this bill, and we should do that.
But we are not prepared to acquiesce in
letting this bill be used as a vehicle for
further attacking working families.
And let us be clear—that is what
this vote is all about.
The basic principle behind the Presi-
dent’s action has strong public support.
In a recent poll, 64 percent of respondents said that once a majority of workers have voted to strike, companies should not be allowed to hire permanent replacements to take their jobs. This is a question of simple justice for workers, not law. It is unlawful for an employer to fire a worker for exercising the right to strike, it should be equally unlawful for an employer to deprive a striking worker of his job by permanently replacing him. Today, more than ever, employees need the right to organize to improve their wages and working conditions, and to bargain with their employers over those issues. There is no inconsistency between fair profits for management and fair treatment for workers.

But the right to organize and bargain collectively is only a hollow promise if management is allowed to use the tactic of permanently replacing workers who go on strike. No one likes strikes—least of all the strikers, who lose their wages during any strike and risk the loss of health coverage and other benefits. Both workers and employers have a mutual interest in avoiding economic losses. The overwhelming majority of collective bargaining disputes are settled without a strike. But the right to strike is a cornerstone of our labor laws. It helps to ensure that a fair economic bargain is reached between management and labor.

The opponents of this Executive order plead that if employers do not have the right to permanently replace workers who go on strike, their only alternative is to go out of business. But hundreds of strikes occur and are settled every year without workers being permanently replaced, and without businesses being permanently damaged. These strikes are settled through precisely the process that our labor laws are designed to encourage—serious, meaningful give-and-take between the parties, to negotiate a solution that both sides can accept. That is the kind of outcome that President Clinton is encouraging through this Executive order.

The recent experience of workers on strike against the Tiffany Office Furniture Co. in Conway, AR—a company with major contracts with the Federal Government—is a good illustration of the principles of the Executive order. Members of the Southern Council of Industrial Workers struck the company on June 6 after rejecting a contract that among other things, would have cut certain health benefits. Negotiations were going nowhere, and the company appeared headed toward hiring permanent replacements when an officer of the union learned about the President's Executive order.

On July 7, the union officer sent a letter to the company, requesting that it suspend the Executive order. He told the local newspaper, "from that point forward there was concentrated settlement discussion." Within 2 weeks the parties had reached agreement on a contract that preserved health benefits with a reasonable cost-sharing arrangement for coverage of family members and for the first time gave workers a retirement program. Instead of the pain, economic hardship and emotional suffering for workers, their families and their communities that inevitably occurs when strikers are permanently replaced, union officials report that what has been gained is a mutual respect between the company and a resumption of normal relations with a firm foundation for the future.

That is a perfect illustration of why it is both important and appropriate for the President to use his executive authority to ban the use of permanent replacements by federal contractors. Hiring permanent replacements encourages intransigence by management in negotiations with labor. It encourages employers to replace current workers with less experienced workers willing to settle for less—and to accept smaller paychecks and other benefits. Clearly that practice has a negative impact on the efficiency and quality of performance on Federal contracts.

The Executive order helps restore the balance that has been lost in recent years.

It is particularly distressing for us to be spending this time debating an ill-conceived order on labor law, instead of addressing the important challenges on issues that belong in this appropriations measure. I want to address two of these issues here—the unacceptable cuts in education, and the cuts in job training proposed by our Republican colleagues in this bill.

These are difficult days for children, students, and working families. On Tuesday of this week, Republicans slashed college student loans by $30 billion over 7 years. Now they propose to cut student aid by an additional $2.4 billion next year and $40 billion by the year 2002—all to help pay for a $245 billion tax break for the wealthy.

This is no time to be cutting education. Our schools are filling with more students than ever before. Total public school enrollment is projected to rise from 45 million in 1995 to 50 million by 2005—an increase of 10 percent. In the face of this surge in enrollment, it makes no sense to slash funding for education. Increased funding is necessary just to maintain the same level of services, let alone provide the wise investment we need to improve education and build a stronger future for the Nation.

We should not turn our backs on education just as the nation is beginning to reap the benefits of a better educated work force. More students are finishing high school, more students are going college, and more students are graduating from college than ever before. The Bureau of Labor Statistics estimates that about 20 percent of income growth during the last 20 years can be attributed to students going further in school. We can build on this record by investing more in education, not less.

Slashing education in today's economy is like cutting defense in the middle of the cold war. We have been successful in the years ahead, young men and women need communication skills and problem-solving skills. They need a grasp of basic scientific and math concepts. They need a familiarity with computers, and the ability to work as part of a team.

As technology changes and economic competition brings the world closer together, the demand for better-educated workers is growing, and the demand for workers with lower skills is declining. In the last decade, jobs for those with low levels of education grew by only 7 percent, while employment in high-skill occupations increased by an impressive 32 percent. These unwise cuts will affect real students in real schools in our communities throughout the country.

As States across the Nation recognize the urgency of school reform, it makes no sense to reduce Federal funds designed to encourage such reforms. The reduction of the 9,000 schools participating in the Goals 2000 program will lose funds under this Republican amendment.

Drug use by students is on the rise and too many students are victims of crime in their schools. Yet Republicans are cutting funds that support 97 percent of communities and make it possible for 39 million students to learn in safe and drug-free schools.

Preschool enrollment has doubled, giving children a better chance to enter school ready to learn. Yet Republicans are cutting $132 million from Head Start.

The achievement gap between students in poor and wealthy schools is narrowing. Yet Republican cuts will make it impossible for 39 million students to learn in safe and drug-free schools.

High school graduates are obtaining better job training, finding better jobs, and earning more in those jobs. Yet Republicans are cutting $83 million from vocational education and $867 million from summer jobs to help youths and adults gain job skills and pursue more productive careers in a changing economy.

The issue is priorities. It makes no sense to reduce education investments needed to improve the lives of students and working families. It makes even less sense to do so in order to pay for tax breaks for the wealthiest individuals and corporations in our society.

As was pointed out earlier in the course of this debate, over the period of the last months there has been a series of attacks on the rights of working men and women in this country. First, there was the attempt to cancel out the Davis-Bacon Act. That attempt would effectively guarantee for construction workers, who work 1,700 hours in the course of a year, that their...
average income of $27,000 will diminish, and attacks their livelihood.

There has been a resistance by our Republican colleagues and friends to raise the minimum wage so that men and women who work 40 hours a week, $2 workers, are able to provide bread on their table, a roof over their house, the mortgage payments, and clothes for their children, to make work honorable, respectable, and to make work pay. They will not uniformly resist increasing the minimum wage, they want to turn back on the earned income tax credit. Who is eligible for that? Those working families that are prepared to work, are working, and they make less than $26,000 a year.

Attack on the Davis-Bacon Act; attack on the minimum wage; attack on the EITC; and an attack on educating the children of those working families, as we saw in the Labor Committee this past week, by putting an additional tax on the low- and middle-income families. That will mean more copayments, more premium increases, and an increase in the deductibles. That is what is happening for working men and women in this country at the hands of this Republican Congress.

President Clinton has stood up for them with this particular provision, and now we have the attempt to try to deny these individuals who are trying to provide work for their families their right to be able to be included in the job market.

Finally, Mr. President, I think we ought to recognize what has happened to the Nation’s commitment to education in the underlying bill. The bill done by Senator HARKIN and Senator SPECTER has been superb in trying to take scarce resources and focus them on the areas of greatest need in terms of our national investment.

But there is still a serious cutback on the basic Head Start Program, which tries to enhance the opportunities for young children to develop the kinds of competence and skills to project them into the early years of education.

Cutbacks on the chapter 1 program that targets needy children for special help and assistance that was rescoped last year with strong bipartisan support.

The denial of the 90 percent of the Federal funds that would be available to the States at the local community level to help enhance the academic achievements at the elementary and secondary education level with Goals 2000;

The reduction in the School-to-Work Program to take three-quarters of the kids that do not go on to college, and to give them some additional opportunity to get into gainful employment. All of these programs have been reduced.

The absolute abandonment of the commitment for the Summer Jobs Program—this is in the wake of the debate on the Welfare Reform Program, where we are talking about trying to get people off welfare and into employment. Under President Bush, we had 872,000 summer jobs. They have been zeroed out under the Republican program, zeroed out.

How can we, on one day, talk about getting people off welfare, building a work ethic, and trying to get them involved in jobs, and on the next day effectively wipe that program out? In the wake of what this Congress did in the welfare debate and the kind of commitment we had to summer jobs under President Bush, how can we zero out this program now? It makes no sense what happens. This program has done in the appropriations recommendation.

So, Mr. President, the issue that is before us is fundamental and basic to working families, to their education, to their own income, and to the future, I believe, of this country.

It is difficult to exaggerate the shortsighted Republican priority that would short-change education. Education has been the essence of the American dream and the core of the American experience from the beginning of the Nation.

Mr. President, there is one wonderful quote that I came across and, as a matter of fact, reread yesterday, by the former Senator from Massachusetts, Daniel Webster, when he made this extraordinary speech in Faneuil Hall to give testimony upon the deaths of John Adams and Thomas Jefferson.

He made this point—I came across it again yesterday, and it was appropriate at a time that our Human Resources Committee was denying and making it more difficult for the children of working Americans to obtain a higher education. But it is also applicable as we consider the appropriations bill now that is before us.

Over a century and a half ago, Daniel Webster made the point about the importance of education in his famous oration on the lives and service of John Adams and Thomas Jefferson. Both of those two great Presidents died on the same day, on July 4, 1826. On August 2 of that year, Daniel Webster spoke about them in Faneuil Hall in Boston, about their leadership and example on education.

But the cause of knowledge, in a more enlarged sense, the cause of general knowledge and of popular education, had no warmer friends, nor more powerful advocates, than Mr. Adams and Mr. Jefferson. On this foundation they knew the whole republican system rested; and this great and all-important truth they strove to impress, by all the means in their power. In the early publication already referred to, Mr. Adams expresses the strong and just sentiment, that the education of the poor is more important, even to the rich themselves, than all their own riches. On this great truth, indeed, is founded that unrivalled, that invaluably prized and moral institution, the public schools. It is one of the first pieces of legislation we consider after the welfare debate, the Republican majorities propose to tear down a
program which can provide the very skills we all agree are needed for successful employment. They call their reform tough love—but it would more appropriately be called tough hate.

Some of the most virulent and most ideologically driven critics claim that all programs like the Summer Jobs Program are ineffective.

They think Government has no business spending tax dollars on welfare for individuals—the only welfare they support is corporate welfare. Look at what the Government is doing for the labor contractors; last year Labor Office general said after his office analyzed the Summer Jobs Program.

The work projects are worthwhile. Summer jobs are real, not make-work. Kids were closely supervised, learned new skills they could apply to their school work, and took pride in their employment.

Westat, Inc., a private research company, reported similar positive findings after undertaking a study of the program. Supervisors involved with the program indicated no serious problems relating to behavior, attendance, or turnover by the youths in the program. The bottom line is, this program works and yet it is now facing elimination by the Republican majority in Congress.

In Massachusetts, we will lose over 13,000 summer jobs. Boston youth will lose over 1,500 job opportunities, Springfield teenagers will lose another 1,200 jobs. What will they turn to? The private sector—zero. This is where the Congress could be providing summer employment—but they are the first to tell us they cannot possibly fill the gap for the hundreds of thousands of young men and women looking for work and experience. The youth who don’t get jobs will more likely turn to the very elements we are hoping they can avoid—crime, gangs, drugs, welfare, and unemployment.

Where is the hope for the youth on the street with nothing to do but hang out, buy and sell drugs, welfare, and unemployment? Where is the hope for the teenager who is fighting the temptations of the gangs but is unemployed? Where is the hope for the young men and women who want to graduate from high school and get a job—but have no idea what it takes to get a job and keep it?

So far in this Congress we have seen the Republican majority turn its back on the Nation’s youth in many ways. Unemployment among young people is rising, the elimination of funds for the Americorps National Service Program, deep cuts in the School-to-Work Program, deep cuts in education funds for disadvantaged pupils, the elimination of summer jobs. Again and again we ask, Where is the hope? Where is the heart?

This bill should be a creator of hope, not a destroyer of hope. It is a deeply flawed bill that doesn’t deserve to pass, and I urge the Senate to oppose it.

Mr. President, I thank the Senator from Massachusetts for his eloquent remarks and for his long-standing and strong support for the working people of this country.

There is no one in this Senate and in this Congress who has stood up more over a longer period of time and who has been more forceful and eloquent for the working people than the Senator from Massachusetts. What the Senator just said in his closing remarks regarding the leadership of Thomas Jefferson and John Adams in education really had to bring it home to us again today what we are doing.

Mr. President, again, to repeat for Senators, what we are facing right now is a vote at 10 o’clock on a motion to proceed. I am opposed to that motion to proceed because of the inclusion in the Labor, Health and Human Services appropriations bill of a rider, a rider that says that President Clinton cannot implement his Executive order regarding permanent replacement of striking workers.

Mr. President, I strongly oppose this amendment restricting the implementation of President Clinton’s Executive order regarding permanent replacements for striking workers. First of all, the Executive order is entirely lawful, fully within his authority, and conforms with the practice of previous Republican Presidents in labor issues. And perhaps more importantly, instead of passing such an amendment we should be saluting the leadership of the President in providing a good degree of protection for workers that Congress failed to enact last year in the striker replacement bill.

Under the Executive order, American workers in companies doing business of over $100,000 with the Federal Government can finally be assured that they will not be permanently replaced if they go out on strike. While that represents only 10 percent of all contracts, the Executive order affects 90 percent of Federal contract dollars.

The proponents of the amendment to nullify this claim that they are trying to maintain the power of the Congress over this matter. But it is clear that Congress has already acted to give the President this power, in the Federal Property and Administrative Services Act of 1949. We have spoken on this issue and this amendment is just an attempt to second-guess the President on an issue that is fully within his authority. President Clinton issued the same statutory authority to issue two Executive orders concerning labor. Yet we didn’t hear our colleagues on the other side of the isle complainting then.

Furthermore, the U.S. District Court for the District of Columbia rejected a challenge to the President Clinton’s Executive order on striker replacement on July 31, 1995. Specifically, the court held:

First, President Clinton acted within his procurement authority;
Second, there is a close nexus between the Executive order and efficient procurement; and
Third, Executive Order 12954 does not conflict with the National Labor Relations Act.

In other words, the court rejected all of the major arguments that have been made against the Executive order. The ideological critics claim that the President has not exceeded his legal authority—he has the power, given him by Congress in the procurement laws, to deny Federal contracts to employers who use permanent replacements for strikers.

In addition, there’s no merit to the argument that he has done an end run around the Congress by trying to accomplish what the striker replacement bill had failed to do. President Clinton’s Executive order is much more limited than S. 55, and deals only with how the Government chooses its suppliers of goods and services. The order does not attempt to change the National Labor Relations Act or outlaw the use of permanent replacements for strikers. It governs their use only with respect to the narrow class of Federal contractors.

Nobody has a right to receive a Federal contract. As one contracting party, we can insist on any conditions we choose. The findings of the Executive order state that prolonged labor disputes adversely affect costs of operations. Employers who want to insist on their right to permanently replace striking workers can do so—they just can’t get Federal contracts.

The Executive order simply raises the stakes in a company decision, and will hopefully convince some companies to rethink their decision to hire permanent replacement workers. It is too easy for companies to think that they can help their bottom line by taking advantage of their workers. This only says that there is a price that must be paid.

Sometimes I wish the majority would go ahead and propose a law banning such behavior entirely—it is not honest than what they are trying to do here, again, today. A right to strike is a right to be permanently replaced. Every cut-rate, cutthroat employer knows they can break a union if they are willing to play hardball and ruin the lives of the people who have made their company what it is.

Workers deserve better. Workers aren’t disposable assets that can be thrown away when labor disputes arise. Workers were discussing the striker replacement bill last year, the Senate Committee on Labor and Human Resources heard poignant testimony about the emotional and financial hardships that are caused by the hiring of permanent replacement workers. We heard of workers losing their homes and going without health insurance due to the costs of COBRA coverage, as well as the feelings of uselessness that workers often feel when they are permanently replaced after years of loyal, and efficient service.

The right to strike—which we all know is an action taken as a last resort, for no worker takes the financial...
risk of a strike lightly—is fundamental to preserving workers' right to bargain for better wages and better working conditions. And recent studies have shown that the stagnation we have seen in middle-class standards of living is closely correlated with the decline of unions and the loss of meaningful bargaining power.

At the same time, workers are losing the benefits that unions were able to negotiate. Since 1981, fewer workers have health insurance, pensions, paid vacations, paid sick leave, paid holidays, and other benefits. Without the bargaining power of a union, companies provide these benefits only out of the goodness of their hearts. And without the right to strike—a right that is theoretically guaranteed by law, but that, in fact, is totally undermined by permanent replacements—the unions have no bargaining power either. What does it mean to tell workers, “you have the right to strike,” when exercising that right means that you can be summarily fired?

This is not about whether a company has to close its doors in the face of a strike. This only concerns the permanent replacement of strikers. Permanent replacements are given special priority in their new jobs—placing new hires above people with seniority and experience. We aren't suggesting that replacement workers can't compete for jobs—they just should not get special rights, over and above those of the workers who have devoted their lives to the company.

As a nation we have a choice—continue down the path of lower wages, lower productivity, and fewer organized workers or to take the option pursued by our major economic competitors, of cooperation, high wages, high productivity and high profits. If we want to pursue that high skill path, we must do it with an organized work force. We can't do it with the destructive management practices of the past decade such as the threat of hiring replacement workers.

Federal contractors must have stable and productive labor-management relations if they are to produce the best quality goods in a timely and reliable way. The use of permanent replacement workers destroys cooperative and stable labor-management relations. Research has found that strikes involving permanent replacements last seven times longer than strikes that don't involve permanent replacements.

Using permanent replacements means trading experienced, skilled employees for inexperienced, inexperienced employees who labor at the bottom of the learning curve. For Federal contracts, we don't want the industrial equivalents of rookies and minor leaguers making tires for our next Desert Storm.

So, I urge the Senate to oppose this amendment. I think it is a distraction from this important appropriations bill before us. I intend to fight this effort every step of the way, to return the right to strike to at least some of America's workers.

Under this Executive order, American workers and companies doing business over $100,000 with the Federal Government can finally be assured that if they go out on strike they will not be replaced if they go out on strike. While that represents only 10 percent of all contracts, this order will affect 90 percent of Federal contract dollars.

Opponents of the amendment can nullify this claim, that they are trying to maintain the power of Congress. But Congress already gave the President this power in the Federal Property and Administrative Services Act of 1949. The Senate from Minnesota said every President since President Truman has exercised this authority. President Bush used the same authority to issue two Executive orders concerning labor. Yet, we did not hear our colleagues on the other side of the aisle complaining at that time.

As the Senator from Massachusetts said, the U.S. district court rejected a challenge to President Clinton's Executive order on July 31 of this summer of striking workers. First, the court rejected the argument that President Clinton acted within his procurement authority; second, there is a close nexus between the Executive order and efficient procurement; and, third, that Executive Order 12994 does not conflict with the National Labor Relations Act. In other words, the court rejected all of the major arguments that have been made against the Executive order.

The President has not abused or exceeded his legal authority. He has the power, given by Congress, to deny Federal contracts to employers who use permanent replacements for strikers. In addition, there is no merit to the argument that he has done an end run around Congress by trying to accomplish what § 55, the striker replacement bill, tried to do and which did not pass here.

I might point out again for the record, § 55 had a majority of votes on the Senate floor, enough to pass, to ban the permanent replacement of strikers. We just could not get the 60 votes to break the filibuster. Again, this order does not attempt to change the NLRA or the National Labor Relations Act, or outlaw the use of permanent replacements for strikers. It is used narrowly affecting only Federal contracts.

Mr. President, no one has a right to receive a Federal contract. As one contracting party, the Federal Government can insist on conditions, and that is the condition that President Clinton has insisted on, that if you do business of over $100,000, if it is a contract over that amount you permanently replace legitimate, legal strikers.

Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Iowa has 11 1/2 minutes remaining.

Mr. HARKIN. I will reserve that minute and a half.
Mr. SPECTER. I yield to Senator HARKIN and Senator KENNEDY 4 minutes of my time.

Mr. HARKIN. I appreciate the Senator yielding.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. I was just interested in something the Senator from Iowa pointed out during our markup in the Human Resources Committee on the issue of education. In this legislation we are talking about the support of the Federal Government for elementary and secondary education. This past week we talked about higher education. And the Senator, I thought, made a very interesting point about where we were in this country in terms of the deficit versus GNP at the time of the end of World War II when we went ahead and provided education grants to the sons and daughters of working families under the GI bill. And I understood from that discussion and debate that we had that every dollar that was actually invested in education returned eight times—eight times—to the Federal Treasury.

Mr. HARKIN. Yes.

Mr. KENNEDY. Does the Senator find in his own analysis of the investment in the kind of programs that we are talking about here in the education programs in this appropriation bill, that we get not only the dollar return for the investment in our young people and raising the academic achievement and accomplishment, hopefully, in our schools, that it is a sound economic investment as well as an investment in the young people of the country?

Mr. HARKIN. The Senator is absolutely right. You know, we keep hearing we have this big Federal debt, that we have to take care of it. We all want to take care of it and reduce the deficit and get a balanced budget.

Mr. President, the point I made in the course of the other day was that, after World War II we had a similar situation. The national debt was 110 percent of our gross national product—110 percent. Today, it is about 70 percent. Our debt is about 70, 75 percent of our gross national product. They say we have to reduce our debt. I agree with that. The same situation confronted us in World War II. Did we stick our head in the sand and say no, we have to hunker down? No. We have to invest and invest in education. We have got all the GI’s. We did not loan them money. We gave them money. We built student housing all over the country for them to live in. As the Senator from Massachusetts said, they paid this country back to the tune of 8 to 1. And it spurred the greatest economic growth this country has ever seen.

So, you want to get out of debt in this country? We better start investing in education. We are now reaping the harvest of the seeds that we have sowed to plant over the last 30 years. When I first came to Congress in the 1970’s, the Federal Government’s share of elementary and secondary education was about 12 percent of the total amount of money. At that time there was a proposal that we have a one-third, one-third, one-third sharing of the cost of education. The Federal Government paid one-third, local governments one-third for elementary and secondary education.

The Federal Government, as I said at that time, was about 12 percent of total. You know what it is today. Mr. President? We are going in the wrong direction. It has been going down ever since. We wonder why? We wonder why our schools are not producing better students? Why we are not becoming more competitive in the world markets? Why we are not reducing the deficit? Talk about the dumbing down of America. It is because Congress is not fulfilling its responsibility to invest in the education of this country. The Senator from Massachusetts is right.

Mr. KENNEDY. Would the Senator agree with me that money is not necessarily the answer to all our education problems, but it is a clear indicator of our nation’s priorities. Are and that every dollar that we cut back, whether it is reaching out to a Head Start child in trying to help and assist them develop confidence and skills or reaching out to helping teachers and parents at the local level, or providing the income contingency repayments for college loans, that for every dollar we cut from them, that we will be expending more in terms of social services to try to deal with the social problems that we are not addressing.

Mr. HARKIN. The Senator is right. The PRESIDING OFFICER. The Chair informs the Senator from Iowa that the 4 minutes yielded to the Senator have expired.

Mr. SPECTER addressed the Chair.

Mr. SPECTER. I note the arrival of the Senator from New Hampshire on the floor. I had yielded time earlier, but we do have a speaker. I now yield 5 minutes to my distinguished colleague from New Hampshire.

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

Mr. SPECTER. I note the arrival of the Senator from New Hampshire on the floor.

Mr. SPECTER. I note the arrival of the Senator from New Hampshire on the floor.

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

Mr. SPECTER. I thank the Senator for yielding time on this issue before us which arrives here because of the concern of Members from the other side of the aisle about the issue of the President’s order on striker replacement. That is why we are having this not necessarily unique, but certainly not all that common, exercise of the vote coming up on the matter to proceed.

The amendment in the bill that has generated this activity is an amendment that I offered in committee and which was adopted in committee that would essentially not allow the President to go forward to enforce his order on striker replacement.

Now, the other side has already discussed at some length this issue. But let me make two points which I think need to be made.

First, the President’s order is clearly in violation, in my humble opinion and I think a lot of other people’s opinion in this body, of the separation of powers. It does not lie in the President’s prerogative to step forward into this arena and unilaterally take action which is basically a legislative action which is exactly what the President’s Executive order has done. Therefore, on that count alone, people should be voting favorably for this amendment because, if you do not, you are basically voting to transfer power from the legislative branch to the executive branch.

More important, however, is the issue of what is the underlying philosophy of this action taken by the President. We have heard a great deal of representation on the other side that this action was taken out of concern for working Americans, that it is an attempt to put working Americans on some sort of level playing field in the area of dealing with management. Nothing could be less accurate, of course. The fact is, this action was a crass political action taken by an administration which had a debt to a special interest group. The special interest group happened to be organized labor, in this instance, and as one of the first paybacks to organized labor which had given it literally hundreds and hundreds of thousands of dollars, not only to the President’s campaign, but to the campaigns of Members of the other party, they immediately took an action which abrogated a law and activity labor had which had been in place since 1938.

I guess it may be it is the other party’s position that since 1938 we have had laws unfair to labor and they should have been changed for the last 50 years or so since they have been in place. The fact is, those laws have been in place for the last 50 years. Labor has functioned rather effectively in this Nation as a force for its organized membership, and management has also been able to function under the cloak of the present law as it existed for the last 50 some odd years. Therefore, it seems to me that the playing field was not unlevel but had reached a rather good equilibrium between management and labor.

What the administration is trying to do in this unilateral act is to create an unlevel playing field, not for the purposes of protecting some beaten down group of individuals, but rather for the purposes of protecting its own interest in running for reelection and getting contributions and support from what happens to be a very specific special interest group in this Nation.

So this is purely special interest group pork-barrel politics is what it amounts to essentially. So if we want to vote against what Congress does to labor pork or social pork, as it might be defined here, then you should not be supporting the administration’s position...
on this, you should be opposing it, because that is what this piece of legislation represents. It is a payoff to a special interest group. Nothing more, nothing less. And it was done in the crassest political way.

Furthermore, it would be done in a way which completely ignores the clear separation of powers which are so important, I note, to a couple of gentlemen who had been pointed out earlier in the discussion—John Adams and Thomas Jefferson, both of whom I suspect, were they present, would be rather upset at the idea that the executive branch would be issuing an order which clearly is legislative in nature. It was, after all, they who, along with James Madison, designed the concept of separation of powers in order to have a balance among the executive and the legislative and, obviously, the judicial branches, which has been totally usurped by this action taken by the President.

So this is not some cause which has any right on its side, it is a cause that has special interest on its side and which affronts the separation of powers issue. Therefore, I strongly suggest that we not support the action.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired. Who yields time?

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 4½ minutes, and the other side has 1½ minutes.

Mr. KENNEDY. Will the Senator yield time to me?

Mr. HARKIN. Mr. President, I yield my 1½ minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the provision restricting the President’s power on issuing his Executive order has no place on this appropriations bill. It is legislation on an appropriations bill. The proper place is to follow the procedures of the Senate and to legislate in the authorizing committees. This is just another effort to short-change and effectively undermine the legitimate interests of workers as protected by the Executive order.

The legitimacy of the Executive order has been upheld in the courts and follows very careful precedents, which have been outlined.

This provision does not deserve to be on this appropriations bill. It ought to be stripped off the appropriations bill so that the whole issue of the education programs that affect the young people of this country can be fully and adequately debated.

Mr. President, I hope that we will not move toward the consideration of this legislation until we strip this unwarranted, unjustified attack on workers from the appropriations bill.

I yield back the remaining seconds of our time.

Mr. SPECTER. I yield 2 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 minutes.

Mr. INHOFE. Mr. President, I am a little distressed. I understand we are not going to be able to take up some amendments that I believe should be taken up on this bill. I, at least, want to get into the Record, in the hopes some of them can be addressed in conference, my strong feeling about a couple amendments.

The Exon amendment, Coats amendment, and the Smith amendments address the same thing, and that is just a modest and overdue measure to get Government out of the business of promoting and subsidizing abortions. It is my understanding that under section 512, if not enacted, obstetrics and gynecology residents’ programs will be required to perform abortions including late-term abortions. Residents with moral or religious objections who wish to opt out of performing abortions should be required to explain why in a way that satisfies stringent and explicit criteria. I am very much concerned about that. We have debated this issue over and over again. However, I am hoping this is something that will be taken up in conference.

The second thing is the amendment to defund Goals 2000, the Education Act. Under this program, Federal intrusiveness reaches a new height. The Goals 2000 creates tighter and more definite links between State, Federal and local levels and makes it easier for the Department of Education to tamper with local schools. The Goals 2000 creates tighter and more definitive standards. Therefore, I strongly suggest that we not support the action.

I note, to a couple of gentlemen who have made this point, perhaps in conference, to do away with the Goals 2000 program. The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER (Mr. INHOFE). All time has expired.

Mr. DASCHLE. Mr. President, I am a little distressed. I understand we are not going to be able to take up some amendments that I believe should be considered on this bill. This provision does not deserve to be on this appropriations bill, and Federal restraint within the Goals 2000 bill, but I strongly believe that we need to have goals.

The goals which are present are voluntary. The States may put their own systems in place. That is entirely within the discretion of the State. But education is an enormous problem in America. If we really had a generation of educated Americans, it would go to the cure of many of our very basic problems: Problems of teen pregnancy, problems of welfare, problems of crime, problems of job training. It would all be surmounted if we had adequate education. I believe that Goals 2000, first adopted under a Republican President, President Bush, carried forward in this administration, is very, very important for America. This is not the time to get into extensive debate, but I look forward to an opportunity to discuss this at an appropriate time with my distinguished colleague from Oklahoma.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. INHOFE). All time has expired.

Mr. DASCHLE. Mr. President, I would like to use a few minutes of leader time prior to the vote.

Mr. President, I want to commend Senators SPECTER and HARKIN for the effort they have made to do what they could with this piece of legislation. At the same time, I think everyone needs to be put on notice that this bill will be vetoed.

I believe that there is no other alternative but to veto this legislation. Frankly, while we have given some thought to trying, in as many ways as we could, to improve the legislation, in our view, it is beyond improvement. They have done the best they could. But this problem started when we passed the budget in the first place. This problem started when the allocation to Health and Human Services was provided in the budget resolution and by the Appropriations Committee. As the chairman of the subcommittee, Senator SPECTER, stated, the allocation “is totally insufficient.” It cuts $9 billion from the President’s request. So there is no other word to describe this piece of legislation, in my view, than the word “extreme.”

Cuts in health, education, job training, and all of the cuts that are provided in this piece of legislation will devastate kids, young people, and destroy the opportunities for families and workers, all in the name of providing a tax cut that we do not need this year. The majority has proposed $245 billion in tax cuts. In order to finance those tax breaks that benefit our wealthiest citizens, they have proposed the extreme measures in this bill. As I stated, over $9 billion is cut from the President’s request in this legislation in areas that directly affect the strength.
Mr. DASCHLE. Mr. President, I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered. The PRESIDING OFFICER. The hour of 10 a.m. having arrived, the question is on agreeing to the motion to proceed to H.R. 2127. The clerk will call the roll. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 471 Leg.]

YEAS—54

Abraham            McCain
Ashcroft           McConnell
Baucus             Murkowski
Biden             Nickles
Bingaman           Packwood
Boxer              Presler
Bradley            Roth
Breaux             Santorum
Byrd               Shelby
Conrad             Simpson
Daschle            Smith
Dodd               Snowe
Dorgan             Specter
Durenstein         Stevens
Exon               Thomas
Feingold           Thurmond
Faircloth         Warner

NAYS—46

Akaka             Lieberman
Baucus             Mikulski
Biden             Moseley-Braun
Bingaman           Moynihan
Boxer              Murray
Bradley            Nunn
Byrd               Pell
Conrad             Pryor
Daschle            Robb
Dodd               Rockefeller
Dorgan             Simon
Durenstein         Welstone
Exon               Levin
Feingold

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 46.

Under the provisions of the labor-management relations act, the right to strike, by their principal economic self-help weapon, is the ultimate form of such activity. Congress enacted the National Labor Relations Act [NLRA] in 1935, to establish collective bargaining as the preferred means of resolving labor disputes. The NLRA gives workers the right to join unions collectively, and to participate in peaceful concerted activity to further their bargaining goals—all without fear of employer discipline. The economic strike is the ultimate form of such activity. Congress expressly protected the worker's principal economic self-help weapon—the right to strike—because it recognized that this was an important tool of labor in ensuring a level playing field in labor negotiations. I should point out, however, that for workers, exercising the right to strike means giving up wages and benefits, and exhausting any family savings—it is always a last resort.

Mr. KENNEDY. Mr. President, I oppose the provision added to the fiscal year 1996 Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill in committee that would prevent any funds appropriated in fiscal year 1996 from being used to exercise the right to strike, by threatening workers with the possibility of losing their jobs. Mr. President, the right to strike is guaranteed to workers under the National Labor Relations Act and the Railway Labor Act, and is instrumental in preserving an equitable balance in labor-management relations.

On March 8, President Clinton signed Executive Order 12954, which prohibits all Federal contractors, with contracts in excess of $100,000, from hiring permanent replacement workers in the event of a strike. This Executive Order has already been challenged in court; however, on July 31, 1996, the United States District Court for the District of Columbia upheld the Executive Order. An injunction was also issued by the court staying all enforcement of the Executive Order so that opponents would have an opportunity to appeal before the U.S. Court of Appeals for the District of Columbia Circuit. The President has consistently opposed the use of permanent replacement workers, believing that the practice harms the American workforce and its productivity. By signing this Executive Order, President Clinton is seeking to ensure a stable supply of quality goods and services for the government's programs by protecting opportunities for cooperative and stable labor-management relations, which, he believes, is a central feature of efficient, economical, and productive procurement.
The NLRA also established unfair labor practices forbidden by the Act. Among other prohibitions, no interference with the formation of a labor union was allowed, and employers could not interfere with employees engaging in collective bargaining. After the NLRA was enacted, union membership grew from 3,584,000 in 1935 to 10,201,000 by 1941. Before the 1930s—some of the Senators may not be able to remember what it was like before the 1930s—some of them had not yet discovered America. But I remember very well.

Before the 1930s, Federal and State laws favored management, and union activity was discouraged. Efforts by the United Mine Workers [UMW] to expand their membership in West Virginia during the economic surge brought on by World War I resulted in a level of violence seldom seen in the annals of American labor history. In an effort to bring the benefits of unionism to the southern West Virginia region during the postwar years, the UMWA mounted a determined effort to organize this region. The coal operators mounted an equally determined effort to keep the UMWA out. Employers used some instances used force to prevent unions from coming into their plants or businesses. In West Virginia, every mine operation had its armed guards—in many instances two or more guards. Mine operators viewed an institution on all along the creeks in the non-union sections of the State. As a rule, they were supplied by the Baldwin-Felts Detective Agency of Roanoke, Virginia and Bluefield, West Virginia. No class of men on Earth were more cordially hated by the miners than were these mine guards. Seemingly hired to keep the peace and guard company property, these guards spent much of their time harassing UMWA officials and evicting thousands of union sympathizers from company housing. If a guard became too inquisitive, or if he showed too much independence, or complained too much about his condition, he was likely beaten by one of these mine guards.

County sheriffs and their deputies were often in the pay of the coal operators, and the State government itself was clearly in alliance with the employers against the mine strikers. Scores of union men were killed, and Sid M. Sandidge Chambers, three-day battle was fought. The Federal Government moved to end the struggle and President Harding issued a proclamation instructing the miners to cease fighting and return home. Military aircraft and a force in organizing or cầm guard were sent to West Virginia. Partly as a result of the military's intervention, the UMWA's effort to organize that part of the coalfields lost most of its momentum. The southern West Virginia coal establishment was saved.

This failure of the UMWA underscores the long odds organized labor faced at a time when workers' rights to form and join unions had not yet been formally recognized. It also underscores the key role Government involvement played in the efforts of many employers to keep unions out of the workplace prior to the passage of the NLRA in 1935.

In 1938, the Supreme Court ruled in NLRB versus Mackay Radio and Telegraph Co. that employers may “permanently replace” striking workers. In effect, this provided a legal way to “fire” these striking workers. Owen Bieber, former President of the United Automobile, Aerospace, and Agricultural Implement Workers of America [UAW] echoes this sentiment as follows: “The permanent replacement of protected strikers is a contradiction in terms. It is pure double talk to say that although workers are discharged for striking, the worker can be permanently replaced. This distinction may have some meaning to lawyers, but all the ordinary worker knows is that he or she is not going back to work with the struck employer in the foreseeable future.”

The ability of an employer to convert a narrow limited collective bargaining dispute into a prolonged and divisive confrontation over union representation and the future of the unionized workforce is reminiscent of the bitter disputes that preceded enactment of the NLRA. The permanent replacement of striking workers. When striking workers are permanently replaced, the strike becomes a confrontation about retention of jobs and the right to union representation. Strikes should be about working conditions and wages, not about the fundamental right of union representation.

Although the hiring of permanent replacement workers was not common for many years, the practice has escalated in recent years, and its use or threat of use occurs in one out of every three strikes. More and more, during labor negotiations, union members are fighting for benefits such as health care, pensions, and safety. Wages are not necessarily the big issue. Due to the threat of overseas competition and downsizing, unions are fighting for their benefits, many of which are not provided by companies overseas. It should be noted, however, that our major trading partners, and competitors—Canada, France, Germany, and Japan—all have laws that prohibit the use of permanent replacements. In addition, the newly restored democracies of Eastern Europe prohibit this practice as well. The laws in these countries reflect the importance of collective bargaining in relation to overall economic performance. Their laws encourage long-term bargaining relationships. In these countries, collective bargaining has been central in building the stable workforces of skilled long-term employees that are critical to success.

Although the President's Executive Order only applies to Federal contracts in excess of $100,000, it is important that the United States Senate does not back down by supporting the provision to overturn the President's Executive Order. The Federal Government should set an example not only for all businesses operating in the United States, but for overseas companies as well. We do not want to send a message that we believe it is fair to tip the balance of power in favor of business at collective bargaining. Both sides should have tools to work with in order for bargaining to be effective. An employer would still have the ability to continue operation during a strike by using temporary replacements, by subcontracting or transferring the struck work, or by operating with management personnel.

This provision, which we are debating here today, would return us to the days of widespread practices of unfair and unsafe working conditions. More and more is expected of our workers these days, and they deserve to work in a safe environment with health and retirement benefits and job security. The practice of hiring permanent replacement workers has adversely impacted the lives of many people and destroyed many communities and lifetime friendships. Many who have invested years with a company have lost their jobs due to a legal strike and have been permanently replaced. Savings accounts have been depleted, college funds have been used up, homes have been lost, health benefits no longer existed, and hope for a secure future has been diminished. Advancing age makes it difficult for many longtime workers to find new jobs.

Mr. President, we are talking about real lives here—real people who want to make an honest living for themselves, their families and their futures. These people are the backbone of our great nation, and we cannot afford to toss them aside and replace them with inexperienced, unskilled employees.

Mr. President, I urge my colleagues to vote no once again on the motion.

Mr. President, I yield back whatever time I may not have consumed.

The PRESIDING OFFICER. Who yields time?

Ms. MIKULSKI. Mr. President, I oppose the motion to proceed to consideration of the appropriations bill for the Departments of Labor, Health and Human Services and Education. I do so because I support the President's Executive order to ban the use of permanent striker replacement workers on Federal contracts. I oppose the provision in this bill that prevents enforcement of the Executive order.

Some say that banning of permanent striker replacements will tip the balance toward labor unions. The balance...
The President has found that the use of permanent replacements erodes labor-management relations, and thus adversely affects the cost, quality, and timely availability of goods and services procured by the Federal Government.

I am confident that the President is taking an important step to discourage what I believe must be discouraged. The use of permanent replacements is a practice that could have an adverse effect on our Nation's long-term economic prospects.

For these reasons, I will vote "no" on cloture.

Mr. HOLLINGS. Mr. President, the issue before us is not striker replacement, but education. I supported the striker replacement provision in committee and hope it survives.

However, I continue to fight to cool the fever to cut education that has gripped this Congress. I want to cool that fever and break it. Both parties have supported education funding in the past, but now the Republicans...
think they have a mandate to cut reading and math assistants for kids in school. They find a mandate to reduce college student aid while tuitions rise faster than inflation. Nothing could be further from the truth.

Specifically, today, the Senate debated and passed a budget resolution that would cut education by 33 percent over the next 7 years while delivering a tax cut before the next election. During the debate, I, along with Senators Harkin, Kennedy, and others, offered an alternative that better fits with what the American people want. We proposed to protect the 2 percent of the budget now devoted to education by providing a smaller pre-election tax cut.

Unfortunately, our proposal to protect education was voted down, and today we are considering an appropriations bill that takes the first step to implement the wrongheaded budget plan that passed. Specifically, the bill cuts $2.1 billion in fiscal year 1996 from the discretionary education budget. It cuts Head Start, college grants, vocational education funds to help high school students move into higher-wage jobs, subsidies targeted largely to elementary and secondary school districts for children, and school reform funds. It cuts antidrug education in the schools, magnet schools, adult literacy funds, and grants to improve the academic programs of colleges that are strapped for funds and that serve many lower-income students seeking to improve their economic independence.

In short, it takes a $2.1 billion step backward while everyone knows we have to press forward in the current economic climate. Because of these cuts, I am opposing the motion to proceed to this bill.

Many of our constituents have felt the sharp edge of economic downsizing. In the government sector, we are cutting the Kennedy/Bush and other federal cuts, and the private sector has done even more to downsize and cut benefits. Traditionally, Americans have relied on a system of public education and college assistance to prepare them and their children to weather such transitions and gain economic independence. We learned after World War II that it pays to help people attend college, and we have learned for more than the past century that free public schools are essential.

Congress now seems to have forgotten these lessons of history, despite continuing evidence that education spending has been critical for economic growth. The Department of Labor estimates that 20 percent of U.S. economic growth since 1963 has stemmed from increased education in our work force. Where would our country be now, relative to Japan and Europe, if its economy were that much smaller? Congress should not act in a way that will reduce our country's economic growth. We grew together, and an expanding economy meant better jobs for everyone. A typical family could work hard and experience an increased living standard, whether that meant buying a home or putting a child through college or taking a simple family vacation.

But in the past two decades, while our nation's economy has continued to grow, fewer and fewer Americans are sharing in that growth. The majority of this growth—97 percent of our real income growth since 1979—has gone to the top fifth of households. In contrast, the fifth of Americans at the lowest income levels—Americans who previously had been the principal beneficiaries of economic growth—saw their incomes drop by a staggering 17 percent between 1979 and 1993. In short, Mr. President, the rich have gotten richer and poor have gotten poorer.

As 80 percent of our population grap...
Third, the President's order sets a high standard for cooperative labor-management relations at a time when the increasingly competitive global economy demands it. Management and labor must join in a common quest to produce a product at a competitive price. Hope for that kind of cooperation is dashed when management permanently replaces its employees. The President's Executive Order puts the Federal Government on record opposing such tactics.

If our Republican colleagues succeed in blocking the President's Executive Order on permanent replacement workers, they will send a message to ordinary Americans. And that message will be that if they pay on pay and benefits, they could lose their jobs—solely for exercising their fundamental right to strike. They will send a message that the Federal Government rewards with Federal contracts who create hostile work environments. Basically, they will send a message which tells working Americans, "tough luck."

That is the wrong message to send. The President has been a tenet of American labor policy for six decades. It is illegal to fire an employee for exercising that right. Permanently replacing strikers is a loophole in the law. With the striker replacement provision, we would permit employers to circumvent the law.

What is the right message to send? That the Federal Government recognizes and respects the law. That we want to help American workers. Several labor-related Executive Orders made by Presidents Reagan and Bush provide ample precedent for Republican administration. I hope my colleagues will support the President and do something positive for working Americans.

I urge my colleagues to join me in opposition to the motion to proceed to the Labor, Health and Human Services bill until this provision is struck from this bill.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. If there is no demand for time on the Republican side, I yield myself 8 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, let me comment on two aspects. One is the intrusion of the striker replacement into this, and then on the dollars themselves.

What we know from studies, and particularly the Harvard study, is that union workers by and large are more satisfied, and more satisfied workers produce quality work, and that union workers stay at a job longer.

This moves us in the opposite direction. That we need in our society is balance.

I see the distinguished senior Senator from West Virginia. He has seen more of our history and certainly studied it more than I have. But over the years, since the 1930's, we have tried to have a reasonably good balance. Frankly, when there is a Republican President, the National Labor Relations Board tilts a little bit in the direction of management. When there is a Democratic President, it tilts a little bit in the direction of labor. But when President Reagan came in—and he did many good things—the balance was lost. And while, for example, at one time the State of Illinois had both about 33 percent of our work force belonging to labor unions, Canada has gone up to 36 percent, and in the United States, we are down to 16 percent. And if you exclude the governmental unions, it is down to 11.8 percent.

It was very interesting for me to pick up the New York Times and read an article by George Shultz, who most recently was Secretary of State under a Republican administration but at one point was Secretary of Labor, and George Shultz said things are getting out of balance; we have an unhealthy small percentage of our work force belonging to labor unions. Now, part of this balance was self-restraint. Through most of our history, no industry just permanently replaced strikers. And then we have had a few instances of it. Greyhound did it, and we had Bridgestone/Firestone, and that came up on the floor of this body. It is very interesting because Bridgestone/Firestone is a Japanese-owned corporation today. Permanently replacing workers in Japan is illegal, but they did it with their United States entity. The only places where it is legal in industrialized democracies are Great Britain, Hong Kong, Singapore, and the United States of America. In all the other Western European nations and Japan, it is illegal.

I believe that the President's Executive order has brought just a trifle amount of balance here. We need more. We need to be doing a lot of things to provide some balance. And what we also have to do is make sure that this provision is to try to get labor and management working together. I am pleased to say that in the State of Illinois it looks as if Caterpillar is moving toward resolving that problem.

Let me second, Mr. President, talk about the appropriation and where we are. We have under this proposal said—this is compared to the 1995 appropriations, and this is assuming that the Senate bill passes; the House bill is even worse—in the State of Illinois, 42,000 fewer people will be helped.

Let us take West Virginia because West Virginia is like my home territory of southern Illinois—good, fine people but below average education and below average earnings. In West Virginia, 11,413 people will take an education. In West Virginia, the President, we forget about here frequently. The citizens of Puerto Rico are all American citizens. They contribute in terms of Armed Forces and bloodshed more than almost all of our States. In Puerto Rico, 39,924 fewer people are being helped. The average income in Puerto Rico is less than half the average income in Mississippi, the bottom of our 50 States. Puerto Rico gets the short end of the stick, the highway stick, because there is no one in the Senate to defend them. We have what we call Commonwealth States. Old-fashioned colonialism is what it is. One of these days inevitably Puerto Rico will either be independent, get a state, and that choice I think should be up to the people of Puerto Rico, whatever their decision.

Let us take dollars now. In the State of Illinois, $84,747,000 less than the 1995 appropriation under this bill; West Virginia, $21 million less. This is money for education, for people who need help, for summer jobs for youth. Puerto Rico—I mentioned $84 million for the State of Illinois. Puerto Rico, roughly one-tenth of one percent of our population, $70 million less.

These programs, Mr. President, do good for people. Let me just mention one—title I. It used to be called Chapter II. This is for the more impoverished states. People say they are not going to solve our problems. There is no question, money alone is not going to solve our problems. But without the resources we are not going to do it.

What has happened to 9-year-old black kids? Why do they not do well in school? Is that in effect? An 18-percent increase in math scores, a 25-percent increase in verbal scores. Those are good kinds of things.

Head Start. I do not know anyone who believes Head Start does not help these young people. I will never forget visiting the Head Start Program in an impoverished area in Rock Island, IL. Almost every Head Start Program, every one I know of, has a waiting list. We are not providing enough help. One of young people comes in Monday morning; Tuesday morning another group; Wednesday morning a third group, and so forth. I asked the woman in charge, what would it mean in the lives of these young people if they could be in here every day instead of 1 day a week? She smiled and she said, "You could not believe the difference it would make in their future."

Oh, we save money when we do not provide help to them, like you save money when you build a house and you do not put a roof on it. But you do not save money in the long run. We have to invest in our people.

When I was in the fourth or fifth grade, something like that, I read in my geography book that the United States was wealthy because of its natural resources, our oil and coal and all these other things. And then all of a sudden about 15 years ago, I got to thinking about it. The countries that were doing a lot better relative to the United States was moving ahead, much more rapidly than we were—Sweden, Japan, Taiwan, South Korea—why were they moving ahead? They were moving ahead...
Mr. President, the issue concerning the cuts that are in the appropriations bill in terms of education has been debated and discussed. I want to just take a few moments here to put into perspective this whole issue about undermining the opportunities for working families. There is a livable wage in the context of other actions that are being forced on the working families of this country by the majority Members of this body.

We saw the Davis-Bacon perhornts on March 15 of this year when the attempt was made to undo what the President has done to protect workers' historic and legitimate right to strike and to prevent their permanently replacement by Federal contractors.

We have to look at the mosaic that is being created, not only back in March, but during the period of the summer. What we have seen is a basic assault on working families. We have seen the assaults on the Davis-Bacon program. Why do Republican colleagues want to attack the Davis-Bacon program? The average income of the Davis-Bacon worker is $26,000 a year—$26,000 a year for hard work. Why are we denying those men and women who are in the second or third most dangerous occupation, outside of mining and perhaps logging, that work on Federal building projects, the third most dangerous work, the opportunity to be able to gain a decent wage of $26,000?

Next came their opposition to increasing the minimum wage. Republicans and Democrats alike have fought for increases in the past. This is not a partisan issue. President Bush signed the last minimum wage increase of 90 cents. Nonetheless, we have resistance to help men and women prepared to work 40 hours a week 52 weeks a year to be able to have a livable wage so they are not in poverty. We heard a great deal about the importance of work in these days. Here are men and women who want to be off welfare, want to work, being denied the opportunity to have a livable wage. That is No. 2.

No. 3. In the budget, the cutting back of the earned-income tax credit. Who does that affect? Needy workers below $26,000, to help and assist them when they saw the increase in the cost of Social Security and expanded family obligations so that they could be able to work for their children—a worthwhile program. And yet we find our Republican friends trying to squeeze that back, effectively squeeze it so that working families with less than $26,000 are going to have to pay more in taxes. A tax increase on this working poor.

And what do they have yesterday over in the House? We have the Republican proposal to open up all the pensions again, $40 billion of retirees' pension money that will be available to corporate raiders. And we said that happened in the 1980's when we had the plundering of the pensions. Those pensions belong to workers, not to corporate raiders. Those pensions have been paid in and paid in as a result of sacrificing increases in wages and health benefits.

And now under the Republican proposal, we would permit the corporate raiders to reach in there for $40 billion to increase their salaries, their bonuses and their stock options.

This is a continuing assault on the working families of America. And beyond that, Mr. President, is the slashing of the various training programs for workers that have been discussed in the context of downsizing, of the mergers that have taken place. We saw just the other day the merging between the Chemical Bank and the Chase Bank, and Wall Street go euphoric in terms of that merger. Twelve thousand Americans are laid off. Who is going to speak for them?

I yield myself the last minute.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I thank the Senator. Who is going to speak for those kids? You cannot pick up a newspaper today without finding massive layoffs, not just of needy blue collar workers, but also white collar workers and men and women who have worked in these companies and corporations for years. We have to speak for them.

Mr. President, this is just one additional part of that puzzle. This appropriations bill should be stripped of the provisions that are basically an attack and assault on the President's statutory and constitutional rights that have been upheld in the Federal courts. And then we should get about the debate on the substance of the appropriations issue.

Mr. President, I thank my colleague from Pennsylvania, and I yield the floor.

Mr. SPECTER. Mr. President, how much time remains?

Mr. President, I ask my Republican colleagues who may be listening to come to the floor if they wish to speak in support of the motion to proceed.

The distinguished Senator from Wisconsin has asked for 5 minutes. I yield him 5 minutes at this time, with the request to my colleagues on the Republican side to come to the floor if they wish to speak.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. And I thank the Senator from Pennsylvania very much.

Mr. President, I voted "no" on the Labor-HHS appropriations.

I want to speak about the debate issue.
particular provision, the attempt to override the President's Executive order banning the use of permanent replacements for striking workers employed by Federal contractors.

We had a long debate about this a few months ago, and I had the chance to speak on both. So I will be brief today. But this is an issue that I feel very strongly about, and I fully support President Clinton's efforts in this area to halt the erosion of workers' rights.

I had a chance to work on this issue for many years when I was in the Wisconsin State Senate and tried to pass a Wisconsin law on this issue. But throughout the process it was very clear that what had happened in the early 1980's with the PATCO strike led to an avalanche, really, of the use of permanent replacement workers across this country in a way that had never happened before. It has had serious consequences for working people throughout Wisconsin and across the country.

Mr. President, earlier this month, just a few weeks ago, I had the painful experience of meeting with workers who had just gone on strike against a large employer in a rural Wisconsin community. These workers came to one of the listening sessions or town meetings that I hold every year in each of Wisconsin's 72 counties.

I would like to read, to highlight this issue, from a statement of Mr. Newell, the principal officer for the Teamsters Union, on this issue. I can think of no more eloquent testimonial than the words of Mr. Newell that day, in a small townhall in Wisconsin, just a couple of weeks ago.

He said:

Sir, you have entered into a community today that has been infected with a disease that has become much too prevalent in American society over the past few years. Just a scheduling here, there are more than 100 hard-working men and women engaged in a struggle with this community's largest industrial employer. This flashpoint of this is the traditional economic issues of higher wages and benefits—although Lord knows they are desperately needed here and will be at issue before this battle is over.

He continued to say:

This controversy was ignited by issues which transcend price tags; the issues of fairness, safety, job security, and basic human rights to self-respect and dignity on the bargaining table. That is an unfair leverage that was imposed upon this community. That is not what bargaining is supposed to be about. When one party is given a tool like this, there is little realistic hope that a fair result will ensue.

It may mean higher profits today, but in the long run, it is a bad result for a community, for America's work force and for our entire country. America's workers, Mr. President, should not be treated like disposable goods.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator need?

Mr. SPECTER. I yield 5 minutes to Mr. Nickles.

Mr. NICKLES. About 5 minutes.

Mr. SPECTER. I yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague from Pennsylvania for yielding the time.

Mr. President, I urge our colleagues to vote the same way I do to this appropriation, because I cannot recall it. And it may be that we have done it—somebody objecting to a motion to proceed to an appropriations bill. Maybe a couple years ago in dealing with an Interior bill, which I was actually a manager of, that had on it an issue on grazing, and there was some legislation on that bill. Maybe that happened and we wrestled with it for a couple of days. But I do not recall anyone objecting to proceeding to that bill, that is fine.

That is the way we usually handle appropriations bills. There are some things in this appropriations bill I do not agree with and on which I plan on having an amendment. Not everything does it. I agree with. So I understand that that side of the aisle are not happy with the bill. They do not want to see some changes, some amendments. Other people on this side, would like to see some changes. Maybe we can come to an agreement on the bill and it can pass. We are hoping to pass this bill. We happen to be running out of time. We are supposed to have all appropriations bills done by the end of this month. We lack two. This is one of them.

Let us find out where the votes are concerning this one provision dealing with the President's Executive order. The House put in language that denies funding to implement the President's Executive order, which prohibits companies from hiring permanent replacement workers during strikes. The Senate kept that language in. I happen to agree with that language. Somebody might say, why is that language necessary? Well, the President, by Executive order, is trying to pass legislation. I really disagree with that. I disagree with the substance of the legislation, and I also disagree with Executive orders that try to legislate.

In this case, there was legislation introduced that was very high on President Clinton's priority list. The Democrats controlled Congress for the first 2 years of his administration. They introduced legislation that would state companies could not hire permanent replacement workers during strikes. The Senate kept that language in. I happen to agree with that language. Somebody might say, why is that language necessary? Well, the President, by Executive order, is trying to pass legislation. I really disagree with that. I disagree with the substance of the legislation, and I also disagree with Executive orders that try to legislate.

So after the change in the control of Congress, President Clinton said, well, I will bypass Congress and do it by Executive order. Basically, it states that if any company or any branch of any company does any contracting with the Federal Government, therefore, they will be denied access to Government contracts if they hire permanent replacement workers during a strike. That is clearly legislation.

Again, I hope that our colleagues, Democrats and Republicans alike, will
take exception to the executive branch if they are legislating. The Constitution, in article I, says Congress shall pass "all" laws. It does not say "some" laws; it says "all" laws. It does not say that if the President cannot get his legislation through Executive order, he can do it by Executive order. That is exactly what this President is trying to do.

He is trying to legislate. I hope and think that people from the legislative branch would take exception to this even if they disagree with the substance of his Executive order or his legislation that he is trying to enact through Executive order.

So, again, I understand and respect that we have differences of views on this legislation. That is fine. I might say it is not totally partisan on this one issue, but we should vote on it. We should legislate on it. If colleagues wanted to pass a prohibition, they should introduce legislation and let Congress work its will. We have the right to pass this prohibition. For Members to say we are not going to take up the Labor-HHS appropriations bill because it has an amendment that we do not like—this bill has total funding, $233 billion in budget authority for the Department of Labor, Health and Human Services. That is a big bill. To say we want to totally deny taking up this bill because we disagree with one funding prohibition, I think, is not very mature. I hope that we would not do it.

Again, I cannot remember Congress doing it. In my opinion, also, it is not a responsible way to legislate. Congress should legislate and we should enact our will. I should have a chance to offer my amendments on some things that I disagree with and find out where the votes are. Maybe I will win, and maybe I will lose. I doubt, when you have a bill this large, that everybody is going to agree with everything. So we should work for what we want, but I should have a chance to amend this bill, and we should finish this and all appropriations bills by the end of this month. I think we are being somewhat irresponsible if we do not.

I urge my colleagues on the Democratic side, all of whom voted against the motion to proceed, to allow us to proceed to this bill and have Congress work its will and hopefully pass this and the Commerce, State, Justice bill before we adjourn this month.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 4 minutes 5 seconds remaining.

Mr. SPECTER. Mr. President, it would be my hope that we would proceed to consider this bill. It is, obviously, a party line matter at this point.

As I had said earlier, when the bill came out of the subcommittee, we struck all of the legislative provisions, because in my view, and the view of the members of the subcommittee, we ought not to take up legislation on the appropriations bill. That was the policy of the Appropriations Committee as a general rule on all matters endorsed by our distinguished chairman, Senator HATFIELD. But it is my hope that we will take up the bill.

As a practical matter, it is difficult to proceed to finish this bill before the end of the fiscal year. Certainly, we could not have a conference even if we could finish it on the Senate floor, if this subject is going to be comprehended within a continuing resolution.

I invite my colleagues on the Republican side, who wish to come to the floor to speak in favor of the motion, to do so.

How much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes 30 seconds.

Mr. KENNEDY. May I have a minute?

Mr. SPECTER. I yield a minute to my distinguished colleague from Massachusetts.

Mr. KENNEDY. Mr. President, I think the membership understands what is at stake here. As the Senator from Pennsylvania pointed out, there was a stripping away of all the other add-ons, except of one. There was a refusal to strip that aside. That particular amendment was targeted on the constitutional authority of the President of the United States. And that issue had been resolved in the courts of this country in support of the President of the United States. So it is important to me that that issue should be stripped off before we get back into the debate on the other priorities. I thank the Senator for yielding. I join with others in saying that I think Senator SPECTER and Senator HARRIS did as well as could possibly have been hoped for in terms of trying to take scarce resources and focus them on education. But I do think that it would be appropriate to have a reexamination of where we are as a nation in the area of the consideration of the appropriations to underscore the fact that this provides billions of dollars less in terms of investing in young people in this country at a time when their needs are as great as they are.

I thank the Senator for the opportunity. I hope that the motion to proceed will not be accepted and that the "no" vote will carry.

Mr. SPECTER. Mr. President, I suggest one correction to what the Senator from Massachusetts just mentioned; he said the courts have upheld the President in this matter.

I might mention that the district court upheld the ruling but it is pending still before the court of appeals, and recognizing this case was unprecedented, the district court judge suspended implementation of the Executive order until the court of appeals acts. The courts have not made a final decision.

Many think this is clearly legislation by Executive order, and the President exceeded that. The President has taken several actions by Executive order. This is one. It is not the only one that is really legislation that many feel very strongly about.

We should vote and we cannot vote unless we move to proceed to the Labor-HHS bill.

The PRESIDING OFFICER. Under the previous order, the hour of 11:20 having arrived, the Senate will now vote on a motion to proceed to H.R. 2277.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 472 Leg.]

YEAS—54

Abraham Ashcroft Bennett Bond Burns Campbell Chafee Coats Cochran Conrad Craig D'Ambato DeWeine Dole Domenici Faircloth Byrd

McConnell Murkowski Nickles Packwood Pressler Roth Santorum Shelby Simpson Smith Specter Stevens Thomas Thompson Thurmond Warner

NAYS—46

Akaka Baucus Biden Bingaman Boxer Bayh Breaux Bryan Bumpers Byrd Graham

Harkin Helms Hollings Inouye Johnston Kerry Kerrey Kerry Kohl Lautenberg
The PRESIDING OFFICER. On this vote, the yeas are 54, and the nays are 46. Pursuant to the previous order, 60 Senators not having voted in the affirmative, the motion is rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. LOTT. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to executive session to consider the nomination of James Dennis to be U.S. Circuit Judge.

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

NOMINATION OF JAMES L. DENNIS, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The assistant legislative clerk read the nomination of James L. Dennis, of Louisiana, to be U.S. Circuit Judge for the Fifth Circuit.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to recommit the nomination to the Judiciary Committee.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Mr. President, I move to lay that motion on the table.

Mr. BIDEN. Mr. President, I am the one who was reluctant to enter into a time agreement and/or a formal agreement on the motion to recommit. It is fully within the right of the Senator from Mississippi to do that. The reason I did not wish to do that is that it sets a precedent. As long as I have been here, I do not recall us moving to recommit a judicial nominee unanimously reported out of the Judiciary Committee.

The second point that I make to my friend is that I have no intention of doing anything to delay the vote on this motion to recommit.

I would make at the appropriate moment to explain why I believe Justice Dennis is qualified and should be confirmed and why there is no need to recommit. My colleagues from Louisiana, who have a genuine interest in this nomination, are here, and I would look to speak to the qualifications of Justice Dennis and why a recommittal motion would be in effect a very bad precedent.

I wish to call to my friend from Mississippi that the Senator from Delaware does not have any other agenda. I do not have any intention of slowing up a vote on this. This is a slightly different procedure from the general tradition of the Senate that committee, which is to come to committee the Senate debates and votes on the nominee. However, I will not object to this motion to recommit Justice Dennis because it seems to me a version of what took place during the War Between the States had hoped for for many years, that is, that two States in the heart of Dixie would fight over an issue that the rest of us think is not worthy of a fight.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. My response to the distinguished Senator from Delaware is I have no problem with his describing the committee's action. I know the chairman of the committee would probably want to do that at some point in this discussion.

Let me just say, if I can, in support of the motion that this is not a fight between two States. This is a question that has been before the Senate and the Judiciary Committee for years. Today under this motion to recommit on the basis of newly discovered information about the fitness of this judge to serve on the Fifth Circuit Court of Appeals. The motion to recommit is to give the Judiciary Committee an opportunity to review the facts, the evidence, and the investigation that has just recently been concluded by the staff of the Senate Judiciary Committee, at the request of the chairman of the committee.

I have been briefed by the staff on the findings of that investigation, and I was advised at the time I was briefed that no other Senator had requested a briefing, no member of the committee had been briefed other than the chairman, who had been given information from the investigators. I am convinced on the basis of what I heard that the Judiciary Committee should reconvene and reconsider the nomination.

That is the reason this motion is being made. If this were just a debate on the merits of the nominee or the fitness of this nominee on the basis of the record as already made by the Judiciary Committee—whether or not one was being overrepresented on the Court—these are all facts that we would debate at that time, and it may be a subject, a proper subject, for discussion at a later time. But this motion is directed to the fact that after the committee report, the nomination of Justice Dennis became available which brought into question the fitness of this judge to serve and whether or not he should have disqualified himself from participating in a case before the Louisiana Supreme Court and related matters.

Mr. COCHRAN. Mr. President, if the Senate will yield without losing his right to the floor—

Mr. COCHRAN. I will be happy to yield for a question.

Mr. BIDEN. The way the Judiciary Committee has operated for the roughly 20 years, I guess, that I have been on it is that the investigative staffs of the majority and minority work together and share all information. I wish to inform my friend from Mississippi that in addition to the Senator from Mississippi and the chairman of the committee, Senator HATCH, the Senator from Delaware has also been briefed on all of the investigative matters including the one to which the Senator refers.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator for his cooperation.

Let me just say for the purpose of putting this in some historical context that Judge James Dennis is a member of the Louisiana State Supreme Court.
He was nominated by President Clinton to serve on the U.S. Court of Appeals for the Fifth Circuit. That nomination was made during the 103rd Congress, the previous Congress.

The Judiciary Committee had a hearing on Judge Dennis. No witnesses appeared other than Judge Dennis, as I am advised. There were four questions asked of Judge Dennis at that time. The committee reported his nomination to the Senate. No action on the nomination during the last Congress, and this year his name was resubmitted to the Senate by the President. No other hearings were held, no other inquiries were held, and he was reported out in due course to the Senate.

One day after the nomination had been reported by the Judiciary Committee, a Times-Picayune story revealed that Judge Dennis possibly committed a serious ethical violation by participating in a court decision involving Tulane tuition waivers. Tulane tuition waivers involve under Louisiana law the right of a member of the State legislature to bestow a favor on a friend by having the tuition that would otherwise be due and payable to Tulane University waived under an existing authority that goes way back to the last century in that State.

The issue was that Judge Dennis had a son who was given a judicial waiver by a member of the legislature for 2 years going to law school. Then he left law school for a year, and he was going to go back to law school, and he contacted the legislator who had given him the waiver in the first instance and asked that he be reinstated. There was some question about the extent to which Judge Dennis may have been involved in contacting or trying to influence the legislator to grant that waiver for his son.

Anyway, Judge Dennis knew this story was being written. He had been contacted by the paper. He had been questioned by the reporter. Obviously, it was something that was getting a great deal of attention in the State of Louisiana.

This issue had been in the papers. There was some talk about whether this was a practice that needed to be changed, whether it was sort of a buddy system there in the State where legislators were giving friends of theirs tuition waivers. This abuse should be revisited.

Well, that is all really beside the point. The point is Judge Dennis knew he was right in the middle of this story being written, and he did not bring it to the attention of the Judiciary Committee, which was about to take action on his nomination to the second highest court in the land, the U.S. Court of Appeals for the Fifth Circuit that is based in New Orleans. There is an obligation and an continuing obligation to reveal any information available. Judge Dennis did not disclose his potential interest in this case at the time the case was decided by the Supreme Court of Louisiana. He participated in that case. He did not disclose this information to the Judiciary Committee or the fact that this issue had arisen and certainly not of the fact that it was going to be big news in Louisiana the next day, after it acted on the nomination. Judge Dennis knew that his ethics were in question and did not bring the information to the Judiciary Committee or the House Judiciary Committee to the Senate.

The ethics of Judge Dennis were being questioned by the reporters who asked the questions. And the reason it was an issue is because the Supreme Court of Louisiana had been called upon to rule on a freedom-of-information request where a request had been filed by the newspaper asking legislators to provide records from their offices to show which citizens of Louisiana had been given these tuition waivers by them under the authority of existing Louisiana law.

Well, you can imagine some of the legislators did not want to reveal this information. They did not want to disclose whether it was filed by the paper, and that was decided in a lower court and worked its way up. It finally got up to the supreme court. Judge Dennis participated in a decision on the issue affirming a lower court decision that the paper had to make that information available.

Judge Dennis did not disclose his potential interest in this case at the time the case was decided by the Supreme Court of Louisiana. He participated in that case. He did not disclose this information to the Judiciary Committee or the fact that this issue had arisen and certainly not of the fact that it was going to be big news in Louisiana the next day, after it acted on the nomination. Judge Dennis knew that his ethics were in question and did not bring the information to the Judiciary Committee or the House Judiciary Committee to the Senate.

I am prepared to let the committee look further into this in an orderly way and in a deliberate way to determine whether my suspicions are correct, whether the suspicions of many people throughout the Louisiana-Texas area, where this court has jurisdiction, are correct. We have been getting phone calls and letters; people are disturbed about this. And we think that the committee ought to look further into the situation.

The Judiciary Committee ought to be given the opportunity to review its decision and either decide to report the nomination in light of this new information—I think the information reveals that Judge Dennis, first of all, failed to recuse himself properly in a case resulting in such an impropriety as to warrant public disapproval and the disapproval of the committee of his nomination.

Mr. President, I do not know what the procedure is in terms of being able to speak again, but a unanimous consent that I be permitted to yield the floor to other Senators who wish to speak and then to speak again at some point under this motion. I do not
want to lose my right to the floor by so yielding. The PRESIDING OFFICER (Mr. SHELBY). Is there objection? Mr. BIDEN. Reserving the right to object.

Mr. COCHRAN. I do not want to violate the two-speech rule. You cannot under the rules of the Senate make two speeches on one legislative day. Is it because we are in executive session that the legislative day two-speech rule does not apply, I ask the Chair? The PRESIDING OFFICER. If the Senator wants to waive the two-speech rule, he can do that affirmatively without keeping the floor. You can make the unanimous consent request at this time, or—

Mr. COCHRAN. That is why I made the request. Mr. BIDEN. I have no objection. The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. BIDEN. Mr. President, I love to hear the Senator speak. If the two-speech rule applied to this place, I imagine we would have only one or two Senators who ever spoke. I will be delighted to hear him again. I would like to make several points to him, and I will not take long. I would like to ask him a question, if I may.

If I may ask the Senator from Mississippi, is it his—I realize there is no unanimous consent in any of this—but just as he postulated what he hoped would happen in terms of procedure here this afternoon, is it the Senator's intention that, if his motion to recommit were to go to a vote up or down on the nominee?

Mr. COCHRAN. I have no objection to proceeding to voting on the nomination. As I understand it, though, it would be subject to debate. Mr. BIDEN. No, it would.

Mr. COCHRAN. I do not want to foreclose any Senator's right by any agreement like that. My personal inclination would be to proceed to vote in due course whenever Senators—if they want to listen to it, they could, but there is no agreement to proceed to a vote at that time.

Mr. BIDEN addressed the Chair. The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I know there is no agreement. What I am asking, does the Senator know of anyone who would have an interest in not allowing us to get to a vote today?

Mr. COCHRAN. If the Senator would yield, I know Senators are interested in this subject. Two or three have come up to me and said, "You are not going to let this proceed to a final vote today if this motion is defeated?" I said, "I am not going to stand in the way of that. But if you want to speak you can. You have the right to do that." So I do not know what other Senators may do. I do not intend to filibuster the nomination, I say to my friend. Mr. BIDEN. Mr. President, I am the Chair. The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me make a few points before I respond to the specific concerns of the Senator from Mississippi. I would like to remind you that to the best of my knowledge, only myself and Senator Hatch have availed ourselves of the investigative report done by minority and majority staff on the question that has been raised by the Senator from Mississippi.

Senator Hatch notified all Republican members on the committee, which is our practice, that follow-up work was conducted on a matter that had come up after we had voted and that professional staff who had done the investigation were there, ready and willing and able to brief people on it. My staff briefed the staffs of the Democratic members of the committee. I will tell you why most people did not think it was so important. Justice Dennis had little to do with Justice Dennis' integrity, competence and forthrightness and ability to be on the bench, but had to do with a legitimate dispute—I guess any dispute between and amongst States is legitimate—about whose seat this should be.

It happens all the time. It happens in the first circuit, it happens in the second circuit, it happens in the third circuit. We had a debate in the third circuit, it happens in the second circuit. Our circuit about whether or not a seat should be a Pennsylvania vacancy or a New Jersey vacancy. I am not saying this only happens in the South. It happens all across the country, and Senators fight very hard for the prerogatives of their States to have folks represented on the circuit courts in numbers that they believe are appropriate. That has, up to now at least, been the major impediment, at least from the perspective of the Senator from Delaware, of Justice Dennis getting a vote on the floor of the Senate.

Having said that, let me speak specifically to the question raised by my friend from Mississippi.

It has been argued that Justice Dennis should have recused himself from a case that came before the Louisiana Supreme Court involving a suit by a local newspaper against five State legislators. Under Louisiana law, a judge may be recused for five reasons. I might point out that the Federal rules of recusal, and most State rules of recusal, are not designed to encourage judges to recuse themselves automatically. Otherwise, judges would be able to avoid all the tough decisions. So the presumption is that you should not recuse unless you meet a certain standard.

I may tell you that the Louisiana law says, because that is the law that Justice Dennis, then on the Louisiana Supreme Court, was obliged under his oath of office to follow.

There are five reasons for which a Louisiana judge may recuse himself or herself: First, he or she is a material witness in the cause of action before him or her; second, he has been employed or consulted as an attorney in the cause of action prior to being on the bench; third, he has performed a judicial act in the cause of action in another court; fourth, he is related to one of the parties involved in the suit; or fifth, and this is the important piece here, he has an interest in the cause.

Justice Dennis is making the case that Justice Dennis should have recused himself because of the fifth provision in Louisiana law—that Justice Dennis had an interest in the case before him. Only this last reason—Justice Dennis is the judge in the case—could possibly provide grounds for Justice Dennis to recuse himself from the Times-Picayune case. As the nominee explained to the committee, he had absolutely no interest in the case brought by the Times-Picayune.

Let me go through the facts, because I think it is very important to know what the specific facts are.

For over a century, since 1884, each Louisiana State legislator has had the right to nominate a Louisiana citizen to receive free tuition to Tulane University for 1 year. I might note parenthetically, that this is not something in the last several decades that the press has thought is a good thing. Free tuition was offered to any Louisiana citizen. It is not the best of my knowledge, and I am certain not a historian or student of Louisiana history, no one questioned this practice for a long time. Along comes the Times-Picayune, which is their right, and they wanted to know who had appointed whom to Tulane University under this 1884 law.

Again, no one is questioning whether or not the law of Louisiana permitted a State legislator to nominate a Louisiana citizen to receive free tuition to Tulane University. These tuition waivers are, under Louisiana law, as we understand it, privately funded.

In 1985, Justice Dennis' son—now, this is 1985, 10 years ago—Steve Dennis, received a tuition waiver from his legislator, a gentleman named Representative J ones. At that time, Justice Dennis' son, Steven, was a 26-year-old married man, financially independent of his father, and living apart from his father.

And, I might add, he lived in Representative Jones' district. Now, Steve Dennis received tuition waivers to attend Tulane law school in the years...
Louisiana Supreme Court denied the legislators would have to turn over these forms, even if the forms were currently held by Tulane. Second, the plaintiffs sought a writ of mandamus ordering each defendant to produce all nomination forms in his or her custody, including those held by Tulane.

Now, in January 1994, the trial court, of which Justice Dennis was not a member, determined that the nomination forms were public and granted the writ of mandamus ordering the defendants, the five State representatives, to produce all the documents and forms held by them or Tulane. The trial court also awarded attorney's fees to the plaintiffs.

The legislators then appealed from the trial court. In October 1994, the State fourth circuit court of appeals—not the Federal circuit court of appeals—agreed that the nomination forms were public documents subject to disclosure. However, finding no indication that the defendants would not comply with the court's declaratory judgment, the court of appeal reversed the grant of the writ of mandamus against the defendants. The court felt that it was premature to subject the five legislators to mandamus, given that its declaratory judgment was the first definitive statement of the rights of the parties. The court of appeal also reversed the attorney's fee award.

Finally, the case came before the Supreme Court of the State of Louisiana. Enter Justice Dennis. There were only two issues that came up to the Supreme Court. One, whether a mandamus was appropriate, and, two, whether the plaintiffs should receive attorney's fees.

The Louisiana Supreme Court denied the Times-Picayune application for review and refused to consider the untimely application of one defendant who challenged the newspaper's standing. Remember what is being laid out, the predicate: That Justice Dennis committed some ethical violation, and he did not tell the committee about it, either. First, he was hiding something from us, the Judiciary Committee, and, second, he was hiding it because it was unethical behavior.

I think that might be a question of whether there is a member of either party who would be willing to let his or her reputation be ultimately written in the great book based on only the headlines he or she has received throughout his or her life. I doubt whether there is a single, solitary person who holds public office who has not spoken to an editor and heard the editor say, "I am sorry, BENNETT, but I don't write the headlines." "I am sorry, THAD, but I don't write the headlines." What my good friend from Mississippi means is that Justice Dennis should have recused himself. As I said earlier, under Louisiana statute, there is only one reason why Justice Dennis, may have recused himself—and that is because he had an interest in the case. Justice Dennis, through written and oral statements to our staff, gave three reasons why he determined that there were no grounds under which he should recuse himself. One, he had absolutely no interest in the outcome of the only issues before the court. The only issues before the court were the writ of mandamus and attorney's fees. He had absolutely no interest in that at all or in the petition for a latecomer saying that the Times-Picayune had no standing.

Second, his son had no interest in the case's outcome. His son was long out of law school. His son was a married man, 26 years old, living on his own in the district of a legislator who was not named in the lawsuit. What possible interest could his son have had in the outcome of this case?

Third, point Justice Dennis makes is that Representative Jones was not a party to the case. He was not subject to the writ of mandamus or the award of attorney's fees.

At least in the Times-Picayune writ application was simply a decision not to review the mandamus and attorney's fees issues against Justice Dennis. The court did not decide any question of law or fact. It established no supreme court precedent that could affect future cases. Nor did the rejection by the court of appeal of the Times-Picayune suit for attorney's fees against Tulane establish any authority that would have provided grounds for nondisclosure by the Representative Jones, or any other nonparty.

Justice Dennis has explained clearly why he did not recuse himself in this particular case. He made a thoughtful decision deciding all the facts into consideration. And his record shows that he does not have a blithe disregard for Louisiana's recusal law. In fact, there were two cases in which Representative Jones was a party, and from which Justice Dennis did recuse himself. Both cases were bar disciplinary matters against Representative Jones that came before the Louisiana Supreme Court under its original jurisdiction over proceedings regarding nonparties.

Mr. COCHRAN. Will the Senator yield for a question on the point of what was at issue in the case before the supreme court? I just a question.

Mr. BIDEN. Sure. I will be happy to.

Mr. COCHRAN. One question I have that has not been brought out here was that this suit not only requested a ruling as to these five legislators, but, more important, with respect to Judge Dennis, it involved the withdrawal of the committee's waives. The committee's waives, as to whether or not they were public records. And the reason this is important as far as Judge Dennis is concerned—and did the committee
know this—that he was a legislator before he was a judge, and he had awarded scholarships to Tulane and therefore records that he had control over, under the ruling of the lower court, made him a party in interest even though he was not a named defendant?

Mr. BIDEN. If I can respond to my friend, the factual statement he made about Justice Dennis having been a legislator, that this affected all legislators, and the writ of mandamus would have affected all legislators, is absolutely accurate except for one big problem. That issue was not before the supreme court on which Justice Dennis sat.

Mr. COCHRAN. It was if they did not overrule the fourth circuit. The fourth circuit had reversed the lower court. The lower court ruled that was public property and that all legislators had control over the files that were held by Tulane. And the Tulane custodian of records did not disclose those records until the lower court that, on the request of legislators, she and Tulane would make those records available. So the question was whether all legislators would have this responsibility.

Mr. BIDEN. If you may respond to my friend, he is again partially correct. That was the issue in the lower court. That was the issue in the court of appeal. But that was not an issue which was appealed to the Louisiana Supreme Court. The district court level, and the fifth and higher court had confirmed were public records.

Mr. COCHRAN. Mr. President, will the Senator answer another question? Mr. BIDEN. Certainly.

Mr. COCHRAN. I do not want to delay this inordinately. I think there is a question that ought to be clarified; that is, at the point when the case reached the supreme court, none of those legislators, except one, had voluntarily requested Tulane to release the information they had regarding the appointment of Justice Dennis. That was a problem.

Mr. BIDEN. If I can respond to my friend, the day I came to Tulane, I read the issue raised or an old issue reraised. We notified members of the committee, and they said, ‘You know whether there is any evidence that the Senator can give the Senate about what the staff has concluded. There is a statement from a reporter who called and talked with staff members of the Judiciary Committee. And it says, ‘At issue is Dennis’ vote in a 6-to-1 Supreme Court decision in 1991. That is not an issue which was appealed to the Louisiana Supreme Court. The issue was whether or not they would have to be produced, but when and under what legal document would they have to be produced. And if the issue was Dennis affirmed the intermediate court’s ruling along with five other justices.

Mr. COCHRAN. Mr. President, will the Senator yield for one more question? Mr. BIDEN. I would be happy to. But let me finish this point.

I respectfully suggest, if the Senator looks at what the law says, what the court had said and what was before Judge Dennis, the matter that concerns him most, as it should, was resolved.

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, the distinguished Senator said that the committee had looked into this issue and had the conclusion different from the one I came to.

Mr. BIDEN. Correct.

Mr. COCHRAN. How could you have done that if the information about this nomination to Tulane and the scholars did not come to the attention of anybody until the day after the judiciary Committee reported the nomination to the Senate?

Mr. BIDEN. Mr. President, that is a legitimate question. Let me respond to that by saying that even our friends, the members of the committee, have not seen these records. The standard operating procedure is, if we get something that even has the potential color of conflict, the majority and the minority get together. The standard procedure is they go back and investigate. Sometimes we call the FBI back in. ‘Would you take a look at this? Is it specious? Is there anything to it? Is it real or not real?’

Staff may also call the person making the allegation. And the staff makes a judgment as to whether it is specious, whether it warrants further investigation, or whether or not they have enough information to make a recommendation to the committee.

The third thing we may do is call the nominee. We call the nominee and say, ‘OK, look. This was raised. Here is the deal. These are the facts as we know them. Explain yourself.’

That is what we did here. The explanation was given. The nominee wrote a letter to the committee and he was interviewed by staff. We read the briefs that were filed and the newspaper accounts. The staff concluded that Judge Dennis made the right decision, that he did nothing unethical.

Mr. COCHRAN. Mr. President, will the Senator yield for a question? Mr. BIDEN. Yes.

Mr. COCHRAN. I think the staff has now concluded in another way. I do not know whether there is any evidence that the Senator can give the Senate about what the staff has concluded. There is a statement from a reporter who called and talked with staff members of the Judiciary Committee. And it says, ‘At issue is Dennis’ vote in a 6-to-1 Supreme Court decision in 1991. That is not an issue which was appealed to the Louisiana Supreme Court. The issue was whether or not they would have to be produced, but when and under what legal document would they have to be produced. And if the issue was Dennis affirmed the intermediate court’s ruling along with five other justices.

Mr. BIDEN. Let me respond to the Senator, if I may. I have not seen today’s Times-Picayune. However, it is not unusual for staff, as well as Members of the Senate, to have different perceptions of a given situation but I am not sure that is relevant.

Let me explain the procedure. What happens is the majority staff goes to a nomination and named one, housing, who has been on the staff for a long time, first-rate lawyer. He goes and talks to the chairman of the committee. Karen Robb, a seasoned lawyer, who has been here a long time, comes to me and says now this is what the facts reveal. I then ask what I expect Orrin also asks: What do you think? My staff shows me the information. I look at it, and I say I think there is nothing here.

The next step in the procedure is to make this information available to committee members directly or through staff. Again, this is standard operating procedure. And I am the one who as chairman initiated this rule. ORRIN has followed the precedent—whatever investigative information we have, from the FBI, from any source, where there is any question raised. We notify members of the committee, and we say, hey, folks, there was a new issue raised or an old issue reraised. We have looked at it. If you want to know about it, then come here, look at the information.

A lot of this information is FBI-related material on which we only brief...
Senators. And a lot of it is non-FBI material, like this on which we briefed staff. This is all non-FBI stuff here. It’s not confidential.

And so I say to my friend there is nothing unusual about this case. There has been a time and place that I have been on this committee that I can think of where we have not voted somebody out and after having voted on it received new information. The most celebrated case? A Supreme Court nomination.

Were we to reopen a full committee hearing and a full committee vote every single time after we voted anybody raised an allegation, we would effectively shut down the nominating process. Every single time, if we had to reopen a hearing, have a new public hearing and have a vote, we, the Democrats, would effectively be able to keep nominees from being on the bench. And the Republicans could do the same. It is just not a way we could possibly operate. No, we have said one other point. If, for example, we came forward and the information received after we voted we believed was of such a consequence, Senator HATCH and I, or any member of the committee, that it warranted further hearings, we would have them. Case in point: a Supreme Court nomination.

They have to be issues where the staff, Senators, or the ranking member and chairperson, somebody says, “This is a biggie. We have to take a look at this thing.” Nobody said that here because nobody that I am aware of believes that there. So that is why we did not open up a new hearing.

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

Mr. BIDEN. I will yield for a question.

Mr. COCHRAN. If a member, who is a senior member, of the Judiciary Committee tells a Senator like I was told by Senator HATCH, that the certification that came to light after the matter had been reported to the committee, the committee would not have reported the nomination, does that not seem to the Senator to be sufficient grounds to request reconsideration of the issue by the committee?

Mr. BIDEN. The answer is no, if in fact the chairman of the committee, the ranking member of the committee and the Senator, who had that information made available to them did not reach that conclusion.

I am confident that I could find in the Agriculture Committee, in every other committee here, a staff member who would say after we voted something out, if they knew all of that information they probably would not have voted that way. If we operate with that as the basis for whether or not it is worthy to refer back to a committee a nomination or a piece of legislation, we are going to get very far out. Again, I am not in any way—please let my colleague understand and the record show—I am not in any way questioning the motivation of my colleague from Mississippi. What I am suggesting is that a close look at the facts and the law makes an overwhelming and compelling case that Justice Dennis did exactly the right thing when he concluded that there was no need to recuse himself.

I see my other friend from Mississippi and my two colleagues from Louisiana, who are very interested in this, are here. I will be available if they want to ask me any more questions. So I will just yield the floor and stand ready to answer questions if anybody has them.

Mr. J. JOHNSTON. Mr. President, I have looked into this matter in great detail, and I think the Senator from Delaware is exactly correct. I have read the decisions and read the letters. I think he is exactly correct. I must say that it is a very fine legal point. Even with what my friend from Mississippi said, it is hardly the kind of matter that we would deny a person a role on the court.

The question of whether or not this issue was really at issue before the supreme court—it had not been appealed on actually what we call a writ of certiorari. So the question was not really before the supreme court. What was really before the supreme court was whether the Times-Picayune was entitled to its attorney’s fees and whether or not the writ of mandamus was premature.

But, Mr. President, I daresay, if we gave our colleagues a pop quiz on this question nobody, save those at least on the floor, could answer the question, it is such a complicated legal matter.

Suffice it to say the matter has been, I believe, effectively and thoroughly decided by the Judiciary Committee. This matter was pending for a long time. I really do not think that is the real issue behind whether Justice Dennis ought to be on the fifth circuit. It is just not a way we could possibly operate.

Mr. President, the real question is should Judge Dennis be on the circuit court of appeals? Mr. President, I have known him for over 30 years. We served in the State legislature together. He is one of the most distinguished jurists the State of Louisiana has ever produced. His life has been marked by excellence in everything he has done. In law school, he was in the Order of the Coif; that is, a top scholar. He was on the Law Review, again a top scholar.

He was in the State legislature, where he made an outstanding record. He has been on the bench in every level—the district court, the court of appeals, and the supreme court—for many years. He is one of those gifted legal scholars who can write things in ways that are clear and he can marshal up the English language and make it march, as someone said about Winston Churchill. He is that good, and recognized as such. He is the favorite of both the bench and the bar in Louisiana. Mr. President, he would be an enormously popular judge.

Now, he has certainly come within the cross hairs of the Times-Picayune, no doubt. I must say, he is in very good company in that, Mr. President. You see, Paul Tulane, when he made his bequest to Tulane University, went to the legislature and the people of every parish in the State. And we want a little financial help. Will you pass a law that says legislators are entitled to name people to Tulane tuition free?”

The legislature passed that law over 100 years ago. For over 100 years, it was in place in Louisiana and never questioned. I think my colleague said for 80 or 90 years. No, it was for over 100 years. But it has to be a real hot issue with the Times-Picayune. They have gotten Members of Congress in both Houses, in both parties—some of my colleagues on the other side of the aisle and in the other party are also in these cross hairs—and a former Republican governor, one of the best and best we ever had, in my view. I liked him a whole lot. All of you know him and served with him. He is one of those in the cross hairs. Also a State treasurer and State legislators of both parties submit to this. I think all these folks are ethically deficient. That was a legal, ethical, proper thing. That is really what is involved.

The Times-Picayune, though, has a great story, and they are pursuing it. This judge ruled against them, denied them attorney’s fees. I do not know whether that has anything to do with it, but I will tell you one thing: If this were an opinion, rather than a newspaper story, they would certainly be recused because they certainly had an interest in this matter.

Be that as it may, Mr. President, this is a good Judge. He is a good man. This is a complicated legal question. The staff has looked at it, majority and minority. Look, it is not something where JOE BIDEN is our Democratic head of this thing, and sort of squelched this matter. That is not it at all. Mr. President, that is not it all.

This is a good man. He is not ethically deficient, I can guarantee you that. He ought to be confirmed to the fifth circuit. He deserves it.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. LOTT], is recognized.

Mr. LOTT. Mr. President, I will rise in support of the motion to confirm the nomination of Justice James Dennis to be a member of the Fifth Circuit Court of Appeals back to the Judiciary Committee for further review. And I also am going to go ahead at this time and express my opposition to Judge Dennis for other reasons. I think clearly this nomination has not been sufficiently and properly reviewed by the Judiciary Committee.

There has been information that has been raised since. We, the Presiding Officer was approved by the Judiciary Committee back in July that has not been reviewed by the full committee, by many members of the committee.
As a matter of fact, I understand from what was said a few moments ago, that while the Senator from Delaware reviewed the accusations with regard to the Tulane matter, and perhaps the chairman of the committee, Senator HATCH, did not review it, as a matter of fact, what happened after the information was given to the Judiciary Committee, I understand, is the staff sent a letter to JUDGE Dennis asking him to respond. Then there was a conversation by telephone regarding the alleged on-the-record statement. The committee members on one side, and the staff members on the other side. But I wonder, when you have staff coming to the matter further. The committee staff that conducted the investigation in this case, as I understand it, determined that Judge Dennis should have recused himself in this matter. Now, at least on the majority side, that is the information I received. When the hearings were held, only five questions were asked of this nominee, and only one member asked the needed.

As a matter of fact, the staff members on the two sides of the committee do not agree on what we should have done or how this matter was handled by JUDGE Dennis.

I do think there is very good reason to recommit this nomination. Before I talk about the specifics of the case, I would like to note that the Judiciary Committee, I think, perhaps gave this nomination only cursory consideration. When the hearings were held, only five questions were asked of this nominee, and only one member asked the needed.

So I really would have thought since there have been questions raised about this nominee almost from the beginning—in fact, I think from the beginning—that there would have been a fuller, more probing detail. So I think just on that basis there is justification to ask the Judiciary Committee to review the matter further.

The committee staff that conducted the investigation in this case, as I understand it, determined that JUDGE Dennis should have recused himself in this matter. Now, at least on the majority side, that is the information I received. So maybe there is disagreement by the staff on the other side. But I wonder, when you have staff coming to that conclusion that he should have recused himself in this case involving Tulane University and the scholarships, should not the full committee have reviewed their recommendation?

This matter was reported by the Judiciary Committee on July 20, 1995. It was 3 days later that this matter appeared in the Times-Picayune. I believe Senator COCHRANE already asked that this be printed in the RECORD. He has not.

I ask unanimous consent that the Times-Picayune article of Thursday, July 23, be printed in the RECORD. The second thing that is unusual about this one is I have been inundated with correspondence from people in...
Louisiana from all stations in life saying that this nominee should not be confirmed—small business men and women, executives of corporations in Louisiana, just private citizens, prosecutors. We have a file that is probably 6 inches thick of letters from people raising questions about the qualification of this nominee. I have been struck by that. I started off, quite honestly, being opposed to this nominee because it did damage to the proper balance on the Fifth Circuit Court of Appeals. Just as I got into the merits, or demerits, of this nomination, I found that there were a lot of questions that surrounded this nominee.

I am just going to read some of the excerpts from some of the letters I received. One says:

As a justice on the Louisiana Supreme Court he has been notorious for writing law from the bench. His actions have had a serious negative impact on the Louisiana economy. This is a person who apparently is in the printing business.

Another one from the Louisiana Association of Business and Industry. Just straight from this letter:

In the area of expansion of government, taxation and tort law, he is far out of touch with both legislative intent and the sentiments of most Louisiana citizens.

From a college official, it says:

Judge Dennis is an enemy of not only small business, but Louisiana’s workmen’s compensation program.

From an attorney:

Judge Dennis is the type of judge who is not content with following and applying the law to the facts of the case before him. Rather, he is the kind of judge who desires to bring about a specific result, and then conjures up dubious theories of law to reach that result. Judge Dennis is not the kind of judge who hesitates to “make law” when existing law does not suit his philosophy.

I think one of the most striking things came from an assistant district attorney in Louisiana who has had obvious experience in criminal law practice in Louisiana. His letter was lengthy and gave example after example, citing specific cases where this is a judge that he felt should not be moved to a higher court. I will read two paragraphs from his letter:

I have been a violent crimes prosecutor for the past 20 years, beginning as an assistant district attorney in Baton Rouge, Louisiana, in 1974. Also for 2 years, I was dispatched all over our State prosecuting as an assistant attorney general. For the last 12 years, I have been the chief felony prosecutor in the rural but large parish of St. Landry, which lies between Baton Rouge and Lafayette. I wholeheartedly agree with statements that I have seen ascribed to you that Judge Dennis “has a record of court activism inconsistent with the views of the majority.” He has consistently crafted judicial decisions, while intellectually forceful, that are wrongheaded and wanton acts. I have seen inconsistencies from which our communities are suffering.

So you see, this is not just a matter of a disagreement whether this judge should be from Mississippi or from Louisiana, and this is not a case where I have gotten a lot of mail from my own State about this judge. This is a case where I have been flooded with letters and calls and correspondence from elected officials, of people throughout Louisiana in all walks of life saying this nominee should not be confirmed.

One other thing before I go to this next part. Just a couple of weeks ago, I had another call from a State official who wanted to know about another court action involving gaming versus gambling. I have submitted this material to the Judiciary Committee staff. I do not know whether it is a serious matter or not, but when a State official calls and says this is something the Judiciary Committee should consider, I think they should take a look at it. Maybe they have at the staff level. There is clearly enough question here surrounding this nomination that the committee should take another look at it.

Let me go to these other points that I think I must make. I generally err on the side of giving the President the benefit of the doubt on nominations in his administration. I think Presidents should not be in the business of electing individuals for service in their administration, including Federal judicial appointments, especially the circuit courts. So barring character flaws or illegality or extreme policy positions which are inconsistent with American values, I generally am inclined to go along with him. But in this case, I do think there are some questions about character and judgment, and I think clearly some of the policy positions here are out of order.

After reviewing this nominee and his rulings, I reached two conclusions: He is clearly a judicial activist predisposed to create law from the bench instead of interpret it, and, second, his rulings fail to comport with American values. I generally am inclined to go along with him. But in this case, I do think there are some questions about character and judgment, and I think clearly some of the policy positions here are out of order.

I think one of the most striking questions I have been asked is: What is the record of court activism between the Fifth Circuit and the Louisiana courts? How does it compare? Let me quote one of the cases:

James Dennis, a former District Court judge, has often been the subject of charges and countercharges by his colleagues and critics. He is currently being considered by the Senate for a position on the Fifth Circuit Court of Appeals. The record of his activism is documented in the court's official records.

One other thing before I go to this final point. There may be a need to consider a paradigm shift in our approach to the appointment of judges. The current pattern of appointing judges to the Federal bench is causing concern among the public and members of Congress. The lack of diversity in the selection process and the impact of political influence on judicial appointments are raising questions about the independence of the judiciary.

Last, I do not believe the nomination of Judge Dennis is fair or appropriate. I do not believe that Judge Dennis is the best choice for this position. I believe that Senator J. James Dennis is intellectually a bright jurist, and you will see it in his opinions. They are very interesting in the way they are written. However, the intellectual energy he devotes to the law is inconsistent with American values. I generally am inclined to go along with him. But in this case, I do think there are some questions about character and judgment, and I think clearly some of the policy positions here are out of order.

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September 28, 1995

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I urge that this nomination be re-committed to the Judiciary Committee.

I yield the floor.

Mr. BREAUX. Mr. President, I think, first of all, it is a little interesting to note that if this issue was of such moment, and the result would be that the nomination be re-committed to the Judiciary Committee for further consideration, the chairman of the Judiciary Committee, the distinguished Senator from Utah, ORRIN HATCH, would be here advocating that. He is not. In fact, he does not support the motion to the committee.

The distinguished ranking member of the Judiciary Committee, Senator BIDEN, spoke here on the floor about this very issue and said that, as the ranking Democratic member of the Judiciary Committee, he, too, felt that the committee had exercised their responsibility and looked at this nominee very carefully. After the committee had voted, additional material that was submitted to the committee was considered by the professional staff, by the chairman of the committee, the distinguished Senator from Utah, and by the ranking member of the Committee on Judiciary, the Senator from Delaware, Senator BIDEN. They and the professional staff circulated all of that information to all the members of the Judiciary Committee members. As I look around to see if there are any of these members here who are saying they somehow have not had an opportunity to consider this nominee, I see none.

I think it is clear that this case has been carefully considered by the committee. I think that Senator BIDEN, very eloquently and in great detail, covered all of the allegations we have heard this morning with regard to information that the Senator from Mississippi was arguing was a reason to recommit this to the committee. I think Senator BIDEN's comments were right on target. There is no basis whatsoever to send it back to the committee. The only allegation I heard that supported the recommendation was the fact that Judge Dennis should have recused himself in a case before the supreme court that he ruled on.

Senator BIDEN made it very clear that he had no conflict in that case, that the supreme court voted 6-1 and he very carefully documented why not only should he not have recused himself, that it would have been wrong had he done that, that he had an obligation as a justice to rule on the case, that he had no interest in the case whatever. That, I think, has certainly been clearly established.

If the distinguished chairman of the Judiciary Committee disagreed with that, I think that he would make that opinion known. He does not, and neither does the ranking member of the committee.

Mr. President, I have known Jim Dennis for a number of years, a long number of years. I have known him personally and known him as a very intellectual foundation of Judge Dennis’ argument was found not to be proper and it was reversed.

The U.S. Supreme Court has repeatedly affirmed the use of the death penalty, and the U.S. Congress has repeatedly supported the death penalty, particularly on crimes of wanton and reckless violence, particularly against law enforcement officers.

So I thought this was an extreme stretch to try to say that we should have an overruling of the death penalty based on some sort of proportionality rule. We have heard that theory discussed, but it has never been accepted as one we should go forward with.

Now, going to the business area. In a case entitled Billiot versus B.P. Oil, Billiot, while working in a B.P. Oil refinery, was burned with a valve when it failed and sprayed a hot substance on Billiot. His subsequent injuries were not the result of exposure to the substance, but to the heat of the substance. The B.P. Oil company was seeking compensatory relief under the workers compensation law, and punitive damages under a law allowing punitive damages to individuals injured by the storage, transportation, or handling of hazardous substances.

On September 29, 1994, Judge Dennis wrote a majority opinion for the Louisiana Supreme Court on the case. In his ruling he, in effect, reinterpret two State laws—the workers compensation law and the law allowing punitive damages to individuals injured by hazardous materials to seek punitive damages.

Dennis breathed new and fictional life into a 1914 workers compensation statute by postulating that the exclusive remedy provision of the Louisiana workers compensation law did not apply to punitive damages. In addition, he interpreted that Billiot could sue for punitive damages against the hazardous materials damage law—even though the injury was not caused by the hazardous material.

The impact of this ruling was disastrous for business in the State of Louisiana and equated to the mother lode of case opportunities for lawyers in that State. The landmark ruling did not crack the dike of tort litigation—it blew it wide open, and thousands of small business owners stood down-stream of these flooding waters. That ruling was a shining example of judicial activism at work, one where two laws had intersected anew from whole cloth, creating this new area for litigation.

There are a whole series of cases where Judge Dennis has ruled in ways that can be of great concern to those who are interested in getting fair rulings and doing business. We have a whole list of these cases. I will submit these as part of the Record. I think we have about 15 cases.

I ask unanimous consent that the list of cases be printed in the Record. There being no objection, the list was ordered be printed in the Record, as follows:

Ross v. La Coste, 502 So.2d 1026 (La. 1987) (Strict Liability) (Authored by Justice Dennis);

Billiot v. B.P. Oil Company, No. 93-C-1118 (La. Sup. Ct. Sept. 29, 1994) (Authored by Justice Dennis): ‘This decision is a double-whammy against the business community. First, it is an absolute asset stripping of workers’ compensation that says an employer cannot be sued in tort for a work-related injury of an employee. Justice Dennis reasoned Workers’ Compensation Act (enacted in 1914) did not specifically provide for inclusion of punitive damages in that statute and so does not exist. Further, he argues that, although the statute that triggers the punitive damages refers to the transportation, handling or storage of hazardous substances, the hazardous nature of the substance does not have to cause the injury! Trying to assess risk under this decision is going to be a nightmare—but on the non-obvious part, it makes punitive liability exposure if you are self-insured is going to go up! B.P. Oil Company v. Plaquemines Parish Government, 492 So.2d 1730 (La. 1994) (Sales Tax) (Concurred in by Justice Dennis):‘This decision would extend the state sales tax on utilities to situs to the local level where the law currently prohibits it from being collected. This decision—if not reversed when the Supreme Court rehears it—will cost local utility customers hundreds of millions of dollars. LABI has joined over 60 other businesses and associations—including the NAACP and the Public Service Commission—-in filing amicus briefs to ask the court to change this disastrous decision.

Halpin v. Johns Manville Sales Corp., 484 So.2d 110 (La. 1996) (Products Liability) (Authored by Justice Dennis): ‘This case was one of the worst assaults on economic development ever handed down by a court in Louisiana. Prior to Halpin, liability in products liability cases was determined by looking at alleged design defects, and if the manufacturer could be forced to pay punitive damages because the machine was “unreasonably dangerous per se.” Under Justice Dennis’ decision, even though a product that caused an injury had no design or manufacturing defect, if the manufacturer had failed to warn properly or manufacturing failures to warn properly or manufacturing defects. Halpin added a new category by saying that some products were “unreasonably dangerous per se.” The court sent a shock wave through the manufacturing community in Louisiana and throughout the United States. The decision was so radical that, in spite of strong trial lawyer opposition, the state legislature overturned the decision in 1988.

Mr. LOTT. Mr. President, I will conclude with these three points. I think Senator BIDEN’s judgment in the Tulane matter clearly should be questioned and should be reviewed by the Judiciary Committee as a whole. I think there is no question that this is a judge who has been an activist, and I think that should cause real concern in the Senate in confirming his nomination.
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distinguished jurist on the State supreme court. Somehow to argue on the other hand that he is out of touch with our State is to not consider all the number of times he has gone before the people of our State and offered himself for election, because we elect judges to sit on the bench in Louisiana, basically a conservative Southern State, he would not have been elected to the district court which he has been elected; that he would not have been elected as a court of appeals judge that he would have subsequently been re-elected; that he would not have been elected to the State supreme court which he was elected and has served and then re-elected without opposition to a 10-year term.

Louisiana does not elect people that they disagree with. I suggest that his opinions as a judge, his record as a State-elected official, as a Member of the House of Representatives, indicates that not only is he acceptable to the people of Louisiana, that he is enthusiastic in his support as someone that they have taken great pleasure in having them represent in legislative bodies and on every court in Louisiana: the district court, elected; court of appeals, elected; and the State supreme court, elected and re-elected without anybody running against him.

I think it is clear that this person fits the mold of the type of judges and members of the judiciary that the people of Louisiana like to see.

Some say that he is not a mainstream jurist. I point out that in the 20 years he has served on the supreme court, the information that we have by the supreme court itself says that he has sat on 7,655 cases in which an opinion was published. He voted with the majority in 7,148 cases. That is 93 percent of every case they wrote an opinion on, he agreed with the majority.

All of these judges are elected, from all parts of our State. If he was out of touch with the people of my State of Louisiana, he would not have been re-elected. If he was out of touch with the other members of the judiciary, he would not have voted with them in deciding the majority of the opinions in 93 percent of 7,655 cases.

To somehow allege that he is not part of the mainstream I think is totally contrary to the record in the case.

Some say that he is not strong enough on crime, and we have some letters from some nameless people who write and say that he is weak on the death penalty or not good for law enforcement.

I have a letter from the attorney general of the State of Louisiana, the highest elected law enforcement official in our State, Richard Ieyoub. He says:

John Dennis is universally regarded as one of the brightest and most effective judges in the State of Louisiana. His opinions are excellent examples of legal scholarship and reasoning. I have carefully monitored the decisions of the Louisiana Supreme Court relating to victims' rights and the operation of the criminal justice system in general, and I feel very comfortable with the decisions rendered by Justice Dennis on these matters. His opinions as a law school have generally benefited law enforcement.

One of the sheriffs of one of the largest areas in our State, greater New Orleans, Jefferson Parish, a distinguished sheriff, Harry Lee, who, probably more than any other sheriff in Louisiana, is noted for being tough on crime and good for victims of crime and tough on criminals. Harry Lee, the sheriff, says:

In my opinion, Justice Dennis has done an excellent job, an outstanding job, standing of law enforcement and individual citizens. He has faithfully followed the law as written by the legislature. He is generally regarded as a fair-minded, scholarly, hard-working and effective jurist. In short, he is extremely well-qualified, perfectly suited, and well able to serve with distinction as a judge of the U.S. Court of Appeals.

This is probably the toughest sheriff in the State of Louisiana. Would he say a respected jurist on the fifth circuit is an outstanding person and well-qualified if he was weak on crime and weak on the side of victims of crime? Of course not. He has staked his public reputation on the fact that this person is just the type of judge we need.

My friend from Mississippi, Senator LOTT, distinguished majority whip, has cited two cases he says are evidence of his judicial activism or taking positions that is not in keeping with what we want in members of the judiciary. I respectfully disagree with his conclusion.

One case he has cited, the State of Louisiana versus Prejean, case, the Billiot versus B.P. Oil Co. where victims were protected by the law of the State of Louisiana, and there are some who were penalized because they violated the law of Louisiana and are now raising opposition to Judge Dennis because he interpreted the law as it was written.

When someone disagrees with the law, you do not criticize the judge for applying the law. You try and give the law a change if you disagree. That is what rights of the legislature are for. In this case, it was a workmen's comp case. The person was injured and he was injured very, very severely.

The law of Louisiana, the State law passed by a majority of the people in the legislature, allows for punitive damages in limited cases, in limited categories, involving wanton or reckless conduct or disregard of public safety in the handling or transporting or storage of hazardous or toxic substances.

In this case, it involved hazardous material that ended up—because it was mishandled—injuring a person very severely. In this case, the State supreme court said that the law does not preclude a worker from being able to get punitive damages for the wanton or reckless conduct or reckless disregard of the rights of others. If they applied the law properly and correctly.

It was not a judge's fault, if you will, that the case did not come out as some of the defendants would have liked it to come out. That is what the law said. If Judge Dennis had been an activist judge, he could have said, "I don't think the law should say that; therefore I will come to a different conclusion." The exact opposite was true. Not only was he not being activist, they all during a hearing to rewrite the law, he applied the law. For those that do not like the law, go change the law.

Mr. President, it is interesting, that is exactly what happened. They put together a coalition in the last session of the Louisiana legislature and they got the legislature to change that law because they made the argument, and a number of the members of the legislature agreed with them, that the law was too generous in that opinion—not mine, but in theirs. They changed the law.

But you do not get mad at the judge for interpreting it correctly. If you do not like the law, you think it is not correct, you change the law. Do not change the law judge who carefully interpreted it. That is what happened in the Billiot case.

In addition, the case was decided by a 5 to 2 decision of the supreme court of the State. Were all the judges wrong? I think not. I think they correctly interpreted the law as it was.

The State versus Prejean case that the distinguished Senator LOTT cited. Justice Dennis voted merely to grant the defendant a rehearing based on a recent U.S. Supreme Court decision that set out the parameters under which a death penalty can be instituted by court. The only thing that Judge Dennis was saying is that he wanted to have a rehearing in light of the new supreme court decision to see if it affected this particular case. It has nothing to do with Judge Dennis' support of the death penalty or being tough on crime.

In fact, I point out that Judge Dennis has repeatedly voted in court to uphold the death penalty. Since the death penalty was reinstated, Louisiana Supreme Court has heard or directed a rehearing or capital cases of some 98 defendants, affirming 84 percent and reversing 16 percent of those capital convictions on lower court. Judge Dennis sat on 93 of those cases and voted to confirm the convictions 80 times, 86 percent, just about the same average of everybody else on the court.

In the cases where Judge Dennis has dissented, it is interesting here because if you say that he is out of step with the majority of the court, he clearly is not. When he has dissented, however, his dissent has been upheld by the U.S. Supreme Court.

Judge Dennis, the facts show, authored the dissenting opinion in six cases since he has been on the supreme court. In six cases he dissented from the convictions. In the six cases that were subsequently reviewed by the U.S. Supreme Court, in all six cases, the U.S. Supreme Court reversed the Louisiana
Supreme Court. It said, “Justice Dennis, you are right. The supreme court of your State made an error in all six cases.”

I think when you look at this man’s record, his distinguished record in every court in Louisiana, I think you would have to go into that with the view that this person deserves a seat on the fifth circuit court of appeals. He would make an outstanding judge, an outstanding jurist, as he has all his life.

I was going to make an argument as to whether it should be a Mississippi judge or a Louisiana judge for this vacant seat because I think the record is clear. You determine what area justices come from based on the caseload. I think the caseload between Texas and Louisiana and the State of Mississippi is very clear; very, very clear. I do not think there is even an argument. This vacancy should be from the State of Louisiana.

In 1993, the last year we had numbers, there were 1,309 appeals filed from district courts in Louisiana to the fifth circuit court of appeals. There were only 450 appeals filed from district courts in the State of Mississippi. That is a 2.9-to-1 ratio—essentially a 3-to-1 ratio. If the present vacancy is filled with Justice Dennis, Louisiana would have six seats on the fifth circuit; Mississippi would have two seats, a 3-to-1 ratio. The ratio is as close to being proper, when you look at the caseload, as is humanly possible to reach.

Louisiana has 34 active and senior district judges in our State. Mississippi has only 10 district judges, a 3.4-to-1 ratio.

So, when you look at very objective numbers on where should this seat come from, I think it is very clear that the caseload and the number of judges clearly indicate that a judge from Louisiana is the proper recommendation.

Second, I would argue very strongly, and I think it is very clear, the background, the history of this judge has been carefully, carefully scrutinized by the Judiciary Committee, and I think we should all support the ranking member and chairman of that committee in voting against the motion to recommit.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Mississippi (Mr. Cochran) has the floor.

Mr. COCHRAN. Mr. President, I understand there may be one or more other Senators who wish to speak to this motion to recommit the nomination. For the information of those Senators, and others, I am going to again point out the reasons why I am filing this motion and why I think the Senate should approve it. But I do not expect to take much time in arguing this point further.

We had a pretty full discussion of the issue, particularly in the colloquy on the floor with the distinguished Senator from Delaware, the ranking member of the Judiciary Committee. I remain concerned about the attitude of the committee concerning the issue involving the case that was filed in Louisiana that made its way to the supreme court, in which Judge Dennis participated as a member of the Supreme Court of Louisiana, wherein the legislators, who had provided tuition-free scholarships to Tulane University to friends and supporters, were sued by the Times-Picayune newspaper to compel the production of documents relating to that scholarship program.

I want to make sure the Senate understands exactly what the issues were and why Judge Dennis’ refusal to recuse himself and his action in participating in the ruling on that case strikes me as inappropriate and a clear violation of the code of conduct of judges, both U.S. judges and judges who at the time were serving in Louisiana.

The Times-Picayune had tried to obtain, as I understand the facts, information or from Tulane University itself, about the names of those who had been given scholarships by legislators. I am not suggesting this was violative of the law in itself. As a matter of fact, there was no specific request for these scholarships to be given. I do not know all the history, but, as I understand it, it had something to do with the fact that Tulane University has certain tax benefits under the laws of the State of Louisiana. If you make the laws of the State of Louisiana, in the last century, given the right to name certain scholarship recipients each year to attend Tulane without having to pay tuition.

Over the years, the tuition at Tulane has become quite substantial. As a matter of fact, Stephen Dennis, who is the son of Judge Dennis, received 3 years of tuition-free scholarship benefits from Tulane University from a member of the legislature in Louisiana, Representative Jones, that is estimated to have a value of about $60,000.

The suit involved a refusal of legislators to say or to disclose or provide records of information about who they had given scholarships to. Tulane had likewise refused to give this information to the paper. Tulane took the position that this was information that should be made available by the legislators. They had customarily made it a practice of providing that information to legislators they represented it, but not to others, third parties.

So, the case proceeded to a trial. The legislators refused to provide the information, so a district court judge at the trial level ruled that these records were public. The legislators and public access was a matter of right.

A second question that had been asked—and relief demanded—was that the legislators be made to turn over those records to the newspaper. The district court agreed with that and made a part of its judgment an order granting a writ of mandamus. A writ of mandamus requires a public official to do what they ought to do under the law. Having ruled that this was public information, public records to which the Times-Picayune were entitled, the court followed it to the next step and ruled that the legislators who had access to these documents should be required by the court to turn those documents over.

And the third issue was whether or not the Times-Picayune should be awarded attorneys’ fees, having been forced to file the suit by the refusal of the legislators to turn over the documents. And the judge also ruled that they were entitled to attorneys’ fees. So the case, because the legislators disagreed with the ruling, was appealed to the next step. It was a fourth circuit court of appeals in the State of Louisiana.

That court decided the district court had ruled correctly in the first instance, that these were public documents, but they did not grant the writ of mandamus. So they reversed the decision of the district court as to the writ of mandamus and they also reversed on the question of attorney’s fees. So in this situation, the Times-Picayune disagreed with that ruling and they appealed, or filed for a writ of certiorari for a hearing before the State supreme court.

Enter Judge Dennis. Judge Dennis’ son had been granted a tuition waiver. Of course his name would be among those in the records held by Tulane University. These tuition waivers had a value to his son of about $60,000. Judge Dennis himself had been a member of the legislature and, as such, had the right to grant scholarships himself when he was a member of the legislature, and, as such, had the right to grant scholarships himself when he was a member of the legislature, and, as such, had the right to grant scholarships himself when he was a member of the legislature.

Mr. President—President Clinton nominated Judge Dennis in the last Congress—had a cursory hearing. Judge Dennis was asked five questions. There was no witness who appeared for him or against him to testify to any other matters. The committee did not inquire into any of these issues raised by that suit, by Judge Dennis’ participation in the conclusion on that suit at all.

None had heard about it. Judge Dennis knew about it. He had not been questioned by the newspaper about it. He did not tell the Judiciary Committee that.
So the Judiciary Committee reported out the nomination. And after they had done that, then the Times-Picayune wrote this story based on the information they had obtained as a result of this lawsuit and other and independent investigations that had been undertaken by this committee.

So the issue seems to me, is whether or not Judge Dennis adhered to the rulings of the courts, adhered to the standards of ethical conduct, adhered to the code of judicial ethics that he had to be aware of, that was in effect at the time, and which is in effect for all U.S. courts throughout the land. I am going to read from page 1 of the Code of Conduct for Federal Judges.

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary may be preserved.

In the commentary below it says:

Deference to the judgments of rulings of courts depends upon public confidence in the integrity and impartiality of the judiciary. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment.

Mr. President, I submit that the circumstances of this case involving the tuitions waivers in Louisiana, the legislators and their rights under the law—this case that was filed asking for information about the records and past practices of legislators was acted upon by Judge Dennis in disregard of the canons of code of conduct of judges—should be reviewed and considered by the Judiciary Committee.

And in canon 2:

A judge should respect and comply with the law, and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment.

Mr. President, I ask unanimous consent that I may address this for 2 or 3 minutes.

I am a member of the Judiciary Committee. But, as is the Presiding Officer, I am a freshman and, therefore, was not present when the Judiciary Committee undertook this matter in September 1994. There are five new members of the Judiciary Committee. So roughly one-third of the committee is new and did not have an opportunity to review the application, to question the witness, and to resolve matters that may have been raised at that time.

I understand that most of the questions have actually been raised since then. But I suggest that probably raises the question of perhaps having an additional hearing to deal with these questions.

I have the greatest respect for Senators Breaux and Johnston, and I certainly admire their support for this nominee. I understand that Senator Hatch has thought long and hard about this as chairman of the Judiciary Committee, trying to abide by his commitment to the administration to move these nominees along with a minimum of difficulty. But, given the fact that about one-third of the members of the Judiciary Committee have not had an opportunity to question Judge Dennis, and, second, that the transcript from the hearing where that opportunity was afforded is very meager to say the least, perhaps the motion to recommit would be the best course of action to consider at least these new allegations.

I have a copy of the transcript of the proceedings that were held on September 14, 1994. Only one member of the committee was present, the Senator from Alabama. He asked five rather perfunctory questions. I do not mean that to demean his questioning. They are the same questions that I have inquired of other nominees after I have satisfied myself that they possessed the requisite qualifications for the position. The questions were simply to the point of would he follow precedent, would he abide by the Supreme Court law, and so on. Of course, the judge answered yes. So those five minimal questions really do not establish much of a record upon which to make a decision.

Since then we have these allegations—again most recently in the COCHRAN—there are some very serious questions about whether the judge should have recused himself in an extremely important matter in his own State.

I first became aware of this nomination because of the question in my mind about whether or not the proper relationship of judges in Mississippi and Louisiana was being satisfied as a result of the nominee from Louisiana as opposed to a nominee from Mississippi, and very concentrated that the proper relationship may exist within the circuits. We are in the circuit of California, and, obviously, California is a very big part of the ninth circuit. We always want to make sure that we have the proper relationship there, and, if there is an Arizona position available, that position be filled from within Arizona.

I understand that issue has essentially been worked out based on commitments made about future nominees, and I may be wrong in this. But I also understand that Judge Abner Mikva was the person from the White House who wrote the letter expressing the commitment. Senator Mikva, of course, is an important figure there, which illustrates the fact that commitments are important between people but sometimes circumstances change and it is not always possible to fulfill those commitments. So I thought that was resolved. I am not sure that it is. I would like to satisfy myself on that as well.

But, Mr. President, I think it is fair to say that the fact that these allegations are new, they were not before the committee at the time, and, therefore, certainly the Judiciary Committee cannot be blamed, but given the fact that a third of the committee has not participated in hearings on this judge, it seems to me that we would all be better served by having another hearing allowing the judge to come before us so we may question him about these matters. And I would feel much better about the decision that I would have to make later on as a member of the Judiciary Committee having that knowledge before me. Then, when colleagues who are not on the Judiciary Committee ask me what I think as a result of the fact that I participated in the nomination process, I would be in a better position to ask some confidence to say to them I reviewed it, we had him before us. I am convinced he will be just fine, or perhaps I still have some questions about it. But I will not know that unless we have this kind of an opportunity.

So I support the motion that has been made to recommit by the Senator from Mississippi reluctantly because it is not the work for our committee. But I think that is probably the proper thing to do with such an important nomination as a member of the fifth circuit court of appeals.

Again, I appreciate the Senator yielding the time.
issue was. This is just simply something that has not been discussed around the Senate this year. It may have been remembered by some Senators who were here last year. But it is a matter of first impression, and that is why I think it important to have a little bit of time to explain why the concerns are being raised and why the motion to recommit this nomination to the committee is being made.

The Senator from Delaware was good enough to discuss this nomination from his point of view as a former chairman of the Judiciary Committee and his recollections and his information from his staff about this case, but his attitude about it obviously is different from mine on the question of whether or not this is a serious issue and should be carefully considered by the Judiciary Committee after the new information about whether the judge should have recused himself in that case involving the Times-Picayune or whether the judge should be held to a reason for the conclusion that this is not the kind of judgment that we want to see reflected by judges who occupy the second highest court in the land.

The court of appeals is just beneath the supreme court in terms of power and position in the hierarchy of our Federal judicial system. Most cases are disposed of at the court of appeals level which are appealed from the district court or from cases going beyond the court of appeals to the supreme court. So this court, for really all practical reasons, is the court of last resort for most litigants, and so the power and the influence of courts of appeals are immense in our judicial system.

So those who are nominated to serve on that court should be subjected to the most careful scrutiny to determine their qualifications to serve on that court, their quality of judicial temperament, how they would approach the role of a court of appeals judge, and third, their adherence to the code of conduct of judges, their own personal judgment about ethical standards and the extent to which they should set a very high standard and an example, so that persons having business before the courts in our Federal judicial system will have confidence in the integrity of the judges, in their impartiality and in their abilities to be able to discharge these responsibilities at a high degree of excellence.

That is a pretty tall order when you have clearly laid out here a situation where Judge Dennis refused or neglected to let the Judiciary Committee know about this controversy that had arisen which involved him, not just as a judge on the Supreme Court of Louisiana but as a legislator, where he had actually participated in a decision made by the State supreme court not to grant certiorari in a case being appealed to the State Court of Appeals in the State, which involved issues in which he was personally involved and his son was personally involved, not to say that they had, either one, done anything illegal but nonetheless the fact that records of information involving their activities were at issue, and the question was whether or not there was a duty under the law to make this information available to the request of the Times-Picayune newspaper.

That was the question before the court. He was on the court, and he participated in ruling that they did not want to hear that case. The supreme court did not have the right of appeal on this case to that court.

And so the net effect was to affirm or not disturb the decision that had been made by the intermediate court. And one aspect of that intermediate court's decision was not to require legislators to provide that information to the paper. The district court said they had to and they should and granted a writ of mandamus requiring legislators to respond affirmatively to requests and provide that information. They did not have the records in their custody.

The testimony at the trial level from the custodian of records at Tulane University was that Tulane did not give this information was asked for it. They gave the information to the legislators who wanted their records that were kept there about whom they gave these scholarships to, but Tulane was not going to respond to written requests and the legislators were not cooperating. They were not asking Tulane to give them the information so they could give it to the paper. So the question was whether these legislators could be compelled by a court of law or under a writ of mandamus to provide that information to the paper when it was requested.

That was the issue. And the distinguished Senator from Delaware says that was resolved before it got to the supreme court, it was decided but it was not resolved.

I wish to read from the brief of the appellants who were asking the supreme court to take jurisdiction and to hear this appeal in assigning the errors committed by the intermediate court of appeals on page 9 of their brief.

Assignments of error. The Fourth Circuit erroneously reversed that portion of the District Court's judgment which ordered that a writ of mandamus directing the respondents to produce to the Times-Picayune those of the legislators' scholarship nomination forms in the possession of the legislators in the possession of Tulane University.

That puts at issue the interests of Judge Dennis as a legislator. Forget about the fact that his son has gotten a scholarship from another legislator worth $60,000, and his name is in the records and that will be subject to being produced by that legislator upon request from the Times-Picayune. Forget that. Set that aside. I am talking about the judge's personal interest is in not having that assignment of error.

For the Senator from Delaware today that issue was settled, it was not before the State supreme court, is just not true.
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have up to this point, and hence the opportunity today for the Senate to re-examine the situation under this motion to recommit. I hope the Senate will look with favor on the motion, and I urge approval of the motion to recommit the nomination.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I had not planned to speak on this, but there have been some issues raised by both sides that I would like to clarify and put to rest.

One of the most difficult committees in the Congress is the Judiciary Committee. Its work is very important. We handle the confirmation of all judges in the Federal courts and confirmation of many, many other officials.

Nobody takes this responsibility any stronger or any more significantly than do I. Since I have been in the Senate, 19 years, a high percentage of judges who currently sit on the Federal bench have come before the committee while I have been a member. I consider the review of judicial nominees to be one of the most important functions of the Senate.

The committee has completed its investigation of Judge Dennis and into Justice Dennis’ decision not to recuse himself from a lawsuit involving a Louisiana newspaper. Additionally, we have thoroughly investigated the nominee’s failure to notify the committee of the newspaper’s inquiry.

In my humble opinion, a case can be made that Judge Dennis should have recused himself pursuant to canon 2 of the Louisiana Code of Judicial Conduct. I do not believe that he intentionally violated any code of conduct. But, having said that, a case can be made that he should have recused himself in order to avoid the appearance of impropriety.

Now, this is a point Senator BIDEN and I may disagree on. Nevertheless, so everyone understands this, the committee has completed its investigation. Given the evidence before us, I am not satisfied that this isolated incident warrants Judge Dennis’ disqualification from the Federal bench. In this instance, I do not think it does. Judge Dennis has provided answers on these questions to the Committee. It depends on who accepts his answers or not and whether you will give him the benefit of the doubt. I accept his answer.

As chairman, I instructed my staff to offer to brief every member of the committee or members of their staff who wanted to be briefed on this matter prior to it coming to the floor. Additionally, we offered to brief anyone else who wanted to be briefed on this prior to the floor consideration.

I just want to make it very clear that, if the nominee is recommitted, it is my intention that the committee take no further action. I am not going to look into this any further. Everybody knows what there is to know about this. We are not going to hold any further hearings on the matter. If the nomination is recommitted, that is going to be it, as far as I am concerned. Accordingly, I am going to oppose the motion to recommit.

Now, I want to make the distinguished Senators from Mississippi believe there is an imbalance on the fifth circuit. I think Mississippi has not been treated as fairly as it should have been. In that regard, I have gone to the Louisiana Times-Picayune and made it very clear that the very next vacancy that is created, if we pass a new judgeship bill, that Mississippi is going to get that vacancy. And I will personally try to correct that deficiency.

But let us have nobody miss any bets here. The fact is, there is no excuse for anybody saying that we should recommit this and have rehearings and redecide this all over again. We are not going to do that. That decision is going to be made right now and, if the motion to recommit is granted, that is going to be it for Judge Dennis.

I am going to oppose the motion to recommit because we have come a long way. I have seen judges legislate, whether a Republican administration or a Democratic administration, who had some problem in their lifetime that somebody can find some fault with. Some problems are valid to a degree, and the judge claims that they have voted the right way, said that it was an oversight on his part, and basically he has an answer for it. Whether you agree with the judge’s opinions or not, this justice appears to be an honorable, decent justice.

Frankly, I just want to make that clear so everybody knows as they vote here what is going to happen. There were no dissenting votes against the nominee from the committee. Justice Dennis was favorably reported out by unanimous consent. These questions came up afterwards. The committee reviewed this matter, and we offered every Senator or their staff members an opportunity to be briefed on the findings. I do not think there is any reason for anyone to think that this is something that has a first impression that has to upset this particular nominee.

I am willing to abide by the decision of the Senate in this matter, however I want to make the record clear. I am going to vote against this motion to recommit.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the motion?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I do not intend to prolong the debate. I do want to make a record a copy of the newspaper article that has not been printed. I know Senator LOTT put a copy of an article from the Times-Picayune in the RECORD. I think he put in the article dated September 25. There is another article, July 23, I ask unanimous consent that both articles, to be sure we have them in the RECORD, be printed in the RECORD.

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

[From the Times-Picayune, July 23, 1995]

JUDGE DEFENDS HIS TULANE RECORDS VOTE

(By Tyler Bridges)

State Supreme Court Justice James Dennis, whose son received Tulane tuition waivers from 1985 to 1990, was nominated to a federal judgeship by President Clinton. That nomination, to the 5th U.S. Circuit Court of Appeals, was approved by the Senate Judiciary Committee Thursday night and now goes to the Senate floor. Dennis, however, continues to face strong opposition from Mississippi's two senators, who argue that an appointee from their state deserves the judgeship that Dennis is soft on crime. The appeals court hears cases from Texas, Louisiana and Mississippi.

Prior to his election to the Louisiana Supreme Court, Dennis, 59, a native of Monroe, was a state district judge, an appellate judge and a state representative.

The Tulane scholarship that Dennis' son received is awarded under a century-old program that permits every legislator to award a tuition waiver every year.

Jones, now a state senator, declined to explain why he nominated Stephen Dennis.

In a written statement to the newspaper, Dennis said that his decision was prompted by the scholarship on his own, “without my suggestion or help *. * * At that time, Steve was 26 years old, married, and a resident of his district. He was struggling but fully self-supporting and financially independent of me. I was unable to assist Steve in going to law school because of my obligations of support owed to my wife and three younger children. I did not ask (Jones) to nominate Steve for the waiver. I believe that the nomination was made on the basis of Steve’s academic record, his financial need of educational assistance and his outstanding extracurricular and other achievements.”

Dennis in March 1995 voted in the majority of a 6-1 decision to deny The Times-Picayune's request that the Supreme Court review an appeals court's refusal to print the newspaper's suit against the New Orleans legislators.

In a written statement to the newspaper, Dennis said the case did not pose a conflict of interest for him because the appeals court already had upheld The Times-Picayune's primary contention that the nominating form were a public record. Dennis provided a copy of the newspaper article that has not been printed. I think he put in the RECORD.
were not required to get their scholarship nomination forms from Tulane if they did not have the forms in their possession. This issue was important to the newspaper because the defendants had declined to identify their recipients, no longer held the forms themselves and had declined to get the forms from Tulane. In fact, even after the appeals court, four of the five defendants refused to obtain their forms from Tulane and make them public. "I did not have any interest in the outcome of the case," Dennis wrote in the "Leaving the Louisiana Code of Civil Procedure, a judge may refuse himself when "the judge is biased, prejudiced or interested in the cause or its outcome or biased or prejudiced toward or against the parties . . . to such an extent that he would be unable to conduct fair and impartial proceedings."

After the Supreme Court denied the Times-Picayune's request for review, the newspaper filed suit to force Tulane to release the scholarship nomination forms of all Louisiana legislators. Civil District Judge Gerald Caliste had recommended to the legislative committee and get an oral summary of the findings in the Tulane case, a committee spokeswoman said. "We view of the judge's role in the Tulane scholarship case, a committee spokeswoman said.

But the nomination, first made in 1994, has been withdrawn from the United States Senate's consideration after it was held up in the Senate Judiciary Committee for a year. The nomination was supported by two senators, John Breaux and J. Bennett Johnston, but was opposed by two others, Majority Leader Bob Dole, R-Kan., and Majority Whip Trent Lott, the Senate's second most powerful member.

On Wednesday, Bette Phelan, spokeswoman for Breaux, said both her boss and his two children received the Tulane scholarship program. Johnston's two children received the Tulane scholarship program. Breaux got a waiver from former New Orleans Mayor Sidney Barthelemy. Mr. COCHRAN. Mr. President, it seems to me that the facts that led me to file this motion have been fully provided to the Senate. The code, the canons of ethics involving impartiality, the responsibilities of judges under these circumstances have been discussed. I do want to point out that the Fifth Circuit Court of Appeals held that the nomination should be rejected by the Senate. The code, the canons of ethics involving impartiality, the responsibilities of judges under these circumstances have been discussed. I do want to point out that the Fifth Circuit Court of Appeals held that the nomination should be rejected by the Senate. The code, the canons of ethics involving impartiality, the responsibilities of judges under these circumstances have been discussed. I do want to point out that the Fifth Circuit Court of Appeals held that the nomination should be rejected by the Senate. The code, the canons of ethics involving impartiality, the responsibilities of judges under these circumstances have been discussed. I do want to point out that the Fifth Circuit Court of Appeals held that the nomination should be rejected by the Senate. The code, the canons of ethics involving impartiality, the responsibilities of judges under these circumstances have been discussed. I do want to point out that the Fifth Circuit Court of Appeals held that the nomination should be rejected by the Senate. The code, the canons of ethics involving impartiality, the responsibilities of judges under these circumstances have been discussed.

Mr. President, I urge the Senate to approve the motion to recommend the nomination at 3 p.m. today, 25 minutes from now.
The legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, I ask for the yeas and nays on the motion to recommit.

The PRESIDING OFFICER. The motion to recommit failed by the following vote:

YEAS & NAYS

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. DOLE. I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

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

LEGISLATIVE SESSION

Mr. DOLE. I ask unanimous consent that the Senate now resume legislative session.

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

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Mr. DOLE. I now ask unanimous consent that the Senate turn to the consideration of the State-Justice-Commerce appropriations bill.

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

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with amendments, as follows:

[Tabs of the bill intended to be stricken are shown in boldface bracket and tabs of the bill intended to be inserted are shown in italic.

H.R. 2736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

General Administration

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,329,000, including not to exceed $5,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended:

Provided, That not to exceed 45 permanent positions and full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership program:

Provided further, That not to exceed 7 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Executive Support program:

Provided further, That the two aforementioned programs shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

TRANSFER OF FUNDS

For the joint Automated Booking Station, $11,000,000 shall be made available until expended, to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

POLICE CORPS

For police corps grants authorized by Public Law 103-322, $10,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $26,598,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist threat.
incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities; and (3) the costs of conducting antitrust and related investigations, including the provision of legal services to Federal trade commissions, and their facilities: Provided, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $39,796,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and section 130007 of Public Law 103-322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including activities of the Inspector General Act of 1978, as amended, $30,484,000; including not to exceed $10,000,000 for litigation support and other activities of the Department of Justice, not otherwise provided for, including activities authorized by sections 130005 of Public Law 103-322, $57,593,000; $2,991,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and related laws, $60,143,000, to include not exceeding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for performing mitigation filing under the Hart-Scott-Rodino Antitrust Improvements Act of 1976. (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended:

Provided further, That the sums herein appropriated from the General Fund shall be reduced as such offsetting collections are received during the fiscal year 1996 appropriation of the General Fund estimated at not more than $20,881,000; Provided further, That any fees received in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorney, including intergovernmental agreements, $986,825,000; $920,337,000, of which not to exceed $2,000,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skip tracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for services not covered by the sale proceeds, such as auctioneers’ fees and expenses, maintenance and protection of property, legal fees for litigation and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government for fiscal year 1996. Provided, That the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103-322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

[Support of United States Prisoners] FEDERAL PRISONER DETENTION

For expenses related to United States prisoners in the custody of the United States Marshals Service, in 18 U.S.C. 403, but not including expenses otherwise provided for in appropriations available to the Attorney General; $250,331,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diem of witnesses, for expenses of contracts for the procurement and supervision of services, fees of attorneys, and other expenses, and for per diem in lieu of subsistence, as authorized, including fees, as authorized, $85,000,000, to remain available until expended, which shall be derived from the United States Trustee System Fund.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $101,596,000, to remain available until expended, for fees and expenses authorized by the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-394), which shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to sections 507, 508, 510, 511, 1109, 1309, 1311 and 1312 of title 11, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: Provided further, That the $103,183,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $57,405,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation, as authorized by law, $83,000,000.
purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation, and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

**ASSETS FORFEITURE FUND**

For expenses authorized in section 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $35,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

**RADIATION EXPOSURE COMPENSATION ADMINISTRATIVE EXPENSES**

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

**PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND**

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

**INTERAGENCY CRIME AND DRUG ENFORCEMENT**

For expenses necessary for the detection, investigation, and prosecution of individuals engaged in organized crime drug trafficking, not otherwise provided for, to include international law enforcement and intelligence sharing activities engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $374,943,000, of which $50,000,000 is available until expended, of which not to exceed $70,000 to meet unforeseen emergencies of a confidential character, and of which not to exceed $4,000,000 for expenses related to digital telephony shall be available for obligation only upon enactment of authorization legislation.

**VIOLENT CRIME PROGRAMS**

For expenses authorized by Public Law 103-322, $80,600,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $50,000,000 shall be for activities authorized by section 190001(c); $27,800,000 for activities authorized by section 100001(b); $4,000,000 for Training and Investigative Assistance authorized by section 101002(c); $8,300,000 for training facility improvements at the Federal Bureau of Investigation Academy at Quantico, Virginia authorized by section 190001(c); $22,500,000 for training related to the Office of Congressional Affairs at the Federal Bureau of Investigation, of which not to exceed $50,000 shall be for acts authorized by section 210306.

For activities authorized by Public Law 103-322 or Senate bill 735 as passed by the Senate on June 7, 1995, $303,542,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $50,000,000 shall be for activities authorized in section 521(a)(5) of said Act; of which $148,280,000 shall be for activities authorized in section 521(a)(2) of said Act; of which $13,900,000 shall be for activities authorized in section 521(a)(15) of said Act; and of which $148,280,000 shall be for activities authorized in section 521(a)(7) of said Act; and of which $5,300,000 shall be for activities authorized by section 210501(c)(3); and $5,500,000 for establishment of the Violent Crime Reduction Trust Fund.

**INTERAGENCY LAW ENFORCEMENT**

For necessary expenses of the Drug Enforcement Administration, $953,934,000.

**VIOLENT CRIME REDUCTION PROGRAMS**

For expenses authorized by Public Law 103-322, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $50,000,000 shall be for activities authorized by section 100001(c); $27,800,000 for activities authorized by section 100001(b); $4,000,000 for Training and Investigative Assistance authorized by section 101002(c); $8,300,000 for training facility improvements at the Federal Bureau of Investigation Academy at Quantico, Virginia authorized by section 190001(c); $22,500,000 for training related to the Office of Congressional Affairs at the Federal Bureau of Investigation, of which not to exceed $50,000 shall be for acts authorized by section 210306 of Public Law 103-322.

**CONSTRUCTION**

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including purchase, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $25,000,000 for construction and extension of federally owned buildings; and preliminary planning and design of projects; $96,400,000 for official reception and representation expenses).

**FEDERAL BUREAU OF INVESTIGATION**

**SALARIES AND EXPENSES**

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,315,341,000, of which not to exceed $50,000,000 is available until expended, of which none of the funds available to the Immigration and Naturalization Service shall not be augmented by personnel detailed to the Department of Labor and the Social Security Administration to not to exceed $30,000,000, for activities to verify the immigration status of persons seeking employment in the United States; Provided; Further, That none of the funds appropriated in this Act may be used to operate the Border Patrol traffic check points located in San Diego, California, at interstate highway 5 and in Temecula, California, at interstate highway 15; Provided further, That to not exceed 15 positions shall be available for the Office of Public Affairs at the Immigration and Naturalization Service and to not exceed 10 positions shall be available for the Office of Congressional Affairs at the Immigration and Naturalization Service; Provided further, That the two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel in either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

**DRUG ENFORCEMENT ADMINISTRATION**

**SALARIES AND EXPENSES**

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conduct- ing drug education and training programs, including travel and related expenses for participants in such programs and the development of training materials; $30,000,000 for Training and Investigative Assistance authorized by section 101002(c); $8,300,000 for training facility improvements at the Federal Bureau of Investigation Academy at Quantico, Virginia authorized by section 190001(c); $27,800,000 for activities authorized by section 100001(b); $96,400,000 for official reception and representation expenses.

$35,153,000 for expanded special deportation proceedings, and $5,500,000 for border patrol equipment.

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which $65,000,000 is available until expended, of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training; Provided, That none of the funds available to the Immigration and Naturalization Service shall be for activities authorized by law (including purchase, lease, maintenance and operation of aircraft; and not to exceed $2,000,000 for technical and laboratory equipment. That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,315,341,000, of which not to exceed $50,000,000 is available until expended, of which none of the funds available to the Immigration and Naturalization Service shall not be augmented by personnel detailed to the Department of Labor and the Social Security Administration to not to exceed $30,000,000, for activities to verify the immigration status of persons seeking employment in the United States; Provided; Further, That none of the funds appropriated in this Act may be used to operate the Border Patrol traffic check points located in San Diego, California, at interstate highway 5 and in Temecula, California, at interstate highway 15; Provided further, That to not exceed 15 positions shall be available for the Office of Public Affairs at the Immigration and Naturalization Service and to not exceed 10 positions shall be available for the Office of Congressional Affairs at the Immigration and Naturalization Service; Provided further, That the two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel in either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

**VIOLENT CRIME REDUCTION PROGRAMS**

For expenses authorized by sections 130005, 130006, 130007, and 190001(b) of Public Law 103-322, $12,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

For expenses authorized by sections 210306 of Public Law 103-735 as passed by the Senate on June 7, 1995, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.
For activities authorized by sections 130005, 130006, and 130007 of Public Law 103-322, $165,362,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $30,360,000 shall be for expenditures of denial asylum applicants, $114,463,000 for improving border controls, and $40,539,000 for expanded special deportation procedures.

BORDER PATROL SALARIES AND EXPENSES

For expenses necessary for Border Patrol Operations, $498,200,000, to remain available until expended.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by section 130006 of Public Law 103-322, $127,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and provision of technical assistance services; for the provision of technical assistance and advice on corrections related issues, and for the provision of technical assistance and advice on corrections related issues, $492,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct facilities for the detention of serious offenders, as provided in section 5107 of the Violent Crime Control and Safe Streets Act of 1968, as amended (the "1968 Act"); and the Victims of Child Abuse Act of 1990, as amended (the "1990 Act"); the maximum amount of $100,900,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which not to exceed $10% of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", for administrative services, and for services as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian Tribes, as authorized by section 1001(a)(19) of the 1968 Act; $27,000,000 for grants for Residential Substance Abuse Treatment Programs for State Prisoners, as authorized by section 1001(a)(22) of the 1968 Act; for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 24003(b)(1) of the 1994 Act: Provided further, That any balances for these programs shall be transferred to and merged with this appropriation.

CIVIL LEGAL ASSISTANCE

For grants to States for civil legal assistance as provided in section 120 of this Act, $210,000,000.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of the Act, $750,000,000 shall be made available until expended, which shall be for the Court Assistance Grants, as authorized by section 120 of this Act: Provided further, That any balances of funds appropriated for fiscal year 1995 under this Act, which it has an interest.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons, authorized by section 2001(e)(1) of Public Law 103-322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons, authorized by section 2001(e)(2) of Public Law 103-322, $225,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FOR STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants contracts, cooperative agreements authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of the Act, $750,000,000 shall be made available until expended, which shall be for the Court Assistance Grants, as authorized by section 120 of this Act: Provided further, That any balances of funds appropriated for fiscal year 1995 under this Act, which it has an interest.

VIOLENT CRIME REDUCTION PROGRAMS

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons, authorized by section 2001(e)(2) of Public Law 103-322, $225,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons, authorized by section 2001(e)(2) of Public Law 103-322, $225,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.
SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That no portion in any way diminishes the effect of section 104 which intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available under heading "Justice Assistance Grants" for purposes of paying rewards and shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act and shall not be available until the appropriations for Justice Assistance, Violent Crime Prevention and Treatment Programs, Juvenile Justice Programs, Justice Assistance'': Provided, That any transfer pursuant to this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. For fiscal years beginning after the fiscal year thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund.

SEC. 109. Section 524(c)(9) of title 28, United States Code, is amended by adding subpar.

"(E) Subject to the notification procedures contained in section 605 of Public Law 103-121, and after satisfying the transfer requirements of the preceding paragraph, any excess unobligated balance remaining in the Fund on September 30, 1995 shall be
available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, investigatory, prosecutorial, and correctional activities, or any other authorized purpose of justice accounts other than those authorized in this Act, or in previous or subsequent appropriations Acts for the Department of Justice, for or in connection with the law enforcement, litigative/prosecutive, and correctional activities of the States, with the right to inspect, records that the Attorney General or Comptroller General of the United States reasonably requires to review compliance with this title; and

(f) the State will fund the future needs of local government to fund the future needs of the State or States receiving the notice, the Attorney General shall make a payment to a State under this title only if a State has submitted an application to the Attorney General in such form, and containing such information, as is the Attorney General may reasonably require.

SEC. 10003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $2,050,000,000 for fiscal year 1996;
(2) $2,150,000,000 for fiscal year 1997;
(3) $1,900,000,000 for fiscal year 1998;
(4) $1,900,000,000 for fiscal year 1999; and
(5) $2,100,000,000 for fiscal year 2000.

SEC. 10004. LIMITATION ON USE OF FUNDS.

"Funds made available to States under this title shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this title, be made available from State or local sources."

SEC. 115. VIOLENT OFFENDER INCARCERATION AND TRUTH IN SENTENCING GRANTS.

Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:—


SEC. 10010. GRANTS FOR CORRECTIONAL FACILITIES.

There are authorized to be appropriated to States organized as multi-State or other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of conventional correctional facilities, including prisons and jails, for the confinement of violent offenders, to ensure that prison cell space is available for the confinement of violent offenders and to implement truth in sentencing laws for sentencing violent offenders.

(b) ELIGIBILITY.—To be eligible to receive a grant under this title, a State or States organized as multi-State or other units of local government shall submit an application to the Attorney General that includes—

(1)(A) except as provided in subparagraph (B), assurances that the State or States, have implemented policies that provide for the receipt of violence offender, and that the State or States will provide for the receipt of violence offender, and that the State or States will

(b) in the case of a State that on the date of enactment of the Department of Justice Appropriations Act, 1996 practices indeterminate sentencing, a demonstration that average times served for the offenses of murder, rape, robbery, and assault in the State exceed by at least 10 percent the national average age of time served for such offenses in all of the States;

(2) assurances that the State or States have implemented policies that provide for the recognition of the rights and needs of crime victims;

(3) assurances that funds received under this section will be used to construct, develop, expand, modify, operate, or improve conventional correctional facilities;

(4) assurances that the State or States have involved counties and other units of local government, when appropriate, in the construction, development, expansion, modification, operation, or improvement of conventional correctional facilities designed to ensure the incarceration of violent offenders, and that the State or States will share funds received under this section with counties and other units of local government,
taking into account the burden placed on the units of local government when they are required to confine sentenced persons because of overcrowding in State prison facilities.

(5) The amounts of funds made available under this section shall be allocated as follows: (A) Violent Offender Incarceration Grant Program.---Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for violent offender incarceration grants to States. (B) Allocation of Violent Offender Incarceration Funds.---Funds made available to carry out this section shall be allocated as follows: (1) 0.6 percent shall be allocated to each eligible State, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent. (2) The amount remaining after application of paragraph (1) shall be allocated to each eligible State in proportion to the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year bears to the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the previous year.

SEC. 10204. RULES AND REGULATIONS.

(a) In General.---Not later than 60 days after the date of enactment of the Department of Justice Appropriations Act, 1996, the Attorney General shall issue rules and regulations regarding the use of grants funds received under this subtitle.

(b) Best Available Data.---If data regarding part 1 violent crimes in any State for the previous year is unavailable or substantially inaccurate, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

SEC. 2005. DEFINITIONS.

"(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

(2) since 1993---

(a) Truth in Sentencing Grant Program.---Fifty percent of the total amount of funds appropriated to carry out this subtitle for each of fiscal years 1996, 1997, 1998, 1999, and 2000 shall be made available for truth in sentencing incentive grants. To be eligible to receive such funds, a State shall implement the requirements of section 10103(b) and shall demonstrate that--

(1) has in effect laws that require that persons convicted of a violent crime or serious drug offense serve not less than 85 percent of the sentence imposed; (2) since 1993---

(A) has increased the percentage of convicted violent offenders sentenced to prison;

(B) has increased the average prison time that will be served in prison by convicted violent offenders sentenced to prison;

(C) has in effect at the time of application laws requiring that a person who is convicted of a violent crime shall serve not less than 90 percent of the sentence imposed if--

(i) the person has been convicted on 1 or more prior occasions in a court of the United States or of a State of a violent crime or a serious drug offense; and

(ii) each violent crime or serious drug offense was committed after the defendant's conviction of the preceding violent crime or serious drug offense; or

(3) the case of a State that on the date of enactment of the Department of Justice Appropriations Act, 1996 practices indeterminate sentencing, a demonstration that average times served for murder, robbery, and assault in the State exceed by at least 10 percent the national average time served for such offenses in all the States.

SEC. 118. (a) Except as provided in subsection (b), the restrictions on the commercial sale of firearms, ammunition, and accessories provided by the Federal Firearm Act of 1934, as amended, or to being awarded such a grant under subsection (b) or to being awarded such a contract, the Attorney General may require, except that the Attorney General shall not impose a requirement on an individual or person as a condition to bidding on a contract under subsection (b) or to being awarded such a contract which requirement is different from any other requirement of this section.

(b) Each State shall be made to States in such proportion as the number of residents of each State which receives a grant who live in households having incomes equal to or less than the poverty line established under section 9902(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) bears to the total number of residents in the United States living in such households: Provided, That, in States which have significant numbers of such households that are also Native American households, grants to such States shall be equal to an amount that is 140 percent of the amount such States would otherwise receive under this paragraph.

(c) Each State may in any fiscal year retain for the custodial cost, or the United States or its political subdivisions, the percentage of the amount granted to the State under paragraph (1) in such fiscal year. The remainder of such grant shall be paid under contracts to nonprofit legal service providers for the provision in the State of qualified legal services. If a State which has received a grant under paragraph (1) has at the end of any fiscal year funds remaining which have not been obligated, the State shall return such funds to the Attorney General.

(d) No State may receive a grant under paragraph (1) unless the State has certified to the Attorney General that the State will comply with and enforce the requirements of this section.

SEC. 119. (a) Grants to States.---(1) The Attorney General shall make grants to States for the purposes of the National Voter Registration Act of 1993. (b) The Attorney General shall make grants to States for the purpose of providing any legal service; (c) To solicit in-person any client for the purpose of providing any legal service;
(1) to pay for any personal service, advertisement, telegram, telephone communication, letter, or printed or written matter or to pay administrative expenses or related expenses, associated with an activity prohibited in this paragraph;

(2) to pay any voluntary membership dues to any private or non-profit organization; or

(3) to pay for any expenses or services for the provision of qualified legal services.

(4) A State which receives a grant under paragraph (a) shall make funds under the grant available for contracts entered into for the provision of qualified legal services within the State.

(5) The authority which awarded a contract to a qualified legal service provider if such individual is licensed to practice law in any State; and who is so licensed during the period of a contract under subsection (b).

(6) A qualified legal service provider shall make and maintain records detailing the basis upon which the provider determined the qualifications of qualified clients. Such records shall be made and maintained for 5 years following the termination of a contract under subsection (b) for the provision of legal services to such clients.

(7) A qualified legal service provider shall make and maintain records detailing the basis upon which the provider determined the qualifications of qualified clients. Such records shall be made and maintained for 5 years following the termination of a contract under subsection (b) for the provision of legal services to such clients.

(8) A qualified legal service provider shall conduct audits by the General Accounting Office, the Attorney General, and the authority which awarded a contract to such provider. Any such audit may be conducted at the provider's place of business and shall be limited to a determination of whether such provider is meeting the requirements of this Act and the provider's contract under subsection (b).

(9) A qualified legal service provider shall conduct an annual financial audit by a qualified certified public accountant which encompasses the entire term of a contract awarded under subsection (b) and shall report a report of such audit to the authority which awarded a contract to such provider within 60 days of the termination of such contract.

(10) The authority which awarded a contract shall terminate a qualified legal service provider if such individual has engaged in criminal conduct, including the harboring of a nuisance in a household of the income of which any source, which was received or held for the benefit of a member of the household, was equal to or less than the poverty line established under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)). The term "household" means a dwelling occupied by at least one adult.

(11) The term "qualified cause of action" means only a civil cause of action which results from—

(i) a landlord and tenant dispute;

(ii) a separation or divorce proceeding;

(iii) a claim for personal injury; or

(iv) a claim for property interest in a living trust.

(12) The term "qualified legal service provider" means—

(i) any individual who is licensed to practice law in a State; and

(ii) any person whose license is suspended or revoked for a period of more than 1 year.

(13) The term "qualified legal service provider" means—

(i) any individual who is licensed to practice law in a State; and

(ii) any person whose license is suspended or revoked for a period of more than 1 year.

(14) The term "qualified legal service provider" means—

(i) any individual who is licensed to practice law in a State; and

(ii) any person whose license is suspended or revoked for a period of more than 1 year.

(15) The term "qualified legal service provider" means—

(i) any individual who is licensed to practice law in a State; and

(ii) any person whose license is suspended or revoked for a period of more than 1 year.

Having been convicted of a felony; or

(iii) has been suspended or disbarred from the practice of law for misconduct, incompetence, or neglect of a client in any State;

(iv) has been found in contempt of a court of competent jurisdiction in any State or Federal court; or

(v) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(vi) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(vii) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(viii) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(ix) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(x) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xi) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xii) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xiii) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xiv) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xv) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xvi) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xvii) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xviii) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xix) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(xx) has been sanctioned under Federal Rule of Civil Procedure 11 or an equivalent State rule of procedure applicable in civil actions; or

(20) The term "qualified legal service provider" means—

(A) any individual who is licensed to practice law in a State;

(B) any person whose license is suspended or revoked for a period of more than 1 year;

(C) any person whose license is suspended or revoked for a period of more than 1 year;

(D) any person whose license is suspended or revoked for a period of more than 1 year;

(E) any person whose license is suspended or revoked for a period of more than 1 year;

(F) any person whose license is suspended or revoked for a period of more than 1 year;

(G) any person whose license is suspended or revoked for a period of more than 1 year;

(H) any person whose license is suspended or revoked for a period of more than 1 year;

(I) any person whose license is suspended or revoked for a period of more than 1 year;

(J) any person whose license is suspended or revoked for a period of more than 1 year;

(K) any person whose license is suspended or revoked for a period of more than 1 year;

(L) any person whose license is suspended or revoked for a period of more than 1 year;

(M) any person whose license is suspended or revoked for a period of more than 1 year;

(N) any person whose license is suspended or revoked for a period of more than 1 year;

(O) any person whose license is suspended or revoked for a period of more than 1 year;

(P) any person whose license is suspended or revoked for a period of more than 1 year;

(Q) any person whose license is suspended or revoked for a period of more than 1 year;

(R) any person whose license is suspended or revoked for a period of more than 1 year;

(S) any person whose license is suspended or revoked for a period of more than 1 year;

(T) any person whose license is suspended or revoked for a period of more than 1 year;

(U) any person whose license is suspended or revoked for a period of more than 1 year;

(V) any person whose license is suspended or revoked for a period of more than 1 year;

(W) any person whose license is suspended or revoked for a period of more than 1 year;

(X) any person whose license is suspended or revoked for a period of more than 1 year;

(Y) any person whose license is suspended or revoked for a period of more than 1 year;

(Z) any person whose license is suspended or revoked for a period of more than 1 year;
with the Legal Services Corporation shall be transferred to Office of the Attorney General.

This title may be cited as the "Department of Justice Appropriations Act, 1996."

TITLE V Ð DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELAT Ed AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,889,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including the hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $34,000,000.

CONGRESSIONAL RECORD Ð SENATE

That not to exceed $2,500 for official reception and representation expenses.

DEPARTMENT OF COMMERCE

SALARIES AND EXPENSES

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, with regard to 44 U.S.C. 107, medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contracts for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary facilities; reimbursement of expenses for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representatives abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without office limitation otherwise established by law; $30,504,000.

TEMPORARY CENSUSES AND PROGRAMS

That not to exceed $30,000 for official representation expenses, $34,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

SALARIES AND EXPENSES

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 107, medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contracts for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary facilities; reimbursement of expenses for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representatives abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without office limitation otherwise established by law; $30,504,000.

For grants for economic development assistance programs, $5,000,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

For grants for economic development assistance programs, $5,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND INFORMATION INFRASTRUCTURE

For expenses necessary to collect, compiling, analyzing, preparing, and publishing statistics, provided for by law, $135,000,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $193,450,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $19,709,000.

For spectrum management, $9,000,000, to remain available until expended.

For necessary expenses of the Department of Commerce in fostering, promoting, and developing enterprises, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525±1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

For grants authorized by section 302 of the Communications Act of 1934, as amended, $19,900,000.

For grants authorized by section 391 of the Act, the prior year unobligated balance of $9,000,000 shall be available until expended.

For grants authorized by section 391 of the Act, the prior year unobligated balance of $9,000,000 shall be available until expended.

For grants authorized by section 391 of the Act, the prior year unobligated balance of $9,000,000 shall be available until expended.

For participation in the White House Conference on Travel and Tourism, $2,000,000, to remain available until December 31, 1995: Provided, That none of the funds appropriated by this Act shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended.

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1996:

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1996:

ECONOMICS AND STATISTICS ADMINISTRATION

REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525±1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $135,000,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $193,450,000.

ECONOMIC DEVELOPMENT ASSISTANCE

For expenses necessary for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 107, medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contracts for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary facilities; reimbursement of expenses for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representatives abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without office limitation otherwise established by law; $30,504,000.

For grants for economic development assistance programs, $5,000,000.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance programs, $5,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1996:

ECONOMICS AND STATISTICS ADMINISTRATION

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1996:

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1996:

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $57,220,000, to remain available until September 30, 1996:
For grants authorized by section 392 of the Communications Act of 1934, as amended, $40,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $4,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act, not to exceed 5 percent may be available for telecommunications research activities for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

**Patent and Trademark Office**

**Salaries and Expenses**

For necessary expenses of the Patent and Trademark Office, provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $580,000,000 $56,324,000, to remain available until expended, provided further, That none of the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 320 and 394 shall remain available until expended.

**Science and Technology**

**National Institute of Standards and Technology**

**Scientific and Technical Research and Services**

For necessary expenses of the National Institute of Standards and Technology, $263,000,000 $222,737,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the “Working Capital Fund”.

**Industrial Technology Services**

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology and the Advanced Technology Program, $501,100,000 $76,600,000, to remain available until expended, of which not to exceed $5,000,000 may be transferred to the “Working Capital Fund”: Provided, That none of the funds made available under this heading are to be derived from deposits, and that none of the funds made available under this heading may be used for the planning and construction of aeronautical charting programs: Provided further, That none of the funds made available under this heading may be used for the purposes of providing additional funding for aircraft acquisition, maintenance, operation, or purchase of aircraft, not to exceed 358 commissioned officers on the active list: Provided further, That none of the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 320 and 394 shall remain available until expended.

**Coastal Zone Management Fund**

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in the National Oceanic and Atmospheric Administration, $56,324,000 for purposes set forth in 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(c) 1461(e).

**Constitution**

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $42,733,000 $50,000,000, to remain available until expended.

**Fleet Modernization, Shipbuilding and Conversion**

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue the plan of repositioning of the fleet, $31,133,000 $42,733,000 for the National Oceanic and Atmospheric Administration, $250,000,000, to remain available until expended.

**Air Gear Damage Compensation Fund**

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,000,000 for the compensation of the loss or damage to aircraft and vessels and equipment and for the administration of the Fund.

**Fishermen’s Contingency Fund**

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $999,000, for the purpose of reimbursing fishermen pursuant to that Act, to remain available until expended.

**Foreign Fishing Observer Fund**

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 100-627) and the American Fisheries Promotion Act (Public Law 96-566), there are appropriated from the fees imposed under those Acts, not to exceed $196,000, to remain available until expended.

**Fishing Vessel Obligations Guarantees**

For the cost, as defined by the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: Provided, That any guarantee made prior to October 1, 1996, with respect to amounts made available under this heading may be used to guarantee loans for the purchase of any new or existing fishing vessel.

**Technology Administration**

**Under Secretary for Technology/Office of Technology Policy**

**Salaries and Expenses**

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $5,000,000.

**General Administration**

**Salaries and Expenses**

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

**Office of Inspector General**


**Commerce Reorganization Transition Fund**

For deposit in the Commerce Reorganization Transition Fund established under section 206(c)(1) of this Act for use in accordance with section 206(c)(4) of this Act, $52,000,000, in addition to amounts made available by transfer, which amount shall remain available until expended: Provided, That these funds, $4,000,000, shall be remitted to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

**General Provisions—Department of Commerce**

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Under Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act shall be available for the production of aircraft and for the manufacture of aircraft engines, and funds and coupons appropriate for the purchase of aircraft motors may be used for aircraft motors as authorized by 31 U.S.C. 1344; and grants, contracts, and cooperative agreements for the construction or purchase of aircraft may be used for the construction or purchase of aircraft as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used for the production of aircraft engines, parts of aircraft engines, or aircraft and associated equipment, and grants, contracts, and cooperative agreements for the construction or purchase of aircraft may be used for the construction or purchase of aircraft in the manufacture of any aircraft, automotive vehicle, or associated equipment.

SEC. 204. None of the funds provided in this Act or any previous Act, or hereinafter made...
available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses allowed by law, during the period beginning on the date of enactment of this Act and ending on December 15, 1995, as authorized by section 8501 of title 5, United States Code, for services performed after October 1, 1990, by individuals appointed to temporary positions for the purpose of conducting the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, and any such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

TITLE II—the United States Court of Appeals for the Federal Circuit

SEC. 206. CONSOLIDATION OF FUNCTIONS OF COMMERCE DEPARTMENT.

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Director of the Office of Management and Budget shall, in consultation with the Secretary of Commerce—

(1) abolish, reorganize, consolidate, or transfer such functions that either receive funding or are eligible for such funding as the Director considers appropriate in order to meet the requirements and limitations set forth in this section; and

(2) terminate or transfer such personnel associated with such functions as the Director considers appropriate in order to meet such requirements and limitations.

(2) UNIFORM RULES.—The Director of the Office of Management and Budget shall establish such rules and procedures relating to the abolishment, reorganization, consolidation, or transfer of functions under subsection (a) and such rules and procedures relating to the rights and responsibilities of personnel of the Government terminated, transferred, or otherwise affected by such the abolishment, reorganization, consolidation, or transfer.

(b) BUY OUT AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Commerce may, for such officers and employees as the Secretary considers appropriate as part of the requirements of subsection (a), authorize a payment to officers and employees who voluntarily separate on or before December 15, 1995, whether by retirement or resignation.

(2) DEFINITION.—Payment under paragraph (1) shall be paid in accordance with the provisions of sections 3 and 4 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on December 15, 1995.

(3) FUNDING.—

(A) IN GENERAL.—The payment of voluntary separation incentive payments under this subsection shall be made from funds in the Commerce Reorganization Transition Fund established under subsection (c).

(B) NOT TO EXCEED FUNDING.—The Secretary of Commerce shall not pay voluntary separation incentive payments under this subsection unless sufficient funds are available in the Commerce Reorganization Transition Fund to cover the cost of such payments and the costs of any other payments (including payments or deposits to retirement systems) required in relation to such payments.

(C) COMMERCE REORGANIZATION TRANSITION FUND.—

(1) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the "Commerce Reorganization Transition Fund".

(2) PURPOSE.—The purpose of the account is to provide funds for the following:

(A) To cover the costs of actions relating to the abolishment, reorganization, consolidation, or transfer of functions under subsection (a), including any payments or deposits to retirement systems required in relation to such actions.

(B) To cover the costs of the payment of payments under subsection (b), including any payments or deposits to retirement systems required in relation to such actions.

(3) DEPOSITS.—There shall be deposited into the account such sums as may be appropriated or transferred to the account.

(4) USE OF FUND.—Sums in the account shall be available for obligation or expenditure only for the purposes set forth in paragraph (2).

(5) REPORT ON ACCOUNT.—Not later than October 1, 1997, the Secretary of Commerce shall transmit to the Committees on Appropriations and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations and Government Reform and Oversight of the House of Representatives a report containing an accounting of the expenditures from the account established by this section. This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".
elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

**Administrative Office of the United States Courts**

**Salaries and Expenses**

For necessary expenses of the Administrative Office of the United States Courts as authorized by 31 U.S.C. 134(c), $34,000,000 shall be available for official reception and representation expenses.

**Fiscal Year 1996 Appropriations Act**

This title may be cited as "The Judiciary Appropriations Act, 1996."
$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

**Repatriation Loans Program Account**

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

**Payment to the American Institute in Taiwan**

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $15,165,000.

**Payment to the Foreign Service Retirement and Disability Fund**

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

**International Organizations and Conferences**

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified or treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $858,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103-236 for fiscal year 1996: Provided further, That certification under section 401(b) of Public Law 103-236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Organizations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103-236 at least 30 days before the date of the certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or before October 1, 1994, through external borrowings.

**Contributions to Nonprofit Organizations**

For necessary expenses to pay assessed and determined contributions of section 401(b) of Public Law 103-236 of this Act, to meet obligations of the United States arising under treaties, or specific Acts of Congress, $550,000,000: Provided, That funds shall be available for peace-keeping expenses only upon a certification by the Secretary of State to the appropriating committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peace-keeping activities directed to the maintenance or restoration of international peace and security.

**International Conferences and Committees**

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1966, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4065.

**International Commissions**

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

**International Boundary and Water Commission, United States and Mexico**

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

**Salaries and Expenses**

For salaries and expenses, not otherwise provided for, $12,358,000.

**Construction**

For detailed plan preparation and construction of authorized projects, $5,644,000.

**American Sections, International Commissions**

For necessary expenses, not otherwise provided for, the International Joint Commission, United States and Canada, as authorized by 22 U.S.C. 2696(c).

**Repatriation Loans Program Account**

For necessary expenses for the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

**Payment to the Asia Foundation**

If for a grant to the Asia Foundation, as authorized by section 501 of Public Law 103-236, $10,000,000 to remain available until expended as authorized by 22 U.S.C. 2689(c).

**General Provisions—Department of State**

**Sec. 401.** Funds appropriated under this title shall be available, except as otherwise provided, for all transfers and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 701 (434b).

**Sec. 402.** Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be considered an obligation or expenditure except in compliance with the procedures set forth in that section.

**Sec. 403.** Funds appropriated or otherwise made available under this Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, and such other employees as actual hours worked by such Commissioner may require.

**Sec. 404.** Consolidation of Redundant Foreign Relations Functions.

(a) Consolidation of Functions

(1) The Secretary of State shall, in consultation with the Director of the Office of Management and Budget, create an efficient and effective organization of the Department of State, and the Arms Control and Disarmament Agency, for the discharge of functions of the Department of State, the Arms Control and Disarmament Agency, and the United States Information Agency, that will meet the requirements of paragraph (1), the Director of the Office of Management and Budget may also carry out such other functions as the Director and the heads of such entities consider appropriate to eliminate the redundancy in such functions.

(2) Scope of consolidation.—In carrying out the requirements of paragraph (1), the Director of the Office of Management and Budget may provide for the discharge of functions of the entities referred to in such paragraph by a single office within one of the entities.

(3) Additional consolidation authority.—In addition to the actions under paragraphs (1) and (2), the Director of the Office of Management and Budget may also carry out any other actions to consolidate and reorganize the functions of the Department of State, the United States Information Agency, and the United States Arms Control and Disarmament Agency as the Director and the heads of such entities consider appropriate to ensure the effective and efficient discharge of the responsibilities of such entities.

(4) Actions authorized.—The actions that the Director of the Office of Management and Budget may take under this subsection include the following:

(A) The abolishment, reorganization, consolidation, or transfer of functions in whole or in part.

(B) The termination or transfer of the personnel associated with functions so abolished, reorganized, consolidated, or transferred.

(C) Transition rules. The Director of the Office of Management and Budget shall establish such rules and procedures relating to the
consolidation of foreign relations functions under this subsection as the Director considers appropriate, including rules and procedures relating to the rights and responsibilities of personnel transferred, or otherwise affected by actions to carry out the consolidation.

(b) VOLUNTARY SEPARATION INCENTIVES.—

(1) AMOUNT TO PAY INCENTIVES.—The head of an agency referred to in paragraph (2) may pay voluntary separation incentive payments to employees of the agency to avoid or minimize the need for involuntary separations from the agency as a result of the consolidation of foreign relations functions under subsection (a).

(2) PAYMENT TO EMPLOYEES.—Paragraph (1) applies to the following agencies:

(A) The Department of State.

(B) The United States Information Agency.

(C) The United States Arms Control and Disarmament Agency.

(3) PAYMENT REQUIREMENTS.—

(A) In the case of an agency referred to in paragraph (2) shall pay voluntary separation incentive payments under this subsection in accordance with the provisions of section 410 of the Federal Force Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on December 15, 1995.

(B) SUBSEQUENT EMPLOYMENT WITH GOVERNMENT.—The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this subsection.

(f) FUNDING.—

(A) IN GENERAL.—The payment of voluntary separation incentive payments under this subsection shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under subsection (c).

(B) EXERCISE OF AUTHORITY DEPENDENT ON FUNDING.—The head of an agency may not pay voluntary separation incentive payments under this subsection unless sufficient funds are available in the Foreign Affairs Reorganization Fund to cover the cost of such payments and the costs of any other payment (including payments described in paragraph (5)) made required in relation to such payments.

(5) TERMINATION OF AUTHORITY.—The authority of the head of an agency to authorize the payment of voluntary separation incentive payments under this subsection shall expire on December 15, 1995.

(g) FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND.—

(1) ESTABLISHMENT.—There is hereby established the funds to be known as the Foreign Affairs Reorganization Transition Fund'

(2) PURPOSE.—The purpose of the account to provide funds for the following:

(A) To cover the costs of actions relating to the consolidation of redundant foreign relations functions that are taken under subsection (a).

(B) To cover the costs to the Government of the payment of voluntary separation incentive payments under subsection (b), including any payments or deposits to retirement systems required in relation to such payment.

(C) DEPOSITS.—There shall be deposited into the account such sums as may be appropriated to the appropriation account:

(D) USE OF FUNDS.—Sums in the account shall remain available until expended for the purpose set forth in paragraph (2).

(h) TECHNOLOGY FUND.—Not later than November 15, 1996, the Secretary of State shall transmit to the Committees on Appropriations and Foreign Relations of the Senate and the Committee on Appropriations and the House of Representatives a report containing an accounting of—

(A) the expenditures from the account established under this subsection; and

(B) in the event of any transfer of funds to the Department of State under paragraph (5), dispositions for which the funds so transferred are to be expended.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided for, arms control, nonproliferation, and disarmament activities, $22,700,000, of which not to exceed $50,000 shall be for official representation and international expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities, and related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed 300 for any fiscal year), as authorized by 22 U.S.C. 1471, and entertain, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1452, $465,000; $420,000,000. Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085; Provided, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended; Provided further, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For expenses necessary to carry out the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Israeli Arab Scholarship Program, as amended, the Television Broadcasting to Cuba Act, as amended, the United States International Broadcasting Act of 1994, as amended, and the Technology Fund, for the Israeli Arab Scholarship Program, $2,600,000 to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to carry out the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

PROVISIONS FOR PROGRAM ACTIVITIES

For necessary expenses of the Eisenhower Exchange Fellowships, Incorporated as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5976; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception.

WASHINGTON, D.C.

For expenses necessary to enable the United States Information Agency to carry out the Telecommunications Act of 1996, as amended, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception.
CONGRESSIONAL RECORD Ð SENATE
S 14485

September 28, 1995

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5903-02; not to exceed $600,000 for land and structures; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; not to exceed $16,185,000 in fiscal year 1996 shall remain available until expended.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 31 U.S.C. 1343(b); hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5903-02; not to exceed $15,000,000 for land and structures; not to exceed $2,000,000 for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5903-02; services as authorized by 31 U.S.C. 1343(b); not to exceed $2,000,000 for official reception and representation expenses; $14,855,000; Provided, That not to exceed $3,000,000 shall be available for contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended; Provided further, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and
shall remain available until expended: Provided, further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received prior to October 1, 1996: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligations incurred before July 1, 1996: Provided further, That none of the funds made available to the Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, for grants or contracts to basic field programs may be obligated unless such grants or contracts are awarded on a competitive basis: Provided, That not later than sixty days after enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process: Provided further, That such regulations shall be effective on the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: Provided further, That such regulations shall be effective on the date of enactment of this Act: 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days after enactment of this Act, the Corporation shall promulgate a suggested list of priorities which boards of directors may use in setting priorities under this paragraph;

(10) Receiving financial assistance provided by the Legal Services Corporation, such person or entity agrees to maintain records of time spent on each case or matter on which it is engaged to which such person or entity is engaged in activities: Provided, That any non-Federal funds received by any person or entity provided financial assistance shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds: Provided further, That such person or entity provided financial assistance is presumed to be in compliance with this subparagraph: Provided further, That the Corporation agrees (notwithstanding section 100(d) of the Legal Services Corporation Act) to make such records described in this paragraph available to any Federal department, or agency or independent auditor receiving Federal funds to conduct an audit of the activities of the Corporation or recipient receiving funding under this Act;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1255(h));

(a) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1255(h));

(b) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been denied;

(c) an alien who is lawfully present in the United States pursuant to an admission under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(1)(A) or (B) (RELATION TO IMMIGRATION AND ENTRANCE INTO THE UNITED STATES) or (RELATION TO IMMIGRATION AND ENTRANCE INTO THE UNITED STATES) or to the Legal Services Corporation that is enacted or from any other source; or

(12) that supports or conducts training programs for the purpose of advocating particular public policies or encouraging political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegals to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or in formulating, or with respect to which that person or entity is engaged in activities: Provided, That term "fee-generating case" means any case which, if undertaken on behalf of an eligible client by an attorney in private practice may reasonably be expected to result in a fee for legal services from an award to a client from public funds, from the opposing party, or from a combination of such sources: Provided further, That any person or entity claims, or offers employees or clients, or offers to provide attorneys' fees from nonprofit organizations to parties to litigation initiated by such person or entity is engaged in activities: Provided, That any non-Federal funds received by any person or entity provided financial assistance shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds: Provided further, That such person or entity provided financial assistance is presumed to be in compliance with this subparagraph: Provided further, That the Corporation agrees (notwithstanding section 100(d) of the Legal Services Corporation Act) to make such records described in this paragraph available to any Federal department, or agency or independent auditor receiving Federal funds to conduct an audit of the activities of the Corporation or recipient receiving funding under this Act;
revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 103-73, $1,700,000) and $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997. Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $174,726,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $5,000,000, and for the cost of guaranteed loans, $34,432,000, to remain available until expended, as authorized by 15 U.S.C. 631 note, of which $31,700,000 may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $2,530,000, to remain available until September 30, 1997. Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $520,000, to remain available until expended, provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund" authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE [PROVISION] PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 508. Not to exceed 5 percent of any appropriation made available for the current fiscal year for small business administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in this section.

SEC. 509. (1) Notwithstanding any other provision of law, no funds appropriated under this Act may be used in violation of this subsection.

(2) Notwithstanding section 8 of the Small Business Act or any other provision of law, in carrying out (a) and (d) of section 8 of the Small Business Act, the Administrator shall provide assistance only to qualified small business concerns.

(3) In this subsection—

(A) The term "Administrator" means the Administrator of the Small Business Administration.

(b) The term "area of pervasive poverty, unemployment, and general economic distress" means an area that, based on the most recent decennial census data available from the Bureau of the Census, meets the following criteria—

(i) The unemployment rate for the area (as determined by the most recent decennial census data available from the Bureau of the Census, and the following criteria—

(c) Except in compliance with the procedures set forth in that section.

(d) Each provision to persons or circumstances with respect to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the level of personnel assigned to such posts in Fiscal Year 1995.

SEC. 610. None of the funds made available by this Act may be used to implement, administer, or enforce any guidelines of the Commission on Civil Rights, for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 611. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act shall be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 612. LIMITATION ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.—None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the level of personnel assigned to such posts in Fiscal Year 1995.

SEC. 613. None of the funds made available by this Act may be used to implement, administer, or enforce any guidelines of the Commission on Civil Rights, for the construction, repair, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.
advocated by the National Seattle and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population to protect their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcast) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic monitoring instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading “Fleet Modernization, Shipbuilding and Conversion” may be used to implement sections 603, 604, and 605 of Public Law 102-567.

SEC. 613. None of the funds made available in this Act may be used for “USIA Television Marti Program” under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasting to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions.

SEC. 614. (a) Notwithstanding any other provision of law, neither the Federal Government nor any officer, employee, or contractor of the Federal GovernmentÐ

(A) may intentionally discriminate against, or may grant a preference to, any individual or group based in whole or in part on race, color, national origin, sex, in connection with—

(i) a Federal contract or subcontract;

(ii) Federal employment; or

(iii) any other federally conducted program or activity;

(B) may require or encourage any Federal contractor or subcontractor to intentionally discriminate against, or grant a preference to, any individual or group based in whole or in part on race, color, national origin, or sex; or

(C) may enter into a consent decree that requires, authorizes, or permits any action prohibited by paragraphs (2) and (3).

(b) Notwithstanding any other provision of law, none of the funds made available under this Act may be used in violation of the provisions of paragraphs (2) and (3).

(c) Nothing in this subsection shall be construed to prohibit or limit any classification based on sex if—

(i) a law is bona fide occupational qualification reasonably necessary to the normal operation of a Federal Government entity or Federal contractor or subcontractor involved;

(ii) the classification is designed to protect the privacy of individuals; or

(iii) the classification is applied in a nondiscriminatory manner to all covered individuals.

(d) Nothing in this subsection shall be construed to prohibit or limit any classification based on national origin if—

(i) a law is a bona fide occupational qualification reasonably necessary to the normal operation of the Federal Government; or

(ii) the classification is applied in a nondiscriminatory manner to all covered individuals.

SEC. 615. (a) Notwithstanding any other provision of law, none of the funds made available under this Act shall be used to provide the following personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population to protect their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcast) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic monitoring instrument.

SEC. 616. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading “Fleet Modernization, Shipbuilding and Conversion” may be used to implement sections 603, 604, and 605 of Public Law 102-567.

SEC. 617. None of the funds made available in this Act may be used for “USIA Television Marti Program” under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasting to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions.

SEC. 618. None of the funds made available in this Act may be used for “USIA Television Marti Program” under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasting to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions.

SEC. 619. (a) Notwithstanding any other provision of law, none of the funds made available under this Act may be used in violation of the provisions of paragraphs (2) and (3).

(b) Nothing in this subsection shall be construed to affect any remedy available under any other law.

(c) (1) This subsection shall not affect any case pending on the date of enactment of this Act.

(2) This subsection shall not affect any contract, subcontract, or consent decree in effect on the date of enactment of this Act. The court may grant a preference to, any individual or group based in whole or in part on race, color, national origin, sex, or any other factor to which the order relates.

(3) Nothing in this subsection shall be construed to prohibit or limit any classification based on sex if—

(i) a law is a bona fide occupational qualification reasonably necessary to the normal operation of a Federal Government entity or Federal contractor or subcontractor involved;

(ii) the classification is applied in a nondiscriminatory manner to all covered individuals.

(d) Nothing in this subsection shall be construed to prohibit or limit any classification based on national origin if—

(i) a law is a bona fide occupational qualification reasonably necessary to the normal operation of the Federal Government; or

(ii) the classification is applied in a nondiscriminatory manner to all covered individuals.

SEC. 620. (a) Notwithstanding any other provision of law, none of the funds made available under this Act shall be used to provide the following personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population to protect their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcast) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic monitoring instrument.

SEC. 621. None of the funds made available in this Act may be used for “USIA Television Marti Program” under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasting to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions or expend such funds that such use would be inconsistent with the applicable provisions.
“(2) proportionally related to the extent the plaintiff obtains court ordered relief for that violation.

(3) Definitions.—As used in this section—

(1) the term ‘reliance’ means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal or civil law;

(2) the term ‘relief’ means all relief in any form which may be granted or approved by the court, and includes consent decrees and settlement agreements; and

(3) the term ‘prospective relief’ means all relief other than compensatory monetary damages.

(3) Application of Amendment.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all relief (as defined in such section) whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(4) Clerical Amendment.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended by striking ‘crowding’ and inserting ‘conditions’.

TITLE VII—RESCISSIONS
DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
WORKING CAPITAL FUND
(RESCISION)
Of the unobligated balances available under this heading, $35,000,000 are rescinded.

DEPARTMENT OF COMMERCE
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION
INFORMATION INFRASTRUCTURE GRANTS
(RESCISION)
Of the unobligated balances available under this heading, $115,000,000 are rescinded.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
CONSTRUCTION OF RESEARCH FACILITIES
(RESCISION)
Of the unobligated balances available under this heading, $152,993,000 are rescinded.

DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD
(RESCISION)
Of the unobligated balances available under this heading, $15,000,000 are rescinded.

RELATED AGENCIES
UNITED STATES INFORMATION AGENCY
RADIO CONSTRUCTION
(RESCISION)
Of the unobligated balances available under this heading, $7,400,000 are rescinded.

This Act may be cited as the “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996”.

Mr. GRAMM. Mr. President, we have before us a very complicated bill, a very controversial bill. We are attempting to establish a sequence of activity with a goal of trying to expedite its consideration.

In order that we might try to get all this to come together in a orderly fashion, because I know many of our colleagues hope to be gone this weekend—even some of those who are managing the bill, I plan to be here tomorrow and Saturday, so I am in no hurry; I want to be sure my colleagues understand that—but in order to try to expedite our consideration here, we have put together an amendment that will be offered by Senator HATFIELD, the distinguished chairman of the full committee, an amendment that is co-sponsored by Senator HOLLINGS.

It has to do with adding to our 60(2)(b) allocation; that is, allocating additional money to the subcommittee and then disbursing that money in such a way as to deal with some of the concerns that have been raised against the bill. And so that we could deal with this in a timely fashion, I would like to propose a unanimous-consent request that we have opening statements by the distinguished ranking member of the subcommittee, by myself, by any other Senator who would like to make an opening statement; that then it be in order for us to submit for consideration managers’ amendments that have been agreed to on both sides and any debate there might be on them; and then I would like it to be in order for the distinguished Senator from Oregon, Senator HATFIELD, to offer his amendment with Senator HOLLINGS because it addresses numerous issues.

If we do not do it in that way, we are probably going to simply use up time as we try to deal with those issues by one. We can certainly proceed without this unanimous-consent request, but I hope our colleagues will indulge us since our objective is simply to try to expedite consideration of the bill.

Mr. HOLLINGS, Mr. President, this procedure has been agreed to, so I hope we can proceed along that line.

Mr. BYRD. Mr. President, would the distinguished Senator from Texas yield?

Mr. GRAMM. I would be very happy to yield.

Mr. BYRD. The distinguished chairman spoke of a reallocation of resources?

Mr. GRAMM. Yes, I did.

Mr. BYRD. The chairman of the committee and the ranking member of the full committee are authorized to approve such reallocation. Nobody has proposed this to the ranking member as yet about such a reallocation of resources.

Would the Senator inform me as to whether or not I am going to be contacted on that matter?

Mr. GRAMM. Well, if I might say to the distinguished Senator from West Virginia, I am not his amendment. There has been a series of discussions among Members. Basically what the Senator from Oregon has been doing is trying to find a way through our impasse.

As I am sure our colleagues are aware, our appropriations bill has $4.26 billion less than requested by the President for our subcommittee. It has $1.9 billion less than a freeze. And it has $870 million less than the House.

The Senator HATFIELD had been working with Senator HOLLINGS and others to try to allocate funds to this subcommittee. I was unaware, I must say, that that had not been discussed with the distinguished Senator from West Virginia.

I have an outline of the amendment. But probably what I should do under this circumstance is simply ask unanimous consent that we be able to do opening statements, that we be able to discuss those technical amendments we have agreed to, give the distinguished Senator from West Virginia an opportunity to discuss this with Senator HATFIELD, who is in a meeting with the Secretary of Energy on something very important in his State right now.

When the agreement has been reached and the ranking member, Senator BYRD, is satisfied, then we can proceed with it. And, again, this is not my amendment; I have not been directly involved in it even though I have concluded that this is a prudent thing for us to do.

Mr. BYRD. Well, I certainly thank the distinguished Senator. I know that it is an oversight, an inadvertent one. I want to make clear that such authorizations of reallocations to be made by both the chairman and the ranking member of the full committee. And we make those after contacting various and sundry subcommittee chairmen. And I do not anticipate any problem along that line. But I thought I had better make mention of this before it becomes a problem.

Mr. GRAMM. Well, Mr. President, let me just then ask unanimous consent that we have opening statements by Senator HOLLINGS and myself and any other Member who would wish to make an opening statement, that it also be in order for us to offer managers’ amendments where we have agreement on both sides of the aisle, and that when an agreement is reached between the distinguished chairman and chairman of the full committee and the ranking member, Senator BYRD, that at that point it be in order for Senator HATFIELD to offer his amendment which deals with some 20 different subjects. I think by doing it that way, we can expedite consideration.

So I ask unanimous consent that it be in order to have opening statements, that it be in order for me to offer, on behalf of myself and Senator HOLLINGS, managers’ amendments where there is agreement on both sides of the aisle, and that it then be in order, when the Senator BYRD has agreed, for the distinguished chairman of the full committee, Senator HATFIELD, to offer an amendment on behalf of himself and Senator HOLLINGS.

Mr. DASCHLE. Mr. President, reserving the right to object, I am not sure I heard the entire request. I apologize to the Senator from Texas. We would certainly have no objection to opening statements at this point. But no one had the opportunity to see these amendments. We have had requests on our side that prior to the time we agree to any kind of unanimous-consent agreement which would
involve these amendments that Senators have the opportunity to look at them. So, we would have to object to anything beyond the opportunity to make opening statements at this point.

Mr. GRAMM. Mr. President, we are certainly narrowing it down to opening statements.

So with that, I ask unanimous consent that we begin opening statements and in order to offer an amendment until those opening statements are completed; at that point that—I let me state it this way: I ask unanimous consent that it be in order now to have opening statements; that at the conclusion of the opening statements, subject to the agreement of the minority leader, at that point that it be in order for the distinguished Senator from Oregon, Senator Hatfield, to offer an amendment on behalf of himself and Senator Hollings.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAMM. Mr. President, let me try to explain the opening statement on a very complicated bill without getting into too many of the details but in such a way as to basically cover the issues that are involved in this bill.

I think there are many reasons why this is a very complicated and a very controversial bill. One reason is money. This bill, probably more than any other appropriation that we will consider this year, has a very tight budget constraint. This provides $4.26 billion less for Commerce-State-Justice appropriations than was requested by the President.

It provides almost $2 billion less than a nominal freeze in the current level of appropriations for Commerce-State-Justice. And I remind my colleagues that, compared to some of the larger appropriation accounts, this is a fairly small appropriations bill in terms of actual dollar outlays. So when we are talking about a billion less for Commerce-State-Justice, we are talking about a significant reduction in the ability to expend money for the carrying out of functions in the Department of Commerce, the Department of State, and the Department of Justice.

The bill also has almost $900 million less than our counterparts in the House had. And this is the first point I want my colleagues to understand. When the President this bill for not providing funding for purposes for which he requested funding, it is important for our colleagues—and, quite frankly, it is important for those who are following this debate—to understand that the President is not trying to force us to take a totally different budget than the President proposed.

Our budget comes into balance in 7 years. Our budget substantially reduces discretionary spending. Our budget substantially reduces real constraints on spending money.

The President, in proposing $4.3 billion more for these three Departments of Government than we proposed, does so in a budget that will not be in balance by the second coming. It does so in a budget that will not bring the deficit below $200 billion in a decade.

So the fact that the President, in his budget message, for many functions that we do not fund is simply a testament to the fact that our budget is a binding budget that is balanced over 7 years and the President’s budget is not.

There are several ways to approach the writing of an appropriations bill where you have to cut $4.3 billion. One way—and, quite frankly, in no way being critical, but I want people to understand why this is such a controversial bill—one way is to take the approach which has been taken in most other appropriations bills, and that is to simply take the level of savings that is dictated, nick a whole bunch of programs a little bit and, basically, take the approach that you are going to sort of hunker down and not fundamentally change anything.

It seems to me, Mr. President, that this is roughly equivalent to an action that a family which is running out of money might take at the end of the month. If we’re running out of money and what we’re going to do is spend a little bit less going to the movie and spend a little bit less on milk for the children.

As we know, families do not operate in this way. Families set priorities. Families decide toward the end of the month when they are running out of money that they are not going to go to the movie, but that they are going to continue to buy their children milk.

As chairman of this subcommittee, I decided that if we were shooting with real bullets, if we were going to write an appropriations bill now that set out a path to balance the budget over 7 years, that we ought to recognize, to begin with, that we are going to have less money next year than we had this year, less the next, and less in each successive year for the next 6 years.

So I made the decision to terminate programs, to set priorities. My original recommendation terminated some 12 programs outright. It also set very strong priorities. It was my decision as chairman of the subcommittee that not all programs in the Commerce, State, Justice appropriations bills were created equally. I believe that the American people have very strong preferences, and what I have tried to do within the monetary constraints that I have had as chairman, and this has been supported by the majority in both the subcommittee and the full committee, is to try to fund the President’s effort in fighting crime. I am very proud of the fact that this bill fully funds the FBI and the DEA. It fully funds our efforts to incarcerate violent criminals.

It provides funding for the State Department, if we provide funding for half of the increase requested by the Senate and provide funding for the crime trust fund. It is a belief of the subcommittee and the full committee that we need to get tough on violent crime, and we try to do that in this crime bill.

The second area that we fund in this bill has to do with the Department of State. I have to say, Mr. President, that I have been somewhat disappointed. I visited with the Secretary of the Senate that that was basically where we were and that that meant that we were going to have to cut every other program by an average of 20 percent. That is the cold reality that we are looking at.

I tried to explain to the Secretary of State that that was basically where we were and that that meant that we were going to have to reduce the level of funding for the State Department by roughly 20 percent. That is actually better treatment than we provided for the Commerce Department in this bill.

We have not adopted the authorization bill for the State Department, but a majority of the Members of the Senate have voted for that authorization. It has been filibustered. We have been unable to get 60 votes and, as a result, what I did in writing the appropriations bill is I took the authorization bill which has received a majority vote in the Senate on a cloture motion and I used it as the blueprint to write funding for the State Department.

The basic reductions that occur in the State Department budget have to do with our payment for membership in world organizations. The distinguished Senator from North Carolina, Senator Helms, in his authorization bill, dramatically reduces the amount of taxpayer funding that goes to world organizations to promote objectives that, at least in the minds of the majority of the Members of the Senate, did not reflect the will of the American people.

I think it is important to note, and I would like to be sure that the Members of the RECORD, that despite all of the moaning from the State Department that somehow not a sufficient account is taken in this bill that representing...
America abroad today is a dangerous business, something that I understand, I appreciate the sacrifice that is made by people who work in the State Department.

As a result, I have fully funded every penny requested by the President in his budget for such expenditures. Even though he spends $4.3 billion more in his budget than we are allowed to spend in ours, I fund every penny the President requests for security abroad for both our Embassies and our personnel.

So the criticism of the State Department that somehow we are underfunding the State Department and the needs of its people is simply verifiably false.

This is a tough budget. It does reflect the fact that the American people do not believe that we are getting our money’s worth with all of these world organizations where we pay the bulk of the dues and have a relatively small say on how we do and on how our money is spent.

I think the plain truth is the American people understand that in the postwar period, America has been like a little rich kid in the middle of a slum with a sugar bowl. Whether we are going to look at this and want a piece of it. We literally have run all over the world handing out pieces of this cake. Nobody has loved us for it. In fact, in many cases, they have not loved us, thinking they should have gotten more.

The fundamental philosophy behind this appropriations bill is we need to stop sharing the cake, and we need to start sharing the recipe we used to bake the cake, which is free enterprise, individual liberty, and private property.

So in the State Department appropriations bill, we provide $4.4 billion. The President requested $5.6 billion. Much of this reduction is taken in membership in world organizations. And, quite frankly, while this can be debated forever, I would be perfectly content to take my appropriations bill, take the President’s budget, to tear the title page off, to put each of them on the table in every kitchen of every working American and let them decide whether they want money spent funding the war on violent crime in America, the war on drugs, gaining control of our borders, or whether they want the money spent paying dues to organizations around the world where the United States is now a member of these organizations and, in many cases, is paying the bulk of the dues.

I do not think there is any doubt that the American people would choose the position that I have chosen. It seems to me that is why the State Department has not wanted to debate the real issue here.

In terms of the Commerce Department, let me remind my colleagues that the budget that we adopted in the Senate was a budget that called for the elimination of the Commerce Department. I have listened to my colleagues talk about eliminating departments, and I then look at their willingness to vote to actually cut the programs, and I often see a gulch between the rhetoric and the reality. It is almost as if when people are talking about eliminating departments, they want to take down the flag and take down the plaque off the wall, but they want the Government to keep doing the things the Department has been doing.

When we put that bill to the President that called for the elimination of the Commerce Department, when the Government Operations Committee reported a bill to eliminate the Commerce Department, I, as chairman of this subcommittee, believed that they were serious. And, as a result, we dramatically reduce spending in the Commerce Department. We set up a procedure to provide funds for current employees, and we provide the mechanism that would allow us, if in fact we pass the other bill, to terminate the Department, and to do it in an orderly fashion.

Now, many of the people who voted for the budget to eliminate the Department want to preserve some of its programs. They say, we are going to have to have votes on those. There are many programs within the Commerce Department that this bill eliminates outright. But, basically, it is a bill that begins the process of dramatically reducing the level of expenditures for activities where the Government is attempting to pick winners and losers in the American economy. There is a fundamental philosophical difference between the two parties on this issue. The party which I represent—the philosophy I believe in—believes that the market system ought to be the basic determining factor of who gets money to invest; that Government does not have the wisdom to make that decision and, quite frankly, even if it had the wisdom, it would not act. It is inherently a political decision, it would not make that decision very well.

That is an outline of the expenditures of the bill. As I said, the bill eliminates some dozen programs from the Minority Business Development Agency to the U.S. Travel and Tourism Administration, to the Technology Administration, to the information infrastructure grants, to the Death Penalty Reform, the Competitive Policy Council, the Ounce of Prevention Council, and the bill eliminates Legal Services as a Federal program.

Now, let me talk about the language changes to the bill, because almost every one of these provisions is controversial. So let me try to tick through basically what the bill does.

The House appropriations bill appropriated to their crime bill, which was the President’s program so much as it is a dispute in the ability of local government and local chiefs of police to decide to use the money in a different way if they think that will work better for them.

We have set out a guideline on how the money could be used. If people chose to do community policing, to put more policemen on the beat, as our crime bill last year proposed, and as the President supports, they could do that. If they decide that they want to have more policemen on the beat, but they want to use the funds for training, they could do that. If they decide that they want to work overtime to get better police on the street now while they bring new trainees into the police academy, they could do that. If they decide they need to use the funds to buy equipment to make their system more efficient, they could do that. But they have the capacity to carry out the program as the President has proposed, if they choose to.

The second change in language has to do with the Legal Services Corporation. It is not news to any of my colleagues that we passed the Legal Services Corporation. I believe that is a very controversial subject, and we have worked out an agreement where Senator Biden will offer a substitute for this provision.

Senator Hatch and Senator Dole would like to change their proposal, which was written into the bill, and so they will basically put the ball in the air. Each will submit alternatives, and we will determine, based on a vote on the floor of the U.S. Senate, what direction we move in.

But let me be sure that everybody understands what the bill before us does in this area. The bill before us would allow communities to carry out the community policing program exactly as the President has proposed, if they decide to do it. The objection that has been leveled against this block grant is not that they cannot do what the President has proposed we do, but that they have the option of doing it in a different way. The objection to our language is not a dispute about the President’s program so much as it is a dispute in the ability of local government and local chiefs of police to decide to use the money in a different way if they think that will work better for them.
Legal Services Corporation today has a lawsuit underway against every State in the Union that has tried to reform welfare. Every time any State in the Union has had a mandatory work requirement, the Legal Services Corporation has filed a lawsuit against them. Any time any State in the Union has tried to deny additional benefits to welfare recipients who have additional children on welfare, the Legal Services Corporation has filed a lawsuit against them.

The Legal Services Corporation has a long history of using taxpayer funds to promote causes which are not taxpayers' causes. My view is, Mr. President, that if someone wants to file a lawsuit against the State of New Jersey saying that they cannot have a mandatory work requirement for welfare recipients because it violates the constitutional rights of welfare recipients to have to work, people ought to have a right to file that lawsuit. But they ought not to use taxpayers' money to do it.

In any case, after many years of battling on this issue, this year I proposed—and was successful—in the initial mark to eliminate the Legal Services Corporation. I did not have the votes in subcommittee to do that. An agreement was reached where we eliminate the Federal Legal Services Corporation. We take roughly half the money that it is now spending and we give that money in a block grant to State governments. Then State governments, within a set of guidelines which limit the ability of organizations that take Federal taxpayers' money to engage, basically, in the promotion of class action suits, opposing welfare, and a series of other restrictions based on past concerns—have block grants to spend on legal services. It provides roughly half the funds that the existing programs receive.

Another controversial area of language in the bill has to do with prisoners' work. This is an issue which I feel very strongly about. I do not have much doubt in my mind that when the votes are counted on the floor of the Senate, I am going to lose on this issue. But I want the American people to know about it. Part of my reward for being chairman is that now people have to take this provision out.

Let me define the problem. To keep someone in the Federal penitentiary this year is going to cost the Federal taxpayers $22,000. We could send someone to Harvard for what we are going to pay to keep them in the Federal penitentiary. We are paying more to keep someone in the Federal penitentiary than they would make if they could earn twice the minimum wage working.

Now, why is that so? Part of the reason is because of the way we build prisons. I have tried in this bill to begin moving us in the direction of stopping the building of Federal prisons like Holiday Inns, taking out the air conditioner, the color television, the weight room. The key ingredient in this direction is requiring Federal prisoners to work.

Now, this is where we run headlong into greedy special interests. This is not just the greedy special interests of organized labor. It is also, quite frankly, the greedy special interests of corporate America. It is the greedy special interests of big business, and it is the greedy special interests of small businesses.

We have three laws in effect that basically criminalize working Federal prisoners. It is basically criminal in America for prisoners to work in any conventional sense of working. Most Americans have not the foggiest idea this is true, and they would go absolutely berserk if they understood it.

These three laws basically go back to the Depression era when we took a criminal justice system in which prisoners were working, where they were to a substantial degree paying the cost of their own incarceration, and in the Depression era we started eliminating their ability to work.

Now, some people could argue—though I would never make the argument—that it may have made sense in the Depression because by not having prisoners do something, someone else could do it and it would create a job. If one could have made that argument in the Depression, they cannot make that argument today.

We have one Federal statute that makes it illegal for prisoners to work or produce anything that is transported in interstate commerce. We have another law that makes it illegal for prisoners to work or produce anything that is sold within the State in which it is produced. Then we have another provision that sets out guidelines where, if prisoners did produce something that was sold in the private market, they would have to be paid.

Let me translate all of those amendments and what they mean. What that means, in essence, is you cannot make prisoners work in producing anything to sell in the private sector of the economy.

All over the country we have 100,000 people in the Federal penitentiary. We have 1 million people incarcerated in America. By and large, except for producing a handful of things that are relatively insignificant in value as compared to the total economy, they cannot work.

Now, we have a bunch of programs in States where prisoners produce car parts. We have a case where they produce furniture for the Federal Government. But by and large these laws prevent us from putting prisoners to work. I would like prisoners to work 10 hours a day 6 days a week. I would like to turn our Federal prisons into industrial parks.

What I have done in this bill is I have overturned these three laws, and I have set out a simple guideline. What the bill says is that it is legal for prisoners to be required to work so long as the President certifies that what they produce is not sold in such a way as to glut a local market or to glut the national market.

What I foresee under this provision, if it becomes law, is that we could turn our Federal prisons into industrial parks. Many of the goods that are produced abroad, component parts from air conditioners to wheelbarrows to automobiles, we could produce some of those component parts with prison labor.

If we stopped building prisons like Holiday Inns, we could probably cut the $22,000 in half. If we required prisoners to work, we could probably cut the $11,000 of net cost in half. I believe that within a decade we could cut the cost of incarcerating people by 75 percent. But we are probably not going to do it. Let me tell you why. Because organized labor and industries that do not want any competition will support the offering of an amendment that will continue to criminalize prison labor in America.

Now, I offered this provision in our bill because I think it is needed. I think when you have 1 million people incarcerated, it is inhumane not to have an orderly system where they can work. I will not drag this dead cat across the table too many more times. I want to remind my colleagues that when Alexis de Tocqueville came to America in the 1830's and went back home and wrote "Democracy in America," one part of American life that he commented on was our prison system and how enlightened it was because we worked prisoners hard. Prisoners at that time were working 12, 14 hours a day 6 days a week, and de Tocqueville noted how enlightened it was because by making prisoners work it made life in prison bearable.

If we made prisoners work today, not only would we save money, but people when they got out of prison would have a skill that they learned working in prison. If we made them go to school at night, they would know how to read and write, and having worked 10 hours a day 6 days a week, they would not want to go back. That is not going to happen because this provision is going to be stricken out by special interests. I know it, but I want people to have to vote on it, and I want people to be able to look at their vote. Prisoners in America should be required to work. They should be allowed to work in producing things that we can sell.

Every year our dear colleague, Senator Helms, offers an amendment to bar prisoners from working on the conditions that make prisoners work. Every year I wonder why we cannot make our prisoners work. How is it that we have people who are working two and three jobs,
struggling to make ends meet, and we are paying $22,000 a year to keep somebody in prison, and then we cannot force them to work to produce something of value to pay for their own incarceration?

It is called greedy, petty, special interests. The world ought to know about it. I hope to awaken them by putting this provision in this bill that somebody has to take out.

Now let me talk very briefly about two other language provisions in the bill. One has to do with the 8(a) program. The 8(a) program is designed to help disadvantaged businesses. The basic idea of the 8(a) program was that there are some businesses that are disadvantaged and that we want to try to help them get on the playing field and be more competitive.

The problem is that over the years, disadvantaged has come to mean minority or female. You cannot be disadvantaged, under the 8(a) contract, if you are not a minority and if you are male. So what I try to do is open up the 8(a) contract and say, no matter what your gender is, no matter what your race is, if you are operating in a depressed area, if you are a small, struggling business person, if you are hiring people who live in a distressed area, you ought to be treated exactly the same way as someone doing exactly the same thing you are from a different ethnic group or from a different gender.

We do not eliminate the 8(a) program, we simply open it up to people who are disadvantaged because they are small business people in depressed areas with high unemployment and they are hiring people from those areas.

This is a controversial subject. I understand that. But I believe, again, if we could put this proposal on the kitchen table in every kitchen in America, it seems more likely to me or to people who live in a distressed area, you ought to be treated exactly the same way as someone doing exactly the same thing you are from a different ethnic group or from a different gender.

The final provision I want to talk about in the bill, in terms of language, it is illegal to discriminate in hiring, promotion, and contracting, and it is illegal to discriminate in favor of anybody. It is simple language. In fact, it is the language which the distinguished majority leader, Senator Gorton, has had working on this issue, and I thought his language was better so I included it.

It is basically a commitment to merit. I have to believe, based on our past vote, that this provision will be stripped out. But, again, America ought to know who is and who is not for quotas; who is and who is not for set-asides. Let me make it clear that the language in this bill preserves our total effort of outreach. It preserves our ability to go out and recruit people to apply for us to allow them the full ability to work, to see that everybody gets on the playing field. But it requires that, once people are on the playing field, when it comes to being hired, being promoted, or getting a contract, that must be done by merit.

So this is a very controversial bill. It is no accident that we have kept it to the end. I am quite proud of the bill. Obviously, others oppose it. And the way democracy works is that we propose and we debate, and I accept the outcome of it. But I think this bill represents a dramatic change and, quite frankly, I have been disappointed in the other appropriations bills in that we have committed to a budget that calls for a dramatic change but everybody seems to get his wish until next year or the next year or the next year to make these changes. I wanted to make them now. I may not be here 2 years from now. I do not know. I may not be on this committee next Monday—I do not know that either. But I do know that I believe this represents a dramatic break with the past.

This bill terminates programs. This bill dramatically changes the way we operate the Federal Government. And I think it gives people a very clear choice. It defines a movement in the direction that I would like to see us go. I am proud that the subcommittee and full committee supported the effort to bring the bill to this point. I know there are some people on the subcommittee and full committee who, at what we are on tonight, will abandon us on some of these issues. But I think we have before us a good bill and, Mr. President, I appreciate the indulgence of the Chair as I outlined the bill.

Let me yield the floor for the distinguished ranking member, a man who has served on this subcommittee as both chairman and ranking member, a man for whom I have very great respect, the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I rise today to speak against H.R. 2076, the fiscal year 1996 Commerce, Justice, and State appropriations bill. For me, this is unprecedented. Never in my 25 years on the Appropriations Committee—or my 18 years as serving as either the chairmen or ranking minority member of this subcommittee—have I opposed this bill. And never in my career here have I seen an appropriations bill prepared in such a partisan manner and voted out of committee on straight party lines.

I am against this bill because I simply cannot go along with its recommendations and because of its extreme nature. This bill represents a 180-degree departure from the way we do business. It is a fire sale. I do not know that either. But I do know that I believe this represents a dramatic break with the past. I hope to awaken them by putting this provision in the bill that somebody has to take out.
Mr. President, the bill authorizes and appropriates funds for a new Commerce Reorganization transition fund which finances personnel separation costs and termination costs for the various agencies proposed for elimination.

It provides $386 million for economic statistics and the Census Bureau, an increase of $84.5 million above the House bill, and $70.4 million above this year.

The bill provides $1.867 billion for the National Oceanic and Atmospheric Administration (NOAA), a decrease of $45 million below the current year, but $92 million above the House bill. Like the House, the NOAA fleet modernization program is terminated.

For the State Department and international affairs agencies, the bill severely cuts State Department operations funding $340 million below this year's level. This will result in the director of many rather than the Secretary of State to consolidate programs under State, USIA and AID.

Funding for international organizations is cut by 37 percent below current levels. This year the USIA paid $873 million to the United Nations, the Organization of American States and 49 other international organizations. These assessments are based on treaty obligations. In 1996, the administration requested $923 million for these obligations. The bill provides only $550 million. We would have to pull out of a lot of international organizations or simply refuse to pay our bills.

The U.S. Information Agency (USIA) is devastated under the recommended bill. USIA is cut $354 million below the current year and $53 million below the House bill.

This bill cuts international educational exchanges, like the Fulbright Program, by $43 million below the current year.

The bill provides $355 million for international broadcasting—the Voice of America, Radio Free Europe Liberty, and Radio and TV Marti. It is far below last year's level, but above the House.

For independent and regulatory agencies, the bill terminates the Legal

Take the Small Business Administration. My friend SBA Administrator Phil Lader tells me that his appropriation for salaries and expenses means that the SBA will have to lay off 1,200 of their 3,100 employees.

Mr. President, maybe I am old fashioned, but I will not join in this fad that denigrates public service. In the 25 years I have worked on this bill, I have learned that much of it supports what we in the budget game call salaries and expenses. What means is that most of this bill funds people. And I have come to have great respect for the dedicated public servants who work hard to serve the people of this country.

I think of Emilio Iodice, of the International Trade Administration, our senior commercial officer in Madrid, Spain, who is hustling day in and day out to get contracts for American business. I think of Dr. Neal Frank and Bob Sheets, of NOAA, who have run the hurricane center in Miami, FL, and who worked around the clock to warn us of killer storms. I think of Ambassador Princeton Lyman in South Africa who is helping that nation build a lasting foundation of the kind that the foreign service officers I have met. In my view, these State Department and USIA foreign service officers truly are the best and the brightest. I sometimes wonder how many of us could pass their entry examinations and meet their entry requirements. And of course, I think of the many professional comptrollers who with us on a day-to-day basis—people like Mike Roper at Justice, Brown at Commerce, and Stan Silverman at USIA.

With this bill, I worry about the message that we are sending to these dedicated public servants and young people who might want to enter government service. I think we should be praising these people for their service, not denigrating them.

Justice increases

In the Commerce, Justice and State hearing room in the Capitol, there is a painting of Edmund Randolph, our first Attorney General. I think about him when I look at what is happening to this Justice budget in this bill. We are throwing money at a problem without being responsible. Do my colleagues know when funding for the Justice department hit the $3 billion level? It was 1983. In other words, it took 194 years for the Department of Justice to reach $3 billion. And that is how much the increase is for Justice in this bill for just 1 year. That is nothing short of amazing.

I think most of us who were around in the early 1980s will remember that we tried to throw too much money at Defense too quickly. And as some will remember, I was one of those who pushed hard to increase Defense in 1980. But, I fear that this is exactly what we are doing with Justice in the 1990s. This year, the Federal Bureau of Investigation is unable to spend almost $50 million that we gave it last year to hire more agents. Of course, the bureau will find other uses for the money. But this bill before us plans to give the FBI an increase of almost half a billion dollars above this year—an increase of 20 percent in one year. I am all for my good friend Judge Freeh and the dedicated agents who work hard, but a 20 percent increase in 1 year? And when I look at the Immigration Service, we are adding 1,300 border agents per year, which again, is more than a 20 percent annual increase.

Now I stand second to none in my support for the Justice Department. During the span that I last served as subcommittee chairman of this appropriations subcommittee, the Justice Department grew from $2 billion in 1986 to $13.7 billion in 1994. In the Senate, Attorney General Janet Reno probably does not have a bigger fan than me. But we have got to slow down and take a look at where all this money is going. We have got to stop the spin doctors who can throw more money at law enforcement to rack up political points.

Mr. President, this bill is largely the story of two bills. For Justice and judicial agencies, it represents reductions for the remainder of the bill it will cause destruction. It did not have to be done this way. I would urge my colleagues to look at how much more reasonable and moderate the bill is that the House sent to us. The Contract With America crowd developed a much more reasonable bill.

I would like to describe some of the recommendations for my colleagues.

For the Commerce Department, the bill: Eliminates entirely several Commerce technology programs: the Technology Administration, new Advanced Technology Program and manufacturing extension program grants. It eliminates previous funding to modernize National Institute of Standards and Technology laboratories.

The bill eliminates the Minority Business Development Agency, a program created during the Nixon administration to empower minority entrepreneurs, and to expand minority-owned businesses.

The bill eliminates the U.S. Travel and Tourism Administration.

The bill cuts the International Trade Administration by $45 million or 17 percent below a freeze. This would result in office closures around the country and overseas, and debilitate our trade promotion efforts for U.S. industry.

It cuts the Economic Development Administration (EDA) from its current level of $410 million to $100 million. It reduces one of the only programs with a direct charter to assist communities impacted by defense base closures and realignments.

It severely reduces the National Telecommunications and Information Administration (NTIA) operations, the public broadcasting assistance program, and it terminates the information infrastructure grant program and the children's educational television program.
Rewriting the Crime Bill, Legislation

Finally, I oppose this bill because it proposes to terminate the successful Cops on the Beat program and other authorized Violent Crime Reduction Trust Fund programs. In their place, the legislation actually authorizes a new Crime bill. Talk about breaking new ground for legislation on an appropriations measure.

The Cops on the Beat or Community Oriented Policing program is one of the most efficient and effective programs that has ever been created. Within a year of passage, 25,000 additional police are on the street in America. We will be debating this program soon, in more detail. But I must say that I simply do not understand why any member would want to terminate this program.

Drug courts is another authorized program. It was an senators' creation, based on her experience in Miami. This is not a soft prevention program. Drug courts work and are getting non-violent defendants away from illicit substances and back into society.

This bill is block grant crazy. Legal services—They say, "Let us make it into a block grant." Community policing and drug courts—they say, "Let us make it into a block grant." I guess I do not understand. I remember the Republican filibuster against the President Clinton's stimulus package in the spring of 1993. As I recall, the principal argument against that bill was that it was funding block grants and recipients had a wide discretion of how they could use block grants. In law enforcement in the past, we had a block grant program—LEAA—and it was a disaster.

Mr. President, this bill contains many other pieces of legislation. It takes the limits off of sales from prison labor, and it changes affirmative action and procurement regulations. I hope that my colleagues will carefully examine this bill. Many have said, "Yes, it is a travesty, but the President—President Clinton—will veto it." That may be true. All indications are that it could not be signed in its current form.

I, for one, hope that the Senate will not go on record by supporting such an extreme, irresponsible measure. I hope we can make some changes to this bill and improve it.

Mr. President, obviously I am not going to support a measure that takes a large block grant and gives it to the local communities to use as they see fit. It is not a soft prevention program. Drug courts is not a soft prevention program. Drug courts work and are getting non-violent defendants away from illicit substances and back into society.

Mr. President, obviously I am not going to support a measure that takes a large block grant and gives it to the local communities to use as they see fit. It is not a soft prevention program. Drug courts is not a soft prevention program. Drug courts work and are getting non-violent defendants away from illicit substances and back into society.

This bill is an atrocity. In my experience in particular measures, it is voted upon that way because, very conscientiously, we did not have a chance to debate and rectify certain things. But I do not want to dwell on that too much at length because the distinguished chairman of the Senate is henceforth coming to the floor to try to give us an additional allocation and correct some things, like the elimination of the Minority Business Enterprise Administration—an entity that started out with a backbone 25 years ago—and various other things like that which were eliminated.

The bill is called an atrocity because the distinguished chairman of the subcommittee, for whom I have great respect, says we overturned laws. He is dead right in this particular measure. It is not the function of an Appropriations Committee to overturn laws. On the contrary, we are supposed to conform to the authorized law, or the law authorized the amount, and not to exceed upon appropriate within the particular amounts.

Here we see a measure that takes a bill that has been debated fully and voted three readings in the Senate, and the Senate in the House—on the block to the Cops on the beat—signed into formal law, the law of the land, and participated in with enthusiasm by the overwhelming majority of the police forces over the entire country. It is a program that is working and working extremely well.

Without any authorization, that law, as provided by way of money in this measure, is overturned. It is just repealed. The formal law is totally disregarded, and in its place, we have a so-called block grant approach.

Similarly, with respect to the Legal Services Corporation, that was more or less created by the distinguished former Associate Justice of the Supreme Court, Justice Powell, when he was president of the American Bar Association. Here is a corporate entity, the Legal Services Corporation, worked in by the private sector, by the professional attorney sector and by the Federal Government in a most successful fashion, but it is not within this bill. That endeavor that has been going on successfully for years is totally overturned and repealed. A new program is put in. It is not authorized.

Of course, the parliamentary tactic is to raise a point of order. But in the spirit of trying to move along, we can have some votes here around on points of order and everything else. But I am not trying to turn back anything parliamentarily. I am trying to turn it back on the basis of merit.

But if you go through this particular measure, they come down real hard on the future of this country with respect to, for example, the programs within the Department of Justice and the Department of State. The Department of State is not really left with an operating budget. We have been closing consulates and closing down various
endevors on behalf of the Department of State over the last 15 years. Somewhat, somewhere, people have forgotten that, after all, we had President Reagan come to town with spending cuts, and then President Bush. After 8 years of Reagan, after President Bush for 4 years, we had 12 years of spending cuts. Then we had, of course, President Clinton come to town and cut out another $500 billion in spending cuts.

So what we are on to is the tail end, so to speak, of 15 years of various spending cuts whereby programs like WIC, Head Start, title I for the disadvantaged, and many others, are only half funded, as are many programs in health research. That is the reason we just rejected, by way of extended debate, the Labor, Health, and Human Resources appropriations bill. For every dollar we spend over at NIH, we save the taxpayers $13.50.

So these money-saving programs have been the governmental assault of so-called political contract that is devastating to the functioning of our society.

I almost wish when it comes to the Department of Commerce that President Clinton had said we ought to get rid of the Department of Commerce. If President Clinton said we have to get rid of the Department of Commerce, the whole business community—all of that business runs under the White House for NAPA and for GATT, and all the Republican crowd, all of those executives, that Business Round Table—would come running up here: “What do you mean this Democratic President is trying to do away with the voice of business at the Cabinet table?” You cannot find them today. Why? Because the Republicans thought of that idea.

Yes, labor is to have a voice at the Cabinet table, but not commerce, the business leadership. Agriculture is to have a voice at the Cabinet table, but they want to do away with the Department. You will not find agriculture in the Constitution. You will not find the Labor Department there. But you will find, under article I, section 8 of the Constitution, that the Congress is hereby authorized to regulate foreign commerce. We are doing away with constitutional responsibilities in a willy-nilly contract fashion. Now with the fall of the wall, we really look upon the Department of Commerce to promulgate our values the world around and capitalism the world around along with the Department of Commerce.

Very interestingly, that is exactly what they are doing. Secretary Christopher and Secretary Brown have been doing an outstanding job, but there is no acknowledgment or recognition of it whatever in this particular appropriation. Rather, they tried to do away with the technology, the advanced technology program, the manufacturing centers, the Office of Technology Assessment, and all, as we go on down the list—these various endeavors to keep America competitive.

Our foreign policy, our security as a nation, our success in this global competition, rests like a stool on three legs. We have, on the one leg, the values of a nation which are very strong and are unquestioned. America voluntary to try to feed hungry children in Somalia, voluntarily will try to set up democracy in Haiti, and now is trying to help, of course, in Bosnia and in the Mideast where they are meeting right now. With respect to our values, it is very strong, and with respect to our military leg, it is unquestioned. But when it comes with respect to the economic leg, over the past 45, almost 50 years, it is fractured and willingly so.

We set up the Marshall plan. We sent our money and our technology and our expertise to countries abroad in the conflict between capitalism and communism, and capitalism has won out. And we are all very grateful for that. But during that 50-year period, what we had to do was sort of sacrifice our markets, our friends' markets with the assault on market share. We had to give up markets to our friends in the Pacific rim, in Europe, and otherwise around, with a sort of nudist trade policy—running around here like nineties theatereally and in trade—and where we wanted to do away with the Department of Commerce, there was no such thing, and it is not now. We all understand that.

But now with the fall of the wall comes the opportunity to rebuild the strength of the economy. Yes, in many ways, government will be stronger. And that is why I want a Senator to say that on the floor of this U.S. Senate. What we need is more in education, more in the inner-city restructuring, more in transportation, more in science and technology, and more in medical research, that is exactly what we are not doing in this particular measure here.

Let me go right to the point about the President’s budget for which we get a gratuitous statement from our distinguished colleague in the Senate. He said again that the President’s budget would not be in balance at the second coming, and had $200 billion deficits as far as the eye can see. If you want to read the gratuitous statement, you just look at the committee report of State, justice, Commerce, and on page 4, I will quote this one sentence: The administration’s request in a budget that made no attempt to balance the budget, not in 7 years, not in 10 years, not ever. Here comes a gratuitous statement from a crowd that we could not get a single vote from to cut $500 million in spending and raise revenues to pay for some of these programs. Yes, we raised taxes on Social Security, and $25 billion of the increased revenue on Social Security we gave it to Medicare. They are running all over the Hill. “It is going broke. It is going broke.” Last year they said, “What is the matter? Nothing is wrong with America’s health programs. It is the best health system in the world. What is the matter?”

I can show you the same crowd that they quote now as saying it is going broke in the year 2002. Last year, that same entity reported it was going broke in the year 2001. At least we got one year’s grace out of the discipline that we set for spending cuts and revenue increases and foregoing programs. Now they are back, with respect to the President Bush, the budget for 1991. I agree with the President because I can tell you here and now they act like they have a budget that we have to conform to so their budget balances in the year 2002. Absolutely false. For one, this particular Senator voted against that silly Rehnquist, the same Rehnquist who at the time was called by the then majority leader a “river boat gambler,” the then Vice President as “voodoo,” and now we have “voodoo” all over again—going on all over this Hill. We do not have a sense of history whatever. I opposed that voodoo and proposed instead a budget freeze like the mayor of a city or the Governor of a State. What they do is just take this year’s budget for next year. We would save billions. We could not succeed.

I then joined with the distinguished chairman of our subcommittee in Gramm-Rudman-Hollings, and we said let’s have not only freezes, but we are going to have automatic spending cuts across the board. And that worked, Mr. President, it worked, until 1990, when they repealed it. And at 12:41 a.m., October 19, 1990, I raised a point of order against the repeal. And let the Record show who voted to repeal it. No one stood up and saying it did not work. They repealed it because it was working. It was going to cause cuts across the board. I went along in 1988 with tax reform in order to close loopholes.

So we had budget freezes, we had budget cuts, and we had loophole closings. And then, if you please, Mr. President, I came with increased taxes, a value-added tax proposed in the Budget Committee where I got eight votes, and I could not succeed. I then joined with the distinguished Mr. Majority Leader and the Budget Chairman and the distinguished Mr. Majority Leader and the Budget Chairman, and they could not succeed.

Here comes a gratuitous statement from the then majority leader a “river boat gambler,” the then Vice President as “voodoo,” and now we have “voodoo” all over again—going on all over this Hill. We do not have a sense of history whatever. I opposed that voodoo and proposed instead a budget freeze like the mayor of a city or the Governor of a State. What they do is just take this year’s budget for next year. We would save billions. We could not succeed.

I do know that as a result the interest costs for the fiscal year beginning on Sunday, October 1, fiscal year 1996, the interest costs on the national debt—as a result of that voodoo and this riverboat gamble—is $388 billion. We went through a running year, so that is $1 billion a day practically that we go down to the bank the first thing in the morning and borrow—$1 billion a day.

None of these plans, neither the Republican nor the Democratic plan, saves $1 billion a day. I try my best to keep pointing this out to get level so we all speak the same language. Only this past week, I
I remember when we used to balance the budget year to year. In fact, President Reagan said, “I’m going to balance that budget in a year.” He got into Washington and said, “Whoops, this is going to take me 3 years. I did not realize it was so bad.”

We had a distinguished senator who was going to do it in a year. Then we got to 3 years. Then under Gramm–Rudman–Hollings we got to 5 years. Now, this crowd comes with 7 years. And I can tell you within the next election we will be coming again and have President Clinton has already gotten to 10 years. Now he has come back to 9.

We are going up, up, and away; 15 years. Say anything except to do the job and tell the American people that we have to deny programs and we have to raise taxes. We have to cut spending. We have to freeze spending. We have to close loopholes. We have to do all of the above to save $1 billion a day. This particular budget that we have that we are working on at this very moment of time does not come near to saving $1 billion a day to get us really rid of any kind of deficit at any time during that 7-year period.

Now, Mr. President the distinguished chairman of the subcommittee talks about philosophy—and I must touch on that and then we can go to these amendments—the philosophy here that they are trying to justify these programs to get things back to where they can do it as they please.

They said, if they really want to buy equipment, then they can do that. If they want to put policemen on the beat, then they can do that. It is the old adage that the best government is that closest to the American people, the Jeffersonian philosophy. And I generally adhere to that except through hard experience.

Within the field of law and law enforcement, we have had our experience. We have seen what you assist- ence enforcement program, LEAA, and that particular program gave block grants back to the States and communities. And when we looked around, we had—please, my gracious—down in Hampton, VA, they bought a tank and put it on the courthouse lawn and thought the courthouse was going to be attacked. The sheriff down in Alabama, he bought a tank because he was going to have crowd control. The Governor in Indiana, he bought an airplane so they could fly better than New York police.

And they had all kinds of embarrass- ments where the money never got through to the policemen on the beat. Now, there is no education in the sec- ond kick of a mule. We learned from hard experience. So we came around with community policing and police- men on the beat and said, in order to qualify, you have to come with a match of 25 percent. And it is working extremely well.

So we come with the philosophy of getting the grants back, which re- minds me—and I have, of course, a memory that is resented many, many years from now and they will know that is what is going on. What happens is exactly what happened, as the distinguished Presiding Officer and I viewed it this morning in the Committee of Commerce. We were allocated $38 billion. What did we do? We took $.3 billion that we have already allocated in the telecom bill. So we double-counted that already. The staff contact is Jim Horney.
times. But I am referring to the stimulus bill where when President Clinton came to town, we were going to stimulate the economy. And the distinguished chairman of my subcommittee, who now believes in block grants, said, "Heaven knows we need to use them for cemeteries, for whitewater canoeing, for fisheries, atlases, for studies of the sickle fin chub," and all these different other programs back at the local level. And the Senator slaughtered President Clinton's stimulus program—just like it was in its tracks here on the floor of the U.S. Senate.

Now we come with the philosophy: Whoopee, let us get the money back to the Government; we are not smart enough to do anything here in Washington; only the people back home are smart enough. So here we go again. Here we go again, changing the formative law and making it into block grants. Taking working programs like policemen on the beat and the Legal Services. Abolishing these laws in that sense and providing monies for a program that has already been derided in the most expert fashion by my distinguished chairman.

cannot tell you now that we could not possibly carry with the block grants. I think the President said he is going to veto that particular approach. Maybe we can reconcile it. I hope some of the defects of this particular bill can be cared for in Senator Hatfield's and my amendment. The Senators who worked until 3 in the morning on this particular amendment. I think it will meet generally with the approval of the colleagues.

And a reallocation here, I am grateful for that help. Of course, there are fundamentals still involved. And I will say it right to the point. We will be debating these things, as the distinguished chairman says. What we have done is really savaged Commerce and its programs, the State Department, and, in fact, force-fed a goose in Justice. When I say "force-fed a goose in Justice," I look at the particular figures.

I can see that it took us from 1789 to 1983 or 1984 to get to a $3 billion Justice Department budget. But it has only taken us in the last 15 years to quadruple, quintuple—excuse me—and go up, up and away to $16.95 billion in this particular 1996 appropriation. I know we have had various crime bills. I know we have had the programs and even more of that kind. But I can tell you now that we have, with all the budgetary constrictions, to get a little bit better balance in this particular measure.

And in some of these, I am definitely of a mind where the Senator from Texas and I agree that you should not abuse the use of legal services money to sue the State and Governor and Legislature of New Jersey over welfare reform. We agree that you could work the prisoners. I have worked prisoners as a Governor. I put in a laundry program. I put in a furniture repair program. I even had a J-ayce chapter as well as our educational programs behind the wall.

Agree on many, many things. But generally speaking, we did not have a chance to debate these things. Unfortunately, we had not conformed the appropriate provisions to the basic statutes, whatever. We have just run willy-nilly through the programs trying to abolish departments and the working programs that have done so much for our society. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank the Chair.

Mr. President, the Senate is considering the appropriations bill for the Commerce, Justice and State Departments. It would be tempting to address this bill in the same fashion as I have other measures during this session which have contained drastic—indeed, draconian—spending cuts. The natural inclination is to talk about how the cuts will affect specific programs or policies, many of which are vital to the security of our Nation or the well-being of our people.

In this context, I would be led to talk about how the CJJS appropriations bill, as reported by the committee, lops off more than $1 billion—I repeat, more than $1 billion—from the President's request for the foreign affairs agencies. There will be dramatic reductions in spending for the administration of foreign affairs, for the acquisition and maintenance of buildings, for the U.S. assessment of the United Nations, for U.S. contributions to U.N. peacekeeping, and for international exchange programs.

I understand that the chairman of the Appropriations Committee may offer an amendment—which may be an additional funds to the foreign affairs account—which I applaud and will support. I must speak now, however, to the bill as reported by the committee.

Many of my colleagues have said now that these are programs and functions that are extremely important to me. When I recently announced my intention not to seek reelection to the Senate, some of my fellow Senators graciously came to the floor to say some very kind things about me. For that I am deeply grateful, and indeed humbled. One thing that struck me that day was how many of my colleagues mentioned my support for the United Nations, and the fact that I have carried a copy of the charter with me for many years. As I said moments ago, it would be tempting to continue at length about the impact of this and other bills on programs such as arms control, the United Nations and U.N. peacekeeping. Today, however, I want to discuss this bill in broader and more far-reaching terms. Whether or not the Senate cares to admit it, our decisions and actions this year are going to have a direct and negative impact on American prestige in the world, and on our fundamental relationships with other world powers.

I am very proud of the U.S. record of leadership, achievement, and engagement in international relations. Twice in the 20th century, our Nation stood with its allies to fight on a global scale against aggression. During the cold war, the United States took the lead to contain the hegemonistic designs of the former Soviet Union. In the early 1990s, the United States led an international coalition of forces in turning back Iraq's illegal grab of Kuwait.

Equally as important, however, are the battles we did not fight—the conflicts that we avoided, the crises that we averted through diplomatic discussion and pressure. Even if we made mistakes from time to time, we were successful in all of these endeavors because of our belief in principles, our commitment to do what we thought right and our willingness to be actively engaged. Our decisions, policies, and programs were often guided by both human and material terms, but they made our world a safer place, and our Nation a better and more profitable place to live.

Our motivation sadly seems to have changed. Decisions are being made out of political expediency rather than sound judgment. Our impulse as politicians—particularly this year—is to rush willy-nilly to make budget cuts for their own sake, without regard to the consequences. Instead of using reason and analysis to construct foreign policy, we are using calculators.

We must stop, think, and take a good hard look at how the United States can expect to project its power and influence under the circumstances now proposed. The United States Department of Justice and the foreign affairs agencies of our Nation's executive do not even begin to carry out its mission if they haven't the personnel, resources, and infrastructure required by the times.
It is not just a matter of doing more with less. I know the fiscal imperatives of our time, and appreciate that we are required to spend less and consolidate functions and responsibilities. The spending reductions in this bill are so severe, however, that they are isolationism. We will be forced to close dozens of critical posts overseas, to renegotiate treaty commitments, and simply disengage from diplomatic activity. That is not sound fiscal policy, and it is certainly not leadership. It is isolationism. We are shutting ourselves off from the world, and our Nation's security and economy will suffer.

I do not use the term isolationism lightly. It is a serious charge, but one that I think is accurate. We must acknowledge the impact of this bill on our ability to work with other nations, and understand that by violating our international commitments, we will undermine our own national security. And make no mistake, this bill will force us to violate our international commitments and will have an adverse impact on virtually every aspect of the quality of life of our citizens.

Allow me to give some examples. In 1990, initiatives were launched into the United States would make its treaty obligation to pay its U.N. dues in full, and that we would pay off our arrears. This bill would violate that pledge, and we will become the world's biggest deadbeat. At a certain point, which is fast approaching, we will lose our vote in the U.N. General Assembly because of the size of our arrears. This bill will also affect our obligations to NATO, to the International Atomic Energy Agency, to the International Telecommunications Union, and to the World Health Organization. In other words, we will have a diminished role to play in the critical fields of international security, nuclear non-proliferation, global communications, and international health.

We also would hamstring the work of lesser-known but important organizations such as the Hague Conference on Private International Law and the International Institute for the Unification of Private Law. Both of these are making vital contributions to simplifying and unifying the international legal system. How many times have we interceded on behalf of constituents in international adoptions, or in cases of parental abduction, or in the enforcement of legal judgments? This bill will afford our constituents less protection in such matters, and we will be responsible.

As a broader, practical matter, American citizens will be far less able to rely on U.S. Government support abroad as a result of this bill, whether it be in consular, commercial, or political matters. My guess, and it pains me to say this, is that the Congress will try to duck its responsibility for such an outcome instead of facing—in up to our constituents and explaining why they cannot find support or relief, Members will try to shift the blame to the State Department and our overseas employees.

Recently, some have found it fashionable—and even humorous—to characterize the Foreign Service as a coddled group of elitist intellectuals who shun the hard work of representing America's interests overseas. I reject the characterization and am compelled to pay tribute to the dedicated and capable men and women who comprise our diplomatic corps. I know how hard they work, and how dedicated they are to serving our Nation's interests. As we have just seen in Bosnia, have made the supreme sacrifice of giving their lives in service to the country.

Mr. President, we should honor these men and women and give them our full appreciation. At a minimum, we should see that they have a basic level of support to handle their ever-increasing responsibilities. We would never send our soldiers to war without support in depth; why would we send our diplomats whose office is no less noble or patriotic than that of any soldier—to do political battle with virtually no support at all?

Mr. President, we are forsaking the lessons of history for political opportunism already has paid so dearly. Neither the proponents of this bill will insist that they are not isolationists, but they must realize that their proposals will lead us into isolationism. We cannot influence the decisions of international bodies if we are not there to participate. And if we try to participate without paying our bills, no one will listen to us. That is isolation in the truest sense of the word. Mark my words: if we continue down the path we are now heading, our children will be left with one of two choices. The first is to accept that their forebears let their country become a xenophobic, second-rate power with a shrunken and insulated economy. The second is to refight the battles for which our generation already has paid so dearly. Neither, in my view, is an acceptable choice.

I yield the floor.

Mr. DOMENICI addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise for a couple of minutes. First, I ask unanimous consent, if Senator Gramm and Senator Hollings will consider this, that the Domenici-Hollings amendment on legal offsets follow the amendment to be offered by Senator Hatfield.

Mr. HOLLINGS. We have no objection.

Mr. GRAMM. Reserving the right to objection, I have been talking to several other Members. We are trying to work out an agreement where we might actually reduce it down to four amendments that we would have on the bill. The Senator's would be one of those amendments. But, Senator, I will tell you, as you know, there is competition for these offsets. Before I can accept that unanimous-consent request, I have to go back and talk to the people that I am talking to on the other side of the aisle.

So if the Senator will withhold, I will go back and talk to them and maybe look at these offsets and see if we can work it out. I want to be sure that the same sources that are being promised to two or three different places.

The PRESIDING OFFICER. Does the Senator withdraw his unanimous-consent request?

Mr. DOMENICI. No, I reserve it for a minute or two, and I will just stay here in any event, I say to the Senator. If we do not agree to it, I will be here until Senator Hatfield's amendment is disposed of and then seek the floor. I withdraw my request.

Mr. President, might I just comment to my good friend Senator Hollings, I want to share a thought with him. He was talking about jumping off the Capitol at the end of this year if we do not have a balanced budget. Mr. HOLLINGS. No, when you say it is that to the couple of Members of the Majority who are not leadership. It is isolationism. We also would hamstring the work of the Department and our overseas employees.

Mr. DOMENICI. What I suggest to my good friend, maybe in the meantime, there are those hang gliders. Our Governor does that.

Mr. HOLLINGS. Yes.

Mr. DOMENICI. You go off and learn how to jump off mountains and you do not crash.

Mr. HOLLINGS. Right.

Mr. DOMENICI. Since I am so sure we were going to get the vote, and I do not want the Senator to fall off the Capitol. I would like him to get trained a little so when he jumps off, he will be all right. It is just a constructive idea because I have so much respect and admiration for the Senator.

Mr. HOLLINGS. I will put you in there with me.

Mr. DOMENICI. If you are good, I will join you.

Mr. HOLLINGS. Yes.

Mr. DOMENICI. Mr. President, I just want to comment on Senator Holling's rather lengthy and, clearly, from his standpoint, a very important speech about a balanced budget.

I first want to say, if we accomplish in the next 45 days what was in the budget reconciliation instruction, and if we stick to the caps on appropriations, which we have done, I understand even points of order have been sustained on the floor without even the thought of exceeding the caps, my guess--the unexpected result will be the Congressional Budget Office will tell us that we are on a path to a balanced budget, and we will get there.

In fact, I would not be surprised if when we finish that exercise that they do not tell us that there is, indeed, some kind of a small surplus. And I just want the Senators who are voting for all of that to know they did price out that budget resolution. They priced it out so that they could tell us that, in fact, they are getting us here in a rather substantial economic dividend that puts us in the black. I know my good friend does not agree with that. He did not vote for it and does not support it. I
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think it is a very historic budget resolution. In all respects, it does what the
Senator suggests, save one. In all respects, it does the kinds of things we
said we ought to do. It just does not
raise taxes. The rest is there—the reform and the elimination of programs,
the suggestions, the freezes—they are
all part of this very difficult effort.
I yield the floor.
Mr. HOLLINGS. Mr. President, I ask
unanimous consent to have printed in
the RECORD at this point the actual
record of the gross Federal debt beginning in 1945 going right on down to the
estimated 1996 debt, and the real deficit
going from 1945 down to 1996 with the
gross interest costs, which has only
been computed to be included since
1962.
There being no objection, the material was ordered to be printed in the
RECORD, as follows:
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408.2
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466.3
483.9
541.9
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706.4
776.6
829.5
909.1
994.8
1,137.3
1,371.7
1,564.7
1,817.6
2,120.6
2,346.1
2,601.3
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+30.4
+17.6
+58.0
+87.1
+77.4
+70.2
+52.9
+79.6
+85.7
+142.5
+234.4
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74.8
95.5
117.2
128.7
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178.9
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348.0

Mr. HOLLINGS. Mr. President, the
distinguished chairman of the Budget
Committee is talking and the Senator
from South Carolina is talking, but the
facts speak more loudly than each of
us. For example, the gentleman talking
then was the President when he came
to town. In 1980, we were paying interest costs of $74.8 billion on a national
debt of over 200-some years of history,
with all the wars from the Revolutionary War up to and including World War
I, World War II, Korea and Vietnam.
Now, it is estimated to go to $348 billion just in interest costs. That was the

crowd that came and talked and said
they were going to save us from waste,
fraud, and abuse. In fact, I got an
award from the Grace Commission,
working with them. By 1989, we had to
report it, and 85 percent of the Grace
Commission
recommendations
had
been implemented.
However, wanting to do away with
waste, as we talked—look what actually occurred. It has gone to the greatest waste in the history of the Government—from $74.8 billion to $348 billion.
Over $200 billion just in increased in
costs for nothing. If we had the twohundred-seventy-some billion dollars
here now for these things, you would
not have extended debate on labor,
health and human resources. We would
have the money for those programs.
You would not have an amendment on
Legal Services. We would have provided for it and for cops on the beat
and for the State Department, and the
strengthening of our technology, and
all.
My point is that we keep on talking,
and we get estimates from the CBO and
all of these econometric models and all
the economists that we keep following
and, as old Tennessee Ernie said, we
are another day older and deeper in
debt.
I yield the floor.
Mr. SIMON. Will my colleague yield
for a moment?
Mr. HOLLINGS. Yes.
Mr. SIMON. Mr. President, I simply
want to acknowledge that the person
who educated me on gross interest over
against net interest was the Senator
from South Carolina.
Administrations like to put net interest into their budgets. We do not do
that with any other function of Government. We do not say the Justice Department took in so many dollars in
fines and everything, therefore, their
budget is that much less. It is the gross
expenditure of the Justice Department.
But because administrations like to
fuzz things up a little bit, they were
using net interest. The real figure is
gross interest. I want to acknowledge
Senator FRITZ HOLLINGS for having
educated me on this. And I hope he is
educating a lot of other people, too.
Mr. HOLLINGS. I thank my distinguished colleague.
The PRESIDING OFFICER. Who
seeks recognition?
Mr. GRAMM. Mr. President, in a moment we will have an amendment by
the distinguished chairman of the full
committee, which is going to shift the
allocation among the subcommittees
providing additional funding for Commerce, State, Justice and in the process solving many of the problems that
hold this bill up.
While we are waiting on that—and I
understand the distinguished Senator
from West Virginia has now signed off
on that amendment—I want to say, as
the new chairman of this subcommittee, that I have had an opportunity, for
the first time, to work with the distinguished Senator of the full committee,

S 14501

Senator HATFIELD, in that capacity. I
think it is fair to say that the success
that I have had in bringing the bill to
this point is, in no small part, due to
the assistance that I have had from the
distinguished Senator from Oregon. I
simply want to say that the Senator
from Oregon has not only been very
helpful to me in this bill, but I think
he epitomizes what the skilled and
dedicated legislator is all about.
I had a great deal of respect for Senator HATFIELD before we started trying
to put together this very difficult bill.
I have even more respect for him now.
In case we have the miracle of miracles
and we work out an agreement and this
bill quickly becomes law and everybody scatters to the far ends of the
continent, and maybe in some cases to
the far ends of the world, I just wanted
to say how much I appreciate the distinguished chairman for the personal
help and council he has given to me. He
certainly is deserving of our thanks
and our appreciation.
Let me, in waiting for the amendment to be ready, simply 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. GRAMM. 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. GRAMM. I ask unanimous consent that the pending amendment be
temporarily set aside for the purpose of
considering a technical amendment
which has been cleared on both sides.
The PRESIDING OFFICER. Without
objection, it is so ordered.
AMENDMENT NO. 2813
(Purpose: To make certain technical
corrections)

Mr. GRAMM. Mr. President, I send a
technical amendment to the desk and
ask for its immediate consideration.
The PRESIDING OFFICER. The
clerk will report.
The assistant legislative clerk read
as follows:
The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2813.

Mr. GRAMM. Mr. President, I ask
unanimous consent that reading of the
amendment be dispensed with.
The PRESIDING OFFICER. Without
objection, it is so ordered.
The amendment is as follows:
On page 15, line 23 strike ‘‘148,280,000’’ and
insert in lieu thereof ‘‘168,280,000’’.
On page 15, line 24 strike ‘‘and’’.
On page 16, line 2 after ‘‘103–322’’ insert ‘‘;
and of which $2,000,000 shall be for activities
authorized by section 210501 of Public Law
103–322’’.
On page 20, line 8 strike ‘‘$114,463,000’’ and
insert in lieu thereof ‘‘$104,463,000’’.
On page 115, line 9 strike ‘‘$40,000,000’’ and
insert in lieu thereof ‘‘$22,000,000’’.
On page 123, line 1 strike ‘‘$3,000,000’’ and
insert in lieu thereof ‘‘300,000’’.
On page 151, line 16 strike ‘‘(1)’’ and insert
‘‘(2)’’.
On page 151, line 18, strike ‘‘(2) and (3)’’ and
insert ‘‘(3) and (4)’’.


ERRATA: S UBCOMMITTEE ON COMMERCE, J US-RECORD, as follows:

On page 151, line 19 strike "(2)" and insert "(3)".
On page 152, line 13 strike "(3)" and insert "(4)".
On page 153, line 14 strike "(4)" and insert "(5)".
On page 154, line 21 strike "(5)" and insert "(6)".
On page 155, line 3 strike "(6)" and insert "(7)".
On page 155, line 9 strike "(7)" and insert "(8)".
On page 155, line 19 strike "(8)" and insert "(9)".
On page 151, line 16 after "Sec. 614."
On page 161, line 25 strike "$115,000,000"
and insert in lieu thereof "$34,000,000.
Mr. GRAMM. Mr. President, the bill that is currently before the Senate, H.R. 2076, fiscal year 1996 Commerce, State, Justice appropriations bill, as reported by the Senate Appropriations Committee, contains several inadvertent errors. This amendment is purely technical in nature and is intended to correct those errors. The amendments which were adopted in both sub-committee and full committee.
This amendment has been cleared by the distinguished floor manager on the other side. It is simply necessary to strike out all of the drafting errors that have been created in getting the bill to this point.
Mr. HOLLINGS. It is cleared on this side.
The PRESIDING OFFICER. Is there further debate?
The question is on agreeing to the amendment.
The amendment (No. 2813) was agreed to.
Mr. GRAMM. Mr. President, I move to reconsider the vote.
Mr. HOLLINGS. I move to lay that motion on the table.
The motion to lay on the table was agreed to.
Mr. GRAMM. Mr. President, I ask unanimous consent that the corrections to the committee report that I send to the desk be printed in the RECORD.
The PRESIDING OFFICER. Without objection, it is so ordered.

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

ERRATA: S UBCOMMITTEE ON COMMERCE, J URSIC, STATE, THE JUDICIARY AND RELATED AGENCIES REPORT 104-139
Page 20, paragraph 2, sentence 2 should read:
"Of these funds, $275,000,000, including $107,720,000 in program increases, are derived from the restart of the crime reduction trust fund [VRCFT], as authorized in section 521 of Senate bill 735."
Page 27, under Border Control Systems Modernization, the first sentence should read:
"A total of $130,500,000 is recommended, of which $204,453,000 is provided from the violent crime reduction trust fund, to continue the border system modernization effort that started last year."
Page 30, last paragraph, delete the following in its entirety:
"The Committee recommendation assumes that the 300 agents relocated to the front lines of the border will include the agents noted by the Department as well as agents currently assigned to the San Clemente and Temecula checkpoints in California."
On page 37, the entry for the Committee recommendation for State and local block grant/COPS should be $1,690,000. A new entry should be added for Police corps. 1996 appropriation is $220,140,000. House is zero. Committee recommendation is $10,000.
On page 60, under National Oceanic and Atmospheric Administration the paragraph should read:
"The Committee recommends a total of $1,160,000,000 (obligational) authority for all National Oceanic and Atmospheric Administration (NOAA) appropriations. This level of funding is $45,155,000 below fiscal year 1995, and is $20,140,000 below the budget request. This recommendation is $92,159,000 above the House allowance, and includes transfers totaling $55,500,000 and fees totaling $3,000,000."
On page 68, under National Marine Fishes Service the paragraph should read:
"The Committee recommendation provides a total of $285,432,000 of the National Marine Fisheries Service (NMFS) for fiscal year 1996. This amount is $27,261,000 less than the budget request, and is $30,937,000 more than the House funding level. The amount provided under the Committee recommendation is $37,240,000 above the House allowance. The Committee has recommended, as shown in the preceding table, for a variety of important research and information programs which are designed to promote a sustainable use of valuable marine resources."
Page 77, under Fishing Vessel Obligations Guarantees:
"Committee recommendation—250,000."
Page 78, under National Technical Information Service, second sentence should read:
"This is a decrease of $7,000,000 below the current available appropriation."
Page 85, under U.S. Sentencing Commission, first sentence should read:
"The Committee recommends $7,040,000 for the salaries and expenses of the U.S. Sentencing Commission for fiscal year 1996."
Page 112, under Radio Construction: "Committee recommendation—22,000,000."
The bill includes new budget authority for the "radio construction" account for fiscal year 1996. This amount is $52,935,000 less than the budget request, $47,314,000 less than fiscal year 1995 funding levels, and $48,164,000 below the House allowance.
Page 113, last paragraph, last line should read:
"FTU, and Center for International Private Enterprise (CIFE) in equal amounts."
Page 113 under Department of State Acquisition and Maintenance of Buildings Abroad, line 1 should read:
"The Committee recommends a rescission of $140,000,000 from the projected end-of-year carryover balances in the "Acquisition and Maintenance of Buildings Abroad" account at the State Department."
Mr. HATFIELD addressed the Chair.
THE PRESIDING OFFICER. The Senator from Oregon [Mr. H ATFIELD]
Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.
THE PRESIDING OFFICER. Without objection, it is so ordered.
The amendment is as follows:

At the end of the committee amendment beginning on page 2, line 9, insert the following:
"The amount from the Violent Crime Reduction Trust Fund for Violent Byrne Memorial State and Local Law Enforcement Assistance Programs is reduced by $75,000,000.

The following sums are appropriated in addition to such sums provided elsewhere in this Act.
For the Department of Justice, Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, $75,000,000.
For the Department of Commerce, International Trade Administration, "Operations and Administration", $41,500,000; for the National Oceanic and Atmospheric Administration, "Construction of Research Facilities", $3,000,000; and the amount for the Commerce Reorganization Transition Fund is reduced by $10,000,000.
For the Department of State, Administration of Foreign Affairs "Diplomatic and Consular Programs", $135,635,000; for "Salaries and Expenses", $3,724,000; for the "Capital Investment Fund", $8,200,000.
For the United States Information Agency, "Salaries and Expenses", $8,000,000, for the "Trade Promotion Account", $2,450,000; for the "Education and Cultural Exchange Programs", $20,000,000 of which $10,000,000 is for the Fulbright program; for the Eisenhower Exchange program, $857,000; for "Environmental Protection Operations", $10,000,000; and for the East-West Center, $10,000,000.
For the United States Sentencing Commission, "Salaries and Expenses", $1,980,000, for the International Trade Commission, "Salaries and Expenses", $4,250,000; for the Federal Trade Commission "Salaries and Expenses", $9,893,000; for the Marine Mammal Commission, "Salaries and Expenses", $384,000; for the Securities and Exchange Commission, "Salaries and Expenses", $29,740,000; and for Small Business Administration, $30,000,000.
Mr. HATFIELD. Mr. President, first I want to express my deep appreciation for the kind words expressed by the chairman of our subcommittee, Senator GRAMM of Texas, in response that it has been one of those wonderful occasions and experiences that sometimes happen in the Senate, and that is when we get down together one-on-one to negotiate and to try to find where the other person’s perspective lies, and to the other person’s viewpoint, the other person’s priorities, and come to a new appreciation that this indeed, is one of the strengths of this institution—its
diversity. And at the same time there is
diversity in this institution, it does
not mean that it means stalemate. It
does not equal stalemate diversity.
I could find no person with greater
sensitivity and words indeed than that
person SENATOR GRAMM in working
out the differences and also at the
same time, working for the same goal.
I come to appreciate, from time to
time, the strength of diversity. I some-
times also think that if I listened more
good less, I would hear what the
other person might be saying a little
more clearly than depending upon im-
ager or upon labels such that we of-
tentimes use in shortcut methods.
That also does not build for personal
relationships.
Mr. President, I have sent to the desk
an amendment on behalf of Senator
HOLLINGS, myself, and on behalf of the
Appropriations Committee in general.
I filed an amended application for the
Commerce, Justice and State bill that
allocated $3.5 billion, a very high item of in-
budget authority and $325 million in
outlays to be spent on the bill.
Now, this begs for, again, a quick de-
scription again of our process. I know
beyond the beltway that is not nec-
essary to tell you, but I have had to be
on many national $500 million in inter-
est. For our own colleagues to un-
derstand that at the beginning of any
appropriations cycle that the chairman
of the Appropriations Committee,
along with consultation and along with
staff and so forth, creates what we call
the 602(b) allocations.
Now, we do not follow the House of
Representatives. In other words, we
have our own methods and our own pri-
orities and so forth. So that reflects
basically, once the committee has
adopted the chairman's mark, that rep-
resents basically a committee action.
In this particular case, we had $1 bil-
lon—I am talking now in round num-
bers—$1 billion in a 602(b) allocation to this
subject. And this was headed by Senator
GRAMM and with the former chair of the
committee and now the ranking member, Senator HOLLINGS of South
Carolina, $1 billion under the House of
Representatives.
Now, there were obvious problems
just from that allocation. These people
had to work within that framework
once adopted by the committee. They
did so. That meant that they had to
not just reduce and diminish some of the
items that have been built up over a period of time, but they also
had to select between agencies and be-
tween programs within agencies.
Now, when we go to the House of
Representatives for a conference ulti-
mately as we do with each bill, the
chairman of the House committee, ROBERT LIVINGSTON of Louisiana, and I
have the responsibilities under the
Budget Act that we have to find a way
to bring those two committees to-
together on an agreed target figure.
Now, what we do is strike the dif-
ference. We say, all right, that is
$500 million for the Senate in this case
and $500 million less for the House. You
take that as your target figure to make your adjustments.
In this particular case, probably one
of the most severely hit of all sub-
committees in the Commerce, Justice,
State Subcommittee, and they had an
unnecessarily difficult time in the
Senate to try to get into the ballpark of
meeting with the House floor con-
ference.
Why wait until that moment when
Congressman LIVINGSTON and I have to
fight our way through this and why not
do it now? That is all this amendment
represents. We are saying, in effect, we
had the previous bill, HUD, independent
agencies. We had to adjust that
downward in terms of meeting a figure
to the House figure for HUD, independ-
ent agency, the Senate HUD, independ-
ent agency, to get together for con-
ference.
What I have done at this point is to
advance that momentum of time and deci-
sion that would have to take place
with the Senate. And my question
myself, taking from the HUD bill we have
just completed on the floor and trans-
ferring that budget outlay figure that we have just announced here this after-
noon at $325 million.
I have reserve fund in the so-called
BA that we could draw from in the full
committee, and we drew from that, to
create now this amendment. In other
words, this amendment does not add a
single penny to our overall commit-
ments under the budget resolution.
What we are doing is making a fine
adjustment that has to occur anyway,
and we are doing it in advance of the
time in order to make this bill more
acceptable and to be a broader base of
support for the bill, but also to be more
equitable and fair in the bill.
My phone has been ringing off the
hook for the last 3 weeks since the
committee reported the bill. I know
that it has been so in the case of Sen-
ators LIVINGSTON, myself, and other
members, and probably many others who serve on the Appropriations
Committee.
Now, this small increase of funds, we
have made a printout of each account
to which we are adding funds in the
Commerce Department, the State De-
partment, and some of agencies funded
under this bill. We also have reiterated
our commitment for the Byrne-formula
grants in the Justice Department.
Each member has before him or her the
full amendment in detail. I will only
refer to this.
Now, what this overall amendment
does is to keep the spending levels clos-
er to a freeze and closer to actions
taken by the authorizing committees.
So this is not just trying to get an
adjustment for this bill here in the
Senate, and for the conference to come
with the House, but also to tie in with
the authorized levels provided by Sen-
ator HELMS in the case of Foreign Rela-
tions Committee and the State Depart-
ment.
You will find on this printout such
examples, if you look at the columns
where this so-called outlays and this
adjustment takes place in the last two
columns of the figures. As an example,
we are taking domestic and counselor
programs and funding them with re-
placement of money at about $115.8
million at the Senate Foreign Rela-
tions Committee authorizing level.
That is how we work these charts
back and forth.
The amendment provides additional
funds for six independent agencies.
Those six independent agencies are U.S. Sentencing Commission, Inter-
national Trade Commission, Federal
Trade Commission, Marine Mammal
Commission, Securities and Exchange
Commission, Small Business Admin-
istration.
Now, in the case of the Federal Trade
Commission and the International Trade
Commission and all of these, what we have done is to have a freeze
minus 10 percent in the amendment.
That contrasts to a freeze minus 20 per-
cent which was in the bill that is now
in the Senate. Again, it is re-
representative of another type of handling
of these additions.
In the case of the Small Business Ad-
ministration, we propose to add an
additional $30 million, which should be
sufficient funding administrative
loan volume recommended in the
committee bill.
Again, we refer back to not only our
previous work but to authorizing commit-
tees as well. There are many com-
mittee demands in this bill and it
makes it very difficult, even with this
amendment.
Let me make very clear, this amend-
ment does not solve all of our prob-
lems. But I do think it can solve suffi-
cient problems to get this bill wrapped
into the CR, down to the White House,
eventually to be vetoed. I have to be
straightforward. My impression, maybe
this amendment is going to help in
some way alleviate that probability
that we have now, and probably that the Presi-
dent intends to veto this bill.
Maybe we can again, hopefully, make
that a lesser possibility than it is
under the bill that we have before us.
So, Mr. President, not going to go
on about these changes. I am very
happy to respond to specific questions
that people may have, but I do want to
say that it has been through the coop-
erative spirit of the leadership of this
subcommittee and the leadership of the
full Senate that we are hoping, today,
to pass this amendment, that it adopt-
ed, and thereby move on to address
other issues in this bill.
The PRESIDING OFFICER. The Sen-
ator from South Carolina.
Mr. HOLLINGS. Mr. President, let
me rise in gratitude to our distin-
guished full committee chairman and
also the subcommittee chairman for al-
lowing us to proceed, and to note a
softening and thawing on behalf of the
distinguished subcommittee chairman,
who I think is very, very kind.
Senator HATFIELD has really saved
us. I read Mary McGrory this morning,
and she said Ross Perot had given
President Clinton oxygen. I feel like, in this amendment, which I am proud to cosponsor, we are getting oxygen. It keeps some very important programs alive.

The distinguished full committee chairman, Senator HATFIELD, has been very sensitive and very understanding and very realistic. There is none of this kind of pork or any of these other kind of things. This amendment adds back funds to high priority commerce programs—$46.5 million for the International Trade Administration. We just had lunch on yesterday with the Special Trade Representative. We are trying to get more competitive and more realistic in a trade policy in this country, and we need these additional funds to just bring them up to where they would be at a freeze.

There is $32 million for the Minority Business Development Agency; $25 million for NIST—the National Bureau of Standards, manufacturing centers, the information technology centers; $8.1 million for the Export Administration; and finally for the front line—after the fall of the wall—namely, our State Department, which the distinguished ranking member, Senator PELL, has just reminded us, $177 million is added to their operating accounts to bring them back to the level proposed in S. 908, Senator HELMS’ Foreign Relations Authorization Act.

For the USIA, we are adding back $20 million for international education exchanges, including $10 million for the Fulbright program. We also add back funds for the USIA operations, international broadcasting, and technology modernization. And for the independent agencies like the Federal Trade Commission, the Small Business Administration and others, we have added back certain funds that could be available now with this new allocation.

I thank particularly the staffs on both sides, Mark Van Der Water, David Taylor, Scott Corwin, and Steve McMillen, who worked until about 2 o’clock this morning, trying to bring this about.

I am very much appreciative to Senator HATFIELD, and I hope we can adopt this amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I express my gratitude to the chairman of the full committee, to the Senator from South Carolina for addressing a concern I have been discussing with them for many months, the East-West Center. It is a very important national asset, and I thank them very much.

For those not familiar with the East-West Center, it is a world-class American institution dedicated to promoting better understanding and relationships with the countries of Asia and the Pacific.

It is supported by a bipartisan government 35 years ago that foresaw the need for a better understanding between the United States and the Asia-Pacific region. The importance of the East-West Center is important now more than ever. The Asia-Pacific region is the fastest growing region in the world. Today, over half of the population of the world is in Asia. This region has about 20 percent of the world’s GDP, 60 percent of the gross product of the world. For every jumbo jet that flies over the Atlantic Ocean, four fly over the Pacific Ocean. Our trade with Asia is four times larger than our trade with Europe.

It has become the fastest growing economy. Trade with Asia provides nearly 3 million jobs to Americans and, by the year 2003, our exports to Asia will be more than double those to Europe.

I would like to share two concrete examples of the East-West Center’s success in the Asia-Pacific. There was a time when our relations with Indonesia were next to nil. Our Ambassador was recalled. There were no exchanges or any formal conversation. Indonesia cut off all ties with the United States. It would not permit any of its citizens to become Fulbright scholars, but it continued to send men and women to the East-West Center.

One thing that changed is Bandung. Our relationship with Burma over the years has been hot and cold. At one time, Burma sent our ambassador home and closed our consulates. But Burma sent students to the East-West Center. It was discovered that this was a unique spot on the globe where men and women could freely discuss issues of the day.

The East-West Center now has 42,000 alumni globally; a network of distinguished colleagues in government, business, the media, academia, and the professions.

The student degree program, with 4,000 graduates, is a major component of cultural and technical interchange at the Center.

As you can see, the East-West Center is a national resource that must be funded at a responsible level. I ask my colleagues to support this national institution.

Mr. AKAKA. Mr. President, I am pleased to join the full committee, my colleagues from Hawaii, the senior Senator from Utah, and the distinguished ranking member of the subcommittee, and the chairman of the Senate Foreign Relations Committee, in offering this amendment to restore funding for the East-West Center.

Over the past 35 years, the East-West Center has established its reputation as one of the most respected and authoritative institutions dedicated to the advancement of international cooperation throughout Asia and the Pacific. The Center plays a key role in promoting constructive American involvement in the region through its education and outreach programs. The Center addresses critical issues of importance to the Asia-Pacific region and United States interests in the region, including international economics and politics, energy and natural resources, population, the environment, technology, and culture.

The achievements of the East-West Center bear repetition. Since its creation by Congress in 1960, the Center has welcomed over 200,000 participants from over 60 nations and territories to research, education, and conference programs.

Scholars, statesmen, government officials, journalists, teachers, and business executives from the United States and nations of Asia and the Pacific have benefited from studies at the Center. These government and private sector leaders comprise an influential network of East-West Center alumni throughout the Asia-Pacific region. I continually encounter proud Center alumni in meetings with Asian and Pacific island government officials and business leaders.

The success of the Center as a forum for the promotion of international cooperation and the strength of the positive personal relationships developed at the Center are reflected in the prestige it enjoys in the region. Japan, Korea, Taiwan, Indonesia, Fiji, Papua New Guinea, Pakistan, and other American allies in the region—over 20 countries in all—support the Center’s programs with contributions. The Center has also received endowments from benefactors in recognition of its contributions and value.

Mr. President, the countries of Asia and the Pacific are critically important to the United States and our political and economic interests into the next century. By the year 2000, the Asia-Pacific region will be the world’s largest producer and consumer of goods and services. The markets for energy resources, telecommunications, and air travel are fast becoming the world’s largest.

Future economic growth and job creation in the United States is closely linked to our ability to identify and secure opportunities in the world’s fastest-growing economies. The East-West Center provides leadership and advice on economic issues, including APEC [Asia Pacific Economic Cooperation] and the U.S.-Pacific Island Joint Commercial Commission.

Mr. President, given the strategic and economic importance of the Asia-Pacific region to U.S. interests, and the credibility and trust enjoyed by the East-West Center in the region, I believe it is unwise to slash funding for the Center. We have closed, or are in the process of closing, AID offices in the region. These actions are sending signals to our friends and others in the region that our interest is waning.

For over 3 decades we have invested in the East-West Center, creating an important resource that provides understanding of Asian culture, provides expertise on complex regional issues, and advises U.S. foreign policy decisionmaking. If we fail to provide
the Center adequate funding and a reason- 
some transition period to self-suffi-
ciency, we will discard a valuable re-
source—a first-class institution that has 
earned an international reputation for 
its research scholarship and aca-
demic programs. The significance of 
Asia and the Pacific islands to our 
interests and security, such action is 
short-sighted and ill-advised. I urge 
my colleagues to support our 
amendment.

Several Senators addressed the 
Chair.

The PRESIDING OFFICER. The Sen-
ator from Delaware.

Mr. BIDEN. Mr. President, one of the 
things that is deficient, in my view, 
about the legislation before us—and I 
will shortly send an amendment to the 
desk about it that I think we have 
worked out—and that is, in fairness to 
my friend from Texas, the chairman of 
the committee, in his, if I have this 
correct, 602(b) allocation, initially he 
got less money in that allocation than 
was needed to fund some of the things 
I think he believes should have been 
funded, and I strongly believe, along 
with my friend Hatch and a number of 
my Republican as well as Democratic 
colleagues, should be funded.

In this case the present appro-
priations bill before us funds the Violence 
Against Women Act law at $75 million 
less than is needed. It is funded at $100 
missing here, but I will, on behalf 
of Senator GRAMM and myself, send to 
the desk, along with Senators HATCH 
and WELLSTONE and others, an amend-
ment that would restore the $75 million 
in this account.

I understand the reason we have been 
able to work this out is a consequence 
of the fact that the distinguished 
chairman of the full committee and the 
ranking member of the subcommittee, 
this subcommittee, who have come up 
with this agreement that, in turn, has 
had the effect of providing an addi-
tional $75 million for the violent crime 
trust fund. It is that from which this is 
funded.

Of all the legislation I have ever 
worked on here in the Senate, this one, 
the Violence Against Women Act, has 
been, in my case, my first priority and 
proudest accomplishment. When it 
was introduced, in my case, my first 
year, in 1994, it was a $75 million 
appropriation. I think it is amendable at 
this point. I do not believe this amend-
ment is amendable at this point.

Mr. BIDEN. Mr. President, I say to 
my friend from New Mexico, I have 
overwhelming confidence in his par-
liamentary skills. If he says it, there 
must be a likelihood he is correct, in 
which case I make a parliamentary in-
quiry: When is it appropriate for the 
Senator from Delaware to introduce an 
amendment that would, in fact, restore 
the $75 million to the violence against 
women account?

The PRESIDING OFFICER. When we 
dispose of the Hatfield amendment.

Mr. BIDEN. That is a very useful 
piece of information, Mr. President. I 
thank him very much, and, if it is ap-
propriate, I ask unanimous consent that, 
upon disposal of the Hatfield amendment, I be recognized to offer 
my amendment.

The PRESIDING OFFICER. Is there 
option?

Mr. DOMENICI. Reserving the right 
to object, I will not object if I can add 
my unanimous consent to it that im-
mediately thereafter we have a Domeni-
ci amendment on legal services.

Mr. BIDEN. Mr. President, I ask 
unanimous consent. The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the 
Chair.

The PRESIDING OFFICER. The Sen-
ator from Minnesota.

Mr. WELLSTONE. I will just take a 
moment, Mr. President.

The PRESIDING OFFICER. The Sen-
ator from Minnesota.

Mr. WELLSTONE. I say to my col-
league from New Mexico, I will just 
take a minute.

Mr. DOMENICI. No problem.

Mr. WELLSTONE. Mr. President, I 
want to just emphasize what the Sen-
ator from Delaware said, including 
being an original cosponsor to this 
amendment. I will wait. I am very 
pleased an agreement has been worked 
out. I will wait until the Senator from 
Delaware introduces this amendment.

My understanding is we have a good 
agreement here. At that point in time 
I would like to talk about the impor-
tance of what we have done.

So I just ask unanimous consent I be 
included as an original cosponsor.

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

Is there further debate on the amend-
ment?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I 
would like to ask Senator HATFIELD, 
sponsor of the amendment, a clarifi-
cation question.

First of all, I strongly compliment 
my colleague on the amendment. I cer-
tainly intend wholeheartedly to sup-
port it. Under Small Business Adminis-
tration you have an overall $30 million 
add-on. Am I correct that in the spec-
fics, that for women’s outreach pro-
gams, you have increased that to $40 
million?

Mr. HATFIELD. The Senator is cor-
rect.
CANCER, it's not heart attacks, it's not the hands of a man. It is not breast

forgotten, let me once again remind your suffer will no longer be no longer look the other way—the violence against women—so they can better understand and respond to the problem; Implement tougher arrest policies, including mandatory arrest for anyone who violates a protection order—so that the burden of seeking an arrest does not fall on the women who may fear further violence; Expand and improve victim-service programs and provide specially trained family violence court advocates; Fund family violence education courses in our schools.

In the past 12 months, the Violence Against Women Act has already been put into action. In States and communities all across the country, Federal dollars are helping coalitions of police, prosecutors, judges, and victim service organizations work together—to arrest and convict, to prosecute and to offer women the information and practical resources they need.

As many of you may already know, the first conviction and sentencing under the Act took place recently in West Virginia.

It is a case about Christopher Bailey and his wife, Sonja, and it is enough to take your breath away. Christopher Bailey severely beat Sonja, forced her into the trunk of his car, and drove aimlessly across West Virginia and Kentucky for 6 days.

Sonja suffered massive head injuries and severe kidney and liver dysfunctions. Her face was black and blue, and her eyes were swollen shut. She had bruises on her neck, wrists, and ankles.

Today, Sonja remains in a coma. Christopher Bailey was convicted under a new provision in the Violence Against Women Act, and for kidnapping. Early this month he was sentenced to serve the rest of his days in prison.

Obviously, Bailey's conviction won't bring Sonja out of her coma. But it does send a clear message all across our land: violence against women will not be tolerated—it will be punished, and it will be punished severely.

Today, we in the Senate must send that same message. We must keep the promise we made last year, and restore funding for the Justice Department programs authorized by the Violence Against Women Act.

Last year, the Congress authorized over $176 million for the Violence Against Women Act Justice Department programs—$1.3 billion as reported to committee cut more than $76 million from these programs.

The most devastating cut was made to the grant program at the heart of domestic violence reduction, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1994; $1,500,000 for national stalker and prevention programs. This bill as reported to committee cut $75 million from the grant program at the heart of the Violence Against Women Act—has been my first priority and my proudest accomplishment. When it passed the Senate with overwhelming bipartisan support, I thought we were on our way to making a significant investment to the women of America. I though we made more than a paper commitment. But passing the law, without following through and providing the funding is meaningless.

For too long, we have looked the other way when it comes to this kind of violence. For too long, we have turned our back on the women injured by men who say they love them. For too long, we have considered this kind of violence a private misfortune rather than a public injustice.

Last year, we took a historic step in the right direction when we passed the Violence Against Women Act. We made a commitment to the women and children of this country. We said: We will no longer look the other way—the violence against women will no longer be yours alone. Help is on the way.

And just in case my colleagues have forgotten, let me once again remind them of the dimensions of this problem:

The No. 1 threat to the health of America's women is a violent attack at the hands of a man. It is not breast cancer, it's not heart attacks, it's not strikes. Its violence against women by men.

These attacks have many names. They are called rape, assault, felonies. And the attackers have many faces. They are friends, relatives, spouses, and strangers.

The statistics are terrifying: Every 18 seconds, a woman is beaten by her spouse, boyfriend, or other intimate partner.

Every 5 minutes, a woman is raped.

Nearly two out of three female victims of violence are related to, or know, their attackers.

As many as 35 percent of all women who visit emergency rooms are there because of family violence.

This violence also takes a tragic toll on our children:

Three million children each year witness violence in their homes. Studies show that these kids are more likely to drop out of school; abuse alcohol and other drugs; and may grow up to be abusers themselves.

The violence women suffer reflects as much a failure of our Nation's collective moral conscience as it does the failure of our Nation's laws and regulations.

How else can we explain the results of a study of junior high school students conducted in Rhode Island a few years ago?

In the study, the students were asked: When does a man have the right to have sexual intercourse with a woman without her consent?

It seems like an outrageous question doesn't it? but 80 percent of the students said that a man had the right to use force if the couple was engaged, and 61 percent said force was OK if the couple already had sexual relations, and 30 percent said force was justified if the man knew that the woman had had sex with other men.

And the appalling answers do not stop.

About 25 percent of the boys said it was OK to force sex on a girl if the boy had spent $10 on her—and, astonishingly, 20 percent of the girls who were interviewed agreed.

If these are the attitudes we have communicated to our youth, it is hardly surprising that we tolerate a level of violence against women unprecedented in our history.

Somehow, we seem to forget that a society suffers what it tolerates. That's why we cannot retreat from the commitment we made last year with passage of the Violence Against Women Act. The act, let me remind my colleagues, has four basic goals: To make our streets and homes safer for women; to make the criminal justice system more responsive to women; to start changing attitudes—beginning with our kids—about violence against women; and to extend to women the equal protection of our Nation's laws.

The Senate, the House, and the President—we all agreed last year that Federal dollars should be committed to these goals. Specifically, we authorized funding to:

- Hire more police and prosecutors specially trained and devoted to combating family violence.
- Train police, prosecutors, and judges in the ways of family violence—so they can better understand and respond to the problem.
- Implement tougher arrest policies, including mandatory arrest for anyone who violates a protection order—so that the burden of seeking an arrest does not fall on the women who may fear further violence.
- Expand and improve victim-service programs and provide specially trained family violence court advocates.
the act: The program to bring together State and local police, prosecutors, and victims advocates to target family violence and rape.

Last year, we authorized $130 million for that program. This bill only allocates $1 million—so $99 million dollars were left for police, prosecutors, and victim services grants—that means more than 1 out of every 2 dollars were cut.

This is money for more police and prosecutors to crack down on violence against women; to train police, prosecutors, so they can understand better and respond more effectively to violence against women; and to develop, enlarge and strengthen programs for victims of violence—like rape crisis centers, battered women’s shelters, and special victim advocates. This bill also cuts $1 million earmarked especially for rural areas to combat family violence, and the bill completely eliminated the $1.5 million targeted to combat stalking against women.

In restoring $75 million in funding for the Violence Against Women Act, this amendment does not take any new money out of the taxpayer’s pockets. Instead, the money comes out of other places in the bill—where there’s much more money appropriated than was requested by the President.

These cuts would have had a devastating impact on the lives of women and children in America. I am pleased that so many of my colleagues are joining me in restoring virtually all of the funding for the Violence Against Women Act.

Let me also point out: the Appropriations Subcommittee on Labor, Health and Human Services, and Education, chaired by my distinguished friend and colleague from Pennsylvania, Senator Specter, has recommended full funding for the Violence Against Women Act programs within the jurisdiction of the Department of Health and Human Services for rape education and prevention, domestic violence community demonstration projects, a domestic violence hotline, and battered women’s shelters.

In fact, recognizing the urgency of this problem, the subcommittee wrote in an additional $2.4 million for battered women shelters—shelters which serve as a refuge for women and their children when they are hurt and most vulnerable—and in greatest need of our compassion and support.

I applaud the subcommittee’s efforts to honor the commitment that we made last year to the women and children of America. And I hope that when the HHS appropriations bill comes to the floor, the full Senate will honor that commitment as well.

But right here, right now, we must not run out of steam. We cannot—we must not—turn back now. For too long, our society has turned its back on the nightmare that is violence against women.

Obviously, we cannot legislate humanity and kindness. And we cannot outlaw hatred and ignorance. But we can help make America a safer place for women—and I call on everyone here to help do just that. I hope all of my colleagues will join me in restoring full funding to the Violence Against Women Act programs. The women and children of America are counting on us.

Mr. President, I ask unanimous consent that the amendment be added as an original cosponsor, and Senator Kerry of Massachusetts, Senator Gramm of Texas is already the original cosponsor, Senator Hatch, Senator Boxer, Senator Wellstone, and others who will come to the floor I am sure who wish to be part of this amendment. I ask unanimous consent that they be added.

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

Mr. Biden. Mr. President, in the interest of time because there are other amendments and a lot more to do on this bill, let me briefly explain this amendment and then yield to the chairman of the subcommittee for any comments that he would like to make, and he surely knows the mechanics of this better than I.

Mr. President, in order to restore every single piece of the Violence Against Women Act funding, there is a requirement that would be required that we would have to have had $76.7 million.

Just to give my colleagues an idea what I mean about that, the violence against women grants; pro-arrest policy; rural domestic violence, court-appointed special counsel, national stalking reduction, training programs, Federal victims counselors, grants for televised testimony, State databases, national baseline study for campus sexual assault, equal justice for women in courts, training for State courts, training for Federal and judicial personnel, Federal Judicial Center, and Administrative Office of the Courts, are all recipients of some portion of the violence against women funding.

Unfortunately, all we have available is $75 million, not $76.7 million to make this account totally whole.

So my amendment lays out which portions of all of those functions that I have just named are fully funded and which are not able to be funded with this addition of $75 million.

I want to put this in context. We are going to be funding $175 million out of $76.7 million. This is a $75 million increase. I wish it were a $76.7 million increase, but then again, as my friend, the chairman of the full committee is saying, I am being a little greedy in that regard. I realize every program increase in expenditure in the bill. Our problem was that, given the overall financial constraint we had, there was no way we could fund the authorized level of the program.

So Senator Biden and I were in a position that we both wanted to provide more money. This has been one of the top priorities of the bill. But yet we were still short of the full program that the Senate had authorized.

When the distinguished chairman of the committee allocated additional funds to the subcommittee, as he did in his amendment that was just adopted a moment ago, it allowed us to go ahead and to fully fund this program.

I am, therefore, very happy to join my colleague from Delaware in this amendment. I think given the funds that are now available that this represents a wise expenditure of money.

I join my colleague in supporting this amendment, and urge our colleagues to adopt it.

I yield the floor.

Mr. Wellstone addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. Wellstone. Mr. President, let me thank Senator Biden for working with me on this amendment. We had provided in the appropriations bill a tripling of funding for violence against women, which represented our largest increase in expenditure in the bill. Our problem was that, given the overall financial constraint we had, there was no way we could fund the authorized level of the program.

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Mr. Wellstone addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. Gramm. Mr. President, let me thank Senator Biden for working with me on this amendment. We had provided in the appropriations bill a tripling of funding for violence against women, which represented our largest increase in expenditure in the bill. Our problem was that, given the overall financial constraint we had, there was no way we could fund the authorized level of the program.

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Mr. Wellstone addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. Wellstone. Mr. President, I would like to thank both of my colleagues, the Senator from Delaware, and the Senator from Texas and, of course, the Senator from Oregon, Chairman Hatfield.

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I would also like to thank both of my colleagues, the Senator from Delaware, and the Senator from Texas, and, of course, the Senator from Oregon, Chairman Hatfield.
Mr. President, I could take a tremendous amount of time. But I think there are other Senators who want to make some brief comments on this as well. So let me just try to summarize several hours worth of what I would like to say in this legislation.

In my State of Minnesota I think a lot of people are lighting a candle in this area. The statistics nationally are really grim. I think the FBI statistics is something like every 15 seconds a woman is battered in our country.

Mr. President, I think that we are taking this seriously now in a way that we have not before as a country, both as a crime and also in terms of the kind of things that we need to do to prevent it.

Mr. President, I think what this Violence Against Women Act funding does—I am so pleased that we were able to go up from $100 million to $175 million, is it provides funds to communities who can make good and positive things happen.

Mr. President, I think this is not bragging to say that Minnesota really is one of the leaders in the Nation—I think I would probably argue leader in the North. I think the general view that we have in my State is we are never going to be able to reduce the violence in our communities unless we are able to reduce the violence in our homes. It spills out into the streets. It spills out into the neighborhoods. It spills out into the communities.

I think the second view that we have in Minnesota—and I think it is a view around the country—is that, whereas, when I was a kid, if we knew something was wrong in another home, whether it be a woman who was battered or a child—sometimes a man, but unfortunately mainly women and children, not that I think it is good that men are battered—I think it is awful that so many women and children have to pay this price. I think now we have reached the conclusion, as opposed to a point in time when we said it was no one's business, I think we are now seeing it as everybody's business. This is the kind of problem that could be tackled at the community level. It is the kind of problem that could be tackled by the law enforcement community. It is the kind of problem that could be tackled by the clergy. It is the kind of problem that can be tackled by women and others who are there in the trenches in the battered women's shelters. It is the kind of problem that can be tackled in our schools where children learn alternatives to violence as a way of solving disputes. We really think as a country we can take this problem on.

I think this amendment, which has been accepted by both sides is an extremely powerful, an extremely personal, and an extremely important message by the U.S. Senate that we are not going to back down from this national commitment.

I am proud to be a co-sponsor. I thank the Senator from Delaware for his very fine remarks.

Several Senators addressed the Chair. The PRESIDING OFFICER. The Senator from Utah, Mr. HATCH. Mr. President, I rise in support of this amendment. I thank my colleague from Delaware, Senator BIDEN, for his leadership in this area.

Mr. President, this really has a dramatic imprint on America. It is already starting to put people in jail that are violating the rights of women in our society. Frankly, it is a tough law. It is a good law. It is one that needs to be fully funded, and I am happy that we have the cooperation and the support of the distinguished chairman of the subcommittee in this matter as well.

As most of my colleagues are aware, I have long opposed programs I believed were mere pork projects. In fact, I led the battle last year's crime bill because I felt that it had ballooned in terms of unjustified costs. The Violence Against Women Act, however, is an important program that deserves to be fully funded. The act provides for: Rape prevention education; battered women shelters; grants to encourage and support community-based violence against women programs; the investigation and prosecution of domestic violence and child abuse in rural areas; treatment and counseling for victims; and for developing community domestic violence and child abuse programs.

These programs are important. Prosecutors and police officers must become more sensitized to the problem of violence against women. Women who are abused by their spouses must have a place to stay and must have counseling available to repair their shattered lives. Resources need to be channeled to stem the tide of violence directed against women.

Mr. President, no matter what anybody says, violence against women is a problem in America today. According to the Justice Department data, nearly half a million women were forcibly raped last year—a half million, in the greatest society in the world.

Some studies estimate that the total number of rapes including those not reported to the authorities exceed 2 million women a year. That is outrageous and it has to stop.

Indeed, according to a recent report by the Bureau of Justice Statistics, a woman faces four times the chance of being raped today than in 1960. Similarly, domestic violence strikes at the heart of the most important political unit in America, and that is the family. The family should be a safe harbor for those that are osteos by the storms of life, not a place of abuse or of degradation. It is a sad fact of life, however, that the reports of domestic violence have been on the rise.

To this end, Senator BIDEN, Senator SPECTER, and I worked last year to see that the Violence Against Women Act was signed into law. According to both the House and Senate Appropriations Committees, however, the Justice Department has only spent $2 million of the total $25 million provided for fiscal year 1995. We have to restore this funding. The act is a small, albeit vital, step toward addressing the problem of family violence, domestic violence, and violence against women generally.

So I certainly urge all colleagues to be supportive of this amendment. I am pleased to stand and support this excellent bill, and I compliment my friend and colleague from Delaware for his leadership in this as well as those in the Chamber and others who have contributed to the bill and to the funding of it. And I particularly thank my colleagues on the Appropriations Committee for their willingness to fully fund this bill.

I yield the floor.

Mr. KERRY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY. Mr. President, I join my colleagues in saying a few words in support of this amendment. I particularly thank the Senator from Delaware, Senator BIDEN, for negotiating with us, and particularly thank the Senator from Delaware, for negotiating with the Appropriations Committees for their willingness to fully fund this bill.

To this end, Senator from Utah just talked about rape and the problem of violence with respect to rape in particular, but the truth is that family violence, as we all have learned, is the No. 1 cause of all kinds of physical injury to women in this country. And when you translate the effect of family violence into the impact on several million young children, that impact plays out in a way that diminishes the capacity of those children to be able to learn, to be able to go to school, to be able to carry on normal relationships, and that flows into their adolescence and subsequent adulthood in ways that simply diminish the capacity of people to be able to participate as good citizens.

We all deplore the implosion within a large segment of America's population with respect to a fundamental structure—the family. Finally, with the Violence Against Women Act, we gave people hope that a particular kind of behavior was going to be properly singled out and treated. To have even a thought of doing away with it was astonishing to me.

We do not need to talk further about that because we are restoring it. I am glad that the Senate has come to its senses with respect to it. I might mention that the Violence Against Women Act not only speaks to the problem of the physical abuse against a woman. We just had a very long debate about welfare and the family cap. And my good friend from New Mexico, Senator SANTOSTEFANO, spoke extraordinarily eloquently in the Chamber about the problem of punishing innocent children and creating further
Mr. President, when you consider violence against women, the truth is—and it has been ignored by prosecutors across this country. According to the most recent National Violence Against Women Surveys across America—a large percentage of those unwanted pregnancies in America are the pregnancies of 13- and 14- and 15- and 16-year-olds by virtue of the actions of 24- and 25- and 26-year-olds. So the last time most of us looked, that constituted statutory rape in this country.

A Congressman has just been tried on the basis of actions of an adult with a teenager, and the truth is that here in America a large percentage of preying on the young is taking place. The unwanted pregnancies that we see in this country are in fact criminal actions. So this act in effect allows us also to focus on that totally ignored aspect of illegitimacy.

And the truth is, if there was a stronger capacity within the welfare system to identify those people, we might begin to hold people accountable for their actions, but not do it in a way that creates a huge problem for the totally innocent child born as a consequence of those actions.

So, Mr. President, I congratulate the Senator from Delaware. I think this is a very important outcome. And I thank the Senator from Texas for acknowledging that this act that only recently went into effect is working, it is having a profound impact and it is healthy for this country to allow it to continue to work.

Mr. BRADLEY. Mr. President, I rise in support of the Biden amendment to increase by $75 million the appropriation for enforcement of the Violence Against Women Act. As an original cosponsor of the amendment, it is vitally important that Congress does not waive in its commitment to ensure that women in America are free from the devastation of domestic violence.

Domestic violence is a social sickness, and women and children are its most common casualties. Violence against women in the home is a heinous crime being committed behind locked doors and pulled shades in cities and towns across America. By committing this additional funding to the Violence Against Women's Act, Congress will give women the tools to bring this crime out of the shadows.

Mr. President, a policeman recently said, "The most dangerous place to be is in one's home between Saturday night at 6 p.m. and Sunday at 6 p.m." He forgot to add, "Especially if you're a woman." A 10-year study found that in cases where the identity of the killer is known, over one half of all women murdered in America were killed by a current or former male partner or by a male family member. Studies have also shown that violence against women in the home causes more total injuries to women than rape, muggings, and car accidents combined.

In my home State of New Jersey, there were 66,248 domestic violence offenses reported by the police in 1993. Overall, women were the victims in 83 percent of the offenses. Mr. President, 41 women lost their lives as a result of domestic violence disputes in my home State in 1993. These are not nameless, faceless statistics, Mr. President, these are women who endured torture and abuse for years during marriages and were violently murdered.

Mr. President, I have introduced a bill to create community response teams around the country. Community response teams work in tandem with police to help victims of domestic violence right when a crisis occurs. By working together, community response teams and police can provide victims with the services so essential to them after they have been battered or beaten in their homes.

Mr. President, an increasing number of jurisdictions in the State of New Jersey are employing community response teams. For example, in Middlesex County, which includes South River, a community response team with jurisdiction to handle domestic violence, has a community response team employing 7 community volunteers. In Woodbridge, a community response team employing 30 volunteers is serving a population of 100,000. These community response teams, serving both large and small communities, are effectively assisting women who are suffering physical and mental abuse.

Mr. President, Violence Against Women's Act funding is available for these successful programs in New Jersey to continue to aid victims of domestic violence. In addition, Violence Against Women's Act funding will assist in the fight against domestic violence by providing needed resources to prosecutors and police officers.

Mr. President, if domestic violence is to be obliterated in our society, we need to provide communities with the resources they need to prevent instances of violence and protect victims from further abuse. By providing additional funding to the Violence Against Women's Act, Congress will strengthen the lines of defense in the battle against domestic violence.

Ms. MIKULSKI. Mr. President, I rise today in support of the Biden amendment, which restores the $75 million shortfall in funding for programs to prevent violence against women. After years of hearings, reports and statistics we learned that our society and our criminal justice system has been ignoring violence against women, often with tragic consequences for women, their children, and ultimately, for society.

We learned that one-fifth of all aggravated assaults in the United States occurred in the home; 3 to 4 million American women a year are victims of family violence; one-third of all American women who are murdered die at the hands of a husband or boyfriend; one-third of all women who go to emergency rooms in this country are there because of family violence; an estimated 90% of the victims of rape never see their attacker caught, tried or imprisoned; over half of all rape prosecutions are either dismissed before trial or result in an acquittal; and almost half of all convicted rapists can expect to serve an average of a year or less behind bars.

The solution to the problem is not to treat women as victims—it is empowerment. And that is what the act does. It allows women to take control of their lives and such things as rape prevention programs and counseling provided at federally funded battered women's shelters.

The Violence Against Women Act is the first comprehensive approach to end all forms of violence against women. The law made a substantial commitment of Federal funds over a 6-year period to combat family violence and sexual assault. The commitment we made sends resources and support to those devoted to responding to and preventing violence against women.

I urge every Senator to support this amendment. Let us not go back on our promises made to the women of this country.

Mr. WELLSTONE. Mr. President, I rise in support of Senator Biden's amendment to restore full funding for the Violence Against Women Act.

This amendment would restore $76 million to programs in the Violence Against Women Act [VAWA] programs to address domestic violence, rape, and sexual assault. The Violence Against Women Act has restored the $75 million to programs in the Violence Against Women Act. It has funded training for judges and prosecutors, and trained police, prosecutors, and victims advocates to target family violence and rape; programs to reduce sexual abuse and exploitation of young people; training for judges and prosecutors on victims of child abuse; training for state court judges on rape, sexual assault, and domestic violence, and programs to address domestic violence in rural areas.

Last year, $240 million was promised by Congress for the Violence Against Women Act [VAWA] programs for fiscal year 1996—$176.7 million for VAWA programs administered by the Department of Justice, and $61.9 million for VAWA programs administered by the Department of Health and Human Services.

All of this is funded out of a $4.2 billion provided by the crime trust fund in 1996. Funding in the crime trust fund comes from eliminating 123,000 federal jobs and cutting domestic discretionary spending. Full funding of the Violence Against Women Programs has no effect on the budget deficit and requires no new taxes. Now, I want my
colleagues to clearly understand what this all means. Last year, as a country we decided that addressing crime was a top priority. We decided that savings from streamlining the Federal Government and cutting other domestic programs might help.

As a country we made a commitment to breaking the cycle of violence and see that a person’s home is the safe place it should be. Last year, as part of the crime bill Congress passed the Violence Against Women Act, we made a bipartisan commitment to address domestic violence. But now, only a year later, we are considering a bill to cut funding for these programs.

I must, at the same time, commend my colleagues on the Appropriations Subcommittee on Labor/HHS for their efforts and wisdom in more than fully funding the Violence Against Women Act Program under their jurisdiction.

But we must remember all the programs in the Violence Against Women Act and others worked for 5 years on this piece of legislation. All the pieces of it fit together. They all must be in place for it to work effectively. For example, we can encourage arrests by police officers but if courts are not properly trained to understand the dynamics of domestic violence, an arrest could make the situation more explosive. Likewise, if batterers are not trained to understand or take responsibility for violence, seriously battered are likely to go free or charged with lesser offenses.

Violence Against Women Act programs must be fully funded. Anything less would result in a betrayal of the bipartisan promise Congress made. Domestic violence should be a priority for national crime-fighting efforts. But without adequate funding we cannot address this serious problem.

We know all too well that it is the violence that seems to fester on our streets. If we do not stop the violence in the home we will never stop it in the streets. We knew this when we passed the crime bill last year and it is still true today.

Domestic violence is one of the most serious issues we face. It knows no boarders. Neither race, gender, geographic or economic status shields someone from domestic violence. As a matter of fact, next week my wife Sheila and I are sponsoring the display of 50 photographs by Donna Ferrato, an award winning photojournalist. These photographs provide powerful and graphic evidence of this crisis, and I invite my colleagues to view them. I am only disappointed that these photos could not be displayed while we debate this issue.

Mr. President, nationwide, every 15 seconds a woman is beaten by a husband or boyfriend, over 4,000 women are killed every year by their abuser, and every 6 minutes a woman is forcibly raped.

We know that the majority, 70 percent, of men who batter women also batter their children. Or children may be injured during an incident of parental battery. We also know that 25-45 percent of all women who are battered are battered during pregnancy. Battering during pregnancy is the most common cause of birth defects.

Children can be emotionally by witnessing the abuse of their mothers. They are traumatized by fear for their mother and their own helplessness in protecting her. They may blame themselves for not preventing the violence or committing it. This can manifest itself in aggression, sleeping disorders, or withdrawal.

When a woman and her children are struggling to leave violent homes, they face many barriers. Many people ask why she does not leave? Often the response to this question is merely another question: why does he beat her? I feel that particular response ignores the realities of women’s lives. One reason women do not leave is fear. If she leaves he will kill her. Batterers often threaten to harm or take the children away to force her to stay. Leaving him never guarantees safety for a woman or her children. In almost three-quarters of reported spouse assault, the victim was divorced or separated at the time of the attack.

Women are also dependent on the abusers for financial resources. If they decide to leave, often they can not afford housing or food for themselves and children.

Abusers also play on emotions to trap victims into staying. He will threaten to kill himself. This plays on many victims desires not for the marriage to end, but the violence.

Domestic violence is a community issue. It is not longer an issue for women; it is an issue for all women, men, and children. Communities need to work together. It was the Violence Against Women Act was intended not only to strengthen the laws concerning general violence, it was to provide some of the necessary resources to communities to address the violence in their own communities.

It was intended to help law enforcement officers to make responsible arrests and understand the dynamics of domestic violence—to learn not ask her what she did to make him mad. It was to help train judges to treat domestic violence as a crime and hold the abusers accountable for violence.

How ironic it is that last year around this time we were celebrating the passage of the Violence Against Women Act. We were celebrating because, finally the Federal Government had taken a very bold step to make the protection of women in their homes a top priority for this Nation. And now, 2 days before the beginning of Domestic Violence Awareness Month we are considering a bill that cuts the funding for these important programs.

As I travel and meet more and more women and children who are victims of domestic violence, I become even more outraged that a woman’s home can be the most dangerous, violent, or deadly place she can be; if she is a mother, the same is true for her children. It was with the passage of the Violence Against Women Act that Congress said loudly and clearly it is time to stop the violence. It is time to make homes safe again, and it is time to help communities across the country deal with this crisis. Without full funding, Congress will turn its back on women and their families. And it will turn its back on women who are struggling to deal with increasing crime.

I urge my colleagues to support the Biden amendment.

Ms. SNOWE. Mr. President, I would first like to thank my colleagues from Delaware, Senator Biden, for crafting and offering this amendment as well as my colleague from Utah, Senator HATCH, for his leadership.

Mr. President, I want to speak to you today not just as a U.S. Senator, or a citizen of Maine, or even as a Republican. I want to speak to you as a woman, and I want to speak to you on behalf of the 135 million women of America about an issue that has more likely than not touched each of our lives at some point in time.

Let me just say that it is not an uncommon occurrence in Congress for either Chamber to authorize funding for a particular program but not to fully fund that program at the authorized levels. It happens often, and, in some circumstances, there may be justifiable reasons to take such a course of action. By not fully funding some wasteful programs, we might even save the taxpayers of America some of their hard earned tax dollars and use them towards programs that work and that make a difference in the daily lives of America’s families.

But I think it would come as a great surprise to many Americans—especially to those 135 million women—to know that a program such as the Violence Against Women Act, which was passed as part of last year’s crime bill in Congress, has not yet been fully funded.

Now, I think it is safe to say that the Violence Against Women Act is one program that deserves its full funding. It is not wasteful. It is not unnecessary—and should not be a target of waste watchers. And it is not to be overlooked. But it has been.

Fortunately, today, we have an opportunity to correct this oversight.

For those who may be wary of its funding or who may doubt its necessity in this era of penny-pinching and budget scrutiny—let me just take a moment to paint a picture of life in America’s streets and homes for some women.

It is a picture where more than 2.5 million women annually are victims of violent crimes.

It is a picture where an estimated 5,000 women are beaten to death each year.
It is a picture where in the 1990's, one out of every eight women have been the victim of a forcible rape.

It is a picture where every 15 seconds in America, a woman is battered—and where every 6 minutes, a woman is raped.

It is a picture where, between 1989 and 1993, the number of known rape offenses increased by 11 percent—despite more awareness of violence against women.

It is a picture where a woman in our country is more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant.

It is a picture where at least a third of all female emergency room patients are battered women, while a third of all homeless women and children are without shelter because they are fleeing domestic violence.

And the litany of tragedy and violence goes on to paint an even fuller, starker, and more disheartening picture.

This is an issue about a woman’s safety, a woman’s rights, and our ability as a nation to protect those inalienable rights as guaranteed under the Constitution.

But how can we defend a woman’s right to “life, liberty, and the pursuit of happiness” when we cannot protect her from “rape, battery, and the onslaught of violence.”

Mr. BIDEN. The Violence Against Women Act is a critical tool in our fight to combat domestic violence across America. It is an essential bill for our mothers, our daughters, our sisters, our relatives, our friends, and our coworkers.

It contains provisions that enhance penalties for sex offenders; provides grants to States to improve law enforcement, prosecution, and victims services in cases of violent crimes against women; authorizes over $200 million for rape prevention and education programs; provides funds for the creation of a national domestic violence hotline as well as battered women’s shelters; and does much more.

These provisions will help become a shield for women and deliver justice to victims of hateful and brutal assaults. Already, within the past year, two individuals have been imprisoned for life terms under this act for beating their spouses or girlfriends.

While I will be the first to say that violence knows no gender barriers and is clearly a threat to both men and women alike, no one can turn a blind eye to the fact that women are especially to be found in the scope of danger and crime.

Consider that women are six times—6 times—more likely than men to experience violence committed by an intimate. Consider that women and girls are victimized by relatives at four times the rate of males. And consider that a full 95 percent of violence victims are, in fact, women.

But the men of America have a stake in this legislation as well, which is why the fire here on the floor has been joined by such men as Senators BIDEN and HATCH. Namely, the fathers, sons, and brothers of the women of America who face the threat of violence each and every day. They deserve to know that the threat is real and that their lives are safe on the streets of our cities.

It is for these reasons that I and 29 of my Senate colleagues requested that we fully fund the Violence Against Women Act in an August 9 letter to the Senate Appropriations Committee.

The Violence Against Women Act should be fully funded as it is supposed to be fully paid for out of the crime trust fund that Congress created last year. But the bill before us does not provide for it. Rather, the moneys within the crime trust fund have been what they call “re-prioritized,” which in English means that the Violence Against Women Act has been short-changed to the tune of about $75 million.

In fiscal year 1995, total funding for this program was $26 million. The House Appropriations Committee approved $70 million for the program for fiscal year 1996, and the Senate Appropriations Subcommittee funded $100 million—a threefold increase over current funding, but still far short—woefully short—of what American women need and deserve to combat violence and domestic abuse.

Today, we are proposing a remedy to meet this crisis of funding head-on.

The amendment offered by the Senator from Delaware and the Senator from Texas provides the additional $75 million needed to fully fund the Violence Against Women Act.

Mr. President, let me conclude by saying that—as a former Cochair of the Congressional Caucus for Women’s Issues—I understand and know first-hand the importance of making women’s health and women’s safety a priority for Congress, because we must speak out for the 135 million women and girls of America.

We cannot let them down. We can no longer treat the Violence Against Women Act as a political football and simply fumble away women’s needs and concerns.

I urge my colleagues to support the Biden-Gramm amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I was taught by a fellow from South Carolina when I first got here 23 years ago that when you won, sit down. I mean, we won in the sense that everyone wins. When you won, sit down. I mean, we win in the sense that everyone wins here. Women of America win.

We cannot let them down. We can no longer treat the Violence Against Women Act as a political football and simply fumble away women’s needs and concerns.

I urge my colleagues to support the Biden-Gramm amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think we are going to decide to stack votes. So what I would like to do, unless someone else wants to make this amendment, is to suggest the absence of a quorum until we can decide if we are going to do that, in which case we would simply make this the first vote when we do the stacked votes.

Mr. BIDEN. Mr. President, before the Senator suggests the stacking of a quorum, I want to make it clear it is perfectly fine with me whatever way the Senator wishes to proceed.

Mr. HATCH. Will the Senator yield?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.
simply to speak on some issues with respect to the crime bill instead of putting in a quorum call.

I know, Mr. President, that discussions are going on now. We are negotiating, and Senator Biden is representing the Senate. I am not sure about the issue of cops, police. I would like to talk for a few minutes, if I may, Mr. President, about this issue of cops. It is one that I have been deeply involved in and concerned about for all the time I have been in this Senate. And in the last few years we finally have been able to elicit a response to try to meet one of the great needs of the country.

There is not one of us who has not been touched at one time or another in one way or another and sometimes very personally. I remember listening to the Senator from North Dakota in his own personal tale of what happened to his wife right here over on Capitol Hill. There are dozens of other examples. We have had a Senator randomly shot at in Washington, D.C. We have had countless citizens in this city right around us shot. It is a war zone. It is the murder capital of the country. And it ought to have set a better example for what response should have been from the U.S. Congress.

Such a random act of violence occurred just a couple days ago in Massachusetts to a young prosecutor, Assistant Attorney General Paul McLaughlin, the son of a friend of mine, former Lieutenant Governor and U.S. attorney. But this young assistant attorney general, himself involved in working to fight the problem of gang warfare and gang criminal activity, was simply gunned down going to his car coming home in the evening after his normal 12-hour day in a prosecutor's office. A hooded young person walked up and blew him away.

I talked this afternoon with his father. And there is no way to express the sorrow that he and his family feel and no way for us to express our sorrow on their behalf.

But I can say, Mr. President, with clarity that what the State and local entities have been doing over the course of the past years and the Federal response to that is truly unconscionable because we have literally been disarming in the face of an increasing threat on an annual basis, a threat that is measurable. And all of us have come to understand, I hope finally, that nothing is more important in terms of really fighting crime than to put police officers on the streets of the country.

Mr. President, I have quoted the statistics before, but somehow they do not always seem to break through. But 15 years ago in this country we had 3.5 police officers per violent crime. Today we have, depending on the statistics, a range of 3.5 to 4.6 violent crimes per police officers, I do not know what does. Here we are, for the first time in American history the Federal Government is paying for local police officers.

Now, I hear some people around the country say, “What a fakery. You are only going to provide 20,000 police officers because you are not paying for the whole thing.” Since when was it the responsibility of the Federal Government to pay for the whole thing? Every time we have had a Federal grant program, it would be with a matching grant requirement, 90 percent, or some percentage. Sometimes we continued the 90 percent-10 percent relationship for 10 years, 15 years.

In this particular case, we have decided that this is a national crisis that we want to ask the local communities and the States to accept what is already their responsibility—to put police officers on the street. We did not say we want to put floodlights on the jail, we want to put computers in the station, we want new cruisers on the road. We want to put police officers on the streets of this country because that is what we need to begin to regain and take back control over our communities and our streets.

In recent weeks and months, I have toured a lot of Massachusetts and gone into the communities that, because of our effort, have community policing. I can tell you about Northampton, MA. I can tell you about Gardiner, ME. I can tell you about a host of areas, such as Boston and Lowell, where they now have community policing, and where they have been able to put it into effect and literally reclaim the community.

In Lowell, on Bridge Street in Somerville, recently a couple of years ago, druggies and prostitutes had taken over the street. Citizens were afraid to come out of their homes in the street because of the vermin that were in the street. I talked to storeowners who said that as a result of those druggies and prostitutes, their earnings have gone down and people would not come into the store anymore. Lo and behold, with a grant from the Federal Government, we opened a storefront. Officers went in; they are there all the time. The druggies are gone, the prostitutes are gone, the community has been reclamation, and it is coming back to life.

In this particular case, we have decided that this is a national crisis that we want to ask the local communities and the States to accept what is already their responsibility—to put police officers on the street.
functions where those people left to their own devices might well have pulled out a knife, a gun, or been one of the people in the statistics that the Senator from Delaware talked about earlier.

So, Mr. President, it works. It is working in America. Countless people have said, "You are not going to put more than 5,000 police on the street within a year. You are not going to put 15,000, you are never going to get to 20,000." Well, more than 25,000 new police are coming on additional police officers are already on the streets. It is because of the effort of this legislation.

So, Mr. President, it is my profound hope that in the next hour, or moments ahead, we will succeed in working out an agreement with the Senator from Texas to be able to put back into this bill the original concept of the community policing.

Block grants work in some cases. I am not against block grants. I just voted for them. But in this particular case, we have tried to target a particular national emergency and need, and we have tried to do it in a way that is administratively inexpensive. In fact, it is less expensive to implement the direct grant program of the crime bill with a cost of about 0.8 percent administratively than to administer the 2.5- to 3-percent administrative costs that will go with a block grant.

Moreover, under the block grant, there is absolutely no guarantee whatsoever that police officers will get to the street rather than the floodlights to the jails or the new cruisers to the station, or the new computer. And that is not to say those things are not important. It is not to say that people do not have a right to ask for those things and that they do not need them. But when 95 percent of the crime is a local jurisdiction, and the Federal Government is singling out a particular need and the particular emergency, we have a right to expect that that emergency is going to be met. And if one community does not need those police, Mr. President, I guarantee you there are 10 other communities in America that will gladly use the money to put police on the streets and make their citizens safer.

So, again, it is my hope that we will succeed in doing what we have already done, what we voted for in an overwhelming bipartisan fashion, that will not be undone in this legislation.

Mr. GRAMM. Mr. President, unless someone suggests otherwise or to the contrary, I believe that the debate on the pending amendment No. 2801 is completed. A rollover vote has been asked for by Senator BIDEN.

So I ask unanimous consent that the vote occur on amendment No. 2815 at 9 p.m. this evening, and that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized to offer his amendment.

Mr. DOMENICI. I yield to the Senator from Arizona who has an inquiry to make.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes to propose an amendment, at which time the amendment be set aside for the purposes of the Senator from New Mexico to propose an amendment, and ask that at least 20 minutes be reserved after the disposition of the amendment of the Senator from New Mexico that 20 minutes be allocated to the Senator from Colorado [Mr. Brown], and 10 minutes for the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2815

(Purpose: To Ensure competitive Bidding for DBS Spectrum)

Mr. MCCAIN. I send an amendment to the desk and ask for its immediate consideration.

I want to thank my friend from New Mexico for allowing me to propose this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself and Mr. DORGAN, proposes an amendment numbered 2816.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Pending Committee Amendment, insert the following new section:

SEC. 4. COMPETITIVE BIDDING FOR ASSIGNMENT OF DBS SPECTRUM

No funds provided in this or any other Act shall be expended to take any action regarding the applications that bear Federal Communications Commission File Numbers DBS-94-11EXT, DBS-94-15ACP, and DBS-94-10MP; provided further, that funds shall be made available for any action taken by the Federal Communications Commission to use the competitive bidding process prescribed in Section 306(j) of the Communications Act of 1934 (47 U.S.C. § 306(j)) regarding the disposition of the 27 channels at 110 W.L. orbital location.

Mr. MCCAIN. Mr. President, I ask unanimous consent to be recognized for 10 minutes.

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

Mr. MCCAIN. Mr. President, this amendment, sponsored by Senator DORGAN and myself, would mandate that the FCC auction the one remaining block of DBS spectrum which it holds.

Currently, the FCC is considering how to dispose of the 27 channels at 110 west longitude orbital location. If this spectrum is auctioned, industry experts state that it will sell for between $300 to $700 million. The alternative that is being considered by the FCC would call for the American people to receive much less valuable spectrum and $5 million dollars. Clearly, it is in the best interest of the American people that this spectrum be sold at public auction.

Mr. President, I want to state at the outset I have no interest in any of the companies involved in this issue. None of them to my knowledge is represented in my State. I do know that the company that sits on this spectrum for $5 million is the largest cable company in America.

Mr. President, the spectrum is a finite public resource. It is owned by the American people. And it may prove to be the single most valuable resource held by the public. In recognition of that fact, in 1993, the Congress mandated the first auctions of the spectrum. The still in-process wireless telecommunications auction has generated an astonishing $8 billion dollars and the auctions are only half completed.

This amendment recognizes the value of the spectrum and our duty as people's trust to handle the spectrum in a manner that most benefits all the American people.

Mr. President, this amendment ensures that the American people benefit from the sale of this spectrum.

The amendment does not choose winners or losers. It does not allow ACC, the corporation that sat on this spectrum for 10 years and did nothing to make a profit.

The amendment does not change the rules in the middle of the game. ACC never owned this spectrum, it received a license under certain terms—terms it never lived up to. The FCC therefore correctly withdrew ACC's license and permission for it to construct a DBS system.

Most importantly for consumers, this amendment will not prevent new service from being offered to the general public, including service to those who live in Alaska and Hawaii. Those living in rural areas are also not adversely affected in any way by this amendment and the I want to note that the National Rural Electric Cooperative Association strongly supports this amendment.

Mr. President, let me lay out the facts surrounding this specific block of spectrum.

In 1984, the FCC divided a segment of the spectrum to be used for the broadcast of direct broadcast satellite (DBS) services. Under the terms of the agreement, spectrum would be allocated to the companies at no charge and in return, the companies would proceed diligently toward the construction of a DBS system.

Of all the spectrum allocated, only 3 blocks of spectrum—located at 101, 110 and 119—constitute the continent United States. These blocks are known as full-conus blocks and our considered by industry experts to have the highest dollar value.
DirectTV and Echostar were given two of the coast-to-coast U.S. blocks of spectrum.

Advanced Communications Corporation (ACC) was given the third full conus block, which consisted of 16 channels and located geographically before the FCC began construction of a DBS satellite service at 110° west longitude. ACC paid nothing for the sole use of this spectrum.

In November 1991, the FCC altered its spectrum allocation scheme, and gave ACC at total of 27 channels at 110° W.L., making the block even more valuable.

DirectTV is currently up and running and available to the consumer. Echostar is expected to be operational earlier next year.

During this time, ACC was repeatedly warned by the FCC that it was not acting in compliance with the due diligence standard.

In the summer of 1994, due to congressional mandate, the FCC began the process of auctioning spectrum. The PCS spectrum auction, which is now about half complete, has generated approximately $8 billion for the Treasury and the American people.

On September 16, 1995, ACC entered into an agreement with TCI to sell its spectrum to TCI for $45 million. Such a sale would have meant that ACC would actually have profited from warehousing the spectrum for 10 years.

Only 3 months later, in December 1994, ACC applies for a second extension of its construction permit.

The International Bureau of the FCC determined that ACC had not proceeded with due diligence and issued an order on April 25, 1995 that concludes “Advanced [Communications Corporation] must now return the public resources it holds to the public so that these resources can be put to use by others.” This decision was based on the fact that ACC applied for the extension it had done nothing by warehousing the spectrum.

The Bureau felt compelled to use a new, tougher definition of due diligence due to the congressional mandate regarding spectrum auctions.

After the International Bureau decision, the full Commission began consideration of a plan to allow TCI to give up some of its allocated DBS spectrum and in return receive the ACC spectrum at a cost of $5 million. This $5 million is to pay for costs incurred by ACC. The spectrum being given up by TCI is valued at a substantially lower value than the ACC spectrum. TCI would give up 11 channels at 119° and spectrum that allows DBS service to be provided to Latin America, the Pacific rim and China. No industry experts believe at this time that those markets will be nearly as lucrative as the U.S. market. It could be decades if not longer before the spectrum TCI offered up would be worth the value of the full conus U.S. spectrum.

Mr. President, the FCC is at a standstill regarding this issue. It is looking to the Congress for guidance. And I believe it is appropriate for us to let the FCC know that the Senate believes that the spectrum should be disposed in a manner that brings about the greatest amount of benefit to the American people. Adoption of this amendment would ensure such an outcome.

Mr. President, let me clarify, this is not about helping one company or hurting another. It is not about determining winners or losers. It is about protecting the American people’s interests. And faced with the staggering debt we have left for our children, we must act in a manner that ensures this spectrum is sold for the highest amount possible.

Further, if this spectrum is auctioned, any company. TCI, Hughes, a telephone company, anyone, can bid for the spectrum. The auction alone will determine who is the winner and loser. Not only is it the right thing to do, but it is the fair thing to do.

There will be some issues raised I would like to address quickly.

First and foremost, I have nothing against TCI and have every reason to believe that it operates in an exemplary fashion. This amendment is not about TCI or any other company, it is about protecting the people’s interests.

TCI and its subsidiary Primestar have stated that they have spent considerable money on procuring two satellites and for a signal compression facility.

First, TCI chose to purchase these two Space system/Loral DBS satellites in 1990 for use by TEMPO, a cable consortia, for use at TCI’s high-power DBS system. If this spectrum is not going to be used, TCI has other options for satellite deployment.

Now Primestar distributors are circulating a memo that states that if the ACC deal does not go through, that TCI has other options for satellite deployment.

Mr. President, we must put aside corporate interests and think about what action will best serve the American people. If given the license to use the spectrum at 110° west longitude, TCI instead of auctioning it off to the highest bidder, would offer this spectrum to the public at public auction.

The Grams amendment to eliminate the East-West Center and the North South Center, saving taxpayers $11 million next year.

There being no objection, the material was ordered to be printed in the Record, as follows:

CONGRESSIONAL RECORD Ð SENATE
September 28, 1995

H. Richard Bolling, Jr. (Washington, DC) September 28, 1995
DEAR SENATOR, The Citizens Against Government Waste (CCAGW) and our 600,000 members support H.R. 2076, the Commerce, Justice, State, and the Judiciary Appropriations for FY 1996. CCAGW commends Subcommittee Chairman Phil Gramm and Appropriations Chairman Mark Hatfield for their leadership in keeping this fiscal year’s budget request $1 billion less than the House version of H.R. 2076.

The $26.5 billion spending bill prioritizes the budget for each agency under its jurisdiction. For example, the Justice Department receives $15 billion for FY 1996, almost $3 billion more than in FY 1995, to fight our nation’s crime problem. But with a nearly $5 trillion national debt, there is always more to cut from spending bills.

CCAGW supports the following amendments:

The McCain amendment to mandate the Federal Communications Commission to auction the one remaining Direct Broadcast System spectrum. If this spectrum is auctioned, communication industry experts believe it will sell for between $300 to $500 million. It is in the interest of the American people that the spectrum be sold at public auction.

The Grams amendment to eliminate the East-West Center and the North South Center, saving taxpayers $11 million next year.

CCAGW opposes the following amendments:

Any attempt to restore or increase funds to the Legal Services Corporation.

The Jones amendment to restore funds to the Federal Maritime Administration.

The Bumpers amendment to restore funds for the Small Business Administration.

The Bumpers amendment to restore funds to the Death Penalty Resource Centers.

CCAGW urges you to support these amendments and H.R. 2076. It prioritizes cuts while ensuring that state and local law enforcement agencies are properly funded. CCAGW will consider these votes for inclusion in our 1995 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ, President.
JOE WINKELMANN, Chief Lobbyist.

CONSUMER FEDERATION OF AMERICA,
MEDIA ACCESS PROJECT, CENTER FOR MEDIA EDUCATION,
September 21, 1995.

Hon. JOE McCAIN, U.S. Senate, Washington, DC.

DEAR SENATOR McCAIN, we are writing to urge you to oppose an amendment that may be offered to permit the FCC to transfer the Direct Broadcast Satellite (DBS) license currently held by Advanced Communications to the largest cable television company in the world, TCI instead of auctioning it off to the highest bidder. At the present time, we are unable to determine who will offer this amendment. This amendment would strike a serious blow to the development of competition to the cable monopoly and shortchange the American public by giving away a precious radio spectrum for a fraction of its value.

The cable industry has been claiming for years that DBS presents a serious competitive threat. While cable companies have not yet arrived, DBS is a strong potential competitor to cable. If given the license to use...
Hon. JOHN MCCAIN, amendment to auction DBS spectrum.

They have the perfect opportunity to dem-

in Washington, and allow market forces to

gress have resolved to end business as usual

resource. Many members of the 104th Con-

this DBS spectrum.

Don't slam the door to cable competition and don't reach into consumers' pocket to

Enactment of your amendment would allow a competitive auction for DBS

and special interests.

It is the proper response to heavy-handed ef-

spectrum auctions have doubled the original esti-

a specific purpose free, the date by

a company that took

the license away, it appears it will do so

But, if I heard the Senator right, if we

spectrums remaining under government con-

today. Our rural utility systems provide

Today, the National Rural Tele-

DBS spectrum involved in this FCC proceed-

commanding competition and free-market ac-

spatial settlement negotiated by bureaucrats

It is the single best part of the high powered DBS

upward in line. There are a number of non-

many members of Congress who understand why

agreement, and its cable brethren to essentially jump

munications to allocate federally owned spectrum.

the highest bidder. This could raised hundreds of

Mr. MCCAIN. Also, interestingly, I have received numerous letters from

is for this DBS spectrum.

Enactment of your amendment would allow a competitive bidding process to

cutting-edge communications, in turn dramati-

from spectrum auctions. NRTC has previously endorsed auctioning all the DBS spectrum involved in this FCC proceeding

Thank you for your support.

Sincerely, 

BRADLEY STILLMAN,
Consumer Federation of America.

DONALD MULRONEY,
Center for media Education.

Mr. M CCAIN. Also, interestingly, I

T he N ational R ural T elecommunications C ooperative, 
Herndon, VA, September 14, 1995.

Hon. J OHN MCCAIN, 
U.S. Senator, 
Washington, DC. 

D ear S enator M cC a in: I am writing to let you know that the National Rural Tele-
communications Cooperative, which would own the nation's largest cable operators to under-
mine satellite communications as a true competitor to cable.

Today, NRTC and its rural utility system members are actively providing digital sat-
elite service to more than 200,000 rural con-

ers. Today, we lease, rent and sell Digital Satellite Systems and we are provid-

ing local service and support to a rural sub-

In order to satisfy your request to

Because the amounts we

spectrum at an auction. There are sev-

in advance.

Mr. GRAMM. If the distinguished

Mr. MCCAIN. between $300 and $700 million would be the price of this spectrum at an auction. There are sev-

major competitors.

The reason why there is such a huge spread, between $300 million and $700

in small cable companies and electric cooper-

of America.

my friend, first of all, they were going to

spectrum free and having gotten it for

Without objection, it is so ordered.

Mr. GRAMM. So the request is, hav-

spectrum auctions, and the recent spectrum auctions have doubled the original esti-

The William s Cable S ervices, Phoenix, A Z; Eastern I linois Electric Cooper-

cooperatives all over America.

The Williams Cable Services, Phoenix, AZ; Eastern Illinois Electric Cooperative; the Little OCMUCLG Service in Georgia; Agate Mutual Telephone Co. in Colorado; the Volcano Vision Co. in Pine Grove, CA; Oklahoma Tele-
phone Co., Davenport, OK; Turner Vi-

Mr. MCCAIN. Million.

Mr. GRAMM. Between $300 and $700 million for it. In essence, the Senator's amend-

spectrum to TCI for $45 million instead of

10 years, later in 1994, they had still not done a single thing in order to comply with

words set up a DBS system.

The reservation price between $300 and $700 million would be the price of this spectrum at an auction. There are sev-

major competitors.

The reason why there is such a huge spread, between $300 million and $700

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phone Co., Davenport, OK; Turner Vi-
to clarify that.

Mr. BURNS. Will the Senator yield?

Mr. MccAIN. My friend from New Mexico was kind enough to yield time to me. I will be reluctant to use more than that time because he has an amendment.

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator from Arizona has expired.

Mr. DOMENICI. Mr. President, I have no objection if they want to use some additional time.

Mr. BURNS. How much time would the Senator like, Senator Mccain, another 5 minutes?

Mr. MccAIN. The Senator from Montana wanted to speak.

Mr. BURNS. I ask unanimous consent I have 1 minute just to ask a question in response, because I think it is important this body understand this.

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

Mr. DOMENICI. Senator, I listen to you frequently and you need 2 minutes.

Mr. BURNS. I need 2 minutes?

Mr. DOMENICI. Yes.

Mr. BURNS. I may need more than that. I think it is important for this body to understand that the spectrum has already been reclaimed and is owned now by the FCC. It is available for sale. Is that not correct, I will ask my friend from Arizona?

Mr. MccAIN. That is correct. But the contract that was entered into 3 months before the license was revoked is still a pending item before the FCC.

Advanced had over 10 years, including one 4-year extension, in which to construct and launch its DBS system. It failed to do so. It failed to meet the Commission’s due diligence rules, imposed a decade ago to ensure the public received prompt service therefor, if the channels have gone unused. Only by enforcing the progress requirements of the Commission’s rules can we ensure that the resources are available for use to meet the needs of the Senator from Colorado and 10 minutes for the Senator from North Dakota.

Mr. GRAMM. My colleague needs to get some time for himself. And 10 minutes for you.

Mr. BROWN. My understanding was the discussion involved some intermittent time so I might become familiar with the needs of the Senator from Arizona. My hope is the distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, Senator Brown is here. I do not know that Senator Mccain, accurately, Senator Brown, described the time you would need. He suggested 10 minutes? Is that 10 for you and 10 for somebody else?

Mr. MccAIN. I suggested, and I would like to modify it concerning the desires of the Senator from Colorado, 20 minutes for the Senator from Colorado and 10 minutes for the Senator from North Dakota.

Mr. GRAMM. Has that unanimous consent request been agreed to?

The PRESIDING OFFICER. That is correct.

Mr. GRAMM. I thank the Chair. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for himself, Ms. SNOWE, Mr. LEAHY and Mr. LIEBERMAN, proposes an amendment numbered 287.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following: “The amounts made available to the Department of Justice in Title I for administration and travel are reduced by $500,000.”

On page 73, between lines 4 and 5, insert the following:

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 302 of the Communications Act of 1934, as amended, $38,000,000, to remain available until expended as authorized by section 301 of the Act, as amended: Provided, That not to exceed $2,000,000 shall be available for program administration and other support activities as authorized by section 301 of the Act including support of the Advisory Council on National Information Infrastructure: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related to the development of a national information infrastructure: Provided further, That notwithstanding...
the requirements of section 302(a) and 302(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of education, health care, public information, public safety, or other social services: Provided further, That in reviewing proposals for funding, the Telecommunications and Information Infrastructure Assistance Program (also known as the National Information Infrastructure Program) shall add to the factors taken into consideration the following: (1) the extent to which the proposed project is consistent with State plans and priorities for the deployment of the telecommunications and information infrastructure; (2) the extent to which the applicant has planned and coordinated the proposed project with other telecommunications and information entities in the State.

Mr. KERREY. The amendment I offer on behalf of myself, Senators LEAHY, and LIEBERMAN, is a very straightforward amendment. It restores $18.9 million to telecommunications and information and infrastructure assistance.

This program has been highly successful with thousands of applications for this. It is a matching program to get at least 2 for 1 for every dollar that goes out. It is community-based. Communication organizations across the country have used this program to increase the educational effort in the telecommunications effort. It has created jobs. It has created real advancement of understanding of how this telecommunications revolution can produce benefits at the local level.

Mr. President, I understand that some of the objections have been raised to this program; talked about it being something that has not proven up. I urge my colleagues to look at not only the success we have but the backlogs coming up. We have enjoyed a tremendous success with this program. It is not a program that is just throwing money out there. It is a program that requires a match from the community level. It is a program that empowers citizens at the local level to make decisions about how they want to increase jobs and education in their own communities. It has a fully funded offset. I hope that my colleagues will consider and support a program that will create jobs, and will create more empowerment for the American people at the local level.

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

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

Mr. DOMENICI. 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. GRAMM. 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. GRAMM. Mr. President, we continue to have some problems in that people are trying to find offsets for their amendments. It takes time to do that, and if we added 10 others, we have used the funds available. It should be hard to spend money. So I am not complaining about it. But to try to sort of bring some order to the process, I would like to ask unanimous consent that the distinguished Senator from Colorado, Senator BROWN, be recognized for up to 10 minutes to offer an amendment; after the 10 minutes, that the amendment would be set aside and would be fully subject to debate or any other relevant motions.

Then the Senate would go back to a debate on the McCain amendment until that debate is completed. If a rollcall vote is asked for on the McCain amendment, then it would be stacked after the rollcall vote, currently scheduled for 9 o'clock. At that point, Senator BIDEN would be recognized to offer his omnibus crime amendment. There would be 2 hours of debate equally divided, which would get us to the 9 o’clock hour, at which point we would have a vote on the pending amendment. If there is a rollcall vote asked—

Mr. MCCAIN. It has already been requested.

Mr. GRAMM. It has already been requested. We would have a vote on the McCain amendment, and at that point the Biden amendment would still be pending, and if the debate is completed, we would have that vote at that point.

I propose that unanimous-consent request.

Mr. HATCH. Will the Senator yield?

Mr. HOLLINGS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I hope not to object, but to be able to answer the McCain amendment we need a little time, 10 minutes to explain that amendment—if the Senator will put that in the unanimous consent, that we have 10 minutes to explain it.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. If I could inquire of the manager, where does that leave the Domenici amendment?

Mr. GRAMM. The Domenici amendment would then be brought up after the votes had occurred beginning at 9 o’clock.

Mr. HATCH. Reserving the right to object.

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. As I understand it, we were supposed to go after the McCain amendment. Ours would not take a very long time, but I would like to go before we had the 2 hours, if we can. Is it possible to do that, I ask the managers of the bill?

Mr. DOMENICI addressed the Chair. Mr. HATCH. Could I just ask that of the manager of the bill?

DOMENICI. Reserving the right to object. I say to the Senator, I have a few inquiries. It is my amendment being set aside here.

Mr. President, let me ask Senator GRAMM, there is an accommodation we can make to make it not necessary to proceed with my amendment. I told the Senator I had been working on it because it is complicated, and we did get switched signals in terms of the money we had available. But I am prepared now. So I do not want to delay it the longest possible time. I wish to get it up soon. So when would the Senator from Texas be ready to discuss the Domenici amendment? Would the Senator be ready at 8 o’clock?

Mr. GRAMM. I would be perfectly happy to have the Senator bring the amendment up, offer it, lock in his offsets, if he has them, and I think that is a legitimate concern. What I would like to do, given that we had talked about having the debate on the Domenici amendment begin at 7, is, if the Senator offers the amendment now, to come back to it.

This is a very important amendment to me. I am strongly opposed to it. And I think it will be something that will be debated at some length. Clearly, the distinguished Senator from New Mexico has the right to the floor under the unanimous-consent request. So if he wants to exercise that now, he can. And perhaps we might look at the following potential unanimous-consent request—that he would bring up the amendment and debate it for up to 20 minutes. Then it would be set aside. Senator BIDEN would be recognized to bring up his omnibus amendment, 2 hours equally divided, that point we would have reached the hour of 9 o’clock and we will have the first vote. We at that point could either go back to the McCain amendment and dispose of it or we could go back to the Domenici amendment and debate it. Either of those things I would be agreeable to.

Mr. DOMENICI. Mr. President, I say to the Senator from Texas and Senator HOLLINGS, what I would prefer to do—I ask a parliamentary inquiry. What is the agreed upon time for a vote tonight? The PRESIDING OFFICER. A vote has been ordered to occur at 9 p.m. tonight.

Mr. DOMENICI. On which amendment?

The PRESIDING OFFICER. On the Domenici amendment.

Mr. DOMENICI. I would be glad to accommodate anybody the chairman would like to include in the unanimous-consent agreement that immediately after the first vote on the Domenici amendment, that Senator DOMENICI is...
permitted to offer his amendment; that it be debated in full, whatever time that takes, and that it be voted on immediately following—it be the next vote following the Biden vote. That gives the Senator plenty of time, Mr. President, to make his case.

Mr. GRAMM. If the distinguished Senator will yield, I have no objection to what the Senator is doing, but it may well be that we might have an extended debate.

Mr. DOMENICI. Sure.

Mr. GRAMM. And we might decide for some reason that we might want to go ahead and consider other amendments intervening.

Mr. DOMENICI. We might do that in due course.

Mr. GRAMM. So I am reluctant to lock us into voting on the Domenici amendment next.

Mr. DOMENICI. I did not ask for that. I said the next amendment we vote on would be the Domenici amendment. The Senator can have some other amendments he wants to bring up. Get unanimous consent for that. I think that is fair. I have been accommodating everyone.

Mr. McCAIN. Well, the Senator from New Mexico agrees to have a vote on my amendment following the Biden amendment. The yeas and nays have already been ordered.

Mr. DOMENICI. The problem I have is I would like to debate tonight the Domenici amendment. There are a lot of Senators who want to debate it. Senator GRAMM has a lot of people. I have been accommodating. The Senator’s amendment will get voted on very soon but mine would precede that. I just ask that as a request.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. DOMENICI. Of course.

Mr. GRAMM. I would like to get an agreement that allows the distinguished Senator from New Mexico to bring up his amendment now, speak on that amendment as long as he chooses to, then Senator BIDEN would be recognized to offer his omnibus amendment, which is a crucial element to the completion of this bill, that there be 2 hours of debate equally divided, that would get us somewhere close to 9. We would have the pending vote. We would have the vote on the Biden amendment. Then the Senator’s amendment would be the pending business and we would vote on it. And we would not vote on anything else until we voted on it.

Mr. DOMENICI. Reserving the right to object, Mr. President, all I want to do—I do not want to put my amendment down and debate it for 10 or 15 minutes. I just change the request so that I bring mine up immediately following the Biden amendment, and it is debated as long as necessary and then you have the vote. All right.

Mr. GRAMM. All right.

I ask unanimous consent that the next amendment to be considered be the Biden amendment; that there be 2 hours equally divided on that amendment; that if a vote is ordered on that amendment, it occur immediately after the pending amendment, which will be voted on at 9 o’clock; that the distinguished Senator from New Mexico be recognized at that point to offer his amendment.

Mr. MCCAIN. Reserving the right to object, what does that do to the McCain amendment?

Mr. GRAMM. It will simply be pending and will be the order of business when the Domenici amendment is disposed of.

Mr. DOMENICI. Which is what I thought we had in mind when I permitted the Senator to bring up his amendment. I think that is fair.

The PRESIDENT OFFICER. Is there objection?

Mr. McCAIN. I object.

The PRESIDENT OFFICER. Object is heard.

Mr. DOMENICI. Mr. President, I permit the Senator’s amendment to come up.

Mr. GRAMM. That is right.

Mr. McCAIN. And we debated it and all we need to do is have a vote on it, it seems to me.

Mr. DOMENICI. Mr. President, that is all right with me. Get him in, too. No more debate.

Mr. McCAIN. I withdraw my objection.

Mr. DOMENICI. I thank the Senator.

Mr. HOLLINGS. Mr. President, I ask Senator GRAMM, there will be no amendments to the Biden amendment?

Mr. GRAMM. I am not in a position that I can commit to that, I say to the Senator, because we have not checked on our side. We have not seen the final form of the BIDEN amendment. What I am trying to do is just have it considered. I assume there will not be—I assume we have the votes, but we want to look at it.

Mr. HOLLINGS. We cannot agree to the time limit.

Mr. GRAMM. There is not a time. We are just saying it will be debated between 7 and 9, and that if it is completed, that it would be the vote after 9. If it is not, it would be pending.

Mr. HOLLINGS. All right. Get it up.

Mr. BRYAN. Mr. President, reserving the right to object, if I might inquire of the floor managers, I just came to the floor a few moments ago, so I have not heard the colloquy. I want the managers of the bill to know that Senator BURNS and I have an amendment concerning USPTA, and I just want to make sure that the terms of the unanimous consent would not preclude us from having an opportunity to offer that amendment and perhaps have a vote. We do not need to do it this evening. We can go tomorrow. I want to assure my colleague that I am willing to cooperate and work with him. I do not know the terms of the agreement.

Mr. GRAMM. If the Senator will yield, nothing in this unanimous-consent request would in any way limit the Senator’s ability to offer his amendment or any other amendment.

Mr. BRYAN. I appreciate that.

The PRESIDENT OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I say to my friend from Texas, I do not remember the word he used—how did he oppose my amendment? Perfectly? What was the word?

Mr. GRAMM. With righteous passion.

Mr. DOMENICI. I want to say I oppose what he is for in terms of doing away with legal services with whatever passion he just described. So we know it is all even.

I yield the floor.

The PRESIDENT OFFICER. The Senator from Arkansas.

Mr. PRYOR. I have a question, Mr. President. And I was not in the Chamber. My question is, Mr. President, has the Senator from Texas propounded a unanimous-consent request and has that request been accepted at this point?

The PRESIDENT OFFICER. That is correct.

Mr. PRYOR. Mr. President, if I may pose a question, I have an amendment that I would like to offer at some point. It can be done tonight. It can be done early in the morning. I am joined in that amendment by the distinguished Senator from Maine [Ms. SNOWE]. It would be a sense-of-Congress resolution relative to the Economic Development Administration. I am just wondering at what point or what order we could try to factor this particular amendment into the list?

Mr. DOMENICI. If the distinguished Senator from Arkansas will yield—

Mr. PRYOR. I will be glad to yield.

Mr. GRAMM. It sounds to me as if we have a pretty full schedule for the rest of the evening. My guess is that tomorrow morning would be a good time. But it may well be at some time tonight perhaps we will decide to get finished, at which point obviously the Senator could offer the amendment.

We are basically set now in terms of unanimous consent on two amendments. One is a fairly comprehensive amendment by Senator BIDEN where we will have 2 hours equally divided. Then we are going to Senator DOMENICI on trying to bring back the Federal Legal Services Corporation, which will be debated, I would think, pretty extensively. We have an amendment pending by the Senator from Arizona. So I cannot tell the Senator that he would not get to offer it tonight, but if I were the Senator, if we are here tomorrow, I would try to do it in the morning.

Mr. PRYOR. Mr. President, if I could respond to my colleague, my friend from Texas, I have no problem offering the amendment tomorrow if I have just as much certainty as possible in the time sequence, because I have three amendments that I must offer in the Finance Committee markup on Medicare-Medicaid, and I am just trying to sort of find out where I should be and what time I should be there.
Mr. GRAMM. Mr. President, I am sure that the same is true for Senator Hollings. We would try to accommodate the Senator in every way we can. Mr. PRYOR. Mr. President, I thank the distinguished Senator.

Mr. HOLLINGS. Mr. President, as I understand now, in the unanimous-consent agreement, Senator Biden will commence at 7 o'clock. To try to save a little time, I was off the floor momentarily at the time of the presentation of the amendment of the Senator from Arizona. The amendment of the Senator from Arizona as he relates it could be very accurate. On the other hand, I have heard different facts.

What occurs here is, as the Senator from Arizona has outlined the amendment, the FCC is asking for guidance. Whenever that occurs, beware, for the simple reason that we have an FCC to have full hearings to hear both sides of a particular case and issue and thereupon make a decision. I have heard from both sides spasmodically. I have not called the FCC myself. I wanted to stay out of the case. But right to the point, it is my understanding there is sort of a split down there. And there is a definite difference of opinion with respect to due diligence being used on the granting of a particular license to an entity out there, I think, in Arizona.

The Arizona folks, it is related, did use due diligence and were granted a license. Senator Hatfield, Senator Biden, Senator Gramm, and others. They have improved this bill.

Let me add one concern I do have. This bill authorizes $250 million for U.N. peacekeeping. The request from the President was $445 million. The House figure—in most areas the House is, frankly, worse than the Senate—the House figure is $425 million. Again, our figure is $250 million. The authorization figure from the Foreign Relations Committee, Senator Helms, is $445 million—and we have $250 million here. This is on top of what we have been doing to not pay our dues in the United Nations. We are the No. 1 deadbeat in the world.

Yesterday's New York Times has a story "To Pay Some Debts, U.N. Will Try Borrowing From World Bank." We owe $1.2 billion to the United Nations. They would not have to go to the World Bank if we paid our debts.

I yield the floor.

Mr. SIMON. I asked the Chair to call the PRESIDING OFFICER. The Senator from Illinois.

U.N. PEACEKEEPING

Mr. SIMON. Mr. President, I am pleased with the negotiations that have taken place with Senator Hollings, Senator Hatfield, Senator Biden, Senator Gramm, and others. They have improved this bill.

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There being no objection, the material was ordered to be printed in the Record, as follows:

**STATEMENT IN SUPPORT OF U.N. PEACE OPERATIONS**

The United Nations is playing an increasingly critical role in preventing and resolving conflicts that have broken out across the globe. We welcome this expanded mission envisioned in the original U.N. charter but impaired by the Cold War. While the U.N. has not proved a panacea, it has achieved remarkable successes in countries such as Namibia, in El Salvador and in Cambodia. Interference is not an altruistic endeavor; it directly serves U.S. security, political and commercial interests. As U.S. involvement in the United Nations (U.N.)升高, President Albright has stated: “whether measured in arms proliferation, refugees on our shores, the destabilization of allies, or loss of exports, jobs or investments, the cost of run-away regional conflicts sooner or later comes home to America. In 1993, the U.N. will spend over $3 billion to stem or stop those conflicts, and we will pay one third of that. But without the U.N., both the costs and the conflict would be far greater.”

However, the fate of peace operations hangs in the balance in part due to crippling funding shortfalls and decreasing national political support for the United Nations as it seeks to reform and meet new challenges. Although the U.N. has often been a focal point for peacekeeping endeavors, the United States and other nations consistently fail to respond in peacekeeping assessments. These underfunding serve to cripple the U.N.'s ability to respond rapidly to crises and implement needed reforms. In addition, congressional critics have singled out U.N. peacekeeping as a vehicle for expressing their dissatisfaction with broader issues, from the defense budget and military readiness to U.S. interests abroad, and have sought to curtail already limited participation of U.S. armed forces in U.N. peace operations.

We endorse multilateral, burden-sharing approaches to preventing and resolving conflicts. In particular, we support strengthening the United Nations' ability to conduct peace operations. To encourage the peacekeeping approach, we strongly urge the U.S. and all nations to pay on time their dues and peacekeeping assessments, and to pay all their arrearages. Some U.S. states must avoid the costs and dangers of a unilateral role as world policeman.

A policy that provides only weak financial and political support for peacekeeping jeopardizes the United Nations' long-term future. If the U.N. is not given the resources and encouragement to improve its capabilities, confidence in it will be undermined. The world community will have sacrificed the chance to establish a truly effective multilateral peacekeeping process, with emphasis on conflict prevention. The world will become more dangerous, to the detriment of our own security.

We should take advantage of the post-Cold War situation and apply the lessons of peacekeeping from the past several years to reform and expand U.N. peace operations and make them more effective. Peace operations, which were the U.S. opportunity to help reduce the worldwide level of armed violence with minimum risk and cost, are squandered and misused.
FINANCING THE UNITED NATIONS

The greatest threat today to the U.N.'s effectiveness and even survival is the cancer of financial insolvency. Countries slow to pay their share include many that are small. But it is the massive delinquencies of the United States that have plunged the Organization into chronic budgetary insolvency, and the U.N. cannot properly undertake its work, much less exert its influence, without it.

Moreover, U.N. costs are spread among all member states in proportion to their contributions to the International Peacekeeping Fund. The annual U.S. assessment for peacekeeping worldwide is less than the peacekeeping cost to the nation's largest city. Total U.S. obligations as of the end of 1994 amounted to $7 per capita. Some object that U.N. peacekeeping costs have increased over the past decade, from a U.S. share of $55 million in 1985 to $1.08 billion in 1993. But the end of the Cold War that sparked that increase, by freeing the U.N. to be an effective agent of conflict management, also allowed for far larger reductions in other U.S. security spending: a second Cold War that sparked that increase, by freeing the U.N. to be an effective agent of conflict management, also allowed for far larger reductions in other U.S. security spending.

The services provided by international organizations are objectively quite cheap—especially in comparison with the sums we pay into the military, as backup in the event that diplomacy and the U.N. machinery fail. The annual U.S. assessments for peacekeeping worldwide are less than the police budget for the nation's largest city. Moreover, U.S. costs are spread among all member states, and constitute a truly cost-effective bargain for all.

However, at its 1993 budget conference, many national politicians see U.N. contributions as an easy target. They are misguided. In asserting that national parliaments can, unilaterally set their nations' assessment levels, claim offsets from assessed obligations for voluntary peacekeeping contributions, and impose policy conditions for payments. The U.N. was established, in part, to ensure that countries have to create it. In the early years, the United Nations had convinced nations that no country could any longer be safe and secure in isolation. From this realization was born the United Nations—the idea of a genuine world community and a framework for solving human problems that transcend national boundaries. Since then, technology and economics have transformed "world community" into a phrase of the Cold War II generation that had not previously been the U.N. system, today's world may have a unique investment yielding multiple dividends for Americans and others alike.

The U.N.'s mandate to preserve peace and stability is long overdue. The Cold War, whose end has allowed the institutions of global security to spring to life. The five permanent members of the Security Council are now able to meet and function as a common core, and what the Council has lost in rhetorical drama it has more than gained in forging common policies. Starting with the Reagan Administration's effort to establish the U.N. as a genuine world economic and social field as well as security. We should press for as many offsets as the U.S. system's relative capacity to pay, and explore other means, including minimal fees on international transactions of appropriate types, to encourage those that fund the U.N. system budgets that member states approve do, in fact, materialize.

AMERICA'S STAKE IN THE UNITED NATIONS

Fifty years ago we, the people of the United States, joined in common purpose and shared commitment with the people of 50 other nations. The most catastrophic war in history had convinced nations that no country could any longer be safe and secure in isolation. From this realization was born the United Nations—the idea of a genuine world community and a framework for solving human problems that transcend national boundaries. Since then, technology and economics have transformed "world community" into a phrase of the Cold War II generation that had not previously been the U.N. system, today's world may have a unique investment yielding multiple dividends for Americans and others alike.

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the job and do it right. Without a Soviet threat, some Americans imagine we can re-

nounce “foreign entanglements.” Growing hostility to U.N. peackeeping in some polit-

ical circles reflects, in large measure, the shortsighted idea that America has little at

stake in the maintenance of a peaceful world. In some quarters, resentment smolder-

s over political objectives, but in a country founded on the rule of law, the notion that

law should rule among na-

tions ought not to be controversial.

The political impulse to go it alone surges at precisely the moment when nations be-

come deeply interconnected. The need for international teamwork has never been
clearer. Goods, capital, news, entertainment, and ideas move across national borders with

such astonishing speed. So do refugees, diseases, drugs, environmental degradation, terror-

ists, and currency crashes.

The institutions of the U.N. system are not perfect, but they remain our best tools for
concerted international action. Just as Americans often seek to reform our own gov-

ernments, we find ourselves looking for improvement of the U.N. system. Fragmented and of limited

power, prone to political paralysis, bureaucratic torpor, and opaque accountability, the U.N.

system is a reform—but not a transfor-

mation. Governments and citizens must press for changes that improve agencies’ efficiency,

enhance their responsiveness, and make them more accountable to the world’s publics.

Our world institutions can only be strengthened with the informed engagement of national leaders, press, and the public at large.

The American people have not lost their commitment to the United Nations and to

the rule of law. They reaffirm it consist-

ently, whether in opinion surveys or UNICEF campaigns. But the public’s awareness of the

U.N. system’s reform—but not transfor-

mation—is the least of its problems.

In this 50th anniversary year, America’s leaders should reeducate the nation to the

promise of a more peaceful and prosperous world. The United Nations Charter’s

provisions, the foes of America’s U.N. commit-

ment—unilateralists, isolationists, or whatever—do not call openly for rejecting the U.N.

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paring back of our commitment to inter-
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The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the

quorum call be rescinded.

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

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside the

unanimous consent that the order for the

quorum call be rescinded.

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

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

Mr. HATFIELD. Mr. President, I have an amendment to the desk. I

withdraw any further request for unan-

imous-consent request on time. I am just

going to utilize the void that exists

here on the floor and take up what

Mr. President, if approved, I think would greatly im-

prove our national security. My amendment, which is identical to a

freestanding bill, the code of conduct

on arms transfers, would place restric-

tions on arms transfers to nations which

pose potential threats to the

United States or to our allies.

I do not want to go into my long
drawn-out speech reciting the very

sorrow record of this country in being

the biggest arms peddler in the world

today. Merchants of death is about

what you should more accurately title

our role in these matters of providing

arms. A Third world that cannot even develop a subsistence agri-

culture to feed their own people, and

using up to 85 percent of their own na-

tional budgets to fill their lust for

arms that we have infected them with.

Do I think it is the time to

try to draw some kind of parameters

around this come-one-come-all big

arms sale today in the United States.

Sending out our Secretary of Com-

merce to hawk arms at the Paris arms

shows, informing our diplomatic

posts around the world that certainly

they would help facilitate any arms trans-

fers they can create in their country.

What are we offering here is this

amendment to the Justice-State-Com-
mmerce appropriations bill on behalf of

Senator PELL, Senator DORGAN, Sen-

ator BUMPERS, and myself.

I acknowledge that this is not the

perfect vehicle for a discussion on the

issue of arms transfers. After all, the

issue of arms transfers is a freestanding

bill, the code of conduct on arms trans-

fers is not what may be sold or

transferred to another nation; but rather who should receive U.S. arms.

The code of conduct says it is generally

approved, I think would greatly im-

prove our national security. My

amendment is very easy to ex-

plain. It is very straightforward. The

focus of the code of conduct on arms transfers is not what may be sold or

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September 28, 1995

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major victory in nuclear arms control, the permanent ratification of the Nuclear Non-Proliferation Treaty, and come closer to reaching agreement on a permanent ban on underground nuclear testing, we cannot ignore the deaths and significant numbers of troops to combat. Our soldiers faced adversaries which had received U.S. arms, training, or military assistance. I am talking about Panama, Iraq, Haiti, Somalia.

In other words, our arms transfer policy has backfired, particularly in those instances. It has created the boomerang effect where U.S.-provided arms are used against our own military. Clearly, a new policy is needed.

The policy has been polled on the question of arms transfers and resoundingly—over 95 percent—said that no U.S. arms should go to dictators. Yet the United States continues to provide arms to nations which are not democracies.

The Clinton administration took to review the arms trade policy last year. That process took many months and the announcement was made in February of this year, 1995, that they were preparing for a new policy. The truth is there was nothing new about the administration’s policy. It represents no real departure from the arms transfer program our Nation has followed for the past 15 years.

We can go back and say this whole idea emanated out of post-World War II France when General de Gaulle needed a policy and began to launch that policy, provided a waiver authority, so that the United States approved unanimously a policy which has inadequate water and food supplies, inadequate education, and inadequate housing—have been caught up on regional arms races or been subjected to the gross military expenditures of despots. For years the United States has led the way in sales to these countries, although I would note that France slipped ahead of us this past year.

Earlier this year I held a hearing on the bill which is the basis for the amendment I offer today. A representative from Human Rights Watch provided testimony to the Appropriations Committee regarding the differences between human rights and conventional weapons transfers. The representative reminded the committee that “the fact of arms does not necessarily create abuse” but went on to discuss how the tragic genocide in Rwanda a year ago was worsened by the enormous flow of weapons the year before the massacres. The influx of grenades and automatic weapons—all available cheaply—not only brought on the creation of militia which left tens of thousands of Rwandans dead, but also brought on the creation of weapons which also made U.N. efforts to protect refugees extremely difficult.

If we are to prevent future Rwandas and improve international respect for human rights and promote democracy, we need a code of conduct arms transfers. The United States can and should exert its leadership by stating explicitly that it does not sell arms to dictators.

Mr. President, one closing remark. We have problems today in Bosnia and the Balkans. I stood on this floor 2½ years ago and warned about the flow of arms coming in both directions on the Danube. The Danube River was literally a river full of arms going into that very part of the world, from allies, from friends as well as from people of different kinds of relationships to the United States. These are now coming home to roost.

People say what else can we do but to send troops? What else can we do but to bomb? If we would choke off the supply of arms into that area of the world, we would be saving lives and we would be going to the source of the conflict and the source of the destruction and the source of the violence. But, unfortunately, arms have become too big an economic enterprise in our Western World, particularly in the United States. So it is much easier to call out the troops and send them into trouble spots of the world than to choke off arms. We act on. As I say, one of the largest peddlers of such arms in all parts of the world.

Mr. President, I made my pitch. I want to say I appreciate being able to inject this at this moment. If the time is such that Senator BUMPERS and other cosponsors of this may have a moment to speak, I will hold it in suspension. I am ready to close off and call for a vote. I recognize the ultimate defeat, but nevertheless I feel constrained to make this pitch at this time.

The PRESIDING OFFICER. The Senator from Oklahoma.
Mr. INHOFE. Mr. President, is the Senator from Oregon waiting now to call for a vote on his amendment or has he yielded the floor?

Mr. HATFIELD. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. Mr. President, tonight we are going to be voting on some amendments that are very significant, and I want to take an opportunity to express some views concerning those amendments. One is going to be offered to refund to its 1995 fiscal year level— I believe it is $415 million—the Legal Services Corporation.

This is a place we should draw the line, go back. In fact, this is one area where the Senate came out with a better proposal than the House came out with. It is my understanding the House suggested reducing the funding to $278 million. The Senate would reduce it down to $210 million and have that level of the litigants was often ignored. We have proposed in this amendment that we require work, 48 hours per week, along with education pursuits so individuals can go out when they are once released and work themselves back into society. I know a lot of people are saying the Philippines should be cut down to just one, our prison system already is punishing criminals.

I suggest that, since the 1960’s, we have grown in this body to be more concerned about the violators than we have the victims.

The other day, I ran into a notice that was posted in one of the Massachusetts correctional facilities where it stated: A third softball field will be made in the west field in order to allow more inmates to play softball. The horseshoe pits will be temporarily relocated near the golf course. The bocce (or whatever that is called) area will be relocated at the site of the new gym. The soccer field will be relocated to the east field behind the softball field.

It goes on to say, “We hope that our clients—the do not call them inmates, do not call them prisoners—will not be inconvenienced too much.”

I think it is time. If there is one mandate that came with the elections of 1994, it was to start to change our prison system, to quit spending the exorbitant amounts, and to get involved in punishment as a deterrent to crime.

I was very proud when we passed our bill through the Senate, after the disaster occurred in the State of Oklahoma, that calls for real habeas reform and, for the first time, in my opinion, reverses the direction of our attitude in terms of crime and punishment.

I yield the floor.

Mr. BIDEN. Mr. President, I believe that I have 2 hours allotted to my amendment that will be equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. In fairness to the Senate, I was supposed to be here at 7 o’clock to start that amendment. So I would suggest that—I have checked this with at least the staff of the minority—the time of my amendment be cut to an hour and a half equally divided so that we are finished by 9 o’clock with this amendment.
Officer, my colleague from Utah. And, in the order of things, I am sure it will be expedited.

Mr. BIDEN. I am happy to hear that. But it is a bill for months and months before we started the appropriations process. I do not stand for that reason. I rise to speak to an amendment that I have. Let me very briefly describe it before I send it up to the desk.

Mr. President, the crime bill—which we passed, and is now the crime law—was in many ways authorized in this appropriations bill. My good friend from Texas, Senator Gramm, for whom I have great respect and I have never underestimated his abilities, was very effectively able to, in the appropriations process, essentially change the authorization process by dealing with a number of the provisions in the crime laws that are in place and functioning. When they little attempts to do is go back and undo—whether the Senate will agree is a different story—essentially what was done in the subcommittee on appropriations. I am not speaking to each part of the amendment, but I will give you the major points.

One, it reinstates money for the drug courts. The Appropriations Committee eliminated the funding for drug courts, something that we passed a year ago into law and is now the law. The subcommittee essentially zeroed out that money that was in the crime bill, in the crime trust fund, which should have been spent and would have been spent in this upcoming year, that also have been spent and would have been put in the large intermountain States of drug deals, drug cartels, and drug organizations primarily dealing in synthetic drugs and methamphetamine—all of which we need help in. That never occurred before, the influx into the large intermountain States of drug deals, drug cartels, and drug organizations primarily dealing in synthetic drugs and methamphetamine—all of those things and have put an incredible burden on the rural law enforcement agencies in the small towns in the State of Utah, in New Hampshire and in Delaware.

I mentioned those States because the three Senators representing those States are on the floor. We represent States where the vast majority of their cities are very small. The largest city in the State of Delaware is 85,000 people.

Now, I realize Utah is larger than that, and I think Manchester, NH, is larger than that. But the point is, we do not have that many big metropolises. We have tens, scores of small towns, one sheriff, or police officer or two or three. And what every rural law enforcement agency said to us when we were writing this bill was that we need help, particularly we need help in the area of dealing with small towns, because the problems that are visited upon those small towns are not just the kids selling marijuana in the schoolyard; the real problems that have occurred in the last 10 years is these drug organizations move into those small towns, or they move into the outskirts of those small towns that in effect are incapable of being dealt with across State borders by small, rural law enforcement agencies.

Unfortunately, the subcommittee on appropriations saw fit to zero out that function as well. I attempt in this amendment to restore that money.

In addition, I also restore another thing that was cut totally, and that is the Law Enforcement Family Support Act.

Now, most people do not know what that is, but a number of us have participated, and I expect my colleagues on the floor tonight will participate in the celebration of this year of the law enforcement memorial ceremony once a year, where almost every year the President speaks, whether it be President Bush or President Clinton, and where we deal with and hail the slain officers and the families of officers slain in that calendar year when we come to Washington. And they come to Washington to be recognized and to recognize the contributions of their spouses, mothers or fathers, brothers or sisters.

One very important part of that, as those of you who have attended may know, is that when that ceremony is over out in The Mall, there are 2 days set up of counseling for the families, the families that come from all across America, that come from Idaho, Utah, Montana, Maine, Florida.

You speak to the families of those slain officers, and they will tell you this counseling that they get as to how they must do this deal with other families who have been through it is one of the most helpful things that happens to them. It matters to them.

What this $1.2 million we cut does is to provide that very counseling. So I hope when my colleagues vote on this amendment, they will remember that next year when they are invited down to the law enforcement memorial ceremony and they see and, God forbid, it will occur we know, another 25, 50, 100 families down there where officers have been slain in the calendar year doing their duty, we will realize that in failing to put this money back in the thing that those families valued the most will in fact not be available to them because we choose to do it, go to a luncheon and get on buses to take advantage of these counseling services. So I attempt to restore the $1.2 million in the Law Enforcement Family Support Act that was taken out by the committee.

It also restores—no new money, no change in money—the State option that is presently available under the crime law, under the prison grant portion, to allow States to use their prison dollars to build boot camps, but not a dollar of the money they choose to do it. The argument that we heard on the floor, Democrats and Republicans, for the past year is that we want to allow more local control. We do not want the Federal Government telling people what they should do.

We passed, with my support and the overwhelming support of the people in this body on both sides of the aisle, the mandate legislation saying we should not be mandating to the States what they must do with their money. But implicit in that is we have also said as a matter of policy that we do not know federally, we have acknowledged we do not know federally as much about the specific needs of the States and the localities as the States and localities know.

So I find it curious that my colleagues, at least the majority on the appropriations subcommittee, decided to tell the States they do not have the option to build boot camps. I do not quite understand that. Everybody stood on this floor and talked about how valuable and important boot camps are. But the language that I have in this amendment—and I will go back to this in a moment—restores the State option. No requirement, no State has to build a single, solitary boot camp. They can all go build maximum security prisons. They can do whatever they want to do with the money as it happens to them without sending the money. But the point is, the States should have the option of being able to build a boot camp, as my State has decided. And there are several other changes that this amendment contains for the
purpose of making sure that we in effect put the crime law back together.

This amendment is supported, I might add, by I believe every single major police organization in the country. The legislation relating to law enforcement and family support is specifically supported by the National Association of Police Organizations.

As I said, everyone may remember a year and a half ago there were a rash of police suicides the country, including what personal toll was taken on America’s law enforcement officers and their families as a consequence of them being shot or wounded or killed. This amendment on the Family Support Act helps deal with that.

So let me speak a little more specifically to each of the general areas that I try to restore. Again, $100 million for drug courts, $20 million—and by the way, we authorized $150 million. I said before that it is important we do this thing. We are dealing with moneys from a trust fund. These are not any new taxes. What we all decided to do under the leadership of Senator Gramm of Texas, and Senator Byrd of West Virginia, when the crime law was being debated a year and a half ago, was to say, look, why not make sure this is not funny money. Why not make sure we can pay for what we say we want to do, which I heartily agreed.

And under the leadership of Senator Byrd, with the strong concurrence of Senator Gramm of Texas—and quite frankly, with the ingenuity of John HIlley, who was then the administrative assistant for Senator Mitchell—they came up with a unique idea. Never before, to the best of my knowledge, did the Senate ever set up a trust fund for law enforcement. And the way that was funded, the Senator from Texas [Mr. Gramm], insisted that the commitment that we made to reduce the Federal work force by 272,000 people over a 5-year period be written into the law. It had not been legislated before.

And of the crime law that was legislated, the President would have to reduce the present work force by 272,000 people. OMB calculated how much the revenue that was now being paid out of the Treasury to pay those folks’ salaries would be. And we agreed that as that attrition took place—and we have cut now by 170,000 some Federal employees. We have done that. That is real. That has been done. Their paychecks would go into this trust fund. These are not any new taxes.

General, Richard Gebelein became a superior court judge. I think under the former attorney general—now judge—Gebelein, they were terminated. They were sent to jail. Absent the drug court system around the country, what happens now is they are in the system, they are in jail. They are out of the system, they get any treatment. They never get on treatment. They never get punishment. They never get sent to jail; 600,000 of them a year are out there walking around after having been convicted.

So I say to my friends, as they look at this, ask their judges in their home State what is happening in their county. It is amazing what an incentive it is. It is amazing what an incentive it is.

In my State they are going to get their drug court program up and running. Old boot camps cost 40 percent less to run than the prison system does, than building bricks and mortar. So they work. I say to my friend from Utah and others who are here, they work. And, unfortunately, now my friends are looking to do what I have been trying to do, which is to find money for other purposes in the bill, they were zeroed out. So what I do in this legislation is I restore $100 million of the $140 million that has been authorized.

Again, drug courts combine a carrot of drug treatment and the helping hand of cooperation of the Government as seed money, this $100 million of these nonviolent drug offenders are convicted every year, and 600,000 of them get absolutely no treatment, no supervision, no punishment.

Now, let me tell you how the drug courts work. The drug courts work so that what happens is the States, with the money provided by the Federal Government as seed money, this $100 million, set up drug courts where they take these first-time, nonviolent offenders into the court. They adjudicate their cases very rapidly, usually within 30 days. They then sentence that offender to something, including all of the following:

First, if you are in school they must stay in school.

Second, if they have a job they must keep a job.

Third, they must be subject to random drug testing.

Fourth, they actually must report two times a week to a probation officer and a counselor.

Fifth, they are required to enlist in drug treatment and stay in drug treatment.

If they violate any of those things, they go straight to jail. They do not pass go—straight to jail. In Dade County, FL, which, unfortunately, probably has more experience with drug trafficking and illegal drugs than any other county in America, it was put into effect several years ago.

The rearrest rate prior to the institution of drug courts was about 34 percent. Thirty-four percent of all the people who were convicted the first time of a nonviolent drug offense ended up rearrested and reconvicted and back before the courts. When the drug court program was put in place—and it has been there now about 5 years, I believe, mostly of the prison population, the rearrest rate dropped to around 3 percent—3 percent.

I can say to the Presiding Officer and others who are listening that in my State, the State of Delaware, a Republican attorney general named Richard Gebelein became a superior court judge and has set up a drug court like this—strict, strict, strict rules for nonviolent offenders once they are convicted, requirements of treatment, requirements of public service, requirements of random drug testing, requirements of sticking with a job, very strict requirements. They were literally required to sign a contract. And when they violate any of those provisions, they go to jail. It is amazing what an incentive it is. It is amazing what an incentive it is.

For example, as of about 1 month ago, the Delaware drug court had worked on 481 offenders in my small State in what it calls its track, one program. That is, 34 percent of all the people who were convicted the first time of an offense ended up in prison. So we say, look, why not make sure this is not funny money. Why not make sure we can pay for what we want to do.
State, ask their probation officers, ask their police officers, ask their prison officials, and I can tell you, they will find almost without exception that the drug court innovation is viewed as one of the best hopes law enforcement has to deal with this ultimate problem. And to paraphrase a phrase used in a Presidential campaign last time around, “It’s drugs, stupid. It’s stupid. It’s drugs.”

Now, on the point of drug treatment in prison, I will again merely make the point that it works. Last week the Department of Health and Human Services released preliminary estimates from the 1994 national household survey on drug abuse. And its report is alarming.

The survey found that among youth age 12 to 17, the rate of illicit drug use increased between 1993 and 1994 from 6.6 percent to 9.5 percent. In the past year, nearly 10 percent of our youth were users. Marijana drugs among age group from 12 to 17-year-olds has nearly doubled from 1992 to 1994.

Perhaps even more frightening than the upsurge in use trends is the increase in the perceived availability of illicit drugs in all age groups. The percentage of youth reporting that marijuana was easy to obtain increased by over 10 percent. Fifty-nine percent of the young people in America said marijuana is easy to obtain and they know how to get it. There was an increase in the perceived availability of LSD, PCP’s, and heroin for all age groups.

The percentage of people age 35 and older who claim that cocaine was easily obtainable increased from 36 to 41 percent. Clearly, despite the progress we made in drug abuse prevention and treatment and law enforcement, there is still a great deal more to be done. And things are moving the wrong way.

Given the need for more and greater efforts in the war on drugs and given their call for a strong stand on the drug issue, I cannot understand why my colleagues in this body employ the tactics they have employed. And the third is rural drug enforcement.

One I have spoke to—the drug courts; and the three programs they have eliminated. Specifically, I would like to mention the three programs that I mentioned. We increased the additional fee of a few hundred dollars. The rationale behind the additional fee is that, in paying the fee, the person did not have to leave the United States to pay the court. But the results, to date, are very spectacular.

I note that the House funded the administration’s request of $500 million. The bill before us provides $750 million for prisons. We all know that whatever comes out of conference is not going to be $750 million. So we take $21 million—a mere $21 million—out of the additional $250 million for State prisons that the Senate subcommittee put in. And should it be adopted, the bill would still provide more than $725 million for prison grants. And so when my colleagues legitimately ask, OK, Biden, let’s put the programs that you and the cops talk about all the time are as good as you say, and that is drug courts, the drug prison money, and drug treatment money in prisons and rural drug enforcement—what I did was I found the $117 million to offset that from the places I just stated.

I see my friend from Missouri on the floor. I am told he would like to speak to the drug court issue. If that is the case, I ask the permission of my friend from New Hampshire whether I could ask unanimous consent to yield the floor to him 5 minutes of whatever time I have, if we reach an agreement on that time?

Mr. GREGG. Would it be possible now to propound a unanimous-consent agreement that the time for debate on the Senator’s amendment would be limited to not beyond 9 o’clock, that the time consumed up until now would be charged to your time, that the 5 minutes to be used by the Senator from Missouri be charged to our time, and that the remainder of the time be divided equally?

Mr. BIDEN. Yes, I believe so. I would like to ask, how much time would I have left under such an agreement?

The PRESIDING OFFICER. The other side informs me that the Senate subcommittee put in the amendment allocates funds different from the places I just stated. And the three programs I mentioned, and the three programs I mentioned. I am telling you they will tell this body that the concept of a drug court has been in place in Kansas City, MO, for about 2 years, and it is not have the court resources available to provide full trials. We were getting citations. We did not have the court resources available to provide full trials. We were getting citations. We did not have the prison space for the minor offenders. The drug court has been used with, apparently, a great deal of success for the nonviolent minor drug offenders in Kansas City.

As the Senator from Delaware has already described, this is a program in which they go before a judge—and I
talked at length with a judge—Judge Mason—who had the pleasure of appointing when I was Governor of Missouri, and the county prosecuting attorney, Clara McCaskle, who said this was one of the best ideas they had seen for trying to get people caught on in their crimes, after they had started taking drugs, off of drugs and off of a life of crime.

There have been about 200 people in the program in 2 years, only 10 have been rearrested. Some of them failed. The best of all this about a drug court is that if you fail the program, that is it, you go into jail. There is no question about it. But 60 people have completed the program. Only one has been rearrested. That is a significantly higher success rate than most of the other programs I have seen for dealing with the minor drug-related offenders.

This, obviously, applies only to non-violent offenders, who have not used a weapon in their crime. We think this kind of tough supervision by a concerned judge—and it requires a judge who is willing to devote his or her time to these cases, to give the drug offender the attention and discipline needed to get them off of the drug habit and get them out of a life of crime, offers a great degree of promise.

I had asked that the drug court at least be made a permissible use under the block grant program. Frankly, I think making it a permissible use is not enough. I want what we have seen, I would like to see the drug court procedure in the law in some form.

I look forward to working with my colleague from Delaware and my colleagues from New Hampshire to see if we cannot include provisions for drug courts. I can tell you, from the heartland where we have a drug problem, the drug courts seem to be one of the most promising ways of dealing with the problem. Anything in this area that holds out a chance of working I think should be given a chance.

At the very least, the drug court program should be made an option used under the block grant program. I would like to see us go further. I would like to see us say that drug grant programs should be entitled to a certain percentage of the block grants.

I look forward to working with the managers on both sides.

Mr. President, I reserve the balance of my time. Mr. BIDEN. Mr. President, in keeping with our informality here, let me finish up. I thank my friend from Missouri for speaking to the efficacy of drug courts.

Let me speak to two other pieces of this amendment. One is the rural drug enforcement grants. The latest reports from rural American tell a bitter story of violent crime, murder, rape, aggravated assault. It is rising faster in rural America. Most of our colleagues from rural States do not realize this. It is rising faster in rural America than in urban America.

From 1992 to 1993 alone, the violent crime rate in rural areas increased 7.4 percent; violent crime among juveniles in rural areas—violent crime now—rose 15.2 percent in rural areas.

Drug trafficking and addiction are also skyrocketing in America's rural States, especially among our young people. Drug abuse conditions increased by the early 2000's by as much as 30 percent among young people under the age of 18 in recent years.

At the same time, the number of law enforcement employees per 1,000 inhabitants in rural States has dropped recently, leaving already understaffed law enforcement teams in rural America to fight devastatingly high increases in serious offenses.

In 1993, the most recent year that data is available, 12 percent of our population or almost 32 million people were served by rural law enforcement agencies.

That is 32 million people who have not watched their communities become frighteningly dangerous. That is 12 percent of the children who have witnessed their children becoming increasingly vulnerable to becoming victims of violent crime or becoming involved in drugs, crime and violence.

Rural drug enforcement grants have, we found, been the best way to target assistance to rural area law enforcement agencies. I might point out that Senator HATCH was one of the leaders in making sure this provision was in the crime bill.

These grants, which place a special emphasis on drug enforcement over the 32 million people living in rural areas, give the protection they need and deserve. These dollars can be used for the same purposes State and local officials use their Byrne grant money; specifically, funding will support the highly successful multi-jurisdictional State, local, and Federal drug enforcement task forces.

These joint efforts have proven that they work. They have a proven track record of reducing drug trafficking in rural America.

Put this in commonsense terms. How can a rural sheriff, a rural chief of police in a town of 800 or 1,000 or 1,500 or 5,000 people, with one officer or maybe as many as three or four, how can they possibly deal with the sophisticated drug operations that come into their areas? They cannot do it.

In the good old days when I was chairman of the Judiciary Committee, many of my colleagues, Republican as well as Democrats, would come to me and say, "Joe, can you help me get an extra DEA agent in Montana? Can you help me get an extra DEA agent or two of them in Idaho or North Dakota, South Dakota, Vermont, Maine?" Small States, but rural States. They are big geographically.

The reason they needed them is their local sheriffs, their local police officers come to me and say, "We need expert help and advice." We even went so far as to allow for the providing of training for local law enforcement officers from rural and small police departments down at the FBI training facility. They need the expertise.

These are brave women and men who are outnumbered, outgunned and outsmarted because they are dealing with something that goes beyond the town limits or the county limits that they have the jurisdiction over.

Ten rural States are eligible for these grants statewide. These States include Alaska, Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, and Wyoming.

I will note that Delaware is not on that list. These States that I mentioned, these 19 rural States are eligible for statewide grants, although all the remaining States, the remaining States could benefit in their rural areas. Rural areas of all other States will receive funds, as well. These States must be earmarked for rural areas and States that are rural in nature, they need the help. So I would like to point out that rural areas often come up last when it comes to the so-called rural fight in each State. This fact has not escaped my colleagues in previous years.

The need for special targets of anticrime funds to rural areas was also expressed by my colleague, Senator HATCH, on February 10, 1994, while he was speaking in support of the Biden-Hatch rural crime amendment, when he said:

We need to get more officers to rural areas where the violent crime problem is increasing at a greater rate. In 1992, crime, and violence are national problems facing both urban and rural America. Unfortunately, the crime problems faced in rural America have been overlooked by Federal agencies in Washington. They have focused on the crime in urban areas. Yet the problems of rural states is greater. This will send money to all 19 States. Only one has been passed. We think many of the States are going to get this money? What do you think maybe it will go where the population centers are? I bet it surprises even some of my colleagues here on the floor to hear me say that violent crime is rising faster in the rural parts of your State than it is in the urban parts of your State.

In the block grant, I very much doubt and I believe you would be hard pressed to convince me or yourself that this money, which was specifically earmarked for rural areas and States that are rural in nature, they need the help. So I would like to point out that rural areas often come up last when it comes to the so-called rural fight in each State. This fact has not escaped my colleagues in previous years.

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We need to get more officers to rural areas where the violent crime problem is increasing at a greater rate. In 1992, 1,000,000,000,000,000, and violence are national problems facing both urban and rural America. Unfortunately, the crime problems faced in rural America have been overlooked by Federal agencies in Washington. They have focused on the crime in urban areas. Yet the problems of rural states is greater. This will send money to all 19 States. On the list. If there is a place where additional Federal expenditures are warranted, it is to fight crime and violence in rural states.

That was what my colleague said February 10, 1994, in the 102nd Congress, Senators Adams, Baucus, Bryan, Bumpers, Conrad, Daschle, Fowler, Harkin, Heflin, Leahy, Pryor, and Senator HATCH and Senator Hatch have sponsored the Rural Crime and Drug bill.
This means, of course, that we have to identify violent offenders and make sure they go to prison. But it also means we must separate out the nonviolent offenders who can be diverted, potentially, from a career of crime through an intensive cost-effective program such as military-style boot camps.

That is exactly what we did in 1994 with the Biden crime law. We encouraged the States to identify nonviolent up and off them alternative, more cost-effective programs while we, in fact, kept them incarcerated. We provide $9.7 billion to States to build and operate prisons and we gave them the option to use a portion of that money for boot camps.

This appropriations bill would completely eliminate State flexibility to use boot camps for nonviolent offenders in order to free up conventional prison cells for violent offenders. My amendment would restore the State option on that. The block grant amendment introduced by Senator Dole gives targeted aid to urban areas. The formula for the block grant is based on the Federal Government's weights population in its equation for determining crime rates, and the formula guarantees that urban areas will receive targeted funds while assuming that most rural areas will not receive such aid.

In 1993, the most recent year for which data is available, the murder rate grew 3.4 percent in rural America and it decreased 2.8 percent in the Nation’s largest cities. Similarly, the violent crime rate rose 1.4 percent in rural areas, while it decreased 3.4 percent in the largest cities.

But the Dole block grant proposal that is in this bill targets aid to the most populous areas. It clearly does not target funds to those areas most in need, rural America. While violent crime rates, including homicide, forcible rape and assault, are declining in urban areas, they are clearly on the rise in rural America. And rural America does not receive the funds under this block grant proposal. Rural areas have historically had the hardest time producing funds for law enforcement, and it seems to me we should not allow these areas to continue to receive less attention and less anti-drug-related money than urban areas just because they are less populous.

This is just an example of the creative ways that are going on. By providing open-ended block grant funds which may be used for this or any other program, while at the same time significantly cutting the amount of total funding available, my friends and I believe that the rural drug enforcement block grants without doing so directly because of where they will have to compete.

The last point I wish to speak to at this moment is the boot camps. Our ability to reduce crime in a manner depends directly upon our ability to target offenders with the appropriate time of sentence.

By providing open-ended block grant funds which may be used for this or any other program, while at the same time significantly cutting the amount of total funding available, my friends and I believe that the rural drug enforcement block grants without doing so directly because of where they will have to compete.

Again, I daresay if you go ask your rural law enforcement people what they would rather have, why they think they have getting any adequate funding out of this when it goes into one big pot and it goes into the State legislature and is distributed by the Governor, I wonder if they think they are going to get a fair share. I predict they will not.

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The last point I wish to speak to at this moment is the boot camps. Our ability to reduce crime in a manner depends directly upon our ability to target offenders with the appropriate time of sentence.
The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows: The Senator from Delaware [Mr. BIDEN], for himself and Mr. BRYAN, proposes an amendment numbered 2818.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 10, after "Act:" insert the following: "$27,000,000 for grants for residential substance abuse treatment for State prisoners pursuant to section 1001(a)(17) of the 1968 Act; "$100,000,000 for grants for rural drug enforcement assistance pursuant to section 1001(a)(9) of the 1968 Act;".

On page 28, line 11, before "$25,000,000" insert "$150,000,000 shall be for drug courts pursuant to title V of the 1994 Act;".

On page 29, line 6, strike "$750,000,000" and insert "$728,800,000".

On page 29, line 15, after "Act:" insert the following: "$1,200,000 for Law Enforcement Family Support Programs, as authorized by section 1003(a)(2) of the 1968 Act;".

On page 44, lines 8 and 9, strike "correctional facilities, including prisons and jails," and insert "correctional facilities, including prisons and jails, and other low cost correctional facilities for nonviolent offenders that can free conventional prison space;".

On page 28, line 16, strike all that follows to page 20 line 19 and insert: "Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended— (1) by the addition of paragraph (3), by striking "five" and inserting "ten"; and (2) in paragraph (3), by inserting before the period at the end the following: "or, notwithstanding any other provision of law, may be deposited as offsetting collections in the Immigration and Naturalization Service "Salaries and Expenses" appropriations account to be available to support border enforcement and control programs;".

The amendments made by subsection (a) shall apply to funds remitted with applications for State and local community crime prevention programs, (2) would combine the COPS program and the crime prevention block grant into one, big block grant, and (3) would cut the funding for both.

I believe this would, first of all, open the door to funding anything under the sun that a Governor determines is law enforcement or crime prevention. And, in effect, it would create all crime prevention from this crime bill that is now law. For when law enforcement is pitted against crime prevention efforts, law enforcement always wins.

This, I say to my colleagues, turns the original commitment we made last year to help communities fighting as well as prevent crime. Last year Congress passed and the President signed the Violent Crime Control and Law Enforcement Act of 1994. A central part of the crime bill included money for the hiring, over 5 years, of 100,000 more police officers under the Community Oriented Police Services (COPS) Program. To date, under this program, more than 25,000 police officers have been hired in Minnesota alone, and another 50,000 have been funded. Importantly, each of these officers was hired to be on the beat, not in the office.

At a time of very tight budgets, the money for both the COPS Program and the crime prevention block grant comes from savings achieved by reducing the Federal bureaucracy. None of these new police officers or crime prevention programs are adding an additional burden on the taxpayer. We, as a Congress, as a Nation, made fighting crime a top priority last year when we decided to use the savings from streamlining the Federal Government and from cutting some domestic programs for fighting crime.

The COPS Program is a good program. It is reaching and helping communities. It is very flexible. Local jurisdictions can work with the Justice Department to meet their particular needs. The Justice Department has already, wisely, has written the paper work, and by June, has staffed 800 numbers for immediate assistance. It is not surprising, therefore, that approximately 200 Minnesota jurisdictions have participated in this program. What's more, just a few weeks ago Attorney General Janet Reno announced a new effort at the Department of Justice to target some of these new cops on the beat to help address domestic violence.

I mention this because this program is a very cost-effective, flexible way to spend money. And my point is that the money can be redirected to fund restaurant inspectors, parking meters, radar guns—and any other of a host of things.

The money ought to be spent the way it was intended and the way law enforcement officials want it spent: to hire police officers. The Nation's major police enforcement organizations all agree on this point. We all know that crime is one of the great plagues of our communities. People in the suburbs and people living downtown are afraid—they are afraid to go out at night, they are afraid to venture into the skyways, they are afraid to leave their cars parked in the street. We also all know that having a larger police presence helps deter the very crimes that people fear the most. Buying more parking meters, radar guns, or hiring more restaurant inspectors does not address this plague nor does peoples' legacies.

It is peculiar that the party that claims to be tough on law and order is proposing as one of its first steps to change a successful, cost-effective "law and order" program—one that ought to have broad, bipartisan support.

Crime prevention was also an essential element of the crime bill. Despite the fact that at each step of the way in passing the Crime bill, prevention programs got watered down, in the end we dedicated that crime prevention had to be part of this bill.

Two years ago, when Congress began consideration of the crime bill we started with a substantial portion of the crime bill addressing prevention; after all, prevention is crime control, stopping crime before it ever happens. It, by the way, included something that I think is extremely important—supervised visitation centers. A model that I brought from Minnesota to help families with a history of violence

Mr. BIDEN. Mr. President, I ask unanimous consent that the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk reads as follows:

For activities authorized by section 130086 of Public Law 103-322, $10,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

Mr. BIDEN. Mr. President, I realize this is a mildy backward way of doing it, speaking to it before I send it to the desk, but I did it, and I yield to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the presentation of the Senator from Delaware. There is some which I agree with and some which I do not agree with. I would like to point out that I agree with his comments relative to boot camp. We have used the boot camp process in New Hampshire, and it has been quite successful, and I have to believe that the decision to drop the boot camp was inadvertent. I hope we will correct it.

If the Senator at some point wishes to divide his amendment and bring that up separately, I would certainly be supportive of that. In any event, I believe we can at least work out that part of his amendment. I suggest the absence of a quorum.
Mr. President, I believe that a highly trained police, highly motivated, community-based, sensitive to the people in the communities, can make a difference.
apply for the additional officers they so desperately need. Unlike most Federal grant programs, there are no pages and pages of complicated forms to be filled out, and extensive regulations to follow. For small towns, there is one page to fill out. That's it. One page. And it takes less than an hour to fill out.

I have a letter from Larry Emison, the Sheriff of Craighead County in Northeast Arkansas. They also have used their COPS grant to add an additional deputy sheriff for night patrol. He has been in place since April, but the community has noticed a difference and feels safer on the streets, particularly at night. Mr. President, this feeling of safety is due in large part to this officer made possible through the COPS Program.

Chief Wiley White in DeValls Bluff called this program “a lifesaver for the community.” He hired David Huggs, a former prison guard who had built a reputation in the community. Chief White told me that Officer Huggs has “been a miracle for this town.”

I have a lot of these stories, Mr. President. Officer Rebecca Hanson was hired in Crittenden County, Arkansas, to investigate criminal sexual abuse to children. Officer Hanson has special training in interviewing children about the abuse they have suffered. In her first 5 months since being hired, Officer Hanson has handled a total of 42 cases, resulting in 7 arrests. We can only speculate as to what might have happened to these innocent children if it hadn't been for Officer Hanson’s presence on the police force.

The Morning News of Northwest Arkansas reported in July how valuable the COPS Program has been to the Rogers Police Department and the citizens of Northwest Arkansas. Two new officers have been added to their force. According to the article, Capt. Steve Russell of the Rogers Police Department said that the COPS grant program has given them the opportunity to add additional personnel that they would not have had otherwise. Captain Russell said the COPS FAST grant program is an example of how the Federal Government can make it easier for local agencies to add police officers.

Mr. President, this is a program that has been the subject of considerable debate. The cost of law enforcement is borne by the local community. The grant is a program designed to help law enforcement agencies immediately increase their available manpower. The three-year program will allow the Rogers Police Department to add new officers with the federal grant of $132,337 added to $44,113 in local funds to cover the cost in salaries and benefits of $176,450 over the three years of the grant.

Russell said the COPS FAST grant program is an example of how the Federal Government can make it easier for local agencies to reap the benefits of Federal programs. “This was one of the fastest programs we've seen, in terms of the time from the application to us getting the money,” Russell said. “That just allows us to put more police on the streets faster, which we certainly needed. The application process was very simple, unlike most federal grants.”

Russell said the Rogers Department currently has 59 certified law-enforcement officers, with one unfilled slot remaining open. The department has four officers who are just completing their 10-week training course. With the COPS grant, the department will be able to hire their next four officers and complete the academy training course still have to complete another 12 weeks of field training with the department, he said, giving new officers about six months of initial training.

According to the Rogers Police Department, staffing levels are below national average for law-enforcement agencies. The department has 1,820 officers for every 1,000 people. The national average is 2.65 officers per 1,000 people. To reach the national average, he said, Rogers would need 87 officers.

According to the article, Capt. Steve Russell of the Rogers Police Department, said Tuesday, “It’s given us … the opportunity to have additional personnel we wouldn’t otherwise have had.”

The COPS FAST program operates under the office of Community Oriented Policing Services of the U.S. Department of Justice. The grant programs are designed to help law enforcement agencies immediately increase their available manpower. The three-year program will allow the Rogers Police Department to add new officers with the federal grant of $132,337 added to $44,113 in local funds to cover the cost in salaries and benefits of $176,450 over the three years of the grant.

Afterthoughts.

According to the article, Capt. Steve Russell of the Rogers Police Department and the citizens of Northwest Arkansas. Two new officers have been added to their force.

Sincerely,

Robert R. Wochner,
Chief of Police.
September 28, 1995

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Mr. INOUYE. Mr. President, I seek a few moments in order to seek clarification from my esteemed colleague, the senior Senator from Alaska, with regard to language that is contained in an amendment proposed by my colleague. When the Subcommittee on Commerce, Justice, and State and Judiciary on September 7, 1995, provided States that have significant numbers of eligible Native American households, grants to such States would equal an amount that is 140 percent of the amount such States would otherwise receive. My amendment, in order to prevent a serious reduction in legal services to Native Americans. Under current law, there is a separate, additional appropriation for legal services to the Native American community. The Legal Services Corporation also given the flexibility to allocate additional resources to States like Alaska, which experience increased costs due to the difficulty of providing legal services to remote populations, many of which are comprised of Native Americans. Given the fact that the Legal Services Corporation, including the separate Native American appropriation, was eliminated the committee's bill, my amendment was necessary in order to ensure the continued provision of legal services to the Native American community.

Mr. INOUYE. Mr. President, I wish to express my deep appreciation to my colleague from Alaska for his efforts in this area, and for recognizing that the significant needs for legal assistance in Native American communities span a broad range of issues, from housing and sanitation to health care and education. In my own State of Hawaii, Native Hawaiians comprise less than 13 percent of the population, but represent more than 40 percent of the prison inmate population. Native Hawaiians have twice the unemployment rate of the State's general population and represent 30 percent of the State's recipients of aid to families with dependent children. Over 1,000 Native Hawaiians are homeless, representing 30 percent of the State's homeless population. Native Hawaiians have the lowest life expectancy, the highest death rate, and the highest infant mortality rate of any group in the State. Moreover, they have the lowest education levels and the highest suicide rate in Hawaii.

Mr. President, in my State, we have the Native Hawaiian Legal Corp. (NHLC), a nonprofit organization established to provide legal services to Native Hawaiian community. NHLC has a 20 year history of providing exceptional legal services to Native Hawaiians, and it has long been affiliated with the Native American Rights Fund. Fifteen percent of NHLC's annual funding comes from the Native American portion of the Legal Services Corporation. I understand that the language proposed by my esteemed colleague from Alaska is to ensure the continued provision of legal services to Native Americans that are currently being provided through a separate Native American allocation of the funding provided to the Legal Services Corporation. My question to my colleague from Alaska is whether it is his intent that Native Hawaiians would continue to be eligible to receive funds appropriated for the provision of legal services under your amendment, consistent with the current situation under the Legal Services Corporation?

Mr. STEVENS. Mr. President, I thank the Senator for his earlier comments. My colleague from Hawaii, in his capacity as the former chairman of the Senate Indian Affairs Committee, has traveled many, many times to my State of Alaska, and I know that he has come to appreciate the very difficult circumstances under which the vast majority of our native villages are challenged. The Senator from Hawaii faces in trying to meet the needs of native communities in the State of Hawaii, and I therefore understand full well his desire to clarify the meaning of "Native American households." When I proposed this language, it was my intention to ensure that those Native American communities, including Native Hawaiian households, currently being served by the Legal Services Corporation would continue to be eligible to receive legal services under the block grant approach proposed by Senator HATFIELD. Have I sufficiently addressed my colleague's concerns?

Mr. INOUYE. Mr. President, I wish to respond to my colleagues from Alaska for clarifying this matter for me. I am certain that the native Hawaiian community will be most appreciative of the Senator's clarification.

Mr. Breaux. I would like to raise an issue that is of concern to several members of this committee on both sides of the aisle.

Previously, as chairman of this committee and of the Appropriations Subcommittee, the Senator from South Carolina was instrumental in establishing spectrum auctions for new PCS services, and was a guiding force on developing the rules that were adopted by the FCC governing relocation of microwave licensees out of this spectrum. I believe it is necessary, that certain enterprise individuals have recruited a number of microwave incumbents as clients and now seem to be manipulating the FCC rules on microwave relocation to leverage exorbitant payments from new PCS licensees.

I am advised that if this practice continues unchecked, more and more microwave incumbents will seek to employ these unintended tactics. More importantly, it will reportedly devalue spectrum in future auctions to the tune of up to $2 billion as future bidders factor this successful gamesmanship into their bidding strategies. Previously scored revenue for deficit reduction will be unfairly diverted instead into private pockets.

Would the Senator agree with me that the first, that is, if relocations negotiations was unintended, is unreasonable, and should not be permitted to continue unchecked?

Second, that the affected parties should attempt to agree on a mutually acceptable solution to this problem?

Third, that if an acceptable compromise cannot be brought forth by the affected parties within a reasonable time period, then either Congress or the FCC should address an order as quickly as possible with appropriate remedies?

Mr. HOLLINGS. I thank my colleague for raising this issue. As he noted, I offered an amendment on the State, Justice, Commerce Appropriations bill in 1992 on this issue. The electric utilities, oil pipelines, and railroads must have reliable communications systems. The FCC initially proposed to move these utilities' communications systems from the 2 gigahertz band to the 6 gigahertz band without ensuring that the 6 gigahertz band would provide reliable communications.

My amendment, which the FCC subsequently adopted in its rules, guaranteed that the utilities could only be moved out of the 2 gigahertz band if they are given 3 years to negotiate an agreement, if their costs of moving to the new frequency would be sufficient to avoid any negative impact on the reliability of their communications at the new frequency is guaranteed.

Now I understand that some of the incumbent users may be taking advantage of the negotiation period to delay the introduction of new technologies. It was certainly not my intention to give the incumbent users an incentive to delay moving to the 6 gigahertz band purely to obtain more money. I agree with my friend that the parties involved in this issue should try to work out an acceptable solution to this issue. If the parties cannot agree to work out a compromise, I believe that Congress or the FCC may need to revisit this issue.

Mr. President, I would like to address an important portion of the Hatfield amendment, preservation of Small Business Administration funding for women's business programs.

I believe the issue of women in business needs to be placed in the clearer context.
The new dynamics of the American economy have brought about a sea-
change in society. Thirty years ago, when most women entered the work-
force, they did so to supplement their families' incomes. Most often, women
working outside the home did so in clerical and support roles.

Thirty years ago, a young couple could live on the income of one profes-
sional. On that income, a schoolteacher could buy a nice house in a good neigh-
borhood, young families could hope to save, drive a nice car, educate their
children, and take vacations. Today many cannot.

Economic restructuring and societal changes have accelerated the entry of
women into the work force, into the professions and into business. We see
the challenges these changes have generated all around us.

Nothing has been more exciting and challenging, though, than the emer-
gence of women as business builders and entrepreneurs. Without exception,
every aspect of business offers extraordinary opportunities for women.

Women are an increasingly dynamic sector of our economy.

According to the most recent census data available—1982-87—the number
of women-owned firms increased by 57 percent—more than twice the rate of
all U.S. businesses.

These businesses employed 35 percent
more people in the United States than the Fortune 500 companies employed
worldwide, and had a payroll of nearly $41 billion.

More women-owned businesses have staying power—over 40 percent have
been in business for 12 or more years.

Businesses owned by women tend to hire more women. It is not unusual to
find that two-thirds of their employees are women.

In 1993, the Small Business Admin-
istration's flagship lending program, the
7(a) program, guaranteed 25,000 loans
totaling $6.4 billion to women-owned
businesses. Women-owned businesses accounted for nearly one-third
of all small businesses, they only made
up about 10 percent of loan recipients
that year. In 1994, that total rose to 24
percent.

In spite of their successes in getting
started in providing employment, one of
the biggest impediments that
women-owned businesses face today is
constraints on their growth—they re-
main small. Women-owned businesses average $8,000 in annual sales of $67,000,
compared to $140,000 in sales for all small businesses.

That is why, Mr. President, the Na-
tional Women's Business Council and
the Women's Business Ownership De-
velopment Program are so important.

The National Women's Business Council monitors plans and programs
developed in the private and public sec-
tor which affect the ability of women-
owned businesses to obtain capital and
credit. The council also develops and
promotes new initiatives, policies and
plans designed to foster women's busi-
ness enterprises.

It has conducted: symposiums on get-
ing access to capital, in conjunction
with the Federal Reserve; and informa-
tional meetings on Federal Govern-
ment procurement contract opportuni-
ties for women-owned businesses.

In November, the council plans to
initiate a project with Northwestern
University's Kellogg School of Manage-
ment to develop an agenda for national
research on women's entrepreneurship.

The council is actively seeking
funding for this council's salaries and expenses
at a level of $200,000 represents a mod-
est—but prudent—investment in our
Nation's business sector.

There is an urgent argument to be
made for well-thought-out initiatives
aimed at encouraging more women to
create their own businesses:

Here are some disturbing facts: half
of all working women are sole support
for themselves and their families; and
women and the children they support comprise more than 75 percent of peo-
ple who live in poverty in the United
States.

Mr. President, if the U.S. as a Nation want
to reduce the reliance of women and
children on welfare and social service
programs, these women must become economically self-sufficient—and the opportunity for self-sufficiency will most likely come from women-owned enterprises.

The Women's Business Ownership De-
velopment Program addresses these
problems in constructive ways. It is a
public-private partnership whose goal is
the creation of new jobs, increasing the earning potential of women, and
forging a larger pool of skilled women
entrepreneurs.

There are 38 demonstration sites in
20 States, with plans for more. More
than 25,000 clients have been served in urban and rural locations. Each center
tails its program to the particular
needs of the community. Training ac-
tivities include: assistance in accessing
capital; management assistance; mar-
ket analysis; grant assistance; and
specialized programs that address
home-based businesses and interna-
tional trade.

The North Texas Women's Business
Development Center, which is being
dedicated tomorrow, is a shining exam-
ple of the promise this program holds.

It is a collective effort of the National
Association of Women Business Own-
ers, the North Texas Women's Business
Council, the Greater Dallas Chamber of Commerce, the White House Mi-
nority Business Development Corp. and
the Dallas County Community College.

Under the auspices of the Women's
Business Consortium, this broad-based,
private-sector supported initiative will
facilitate and strengthen women-owned
businesses. One of the areas on
which they will concentrate is Govern-
ment contracting opportunities for
women.

Four million dollars will help estab-
lish demonstration sites like the one in
Dallas in cities all across this country.

Programs like the National Women's
Business Council and the Women's
Business Ownership Development Pro-
gram—modest in scope but breath-
taking in the possibilities they hold out
to those willing to work hard—have
the potential to turn America around.
I am pleased my colleagues saw the
value and agreed to continued
funding.

Mr. LIEBERMAN. Mr. President, I
would like to express my concern about
the programs that are suffering as a re-
sult of the appropriations in this bill.

The position that I am taking today is
that cuts to these programs are not
are critical to the future of the U.S.
economy. Economic security, competi-
tiveness, jobs. That is what is at risk.

Technology development is slated to
be the victim of our budget axe. Invest-
ments in technology are investments
in our future and should not be termi-
nated. In our enthusiasm to make cuts
to balance the budget, we are losing
sight of the reason we want to balance
the budget in the first place—to make
our economy stronger. The irony is
that by cutting technology programs
we are cutting programs that are al-
ready making our economy stronger.
We will be defeating our own purpose.

I am particularly concerned about
the integration of science, technology
and trade functions in the Department
of Commerce. Within the Department
of Commerce there are programs that
work with the private sector to foster
new ideas that may underpin the next generation of products. Take one of
the few places where information chan-
nels are developed that make sure that
the ideas generated in our world class
research institutions find their way
into the marketplace. Previous Admin-
istrations had the foresight to realize
that we are entering a new era, an era
where economic battles are as fiercely
fought as any previous military ac-
tions. New kinds of technology pro-
grams were begun with bipartisan sup-
port to make sure that the United
States would be successful in these eco-

omical battles. I do not want to see us
lose our technology edge in the mar-
ketplace, because this edge translates
directly into jobs for our work force,
new markets for American business,
and from this economic success, des-
erately needed revenues for our treas-
ury. The home of technology programs
is with our trade programs where they
will have the most impact and do the
most good for our economy.

I am particularly concerned about
the programs that are suffering as a re-
gard to the appropriations in this bill.

The Technology Administration is a criti-
cal component of the Department of Com-
merce and we need to make sure that
its key functions are maintained.

Making changes in technology and
trade functions at this juncture is in-
time must be done extremely carefull.
New markets are emerging in develop-
ing countries. Conservative estimates sug-
gest that 60 percent of the growth in
world trade will be with these develop-
ing countries over the next two dec-
ades. The United States has a large
share of imports in big emerging mar-
kets currently, in significant part be-
cause of the efforts of the Department

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of Commerce. While we are making changes in the Department of Commerce, our foreign competitors are increasing their investments in their economies. Competing advanced economies are just waiting for us to make a move to weaken our economic capacity. We cannot afford to see US manufacturers have little successful programs that are making and keeping the United States competitive. We should be sure that changes we make will be improving the Government's efficiency and improving the return on investment.

The kind of technology programs that I am advocating are not corporate welfare or techno pork. I find these terms not only inaccurate and derived from ignorance, but offensive. American industry is not looking for a handout. Quite the contrary. These programs are providing incentives to elicit support from the private sector for programs that are the responsibility of the Government. Times are tough and the Government needs to cut back, so we are looking for the handout from private industry, not the other way around. Let me explain.

Everyone agrees that when markets fail, it is legitimate to have the Government step in. For example, so-called basic research, the Government funds, because no one industry can capture the benefits of the investment. Basic research is described as research that is so far reaching that it will impact a wide array of applications in a variety of different industries on a timeframe that could be quite long. No one expects a single company to make an investment, when it can not capture a sufficient return on its investment, or when the investment would be too risky or too long term. That would be bad business. I agree with this definition and I agree with the criteria for the appropriate role for government investments. These criteria apply equally to investment in technology research, as long as the technology research is precompetitive, high risk, and long term.

So-called basic research has also been defined as research that does not have any clear application. This definition is puzzling. One could legitimately ask, why perform research that deliberately has no application? In reality, research is rather fickle and difficult to predict. And one can plot a nice logical progression from basic research, to applied research, to product development, but this is usually not the case. Often what appears to be basic research turns out to be product development, or applied research results in a fundamental breakthrough with far-reaching results, or as most commonly happens, at the end of an experiment, the research scientist must go back to the drawing board and try one other experiment before she claims success. Thus, the research scenario is complicated and trying to make clear distinctions is artificial at best.

Our goal should be, not to try and categorize research, but to make investments that are appropriate, and that strengthen our economy. I believe that there is an important and legitimate role for government to play in technology research. The National Academies of Science research, as well as the National Academies of Engineering, are strongly in favor of the kind of technology programs that are run by the Department of Commerce. I would like to read some quotes from their statement about Federal technology programs.

The conclusion is clear. This short-term focus will lead to technological inferiority in the future. Our economy will suffer. Some of my colleagues in Congress believe that basic research is the kind of information necessary to generate new generations of high-technology products. On the contrary, we have seen historically that basic research performed in a vacuum, that is, without communication with any segment of the industry, is unlikely to lead to products.

In this country, we have the best basic research anywhere in the world. There is no contest. Yet, we continue to watch our creative basic research capitalized by other nations. We must improve our ability to translate our brilliant ideas to market. Basic research focuses on a time horizon of 10 to 20 years. Product development focuses on a time horizon of 2 to 5 years.
horizon of less than 5 years, and sometimes much shorter than that. It is the intermediate timescale, the 5 to 15 year time-frame that is critical to develop a research idea into a product concept. We must have a responsibility to make sure that our private sector does not fall behind in the global economy. Diminishing our technological preparedness is tantamount to unilateral disarmament, in an increasingly competitive global marketplace. Government/industry partnerships stimulate just the kind of innovative research that can keep our technological industry at the leading edge. These partnerships help fill the gap between short-term product development, and basic research.

American companies no longer survive by thinking only about the national marketplace. They must think globally. Familiar competitors like Japan and Germany, continue to compete aggressively in global markets. New challenges are coming from India, China, Malaysia, Thailand, some of the leading Latin American nations and more. We cannot afford to let jobs and profits move overseas to these challengers, by resting on our laurels, complacent in our successes. Other countries, seeing the success of the ATP, are starting to imitate it, just as we are considering doing away with it. Our competitors are just chuckling at their good fortune, and our shortsightedness. We simply cannot afford to cut the ATP.

The state of manufacturing in this country is mixed. On the one hand our manufacturing productivity is increasing, but on the other hand we are losing manufacturing jobs by the millions. Manufacturing which once was the lifeblood of our economy is bleeding jobs overseas. We need to provide the training and education that insures our manufacturing industry flourishes.

As I look at our manufacturing competitors, I am struck by how little we do to support this critical component of our economy. In the United States we are used to being the leaders in technologies of all kinds. Historically, English words have crept into foreign languages, because we were the inventors of new scientific concepts, technology, and products. Now when you describe the state of manufacturing practices you use words like “kanban” and “pokaoka.” These are Japanese words that are known to production workers all over the United States. Kanban is a word which describes an efficient method of inventory management, and pokaoaque is a method of making part of a production process immune from error or mistake proof thereby increasing the quality of the end product. We have learned these techniques from the Japanese, in order to compete.

In a global economy, there is no choice, a company must become state-of-the-art or it will go under. We must recognize that our policies must change with the marketplace and adapt our manufacturing strategy to compete in this new global marketplace. The Manufacturing Extension Program (MEP) is a big step forward in reforming the way we do manufacturing. This forward looking program was begun under President Reagan, and has received growing support from Congress since 1985.

The focus of the MEP Program is one that historically has been accepted as a proper role of government: education. The MEP strives to educate small- and mid-sized manufacturers in the best practices that are available for their manufacturing processes. With the MEP we have the opportunity to play a constructive role in keeping our companies competitive in a fiercely competitive, rapidly changing field. When manufacturing practices change so rapidly, it is the small- and mid-sized companies that suffer. They cannot afford to invest the necessary time and capital to explore all new trends to determine which practices to adopt and then to train their workers, invest in new equipment, and restructure their manufacturing processes.

The MEP’s act as a library of manufacturing practices, staying current on the latest innovations, and educating companies on how to get the best results. At the heart of the MEP is a team of technical experts with strong private sector experience reach small firms and their workers about the latest manufacturing advances.

Another benefit of the MEP is that it brings its clients into contact with other manufacturers, universities, national labs, and any other institutions where they might find solutions to their problems. Facilitating these contacts incorporates small manufacturers into a manufacturing network, and this insuring that any manufacturers is a powerful competitive advantage. With close connections, suppliers begin working with customers at early stages of design and engineering. When suppliers and customers work together on product design, suppliers can provide the input that makes manufacturing more efficient, customers can communicate their specifications and time-tables more effectively, and long-term productive relationships are forged.

These supplier/customer networks are common practice in other countries, and lead to more efficient and therefore more competitive, design, and production practices.

The MEP is our important tool in helping our small manufacturers compete. We are staying competitive in markets that have become hotbeds of global competition, and we are beginning to capture some new markets. More importantly, companies that have made use of MEP in maintaining new jobs rather than laying off workers or moving jobs overseas. These companies are growing and contributing to real growth in the U.S. economy. For each Federal dollar invested in a small- or mid-sized manufacturer through the MEP, there has been $8 of economic growth. This is a program that is paying for itself by growing our economy.

Each MEP is funded after a competitive selection process, and currently there are 44 manufacturing technology centers in 32 States. One requirement for the centers is that the States supply matching funds, ensuring that centers are going where there is a locally supported need. In summary, MEP provides equipment, training, and expertise that our small- and mid-sized manufacturers need to keep them in the new global economic battlefield.

The ATP and the MEP are critical technology investments. They are both run under the auspices of the National Institutes of Standards and Technology (NIST). In addition to these NIST programs, NIST itself is at risk. I would like to bring to my colleagues’ attention, a recent letter sent by 25 American Nobel prize winners in physics, chemistry, and the presidents of scientific societies. As the New York Times put it “Budget cutters see fat where scientists see national treasure.” These scientists are shocked and appalled that we could think of making cuts in NIST and its programs. According to the scientists “It is unthinkable that a modern nation could expect to remain competitive without these services” and they continue “We recognize that your effort to balance the budget is forcing tough choices regarding the Department of Commerce, however the laboratories operated by NIST and funded by the Department of Commerce are a vital scientific resource for the Nation and should be preserved in the process of downsizing the Federal Government.” These scientists are the leaders of the scientific community and we should not disregard their advice.

This amendment restores funding for NIST and its programs at a time when we cannot afford to lose their contributions to national competitiveness. Investments in the trade and technology functions in Department of Commerce are investments in our future economic health, in high wage jobs for our workers, in the American dream.

Mr. GREGG. Mr. President, I would ask unanimous consent that the vote scheduled for 9 p.m. this evening be postponed to occur at 10 a.m. tomorrow, Friday, and that immediately follow the vote on the amendment, Senator DOMENICI be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Reserving the right to object, Mr. President, is it also understood that we originally intended to stack the Domenici vote; namely, after the 10 a.m. vote on the Biden amendment, we would have the Domenici vote?
Mr. GREGG. That, to my knowledge, has not yet been agreed to with Senator DOMENICI. He will be here at 9 to begin debate on his amendment. And at that time I would hope that such an agreement could be reached with Senator DOMENICI.

Mr. HOLINGS. I would hope so. Pending that, Mr. President, I would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that the vote scheduled for 9 p.m. this evening be postponed to occur at 10 a.m. Friday, and immediately following the granting of this consent that Senator DOMENICI be recognized to offer his amendment.

I further ask unanimous consent that at 9 a.m. the Senate resume consideration of the McCain amendment No. 2816 with 60 minutes equally divided, that a vote occur following the Biden vote with 4 minutes equally divided between the two votes, and that following these votes, the Senate resume consideration of the Domenici amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, did the Senator say I would offer my amendment tonight or tomorrow? I have no objection.

Mr. GRAMM. Immediately following this, the Senator would do it tonight.

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

The Senator from New Mexico is recognized.

Mr. BIDEN. Mr. President, will the Senator be kind enough to yield for 30 seconds?

Mr. DOMENICI. Certainly.

Mr. BIDEN. Mr. President, I would like them to peruse this like, I would like them to peruse this amendment that I have introduced which I sent to the desk numbered 2818, my omnibus amendment, I made a mistake in two places in it in terms of numbers. They were as described but different than written, and it has been cleared with the majority and minority.

I ask unanimous consent that I may modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2818), as modified, is as follows:

On page 26, line 10, after “Act;” insert for following: “$27,000,000 for grants for residents...”
Accepting employment as a result of giving unsolicited advice to non-lawyers (same as House).

All non-LSC funds used to provide legal services by recipients may not be used for the purposes prohibited by the Act (same as House).

SPECIAL PROVISIONS

Competitive bidding of grants must be implemented by November 1, 1995, and applications must be proposed 60 days after enactment of the Act. Funds will be provided on an "equal figure per individual in poverty." Native Americans will receive additional consideration under the Act but no special earmarks are provided as have existed in the past.

Restrictions shall apply only to new cases undertaken or additional matters being addressed in existing cases.

Lobbying restrictions shall not be construed to prohibit a local recipient from using non-LSC funds to lobby for additional funding from their State or local government. In addition, they shall not prohibit the Corporation from providing comments on federal funding proposals, at the request of Congress.

Under the Domenici amendment, all funds, regardless of source, received by the corporation, or its grantees may not be used for the following prohibited purposes:

- Advocating policies relating to redistricting.
- Prohibited.
- Class action lawsuits. Prohibited.
- Influencing action on any legislation, Constitution, statute, referendum or procedure of Congress, State or local legislative body. Prohibited.
- Legal assistance to illegal aliens. Prohibited.
- Supporting/conducting training programs relating to political activity. Prohibited.
- Abortion litigation. Prohibited.
- Prisoner litigation. Prohibited.
- Welfare reform litigation. Prohibited. Except to represent individual on particular matter that does not involve changing existing law.

Representing individuals evicted from public housing due to sale of drugs. Prohibited.

Accepting employment as a result of giving unsolicited advice to non-lawyers. Prohibited.

All non-LSC funds used to provide legal services by recipients may not be used for the purposes prohibited by the Act. Prohibited.

Additionally, there are a number of clarifying and special provisions:

- Competitive bidding of grants must be implemented by September 1, 1995, and regulations must be proposed 60 days after enactment of the Act. Funds will be provided on an "equal figure per individual in poverty."

"Mr. DOMENICI. I yield the floor."

Mr. SARBANES. Mr. President, I rise in strong support of the Legal Services Program in opposition to the pending appropriation bill. Pursuant to this legislation, and the Legal Services Program—as it has existed for more than two decades—would be abolished and replaced with a legal assistance block grant program, funded at a level that is drastically lower than current funding for legal services.

The Legal Services Corporation has been at the forefront of our efforts to give real meaning to the words emblazoned in stone above the portal of the Supreme Court: "Equal Justice Under Law." The Legal Services Program has provided critically needed services to millions of poor, elderly, and disabled citizens who otherwise would not have access to the American legal system and the protection it affords the many basic rights we enjoy in this country and which so many of us take for granted.

The Legal Services Corporation provides funds to State legal aid programs throughout our Nation. It has been described as one of the most effective and worthwhile Federal programs in existence, while also being one of the least costly. Legal Services programs provided needed legal assistance to approximately 1.7 million clients annually, benefiting about 5 million individuals living in poverty in this country, primarily women and children. LSC accomplishes this using only about 3 percent of its total funding for administration and management. That means that 97 percent of the appropriation goes directly to the local programs that provide the services, clearly illustrating the efficient operation of this valuable program.

Maryland's Legal Aid Bureau, which receives by far the largest portion of its total funding from the Legal Services Corporation, has done an outstanding job of representing Maryland citizens living in poverty. In the fiscal year ending September 30, 1993, the legal aid offices located throughout Maryland provided general legal services to approximately 19,000 families and individuals annually, assisting Marylanders in such routine legal matters as consumer problems, housing issues, domestic and family cases, and applying for and appealing the denial of public benefits.

Because the Republican measure proposes that grants be made to individual attorneys, and appears to exclude current legal services programs from eligibility for funding under the program, the Maryland Legal Aid Bureau could lose some of even all of this critical Federal funding. This would leave many cases—such as those involving the provision of these vital services to the many thousands of clients currently represented—who, in fact, represent only a small percentage of Maryland's poor citizens—unless alternative funding can be provided at the State and local level.

Mr. President, the Legal Services Corporation has operated an effective and efficient program in representing citizens, who without this assistance, would never have their day in court. Although these cases involve routine legal disagreements related to housing, consumer issues, family and domestic matters, and employment, these routine matters often become insurmountable when coupled with the other pressures of a complex society that weighs on a family unable to afford legal representation.

The Republican proposal would replace the Legal Services Corporation with a block grant program administered through the Department of Justice, through which funds for civil legal assistance would be allocated to the States. The bill severely reduces funding for legal services, cutting the funding from the $400 million appropriated to the Legal Services Corporation for fiscal year 1995 to $210 million—a reduction of nearly 50 percent.

Not only does the bill slash funding for legal services for the poor, it also establishes severe restrictions on the type of services that may be provided under the new block grant program. This program would drastically limit qualified services to 10 specific causes of action. As a result, low-income individuals would be denied representation in several matters critical—and basic—legal matters.

Under the measure, qualified services appear to exclude representation in essential legal matters such as applying for or appealing a denial of statutory benefits, including Social Security benefits, veterans benefits, unemployment compensation, food stamps or medical assistance; obtaining or refinancing home ownership; housing discrimination; claims based on consumer fraud; providing substantive advice in connection with criminal prosecutions; providing representation in hiring; wage claims; problems with public utilities; immigration; unfair sales practices; preparation of wills; paternity; and patient rights.

Most of the excluded causes of action are the most routine legal matters that routinely arise out of everyday problems faced by many Americans. Under the committee bill, legal assistance with respect to these routine types of cases would be denied arbitrarily to low-income individuals and families.

Additional restrictions would prohibit legal service providers from using funds under the program for representation in cases related to matters such as redistricting, legislative, administrative advocacy, and prison litigation. Class action lawsuits against the Government or private parties—which, contrary to the myth currently being perpetuated, actually encompass less than one-tenth of 1 percent of all legal services cases—would be prohibited as would lawsuits challenging the constitutionality of any statute.

Another particularly disturbing provision in the bill would require that any qualified client, as a condition for receiving services under the program, waive the attorney-client privilege and the attorney work product privilege. This clearly interferes with the ethical obligations that all lawyers have to their clients.

Mr. President, the drastic cutsbacks and restrictions in this bill would strike a devastating blow to many of our citizens who would find access to the courts blocked and would be unable to assert the rights to which they are entitled by our Constitution and our laws.

I strongly urge my colleagues to oppose these attempts to dismantle this vital program and to support the continuation of the Legal Services Corporation and the current legal services delivery system, as well as increased funding for legal assistance for the poor over the level proposed in this appropriation measure.
An editorial appearing in the September 15 New York Times eloquently addressed the current Republican attack on funding legal services for the poor and the importance of maintaining the Legal Services Corporation. I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the New York Times, Sept. 15, 1995]

SHOWDOWN FOR LEGAL SERVICES

Equal justice for all may be an American ideal but not to the Republican-controlled Congress, where measures advanced ominously this week to abolish the Legal Services Corporation, the federally financed program to help poor people with legal problems.

The corporation, which was created in 1974, managed to survive previous attacks on its mandate and financing during the Reagan and Bush Administrations, aided by powerful Democratic friends in Congress and some Republicans, such as Senator Warren Rudman of New Hampshire. But its continued existence is now in jeopardy. Not satisfied with the disabling funding cut already approved by the Senate, to the full House, or pending proposals in both chambers that would greatly restrict the types of cases that may be handled, the Republicans who control the House and Senate are moving to dismantle the program entirely.

The House voted in July to slash the corporation's budget from $400 million a year to $278 million. By an 18 to 13 straight party-line vote on Wednesday, the House Judiciary Committee approved a measure pushed by Representative George Gekas of Pennsylvania that would carry the demolition further.

It would break up the corporation and its expert network of poverty-law specialists and replace them with a more bureaucratic, fragmented and inefficient system of small block grants to financially hard-pressed states. Some states have shown little interest historically in providing civil legal services that empower the poor, and may not bother to apply for the dwindling amounts of money allotted.

In the Senate, meanwhile, a similarly confusing and shifting scheme proposed by Senator Phil Gramm of Texas has passed the Appropriations Committee and is due to hit the Senate floor perhaps as early as today. It would cut the budget to $20 million, and funnel it through block grants.

The program's critics complain that the corporation uses the courts to push "a liberal agenda." But, clearly, what is driving the attack is their own ideological opposition to what poverty lawyers do, which is to protect the legal rights of the poor. This makes the corporation a prime target for Republican lawmakers.

A moving news conference, leaders of the bar were joined by religious leaders and Legal Services clients in calling for the preservation of the Legal Services Corporation. The group included two victims of domestic violence, whose lives were dramatically transformed for the better by virtue of having the sort of access to the justice system that Republicans seem determined to foreclose.

At a moving news conference, Senator Alfonse D’Amato of New York, and other Republicans whose poor constituents stand to be badly hurt by the proposed amendments to the pending Senate bill that would prevent the worst from happening, if efforts at moderation do not succeed, President Clinton must stand ready with his veto pen.

AMENDMENT NO. 2820 THROUGH 2820BN BLOC

Mr. GRAMM. Mr. President, I ask unanimous consent to set aside the Democratic amendment.

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

Mr. GRAMM. Mr. President, I send to the desk a number of amendments that have been cleared on both sides, and I ask unanimous consent that they be considered en bloc.

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

The amendments are as follows:

AMENDMENT NO. 2820

Purpose: To terminate the Regulatory Coordination Advisory Committee, the Bio-technology Advisory Committee and the Administrative Corrections Council. At the appropriate place in the bill insert the following new section:

Section 8 of the Eisenhower Exchange Fellowship Act of 1990 is amended in the last paragraph of subsection (a) by striking out the word "not" and inserting the word "and". The section is then renumbered as (c).

AMENDMENT NO. 2821

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:

Section 6. Sense of the Senate on United States-Canada Cooperation concerning an outlet to relieve flooding at Devils Lake in North Dakota.

SEC. 6. SENSE OF THE SENATE ON UNITED STATES-CANADIAN COOPERATION CONCERNING AN OUTLET TO RELIEVE FLOODING AT DEVILS LAKE IN NORTH DAKOTA.

(a) FINDINGS.—The Senate finds that—

(1) flooding in Devils Lake Basin, North Dakota, has resulted in water levels in the lake reaching their highest point in 120 years and, second, so that we can put this issue to rest for at least one additional authorization cycle.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Government is still pending in the committee's authorization bill which the Senate has yet to consider fully. Since the authority to continue this program expires on September 30 of this year, the Senate must take immediate action.

Mr. President, the distinguished chairman of the subcommittee has indicated his support for this measure. I thank him and ask that we move on this simple issue expeditiously.

SEC. 5. Sense of the Senate of amendments to the United States-Canada Cooperation concerning an outlet to relieve flooding at Devils Lake in North Dakota on page 124, after line 20, insert the following:

(b) SENSE OF THE SENATE. It is the sense of the Senate that the United States Government is still pending in the committee's authorization bill which the Senate has yet to consider fully. Since the authority to continue this program expires on September 30 of this year, the Senate must take immediate action.

One may ask why I offer a 4-year extension of this program. The answer is twofold: First, the authorizing committee made the decision to extend it for 4 years and, second, so that we can put this issue to rest for at least one additional authorization cycle.

Our committee has spent countless hours overseeing this program during the last few years. The U.S. Information Agency, which administers this program, has spent many hours on it as well. This year applied new regulations to the administration of the au pair program and I want to see these regulations implemented for awhile before a determination is made as to whether the program should be permanently authorized.

Mr. President, the distinguished chairman of the subcommittee has indicated his support for this measure. I thank him and ask that we move on this simple issue expeditiously.

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meet Canadian concerns with regard to the Boundary Water Treaty of 1909.

AMENDMENT NO. 2832

On page 79, line 1, after “grants” insert the following: “Provided further, That of the amounts provided in this paragraph $76,300,000 is for the Manufacturing Extension Partnership program.”

MANUFACTURING EXTENSION PROGRAM

Mr. HOLLINGS. Mr. President, I want to commend the chairman of the Appropriations Committee for including in his amendment an additional $25 million for the Industrial Technology Services account at the National Institute of Standards and Technology [NIST]. That funding is for the Manufacturing Extension Partnership [MEP] program, which supports locally run manufacturing extension centers around the country.

I would like to enter into a brief conversation with the chairman to clarify that this funding is provided for three purposes. First, $22 million is provided to support new centers that are now close to be chosen, under an ongoing centers competition. The amendment restores funding that had been provided in the fiscal year 1995 Appropriations Act for new centers but which the present bill would shift to other purposes. This amendment therefore overrides the committee report language which says that no funds can be used to open a new center during the coming year.

Second, $3 million is provided for fiscal year 1996 support services for the existing 42 manufacturing extension centers. These are services such as materials for training extension agents, provided to centers through MEP’s National Programs account. This $3 million is in addition to funds which the bill already provides for fiscal year 1996 support of the existing 42 centers, including the eligible centers originally supported by the Defense Department’s Technology Reinvestment Project.

Third, with this amendment the amount of new appropriations for the MEP program now totals $76.3 million, and the amount of prior year appropriations and new appropriations for meeting prior Advanced Technology Program [ATP] commitments totals $109,138,000. The ATP is intended to receive $83,836,000 in prior year appropriations and $25.3 million in new appropriations. I would like to ask the chairman if this three-part interpretation of the MEP portion of his amendment is correct.

Mr. HATFIELD. The Senator is correct.

Mr. HOLLINGS. I thank the Chairman.

AMENDMENT NO. 2824

Table the Committee amendment on page 79, lines 1 through 5.

On page 79, line 22, delete “$42,000,000” and insert “$37,000,000”.

AMENDMENT NO. 2825

On page 115, line 2 after “equipment” insert the following: “Provided further, That not later than April 1, 1996, the headquarters of the Office of Cuban Broadcasting shall be relocated from Washington, D.C. to South Florida, and that any funds available to the United States Information Agency may be available to carry out this relocation.”

AMENDMENT NO. 2826

At the appropriate place, insert the following new section:

“SEC. 465. (a) Subject to subsection (b), section 15(a) of the State Department Basic Authorities Act of 1996 (22 U.S.C. 7680(a)) and section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 and section 53 of the Arms Control and Disarmament Act, to appropriate Act, the amounts made available for the Department of State in this Act.

(b) The waiver of subsection (a) shall cease to apply December 1, 1995.”

WAIVER OF AUTHORIZATION

Mr. HELMS. Mr. President, the pending amendment authorizes the Senate and House committees on appropriations to waive the requirement in section 15 of the State Department Basic Authorities Act that appropriations must first be authorized. This waiver applies through December 1, 1995.

As chairman of the Senate Foreign Relations Committee which has the responsibility of authorizing the activities of the Department of State and its related agencies, I am reluctant to agree to this waiver. However, because the administration and certain Members of this Senate have refused to allow a vote on the committee’s authorization bill—S. 908, the Foreign Relations Authorization Act, fiscal years 1994 and 1995 and section 53 of the Arms Control and Disarmament Act, to appropriate Act, the amounts made available for the Department of State in this Act.

This window will allow adequate time for the President and his representatives to advise their friends in the Senate that no further efforts on their part should be made to forbid a vote on the authorizing legislation S. 908.

Mr. President, I reiterate now what I have asserted on numerous occasions since the Democrats’ filibuster against S. 908 began; the Senate Foreign Relations Committee will resume consideration of and action on all nominations, treaties, and legislation pending before the committee once the administration urges Senate Democrats to vote on our legislation.

I thank the distinguished chairman of the subcommittee for his continued support of our efforts to consolidate three anachronistic Federal foreign affairs agencies into the Department of State which, he and I agree, will help balance the Federal budget.

AMENDMENT NO. 2828

(Purpose: To make available for diplomatic and consular programs funds collected from new fees charged for the expedited processing of certain visas and border crossing cards)

On page 93, line 7, after “Provided,” insert the following: “That, notwithstanding the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), not to exceed $125,000,000 of fees collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act; Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: Provided further—”.

MACHINE READABLE VISA FEES

Mr. HELMS. Mr. President, this amendment will permit the Department of State to continue to charge and collect a fee for the issuance of machine readable visas in specific countries around the world through fiscal year 1996. The Department may collect up to $125 million worth of fees this year alone.

It also authorizes the Department of State to use the money collected to offset the costs of diplomatic and consular activities overseas.

In the fiscal year 1994-95 State Department authorization bill—Public Law 103-236—the Committee on Foreign Relations authorized the Department to charge and collect these fees up to a total of $107 million. The Department almost met that ceiling this past year and expects to exceed that amount this fiscal year as much as this relatively new program is now being implemented in more countries and, is thereby, made available to more people. Therefore, the Department is authorized to collect approximately $18 million more in fees this year.

Mr. President, the amendment does not cost the American taxpayer a penny. It is, in fact, a tool for sound fiscal management the Department will be able to utilize this year, especially in light of budget cuts affecting Department of State activities.

I understand the able chairman of the subcommittee agrees with this measure and I thank him for his support.

Mr. GRAMM. Mr. President, these amendments have all been cleared on both sides.

I ask unanimous consent that they be printed in the RECORD as if read.

The amendments (Nos. 2820 through 2828) were agreed to.

Mr. President, on advice from Senator HOLLINGS, who is unable to be here at the moment, I understand that these are acceptable to him on this side.
Mr. GRAMM. Mr. President, while we await our instructions on closing out business of the day, I would like to just very briefly, though we are going to speak tomorrow at some length about the amendment, say that I think it is important tonight to at least to begin to call our colleagues’ attention to the fact that the Domenici amendment is not simply an amendment to reestablish the Federal Legal Services Corporation. We can debate the merits of that and the demerits. I believe the demerits outweigh the merits. But the Domenici amendment has a profound impact on the rest of this bill because it cuts other programs.

I simply want to leave with my colleagues tonight a very brief outline of what the Domenici amendment does in order to fund this expansion in legal services.

It cuts $25 million from our efforts in the Justice Department related to the Criminal Division, to the Civil Rights Division, to the Environmental Division. It cuts funding for the U.S. attorneys office by $11 million. That is money that would have gone to fund U.S. attorneys to prosecute drug felons and other criminal cases. It cuts $40 million from the FBI budget, funds that would be used to build the new FBI academy, to build infrastructure, which the FBI greatly needs.

It cuts the Bureau of the Census both economic and statistical analysis and the census itself in a period when we are getting ready to have the 2000 census, the millennium census. It cuts funding for the court of appeals, for district courts, and for other courts by $25 million. Every day we have people waiting to be tried in civil cases and criminal cases, and we are cutting funding for our courts to fund legal services.

Funding is cut by $21 million for the reorganization/transition fund in the State Department. That is a major Republican initiative in an authorization bill for which the majority of Senators have voted in the affirmative. The bill cuts funding for the commerce transition fund. The budget adopted by the Senate called for the elimination of the Commerce Department. This eliminates transition funds that would be required.

Finally and stunningly, the distinguished Senator from New Mexico has a budget gimmick in the funding mechanism which has a delayed obligation of $115 million which becomes effective only on September 1, 1996, so that we are in fact committing ourselves to a level of funding which is substantially higher than the funding level which is claimed in this amendment.

No one needs to give me a lecture on the power of the special interest groups that support the Legal Services Corporation. I understand that you all understand that the majority of the Members of the Senate support funding for the Legal Services Corporation. But I want my colleagues to know that in supporting that funding, they are supporting cuts in our criminal activities, our civil rights activities in the Justice Department, our Environmental Division within the Justice Department. They are denying funding for the FBI Academy and in the process cutting funds for courts.

So what we are talking about is basically cutting funding for prosecutors, for the Justice Department to work in areas that are critically important. We are cutting funding for the courts when we desperately need more prosecutors and more courts. I hope my colleagues will look at these offsets.

Governing is about choices, and the choices we look at on this bill are basically, do we want to fund courts and U.S. attorneys to prosecute violent criminals and drug felons or do we want to fund the Legal Services Corporation? To me that is a very easy choice. I wish to be sure that my colleagues understand it, and I thank the Senate for in the closing moments of this legislative day giving me the opportunity to make it clear to people what we are talking about.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

OKLAHOMA’S MISS AMERICA

Mr. NICKLES. Mr. President, it is with great pleasure and pride that I congratulate Miss Shawntel Smith, who was crowned Miss America 1996 recently in Atlantic City on her 24th birthday.

Shawntel is the fourth Oklahoman to be named Miss America in the pageant’s 75 years. She joins three other Oklahomans who have also been honored: Norma Smallwood in 1926, Jane Jayroe in 1967 and Susan Powell in 1981.

Shawntel is a native of Muldrow, Oklahoma, a town of about 3,200 residents who are by all accounts very proud and supportive of this young lady. When she was crowned Miss Oklahoma earlier this year, the town erected road signs along the Eastern Oklahoma roads leading into Muldrow.

It seems, now, however, those signs are a little outdated.

During the next year, Shawntel will represent Oklahoma and all of America as she travels to special events and speaking engagements as Miss America.

Her platform is to raise awareness for the need to prepare students for the job market. Shawntel believes that “by exposing students to potential careers and making them aware of the education needed, students can make their dreams become realities.” And Shawntel obviously knows a little something about making dreams become realities.

Education has been an important part of Shawntel’s own life. Through competition in pageants she has been able to earn enough in scholarship money to put herself through North-eastern Oklahoma State University, where she is now working as a marketing director. Shawntel’s winnings from the Miss Oklahoma and Miss America pageants will allow her to continue her education. Her goal is to obtain a master’s degree in business administration from Oklahoma City University, and I have no doubt she will.

The amendment is not simply an amendment to reestablish the Federal Legal Services Corporation. We can debate the merits of that and the demerits. I wish to be sure that my colleagues understand it, and I thank the Senate for in the closing moments of this legislative day giving me the opportunity to make it clear to people what we are talking about.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
She already has demonstrated her affinity for hard work and tenacity. Shawntel competed in three Miss Oklahoma pageants before she won the title in July of this year.

After the pageant, Shawntel's father, Gailen Smith, commented that when Shawntel speaks to people, her inner beauty shines through. What a wonderful and appropriate sentiment. I congratulate Gailen, and Shawntel's mother, Karen, whose daughter possesses not only physical beauty, but inner beauty and strength of character as well.

Mr. President, Shawntel's example reminds our belief in each individual's ability to accomplish something extraordinary and restores our confidence in the American spirit of helping others realize their dreams. Our State of Oklahoma, which is home to the finest people anywhere, celebrates the achievement.

Congratulations, Shawntel. We are pleased for you and look forward with great pride to the year ahead as you represent our State and our Nation.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that that a national debt keeps going up and up.

Politicians like to talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote. Control, Mr. President. As of Wednesday, September 27, 1995, the total Federal debt stood at exactly $4,954,602,761,788.67 or $18,811.55 per man, woman, child on a per capita basis. Res ipsa loquitur.

Some control, is it not?

ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. Sec. 1384(b)), a advance notice of proposed rulemaking was submitted by the Office of Compliance, United States Congress. The advance notice seeks comment on a number of regulatory issues arising under the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

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

OFFICE OF COMPLIANCE

ADVANCE NOTICE OF PROPOSED RULEMAKING

Summary

The Board of Directors of the Office of Compliance ("Board") invites comments from employing offices [use appropriate definition for House and Senate publication], covered employees and other interested persons on matters arising in the issuance, publication and implementation of proposed rules under sections 203(b), 203(c)(2), 204(c)(2), 205(c)(2) and 206(c)(2) of the Congressional Accountability Act of 1995 (PL 104-1) ("CAA" or "Act").

The Act authorizes the Board to issue regulations to implement sections 202, 203, 204, 205 and 206 of the Act. The Board issues this Advance Notice of Proposed Rulemaking to seek input from interested individuals and groups in order to encourage and obtain participation and information as early as possible in the development of regulations. In this regard, the Board invites and encourages commenters to identify areas or specific issues they believe should be addressed in regulations and to submit supporting background information such as an analysis of what the regulatory guidance should be. In addition to receiving written comments, the Office will consult with interested parties in order to further its understanding of the need for and content of appropriate regulatory guidance.

The Board is today, in a separate notice, also publishing under sections 204(a)(3) of the Congressional Accountability Act relating to the Capitol Police's use of lie detector tests under the Employee Polygraph Protection Act of 1988.

In addition to the foregoing, by this Notice, the Board seeks comments as to certain specific matters before promulgating proposed rules under section 202 through 206 of the Act.

Dates—Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses—Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, Library of Congress, Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped postcard. Comments may also be transmitted by facsimile ("Fax") machine to (202) 252-3115. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C. Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact—Executive Director, Office of Compliance at (202) 252-3100. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, 205-204-2705.

Background

The Congressional Accountability Act of 1995 applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. The Board of Directors of the Office of Compliance established the CAA implementing regulations to promote the rights and protections of the Family and Medical Leave Act of 1993, 29 U.S.C. 201 et seq. ("FMLA"); the Fair Labor Standards Act of 1938, 29 U.S.C. 201 et seq. ("FLSA"); the Employee Polygraph Protection Act of 1988, 29 U.S.C. 2001 et seq. ("EPPA"); the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 209 et seq. ("WARN"); and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. Chpt. 43. Each of those sections authorizes the Board to issue regulations to implement the section and further states that such regulations "shall be the same as the substantive regulations promulgated by the Secretary of Labor in accordance with [the applicable statute] * * * * except insofar as the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section."

Section 304 of the CAA provides with respect to the aforementioned sections that, "if the Board has not issued a regulation on a matter for which this Act requires a regulation to be issued, the Board shall, to the extent necessary and appropriate, the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding." The CAA requires that the Office of Compliance be open for business on January 23, 1996. The statutes made applicable under the aforementioned sections of the CAA become effective for covered employees and employing offices on that date.

These inter-related provisions of the CAA give the Board various rulemaking options under section 202 through 206 of the Act. So that it may make a more fully informed decision regarding the issuance of regulations (for each or all of the relevant sections of the CAA), in addition to inviting and encouraging comments on all relevant matters, the Board requests comments on the following:

1. General Issues Under the CAA
   a. Whether and to What Extent the Board Should Modify the Regulations Promulgated by the Secretary of Labor

The CAA directs the Board to issue regulations that "shall be the same as substantive regulations promulgated by the Secretary of Labor ("Secretary") to implement * * * * [the applicable statutes] * * * * except insofar as the Board may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." This emphasis on provision provides important guidance concerning how employing offices, covered employees and other interested persons should structure their comments in response to this ANPR and related processes in order to be of maximum assistance to the Board. Accordingly,
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the Board requests commentors who propose modifications to the substantive regulations promulgated by the Secretary to identify the 'good cause' justification of such proposed modifications. The Board believes that it would be 'more effective' for the implementation of the rights and protections applied under the CAA. In addition, the Board requests commentors to suggest any non-conclusory changes in nomenclature or other matters that may be deemed appropriate in any regulations proposed for adoption.

Section 304(a)(2) of the Act also requires the Board to issue three separate bodies of regulations which shall apply, respectively, to the employers, to a covered employee's house and to all other covered employees and employing offices. Certain employment practices and categories of employment may be unique to one or more of these bodies.

The Board invites comment regarding whether under what circumstances, if any, such references would warrant a substantive difference in the applicable regulations.

The Board further invites comment on whether and to what extent it should modify the regulations promulgated by the Secretary of Labor.

b. Notice Posting and Recordkeeping Requirements

The CAA does not expressly make reference to the notice posting and recordkeeping requirements of the various statutes applied to covered employees and employing offices. The notice posting and recordkeeping requirements of section 106(b) and (b) of the FLSA and the Secretary's regulations pursuant to the applicability of those regulations to covered employees and employing offices. Similarly, the FLSA recordkeeping requirements, 29 U.S.C. section 211(c), and the Secretary's implementing regulations at 29 C.F.R. sections 516.0-516.34, are not expressly referenced in section 203 of the CAA, which applies the rights and protections of the FLSA to covered employees and employing offices.

It could be argued that notice posting and recordkeeping requirements are an integral part of the rights and protections of the applied laws. In any event, they are implicitly included within the requirements of the CAA or that 'good cause' exists to modify the existing substantive regulations by including some or all of the substantive notice-posting and recordkeeping. Notice postings inform covered employees of their rights and protections under the statutes and remind employing offices of their responsibilities. Recordkeeping enables an enforcement authority to determine the extent to which an employing office has complied with applicable law and, even in the absence of such authority, recordkeeping is helpful to an employing office that may be faced with a complaint from one of its employees.

Alternatively, it could be argued that the lack of specific reference in the CAA to the notice posting and recordkeeping requirements of the various statutes applied to covered employees and employing offices is an indication that the Congress did not intend to impose notice posting and recordkeeping requirements on employing offices as part of the CAA. Moreover, there is no evidence that the legislative intent was to introduce a notice posting and recordkeeping requirements that might impose a significant and unforeseen costs on employing offices in creating and maintaining such documents. The Board believes that it does not need to ultimately maintain. In addition, there may be constitutional or other institutional prerogatives that notice posting and recordkeeping requirements are supposed to introduce. The Board requests comment on whether the notice posting and recordkeeping requirements of the various laws made applicable by the CAA are incorporated as statutory requirements of the CAA and, if so, whether and to what extent the Secretary's regulations implementing those requirements should be adopted.

The Board further invites comment on whether, assuming notice posting and recordkeeping requirements are incorporated as statutory requirements of the CAA, the Board (a) can and should develop its own notice posting and recordkeeping requirements as a potential cause for a substantive difference in the interpretation of the Board of Labor with respect to the meaning and application of the maximum hours and overtime pay requirements of the various laws evidences congressional intent not to impose notice posting and recordkeeping requirements on employing offices, such as a member's personal office and a committee staff or works official in performing any other professional capacity.

Part 541 contains those regulations that might be issued.

2. Specific Issues Under Individual Sections

In addition to the preceding issues that arise under all five sections of the CAA, the Board also requests comment on the following matters arising under individual sections of the Act:

a. Issues Under Section 203 (Fair Labor Standards Act)

The Fair Labor Standards Act sets forth specific criteria as to whether employing offices should be permitted to adopt joint employment practices and categories of employees. Whether there is a concern that strictly-imposed notice posting and recordkeeping requirements of section 106(b) on employing offices may result in substantially more nominally separate employers of the same employee. Such "joint employment" or "employee," has not been construed as limited to two or more coemployees who perform work simultaneously benefits two or more covered employers. Such "joint employment" could arise by analogy under the CAA where a covered employee performs work which simultaneously benefits two or more nominally separate employers of the same employee. Such "joint employment" or "employee," has not been construed as limited to two or more coemployees who perform work simultaneously benefits the employee's rights under the CAA. In addition, the Board requests comment on whether or not the Board should adopt them as official interpretations or as official interpretations.

b. Issues Under Section 207 (Fair Labor Standards Act)

(i) Whether the Board Should Adopt the Interpretation of "Joint Employment"

(ii) Whether the Board Should Adopt the Interpretation of "Joint Employment" as an "Employee"

(iii) Joint Employer Status

In the context of the FLSA, the term "employee" has not been construed as limited to two or more coemployees who perform work simultaneously. Such "joint employment" could arise by analogy under the CAA where a covered employee performs work which simultaneously benefits two or more nominally separate employers of the same employee. Whether or not there is a concern that strictly-imposed notice posting and recordkeeping requirements on employing offices, such as a member's personal office and a committee staff or works official in performing any other professional capacity.

A determination of whether employment is to be considered joint employment or separation of the employee's rights and protections under the statutes and recordkeeping requirements. Whether and to what extent this doctrine is applicable under the CAA.

The Board further invites comment on whether and to what extent the Board should modify the regulations promulgated by the Secretary regarding exempt executive, administrative and professional employees. Such modifications might be necessary to conform to the substantive regulations, whether and to what extent the Board should adopt them as official interpretations or as official interpretations.
b. Issues Under Section 202 (Family and Medical Leave Act)

The Family and Medical Leave Act generally requires employers to permit covered employees to take up to 12 weeks of unpaid, job-protected leave during 12-month periods for the birth of a child and to care for the newborn; placement of a child for adoption or foster care; care of a spouse, child, or parent with a serious health condition. The FMLA and the Secretary's regulations thereunder contain provisions concerning the maintenance of health benefits during leave, job restoration after leave, notice and medical certifications of the need for FMLA leave, and other employment laws including the Americans With Disabilities Act, Workers Compensation, and Title VII of the Civil Rights Act of 1964.

(i) Previous Application of the FMLA to Certain Employees.

The Board notes that Title V of the FMLA made specified rights and protections under the FMLA available to certain employees of the House of Representatives and of the Senate. On August 5, 1993, the House Committee on House Administration of the 103rd Congress established by formalized to implement the FMLA in the House of Representatives.

Title V of the FMLA establishes different leave eligibility requirements than the FMLA-eligible employees are entitled to take up to 12 weeks of leave. The Board further notes that, pursuant to sections 504(b) and 506 of the CAA, Title V of the FMLA upon which such regulation was based is repealed effective March 23, 1996.

(1) Whether and, if so, how, the twelve month and 1,250 hours of work FMLA leave eligibility requirements should be calculated for employees employed by more than one employing office on “Employment by More Than One Office.”

(2) Whether there is “good cause” to believe that a regulation designating a uniform FMLA leave year for “eligible employees” are entitled to take FMLA leave would be “more effective” for the implementation of the rights and protections of the FMLA than the regulation promulgated by the Secretary which would permit employees to designate the 12-month period appropriate to their office.

(3) Whether, assuming that there is not “good cause” to designate a uniform FMLA leave year for all employing offices, the existence of non-uniform leave years by employing offices would affect the FMLA leave rights of “eligible employees” who are employed by more than one employing office? See infra (ii) on “Employment by More Than One Office.”

The Board further notes on what and to what extent policies and practices of the House of Representatives, the Senate, the regulatory agencies or any covered employing office exist that provide different FMLA rights and protections than would be provided under the CAA if the regulations promulgated by the Secretary were made applicable to such employees.

(ii) Employment by More Than One Office.

In the context of the FMLA, the term “covered employer” has not been construed as including a single employer; it may include two or more employers of the same employee. Sections 825.106, 825.104(c)(2) and 825.107 of the regulations promulgated by the Secretary set forth factors to be considered in making a determination of whether a “joint employment”, “integrated employer”, or “successor in interest”, respectively, relationship exists for the purposes of FMLA leave eligibility, job restoration and maintenance of health benefits responsibilities of employers.

The Board invites comment on whether and, if so, how, the definitions of “joint employer”, “integrated employer” or “successor employer” set forth in the regulations should be applied and/or modified to implement FMLA rights and protections under the CAA with respect to covered employees employed simultaneously by one or more than one employing office during any relevant 12-month period.

Signed at Washington, D.C., on this 27th day of September, 1995.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.
RATIFICATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. PELL. Mr. President, I offer my congratulations to the conveners and participants of the Fourth World Conference on Women, held in Beijing this September, and the parallel NGO Forum on Women for promoting the human rights of women around the world. I would especially commend the members of the U.S. delegation to the Women's Conference, particularly First Lady Hillary Clinton and Ambassador Madeleine Albright, as well as the many others who contributed to its success.

The goal of this conference was to promote the advancement of women by identifying and overcoming the obstacles still facing women. In many parts of the world today, discrimination against women results in forced abortions, in the trafficking or forced prostitution of young girls, and in the denial of nutrition or health care, even to the point of infanticide. Women are also the primary victims of domestic violence or rape, and rape is increasing tragically in war torn conflicts such as Bosnia, Cambodia, Liberia, Peru, Somalia, and Rwanda.

In many parts of the world, women are denied education, job training, or employment. Today, 64 percent of the world's illiterate and 70 percent of the world's population that lives in absolute poverty are women. Even when employed, women frequently face pay discrimination in the workplace. In too many countries, women are excluded from participating in policy-making or prevented by law from voting in elections.

Mr. President, the Women's Conference addressed all of these issues and called upon governments to commit to specific actions that would advance the status of women. The United States delegation made commitments that continue the long-standing tradition of U.S. leadership in the fight for equality for women and men. American commitments included: a resolution of the United States delegation succeeded in blocking the Convention from many Members of Congress ratification to the Senate for its advice and consent. Despite support for ratification from many Members of Congress on both sides of the aisle, from the White House and from the American public, opponents of ratification succeeded in blocking the Convention from reaching a vote in the Senate last year.

Mr. President, I believe the U.S. ratification of this Convention is important to demonstrate American commitment to eliminating all forms of discrimination against women both at home and abroad. Equally important, the United States should ratify the Convention in order to underscore the importance we assign to international efforts to promote and protect human rights. By failing to ratify the Women's Convention, the United States has rightfully encouraged criticism from allies who cannot understand our refusal to uphold rights that are already found within the provisions of our great Constitution. The United States cannot criticize other countries' violations of women's rights if we have not recognized those rights as international legal standards. The Women's Convention is an important human rights document that is consistent with the existing laws of the United States. Senate advice and consent to this Convention will demonstrate U.S. leadership in the fight for women's equality.

Finally, Mr. President, as we consider the appropriations bill for the State Department budget, I would emphasize the difficulties that funding cuts will produce in the work to promote human rights. Without adequate funding, the U.S. will be unable to continue to play a leadership role in the international effort to promote women's equality. The ability of the State Department to monitor human rights abuses and to participate in the work of the U.N. Human Rights Commission, to support NGOs in their human rights work, and to gather information on human rights violations would be severely threatened. Clearly, it is in the best interests of the United States to promote human rights and democracy in every country. Let us not lose our leadership role in the protection of human rights.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. PELL. Mr. President, I rise today to discuss the extraordinary impact of the National Endowment for the Humanities on my home state of Rhode Island. Rhode Island has long had a special relationship with the Endowment. Over since the appointment of my old friend Barnaby Keeney, formed a Commission to investigate the possibility of a national support for study in the humanities.
The Commission returned with a forceful recommendation for the creation of such a program and in 1965 we created the National Endowment for the Humanities. Since that time, the Humanities Endowment has supported scholarly research, education and public programs conducted with history, literature, philosophy, and other humanistic disciplines, and have helped to make the United States a leader in these fields of study. Programs have included both popular and scholarly projects characterized by their singular excellence, including the Pulitzer Prize winning Slavery and Human Progress and programs such as "The Civil War," "Columbus and the Age of Discovery," and "Baseball:"

Barnaby Keeney, a decorated veteran and a medieval historian, left Brown University to become the first chairman of the National Endowment for the Humanities. Since then, Brown University has been in the forefront of research and study in humanities, recognized for its extraordinary excellence with repeated fellowships and grants for humanities research over the last thirty years. Rhode Island and the Nation as a whole have benefited enormously from this work. Mr. President, I would ask unanimous consent that two pieces by Edward Abrahams, director of government and community relations at Brown University—an op-ed article on the importance of the humanities that appeared recently in the Providence Journal and remarks delivered at Humanities Day—be printed in the RECORD.

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

[From The Providence Journal-Bulletin, Mar. 17, 1995]

LYNDON JOHNSON, BROWN AND THE BIRTH OF THE NEH

By Edward Abrahams

"A great nation (and a great civilization) feeds on its scholarship as well as the breath of its educational opportunity."

"So said President Lyndon B. Johnson at Brown University in 1964. Today, the situation appears to be in stark contrast, the new Republican majority in Congress has targeted, among many other legislative accomplishments of Johnson's Great Society, the National Endowment for the Humanities. While President Clinton's budget would increase expenditures for the endowment by 3 percent, to $183 million, House Republicans, led by Newt Gingrich, Chairman of the Joint Appropriations Committee, had earlier in the year by Brown's President Barnaby Keeney, Barnaby Keeney's Commission for the National Foundation for the Humanities."

In language suggestive of another era, the Keeney Commission had recommended the creation of a federal foundation to support "whatever understanding can be attained . . . of such enduring values as justice, freedom, democracy, virtue, beauty, and truth." Within months of Johnson's address, with the help of Sen. Claiborne Pell (who is regarded as the father of both endowments) in the Senate and John Brademas in the House, Johnson pushed through Congress the act that established both NEH and NEA.

In 1965, Keeney, a decorated veteran and a medieval historian, left Brown's presidency to become the first chairman of NEH.

After Vietnam and Watergate, few intellectuals or public figures have the wherewithal to speak with one voice. But without the inherent national significance of the mission of universities like Brown, not to mention the federal government, it becomes difficult to defend, let alone advance, the public commitment Johnson and his contemporaries made in the late 1960s to provide students with the best possible opportunity to discover and learn about the origins of our nation. And in defense of the promise of American life, which they did not then, and perhaps do not today, see only in materialist terms. Without Keeney, the inherent national significance of the mission of universities like Brown, not to mention the federal government, it becomes difficult to defend, let alone advance, the public commitment Johnson made in the late 1960s to provide students with the best possible opportunity to discover and learn about the origins of our nation. And in defense of the promise of American life, which they did not then, and perhaps do not today, see only in materialist terms.

HUMANITIES DAY

"Our cultural institutions are an essential national resource; they must be kept strong."

So said President Reagan in 1981.

For over three decades, one of the most important agencies that has helped keep them strong has been the National Endowment for the Humanities. That is why an authorized appropriations bill passed by both House and Senate today, unequivocally supports the NEH. The association of 60 universities represented in almost all fifty states, the AAU is committed to advancing research and education in America.

NEH has more than fulfilled its mission. It has, in the pantheon of our budget conscious society, offered an impressive return on the investment of public dollars. Every President and every Congress since 1965 has supported NEH. They have done so because they have understood that a free and good government, in J. Ellsworth Bell's words, depends on an enlightened citizenry.

A single controversial project should not blind us to seeing how well NEH has advanced culture and learning in America, while helping us also conserve our nation's heritage and preserve its memory.

I have here a list which is also available to you. It is a representative sample of NEH-sponsored projects at America's colleges and universities. Permit me to mention three.

At Rice University in Texas, an NEH grant enables scholars there to compile and edit a seven-volume series of Jefferson Davis's papers.

At the University of Mississippi an NEH grant facilitated a "Memories of Mississippi" exhibit that recorded ordinary citizens' recollections of the Reconstruction era in the northern part of that state.

And at Ohio State University NEH funds are assisting secondary school teachers' efforts to integrate Arabic language and culture courses in local high schools.

What these projects have in common is that they make our nation stronger through the advancement of knowledge, culture, and education.

In brief, we need to understand—and we need to make our elected representatives understand—that if NEH is disproportionately cut, America's cultural institutions will not be kept strong. They will bleed.

MESSAGES FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Moakley, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2288 An act to amend part D of title IV of the Social Security Act to extend for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of State plans for child and spousal support.

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for use in the administration of State plans for child and spousal support; to the Committee on Finance.

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-1472. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-16, to the Committee on Appropriations.

EC-1473. A communication from the Deputy Assistant Secretary (Communication, Computers, and Support Systems), the Department of the Air Force, transmitting, notification of a cost comparison; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following report of committee was submitted on September 27, 1995:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 31: A joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States (Rept. No. 104-146).

The following report of committee was submitted on September 28, 1995:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled “Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996” (Rept. No. 104-149).

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. KERRY (for himself and Mr. LEAHY):

S. 1281. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in coastwise trade for the vessel Sarah-Christen; to the Committee on Commerce, Science, and Transportation.

S. 1282. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in coastwise trade for the vessel Triad; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. FORBES):

S. Res. 11: A resolution relating to expenditures for official office expenses; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1281. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in coastwise trade for the vessel Sarah-Christen; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing a bill to allow the vessel Triad to be employed in coastwise trade of the United States. This bill has a small passenger capacity, carrying up to 12 passengers in a charter business. The purpose of this bill is to waive those sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is not considered built in the United States unless all major components of its hull and superstructure are fabricated in the United States, and the vessel is assembled entirely in the United States. This vessel was originally built in a foreign shipyard in 1982, but since 1992 it has been owned and operated by American citizens, repaired in American shipyards, and maintained with American products. The owner of the vessel now wishes to start a small business, a charter boat operation, seasonally taking people out for cruises.

The following are excerpts from the letter reviewing the facts in the case of the Triad. I find that this waiver would not compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in this case warrant a waiver to permit the Triad to engage in coastwise trade. These include the facts the vessel is more than 10 years old, the owner has invested significant funds in vessel maintenance and restoration in the United States and the vessel has a relatively small passenger-carrying capacity. I hope and trust the Senate will agree and will speedily approve the bill being introduced today.

By Mr. MCCONNELL:

S. 1283. A bill to authorize the Secretary of Agriculture to regulate the commercial transportation of horses for slaughter, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE HUMANE METHODS OF LIVESTOCK SLAUGHTER ACT AMENDMENTS ACT OF 1995

Mr. MCCONNELL. Last year I introduced legislation amending the Federal Humane Methods of Livestock Slaughter Act to regulate the commercial transportation of horses to slaughter facilities. After considerable discussion and much mail on this important issue, I have made several modifications to the original bill. Today, I am introducing legislation that will provide greater oversight and
integrity concerning the commercial transportation of horses to slaughter facilities.

I am pleased that my bill is supported by the American Horse Council, and the American Horse Protection Association. Organizations that support this legislation include the American Association of Equine Practitioners, the American Humane Association, and the Humane Society of the United States.

Horses, as such, are being transported for long periods in overcrowded conditions without rest, food, or water. Some vehicles used for transportation have inadequate headroom and are not intended to transport large animals. Further, some of the horses transported have serious injuries which can be severely aggravated by the journey. This legislation would give the Secretary of Agriculture the authority to correct these practices by regulating the business of transportation of horses to processing facilities.

I want to make it clear that it is not my intention to either promote or prevent the commercial slaughter of horses. This industry has been in existence in this country, and I expect that it will continue to operate long into the future. My purpose in this legislation is to protect horses from unduly harsh and unpleasant treatment as they are transported across the country.

Horses occupy a central role in the traditions, history, and economy of Kentucky. Thousands of Kentuckians are employed either directly or indirectly by the horse industry. Horses have been good to Kentucky; and we should try to the maximum practical extent to be good to horses.

This bill would require that horses be rested off the vehicle after 24 hours, with access to food and water. Vehicles used or intended to be used for transportation of horses should have adequate headroom and interiors free of sharp edges. Transporting vehicles must be maintained in a sanitary condition, offer adequate ventilation and shelter from extremes of heat and cold, be large enough for the number of horses transported, and allow for the position of horses by size, with stallions segregated from other horses. Finally, in order to be transported, horses must be physically fit to travel.

Enforcement of the Act is placed with the U.S. Department of Agriculture, which presently regulates the slaughter process itself under the Humane Methods of Slaughter Act. The Department would be authorized to work with State and local authorities to enforce the provisions of this bill. This bill, while correcting abuses that exist, will not be an excessive burden on the processing facilities, auctions, or the commercial transporters of these horses.

Unlike other livestock, the transportation of horses to processing facilities is often a lengthy process, because there are fewer facilities that handle horses and they are located in only a few areas. Moreover, not all of them operate on a full-time basis. The result is that the transportation of these animals requires special protection.

The provisions of the Act that have been passed legislation to regulate the transportation of these horses, but most of the travel is interstate, across wide areas. This is why Federal legislation is needed. The shipment of horses over long distances in inappropriate trailers, with or without food or water, is unacceptable. This would extend Federal regulation to the commercial transport of horses to slaughter and assure the humane and safe conditions of that transport.

I invite all groups that are concerned about these horses to work with me in passing this legislation.

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:

SEC. 202. DEFINITIONS.

SEC. 2. COMMERCIAL TRANSPORTATION OF HORSES FOR SLAUGHTER.

SEC. 201. FINDINGS.

SEC. 203. STANDARDS FOR HUMANE COMMERCIAL TRANSPORTATION OF HORSES FOR SLAUGHTER.

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:

SEC. 202. DEFINITIONS.
"(iii) is valid for 7 days;
"(B) no horse shall be transported to slaughter if the horse is found to be—
"(i) suffering from a broken or dislocated limb;
"(ii) unable to bear weight on all 4 limbs;
"(iii) blind in both eyes; or
"(iv) obviously suffering from severe illness, starvation, or physical debilitation that would make the horse unable to withstand the stress of transportation;
"(C) no foal may be transported for slaughter;
"(D) no mare in foal that exhibits signs of impending parturition may be transported for slaughter; and
"(E) no horse for slaughter shall be accepted by a slaughter facility unless the horse is accompanied by a certificate of inspection issued by an accredited large animal veterinarian, not more than 7 days before the delivery, stating that the veterinarian inspected the horse on a specified date.

SEC. 204. RECORDS.

(a) In General.—A person engaged in the business of transporting horses for slaughter shall establish and maintain such records, make such reports, and provide such information as may, by regulation, require for the purposes of carrying out, or determining compliance with, this subtitle.

(b) Minimum Requirements.—The records shall include, at a minimum—

"(1) the veterinary certificate of inspection;
"(2) the names and addresses of current owners and consignors, if applicable, of the horses at the time of sale or consignment to slaughter; and
"(3) the bill of sale or other documentation of sale for each horse.

(c) Availability.—The records shall—

"(1) accompany the horses during transport to slaughter;
"(2) be retained by any person engaged in the business of transporting horses for slaughter for a reasonable period of time, as determined by the Secretary; and
"(3) on request of an officer or employee of the Department, be made available at all reasonable times for inspection and copying by the officer or employee.

SEC. 205. AGENTS.

(a) In General.—For purposes of this title, the act, omission, or failure of an individual acting for or employed by a person engaged in the business of transporting horses for slaughter, within the scope of the employment or office of the individual, shall be considered the act, omission, or failure of the person in whose employment or office the individual is engaged.

(b) Assistance.—If a horse suffers a substantial injury or illness while being transported for slaughter on a vehicle, the driver of the vehicle shall seek prompt assistance from a large animal veterinarian.

SEC. 206. COOPERATIVE AGREEMENTS.

Not later than 180 days after the date of enactment of this title, the Secretary shall, to the maximum extent practicable, establish cooperative agreements and enter into memoranda of agreement with appropriate Federal and State agencies or political subdivisions of the agencies, including State department of agriculture, State law enforcement agencies, and foreign governments, to carry out and enforce this title.

SEC. 207. INVESTIGATIONS AND INSPECTIONS.

(a) In General.—The Secretary shall make such investigations or inspections as the Secretary considers necessary—

"(1) to enforce this title (including any regulation under this title); and
"(2) pursuant to information regarding alleged violations of this title provided to the Secretary by a State official or any other person.

(b) Access.—For the purposes of conducting an investigation or inspection under subsection (a), the Secretary shall, at all reasonable times, have access to—

"(1) the place of business of any person engaged in the business of transporting horses for slaughter; and
"(2) the facilities and vehicles used to transport the horses; and

(c) Records required to be maintained under this title.

(b) Minimum Requirements.—An investigation or inspection shall include, at a minimum, an inspection by an employee of the Department, for the purposes of carrying out this title, of the horses and vehicles at the slaughter facility.

"(d) Assistance to or Destruction of Horses.—The Secretary shall issue such regulations as the Secretary considers necessary to permit employees or agents of the Department to—

"(1) provide assistance to any horse that is covered by this title (including any regulation issued under this title); or
"(2) destroy any horse in a humane manner, or any such horse found to be suffering.

SEC. 208. INTERFERENCE WITH ENFORCEMENT.

(a) In General.—Subject to subsection (b), a person who forcibly assaults, resists, or opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of an official duty of the person under this title shall be fined not more than $5,000, or imprisoned not more than 3 years, or both.

(b) Weapons.—If the person uses a deadly weapon in connection with an action described in subsection (a), the person shall be fined not more than $10,000 or imprisoned not more than 10 years, or both.

SEC. 209. JURISDICTION OF COURTS.

Except as provided in section 220(a)(5), a district court of the United States in any appropriate judicial district under section 1391 of title 28, United States Court, shall have jurisdiction to specifically enforce this title, to prevent and restrain a violation of this title, and to otherwise enforce this title.

SEC. 210. CIVIL AND CRIMINAL PENALTIES.

(a) Civil Penalties.—

"(1) In General.—A person who violates this title (including a regulation or standard issued under this title) shall be assessed a civil penalty by the Secretary of not more than $2,000 for each violation.

(b) Separate Offenses.—Each horse transported in violation of this title shall constitute a separate offense. Each violation and each day during which a violation continues shall constitute a separate offense.

"(c) Hearings.—No penalty shall be assessed under this subsection unless the person who is alleged to have violated this title is given notice and opportunity for a hearing with respect to an alleged violation.

(d) Final Order.—An order of the Secretary assessing a penalty under this subsection shall be final and conclusive unless the aggrieved person files an appeal from the order pursuant to paragraph (5).

(5) Appeals.—Not later than 30 days after entry of a final order of the Secretary issued pursuant to this subsection, a person aggrieved by the order may seek review of the order in the appropriate United States Court of Appeals. The Court shall have exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the order.

(6) Nonpayment of Penalty.—On a failure to pay the penalty assessed by a final order of the Secretary under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which the person is found, resides, or transacts business, to collect the penalty. The court shall have jurisdiction to hear and decide the action.

(7) Criminal Penalties.—

"(1) First Offense.—Subject to paragraph (2), a person who knowingly violates this title (including any regulation under this title) shall, on conviction of the violation, be subject to imprisonment for not more than 1 year or a fine of not more than $200, or both.

(b) Subsequent Offenses.—On conviction of a second or subsequent offense described in paragraph (1), a person shall be subject to imprisonment not more than 3 years or to a fine of not more than $5,000, or both.

SEC. 211. PAYMENTS FOR TEMPORARY OR MEDICAL ASSISTANCE FOR HORSES DUE TO VIOLATIONS.

From sums received as penalties, fines, or forfeitures of property for any violation of this title (including a regulation issued under this title), the Secretary shall pay the reasonable and necessary costs incurred by any person in providing temporary care or medical assistance for any horse that needs care because of a violation due to a violation of this title.

SEC. 212. RELATIONSHIP TO STATE LAW.

"Nothing in this title prevents a State from enacting or enforcing any law (including a regulation) that is not inconsistent with this title or that is more restrictive than this title.

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for each fiscal year such sums as are necessary to carry out this title.

SEC. 3. CONFORMING AMENDMENTS.

The first section of Public Law 85-765 (7 U.S.C. 1901) is amended by striking "That the Congress" and inserting the following:

"SEC. 1. SHORT TITLE.

"This Act may be cited as the Federal Humane Methods of Livestock Slaughter Act'.

"TITLE I—HUMANE METHODS OF LIVESTOCK SLAUGHTER

"SEC. 101. FINDINGS AND DECLARATION OF POLICY.

"Congress declares—

"(b) Section 2 of the Federal Humane Methods of Livestock Slaughter Act (7 U.S.C. 1902) is amended by striking "SEC. 2. No" and inserting the following:

"SEC. 2. HUMANE METHODS. "No".

(c) Section 4 of the Act (7 U.S.C. 1904) is amended by striking "SEC. 4. IN" and inserting the following:

"SEC. 4. METHODS RESEARCH. "In".

"(d) Section 6 of the Act (7 U.S.C. 1906) is amended by striking "SEC. 6. Nothing" and inserting the following:

"SEC. 6. EXEMPTION OF RITUAL SLAUGHTER. "Nothing".

SEC. 4. EFFECTIVE DATE.

(a) In General.—This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

(b) Regulations.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall issue such regulations as the Secretary determines are necessary to implement this Act and the amendments made by this Act.

(c) Compliance.—A person shall be required to comply with the provisions of this Act and the amendments by the date on which the person is notified by the Secretary of such requirements by a written letter or other written notice from the Secretary.

"14549 CONGRESSIONAL RECORD — SENATE September 28, 1995"
that is 180 days after the date of enactment of this Act; and
(2) other sections of title II of the Act begin- 
ning on the date that is 90 days after the Secretary issues final regulations under subsec-
tion (b). ●

By Mr. HATCH (for himself and Mr. LEAHY):
S. 1284. A bill to amend title 17 to adapt the copyright to the digital, networked environment of the Na-
tional Information Infrastructure, and for other purposes; to the Committee on the Judiciary.

THE NATIONAL INFORMATION INFRASTRUCTURE COPYRIGHT PROTECTION ACT
Mr. HATCH. Mr. President, today, together with my distinguished colleague from Vermont, Senator LEAHY, I am intro-
ducing the National Information Infrastructure Copyright Protection Act of 1995, which amends the Copyright Act to bring it up to date with the digi-
tal communications age.

The National Information Infrastructure is a portmanteau for what is popularly known as the "information highway." Probably most people today experience the information high-
way by means of their computers when they use electronic mail or subscribe to a bulletin board service or use other on-
line services. But these existing services are only dirt roads compared to the superhighway of information-
sharing which lies ahead.

The superhighway of the future will link not only computers, but also telephones, television, radio, fax machines, and more into an advanced, high-speed, interactive, broadband, digital communications system. Over this information superhighway, data, text, voice, sound, and images will travel, and their digital format will permit them not only to be viewed or heard, but also to be copied and manipulated. The digital format will also ensure that copies will be perfect reproductions, without the degradation that normally occurs today when audio and videotapes are copied.

The NII has tremendous potential to improve and enhance our lives, by prov-
iding quick, economical, and high-quality access to information that edu-
cates and entertains as well as informs. When linked up to a "Global Information Infrastructure," the NII will broaden our cultural experiences, and allow American products to be more widely disseminated.

Highways, of course, are meant to be used, and in order to be used, they must be safe. That's why we have "rules of the road" on our asphalt highways and that's why we need rules for our digital highway. No manufac-
turer would ship his or her goods on a highway if his trucks were routinely hijacked and his or her goods plundered. Likewise, no producer of intel-
lectual property will place his or her work on the information superhighway if they are routinely pirated.

We might end up having enormous ac-
cess to very little information, unless we can protect property rights in intel-
lectual works. The piracy problem is particularly acute in the digital age where perfect copies can be made quickly and cheaply.

Protecting the property rights of the owners of intellectual property not only induces them to produce products available, it also encourages the creation of new products. Our copy-
right laws are based on the conviction that creativity increases when authors can reap benefits of their creative ac-
tivity.

But the NII also promises to increase creativity in a more dramatic way by providing individual creators with pub-
icas distribution of their works outside traditional channels. For example, au-
thors who have been unsuccessful in finding a publisher will be able to dis-
tribute their works themselves to great numbers of people at very low cost.

The bill that I am introducing today begins the process of designing the rules of the road for the information superhighway. It was drafted by the Working Group on Intellectual Property Rights of the Information Infra-
structure Task Force. Chaired by the Honorable Bruce A. Lehman, Assistant Secretary of Commerce and Commiss-
ioner of Patents and Trademarks, the Working Group labored for 2 years ex-
amining the intellectual property im-
lications of the NII to determine if changes were necessary to intellectual property law and to recommend approp-
riate statutory language.

The Working Group drew upon the expertise of 26 departments and agen-
cies of the Federal Government; it heard the testimony of 30 witnesses and received some 70 written state-
ments from all interested parties. On July 7, 1994, it produced a preliminary draft ("Green Paper"), which opened another period of extensive testimony and comment. The Final Report, con-
taining a draft of the legislation that I am introducing today, was unveiled on September 9, 1994.

The length and scope of the Working Group's investigation would alone com-
mand its recommendations to serious attention, but I have also studied the legislation and find it an excellent basis for the Committee on the Judiciary to begin its own examination of the issues with a view to fine-tuning the solutions proposed by the Working Group.

The bill deals with five major areas: (1) transmission of copies, (2) exemptions for libraries and the visually impaired, (3) copyright protection systems, (4) copyright management information, and (5) remedies.

In general, the bill provides as follows:

Transmission of Copies. The bill makes clear that the right of public dis-
tribution of copies and phonorecords of copyrighted works. For example, this means that trans-
mittting a copy of a computer program from one computer to ten other com-
puters without permission of the copy-
right owner would ordinarily be an in-
fringement.

Exemptions for Libraries and the Visually Impaired. The bill amends the Copyright Act to allow the preparation of three copies of works in digital format, and it author-
izes the making of a limited number of digital copies by libraries and archives for purposes of preservation.

The bill adds an exemption for non-profit organizations to reproduce and distribute to the visually im-
paired—at cost—Braille, large type, audio or other editions of previously published literary works, provided that the owner of the exclusive right to dis-
tribute the work in the United States has not entered the market for such editions during the first year following first publication.

Copyright Protection Systems. The bill adds a new section which prohibits the "wilful circumvention of copyright protection systems, the use of encryption as a copyright protection system, the application of the doctrine of fair use, the development of efficient licensing mod-
els and the liability of on-line service providers.

In the interest of time, it may be that fuller discussion and solution may...
have to be deferred for those points not covered expressly in the bill. The fully commercial information superhighway is not yet here, and we must resign ourselves to a period of experimentation. We want to be on the cutting edge, not the bleeding edge of new technology.

Once again, I would like to commend the Working Group on Intellectual Property Rights of the Information Infrastructure Task Force for providing an excellent model for us to work with. I also would like to thank all interested parties that they read the full report of the Working Group. Without endorsing any of the specific language of that report, I believe that it provides useful background material for the recommendations Changes.

In conclusion, Mr. President, I would like to thank my colleague from Vermont, Senator LEAHY, for joining me in introducing this important legislation.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 1294

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 "All Copyright Protection Act of 1995".

SEC. 2. TRANSMISSION OF COPIES.

(a) DISTRIBUTION.—Section 106(3) of title 17, United States Code, is amended by striking "or by rental, lease, or lending" and inserting "by rental, lease, or lending, or by transmission".

(b) DEFINITIONS.—Section 101 of title 17, United States Code, is amended—

(1) in the definition of "publication" by striking "or by rental, lease, or lending" in the first sentence and insert "by rental, lease, or lending, or by transmission"; and

(2) in the definition of "transmit" by inserting at the end thereof the following: "To transmit or distribute is to distribute it by any device or process whereby a copy or phonorecord of the work is fixed beyond the place from which it was sent."

(c) PROFESSIONAL.—Section 602 of title 17, United States Code, is amended by inserting "whether by tangible goods or by transmission," after "importation into the United States."

SEC. 3. EXEMPTIONS FOR LIBRARIES AND THE VISUALLY IMPAIRED.

(1) LIBRARIES.—Section 108 of title 17, United States Code, is amended—

(a) in subsection (a) by deleting "one copy or phonorecord" and inserting in lieu thereof "three copies or phonorecords";

(b) in subsection (a) by deleting "such copy or phonorecord" and inserting in lieu thereof "no more than one of such copies or phonorecords";

(3) by inserting at the end of subsection (a)(3) "(i) if such notice appears on the copy or phonorecord that is reproduced under the provisions of this subsection;"

(b) in subsection (b) by inserting "or digital" after "facsimile" and by inserting "in facsimile form" before "for deposit for search use"; and

(c) in subsection (c) by inserting "or digital" after "facsimile".

(d) CIVIL ACTIONS.—Title 17, United States Code, is amended by adding the following new section:

§108A. Limitations on exclusive rights: Reproduction for the Visually Impaired

"Notwithstanding the provision of section 110, it is not an infringement of copyright for a non-profit organization to reproduce and distribute in a form that is visually impaired, on the work that has been altered without authority of the copyright owner or the law, or (iii) knowingly distribute or import for distribution copies or phonorecords from which copyright management information has been removed without authority of the copyright owner or the law.

(c) DEFINITION.—As used in this chapter, "copyright management information" means the name and other identifying information of the work, the name and other identifying information of the copyright owner, terms and conditions for uses of the work, and such other information as the Register of Copyrights may prescribe by regulation.

§1203. Civil Remedies

(a) CIVIL ACTIONS.—Any person injured by a violation of Sec. 1201 or 1202 may bring a civil action in an appropriate United States district court for such violation.

(b) POWERS OF THE COURT.—In an action brought under subsection (a), the court—

(1) may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain a violation;

(2) at any time while an action is pending, may order the impounding, on such terms as it deems reasonable, of any device or product that is in the custody or control of the alleged violator and that is the visually impaired, at cost, as the facts and circumstances may require; and

(3) may award damages under subsection (c).......

(5) in its discretion may award reasonable attorney's fees to the prevailing party; and

(6) may, as part of a final judgment or decree finding a violation, order the remedial action or the destruction of the device or product involved in the violation that is in the custody or control of the violator or has been impounded under subsection (2).

§1204. Awards of Damages

(1) IN GENERAL.—Except as otherwise provided in this chapter, a violator is liable for (i) the actual damages and any additional damages, if provided by subsection (2) or (ii) statutory damages, as provided by subsection (3).

(2) ACTUAL DAMAGES.—The court shall award to the complaining party the actual damages suffered by her as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered.

(3) STATUTORY DAMAGES.—At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1201 in the sum of not less than $2,000 or more than $25,000.

§1205. Civil Remedies

This Act is not intended to deprive a court of the authority to enjoin any act that it finds, after a hearing, to be an infringement of copyright.
This Act, and the amendments made by this Act, shall take effect on the date of the enactment of this Act.

Mr. LEAHY. Mr. President, I join today in the commemoration of the "International Copyright Protection Act." This bill reflects the effort of the Working Group on Intellectual Property Rights, chaired by Assistant Secretary of Commerce and Commissioner of Patents and Trademarks Bruce A. Lehman. The Working Group included key Federal agencies in consultation with the private sector, public interest groups and State and local governments. Its examination of the intellectual property implications of the National Information Infrastructure forms a critical component of the National Information Infrastructure Task Force, created in early 1993 by President Clinton and Vice President Gore.

This legislative proposal confronts fundamental questions about the role of copyright in the next century. On July 7, 1995, the Working Group released its preliminary draft report. Following additional hearings, public comment and consultation, the Administration released its long-awaited "White Paper," or final report, on copyright protection in the digital, electronic information age on September 5, 1995. This 238-page report, "Intellectual Property and the National Information Infrastructure," culminates in legislative recommendations that are incorporated in this bill. This bill takes important steps toward answering questions about the structure of copyright protection for decades to come.

Increasing the accessibility to computer networks is of vital importance to our Nation's continued economic health and growth. Computers have already been integrated into virtually everything we do from getting cash at bank tellers to ordering groceries at the local market, and sending e-mail messages to friends, to making a simple telephone call that is directed by the telephone companies' computers.

Our increasing reliance on networked computers for business and socializing also makes us more vulnerable to hackers and computer criminals. Anyone who has had to deal with the aftermath of a computer virus knows what havoc can be. Having previously been active in legislation to prevent computer crime and abuse, I have this year introduced the National Information Infrastructure Protection Act, S.982, with Senators KYL and GRASSLEY to increase protection for both government and private computers, and the information on those computers, from the threat of computer crime.

This bill would increase protection against computer thieves, hackers and blackmailers and protecting computer systems used in interstate and foreign commerce and communications from destructive activities. It also serves to increase personal privacy, a matter on which I feel most strongly.

Finally, I note my recent introduction with Senator FEINGOLD of the Criminal Copyright Improvement Act of 1995, S.1122. This bill is designed to close a significant loophole in our copyright law and encourage the continued growth of the NII by insuring better protection of the creative works available online.

Under current law, a defendant's willful copyright infringement must be for purposes of commercial advantage or private financial gain to be the subject of criminal prosecution. As exemplified by the recent case of United States v. LaMacchia, this presents an enormous loophole in criminal liability for willful infringers. These use digital technology to make exact copies of copyrighted software or other digitally encoded works, and then use computer networks for quick, inexpensive and

Government ought to be using technology to make itself more accountable and government information more accessible to the public. Individual federal agencies are already contributing to the development of the much heralded National Information Infrastructure by using technology to make government information more easily accessible to our citizens. For example, the Internet Multicast Service (IMS) now posts massive government data archives, including the Securities and Exchange Commission EDGAR database and the U.S. Patent and Trademark Office database on the Internet free of charge. Similarly, FedWorld, a bulletin board available on the Internet, provides a gateway to more than 60 Federal agencies.

The Electronic Freedom of Information Improvement Act would contribute to that information flow by increasing online access to Government information, including agency regulations, opinions, and policy statements, and Federal-released records that are the subject of repeated requests. This bill passed the Senate in the last Congress and I hope to see it through both Houses of this Congress.

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Government ought to be using technology to make itself more accountable and government information more accessible to the public. Individual federal agencies are already contributing to the development of the much heralded National Information Infrastructure by using technology to make government information more easily accessible to our citizens. For example, the Internet Multicast Service (IMS) now posts massive government data archives, including the Securities and Exchange Commission EDGAR database and the U.S. Patent and Trademark Office database on the Internet free of charge. Similarly, FedWorld, a bulletin board available on the Internet, provides a gateway to more than 60 Federal agencies.

The Electronic Freedom of Information Improvement Act would contribute to that information flow by increasing online access to Government information, including agency regulations, opinions, and policy statements, and Federal-released records that are the subject of repeated requests. This bill passed the Senate in the last Congress and I hope to see it through both Houses of this Congress.

Our increasing reliance on networked computers for business and socializing also makes us more vulnerable to hackers and computer criminals. Anyone who has had to deal with the aftermath of a computer virus knows what havoc can be. Having previously been active in legislation to prevent computer crime and abuse, I have this year introduced the National Information Infrastructure Protection Act, S.982, with Senators KYL and GRASSLEY to increase protection for both government and private computers, and the information on those computers, from the threat of computer crime. This bill would increase protection against computer thieves, hackers and blackmailers and protecting computer systems used in interstate and foreign commerce and communications from destructive activities. It also serves to increase personal privacy, a matter on which I feel most strongly.

Finally, I note my recent introduction with Senator FEINGOLD of the Criminal Copyright Improvement Act of 1995, S.1122. This bill is designed to close a significant loophole in our copyright law and encourage the continued growth of the NII by insuring better protection of the creative works available online.

Under current law, a defendant's willful copyright infringement must be for purposes of commercial advantage or private financial gain to be the subject of criminal prosecution. As exemplified by the recent case of United States v. LaMacchia, this presents an enormous loophole in criminal liability for willful infringers. These use digital technology to make exact copies of copyrighted software or other digitally encoded works, and then use computer networks for quick, inexpensive and
mass distribution of pirated, infringing works.

The Report of the Working Group recognizes that the LaMacchia case demonstrates that the current law is insufficient to prevent flagrant copyright infringement by the NII companies. The report also generally supports the amendments to the copyright law and the criminal law (which sets out sanctions for criminal copyright violations) set forth in S.1122, introduced in the 104th Congress by Senators HATCH and FEINSTEIN following consultations with the Justice Department. This increasingly important problem must be solved and the Criminal Copyright Improvement Act, S.1122, is a necessary component of the legal changes we need to adapt to the emerging digital environment.

Today I join in sponsoring a bill that will help update our copyright law to the emerging electronic and digital age by revising basic copyright law definitions to take electronic transmissions into the future. Further it endorses the use of copyright protection systems so that we may take fullest advantage of the technological developments that can be used to protect copyright and provide incentives for creativity. The bill provides civil and criminal remedies for the circumvention of copyright protections through the use of false copyright management information.

Finally, it suggests certain limited exemptions for libraries and the visually impaired. In this bill and others we need carefully to construct the proper balance that will respect copyright, encourage and reward creativity and serve the needs of public access to works.

I believe that technological developments, such as the development of the Internet and remote computer information databases, are leading to important advancements in accessibility and affordability over the NII. Further, it endorses the use of copyright protection systems so that we may take fullest advantage of the technological developments that can be used to protect copyright and provide incentives for creativity. The bill provides civil and criminal remedies for the circumvention of copyright protections through the use of false copyright management information.

The public interest requires the consideration and balancing of such interests. In the area of creative rights that balance has rested on encouraging creativity by ensuring rights that reward it while encouraging its public performance, distribution and display.

The Constitution speaks in terms of promoting the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries. Technological developments and the emergence of the Global Information Infrastructure hold enormous promise and opportunity for creators, artists, copyright industries and those are methods of distribution emerging that dramatically affect the role of copyright and the accessibility of art, literature, music, film and information to all Americans.

I was pleased to work with Chairman HATCH, Senator THURMONT, Senator FEINSTEIN, Senator THOMPSON and others earlier this year to craft a bill creating a performance right in sound recordings, a matter that had been a source of contention for more than 20 years. That bill, The Digital Performance Rights in Sound Recordings Act of 1995, S.227, deals with digital transmissions, has already passed the Senate and should soon be the law of the land.

Senator HATCH and I have also previously joined to cosponsor the Anticounterfeiting Consumer Protection Act of 1995, S.1136, to add law enforcement tools against counterfeit goods and to protect the important intellectual property rights associated with trademarks. I anticipate prompt hearings on that important measure and its enactment this Congress.

I look forward to working with Chairman HATCH, the Chairman of the Judiciary, and others to adapt our copyright laws to the needs of the NII and the global information society, as well. The amendment of our copyright laws is an important and essential first step that merits our time and attention. I hope and trust that we will soon begin hearings on this important measure so that we may be sure to understand its likely impact both domestically and internationally. We must carefully balance the authors' interest in protection along with the public's interest in the accessibility of information.

Ours is a time of unprecedented challenge to copyright protection. Copyright has been the engine that has traditionally converted the energy of artistic creativity into publicly available arts and entertainment. Historically, Government's role has been to encourage creativity and innovation by protecting copyrights that create incentives for the dissemination to the public of new works and forms of expression. That is the tradition that I intend to continue in this bill, the NII Copyright Protection Act of 1995.

### ADDITIONAL COSPONSORS

- S. 44
  - At the request of Mr. MACK, his name was added as a cosponsor of S. 44, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms, and for other purposes.

- S. 108
  - At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1084, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

- S. 1086
  - At the request of Mr. REID, the names of the Senator from Alaska [Mr. MURkowski], the Senator from Idaho [Mr. CRAIG], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 44, supra.

- S. 112
  - At the request of Mr. DASCHLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 112, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

- S. 740
  - At the request of Mr. SIMON, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 740, a bill to establish the Gambling Impact Study Commission.

- S. 771
  - At the request of Mr. PRYOR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 771, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

- S. 960
  - At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 960, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed hand guns, and for other purposes.

- S. 1086
  - At the request of Mr. MACK, his name was added as a cosponsor of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

- S. 1144
  - At the request of Mr. MURKOWSKI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1144, a bill to reform and enhance the management of the National Park System, and for other purposes.
pesticide tolerances to safeguard infants and children, and for other purposes.

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. Voinovich] was added as a co-sponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky [Mr. McConnell] was added as a co-sponsor of S. 1253, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

At the request of Mr. ABRAHAM, the name of the Senator from Kentucky [Mr. McConnell] was added as a sponsor of S. 1254, a bill to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity.

SENATE RESOLUTION 176—RELATING TO EXPENDITURES FOR OFFICIAL OFFICE EXPENSES

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

Resolved, That section 23 of Senate Resolution 294, Ninety-sixth Congress, agreed to April 29, 1980, is amended—

(1) by striking ''and'' after ''Capitol'' and inserting a comma; and

(2) by inserting before the semicolon at the end the following: 

``and copies of the calender 'We The People' published by the United States Capitol Historical Society.''

Sec. 2. Copies of the calendar ''We The People'' published by the United States Capitol Historical Society shall be deemed to be Federal publications described in section 6(b) of (1)(b)(v) of Public Law 103-263.

AMENDMENTS SUBMITTED


GRAMS (AND MCCAIN) AMENDMENT NO. 2811

(Ordered to lie on the table.)

Mr. GRAMM (for himself and Mr. McCAIN) submitted an amendment intended to be proposed by them to the bill H.R. 2076, supra, as follows:

On page 15, line 13 strike ''(6)'' and insert ''(7)''.

On page 15, line 22 strike ''(9)'' and insert ''(10)''.

On page 15, line 23 strike ''(10)'' and insert ''(11)''.

On page 15, line 24 strike ''(11)'' and insert ''(12)''.

On page 16, line 1 strike the period and insert a semicolon.

On page 16, line 2 strike ''(12)'' and insert ''(13)''.

On page 16, line 3 strike ''(13)'' and insert ''(14)''.

On page 16, line 4 strike ''(14)'' and insert ''(15)''.

On page 16, line 5 strike ''(15)'' and insert ''(16)''.

SHELBY (AND OTHERS) AMENDMENT NO. 2812

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. LOTT, Mr. FAIRCLOTH, Mr. INHOFE, Mr. SIMPSON, and Mr. BROWN) submitted an amendment intended to be proposed by them to the bill H.R. 2076, supra, as follows:

On page 46, line 16, strike ''and''.

On page 46, line 20, strike the period and insert a semicolon.

On page 46, between lines 20 and 21, insert the following:

``(8)'' assurances that the State or States have implemented a requirement that each inmate must perform not less than 48 hours of work per week, which shall not be waived except as required by—

(A) security conditions;

(B) disciplinary action;

(C) medical certification of a disability that would make it impracticable for prison officials to arrange useful work for the inmate to perform; and

(9) assurances that the State or States require that prison officials shall not provide to any inmate failing to meet the requirements of paragraph (8), privileges, including—

(A) access to television;

(B) access to bodybuilding or weight lifting equipment;

(C) access to recreational sports;

(D) unmonitored telephone calls, except when between the inmate and the immediate family or attorney of the inmate;

(E) instruction or training equipment for boxing, wrestling, judo, karate, or other material art;

(F) except for use during required work, the use or possession of any electrical or electronic musical instrument;

(G) an iron coffee pot, hot plate, or heating element;

(H) food exceeding in quality or quantity to which that which is available to enlisted personnel in the United States Army;

(I) dress, hygiene, grooming, and appearance other than those allowed as standard in the prison, unless required for disciplinary action or a medical condition; or

(J) equipment or facilities for publishing or broadcasting material not approved by prison officials as being consistent with prison order and discipline.

GRAMM AMENDMENT NO. 2813

Mr. GRAMM proposed an amendment to the bill H.R. 2076, supra, as follows:

On page 15, line 23 strike ''146,280,000'' and insert in lieu thereof ''168,280,000''.

On page 15, line 24 strike ''and''.

On page 16, line 2 after ''103-322'' insert ``(S'';

and of which $2,000,000 shall be for activities authorized by section 210501 of Public Law 112-49, as follows:

``(A) access to television;''

``(B) access to bodybuilding or weight lifting equipment;''

``(C) access to recreational sports;''

``(D) unmonitored telephone calls, except when between the inmate and the immediate family or attorney of the inmate;''

``(E) instruction or training equipment for boxing, wrestling, judo, karate, or other material art;''

``(F) except for use during required work, the use or possession of any electrical or electronic musical instrument;''

``(G) an iron coffee pot, hot plate, or heating element;''

``(H) food exceeding in quality or quantity to which that which is available to enlisted personnel in the United States Army;''

``(I) dress, hygiene, grooming, and appearance other than those allowed as standard in the prison, unless required for disciplinary action or a medical condition; or''

``(J) equipment or facilities for publishing or broadcasting material not approved by prison officials as being consistent with prison order and discipline.''

On page 20, line 8 strike ''$134,463,000'' and insert in lieu thereof ''$104,463,000''.

On page 115, line 9 strike ''$40,000,000'' and insert in lieu thereof ''$22,000,000''.

On page 123, strike ''$3,000,000'' and insert in lieu thereof ''$300,000''.

On page 151, line 16 strike ''(1)'' and insert ''(2)''.

On page 151, line 18, strike ''(2)'' and insert ''(3)'' and insert ''(4)''.

On page 151, line 19 strike ''(2)'' and insert ''(3)''.

On page 152, line 13 strike ''(3)'' and insert ''(4)''.

On page 153, line 14 strike ''(4)'' and insert ''(5)''.

On page 154, line 21 strike ''(5)'' and insert ''(6)''.

BIDEN (AND OTHERS) AMENDMENT NO. 2815

Mr. BIDEN (for himself, Mr. HATCH, Mr. HOLLINGS, Mr. GRAMM, Mr. WELLSTONE, Mrs. BOXER, Mr. KOHL, Mr. KERRY, Mr. INOUYE, Mr. AKAKA, Mr. LEAHY, Mr. HARKIN, Ms. MUKULSKI, Mr. KERRY, Mr. KITTLES, Mr. ROCKEFELLER, Mr. BRADLEY, Mr. CONRAD, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. DODD, Mr. ROBB, Mr. SARBANES, Mr. DORGAN, Mr. SPECTER, Ms.}

S 14554

CONGRESSIONAL RECORD—SENATE

September 28, 1995
SNOWE, MR. SANTORUM, AND MR. HEFLIN) proposed an amendment to the bill H.R. 2076 supra; as follows:

On page 25, line 19, strike "$100,900,000" and insert "$175,400,000".

On page 25, line 22, strike "$4,250,000" and insert "$5,000,000".

On page 26, line 1, strike "$63,000,000" and insert "$130,000,000".

On page 26, line 17, strike "$6,000,000" and insert "$7,000,000".

On page 26, line 10, insert after "Act:" the following: "$1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000,000 for grants to support the development of the American Community Survey (a component of the Continua of Federal Programs); $18,000,000, to remain available until expended, which shall be deposited as offsetting collections in the Immigration and Naturalization Service "Salary and Expenses" appropriation account to be available to support border enforcement and control programs".

McCAIN (AND DORGAN) AMENDMENT NO. 2816

Mr. McCAIN (for himself and Mr. DORGAN) proposed an amendment to the bill H.R. 2076, supra; as follows:

At the end of the pending committee amendment, insert the following new section:

SEC. 23. COMPETITIVE BIDDING FOR ASSIGNMENT OF DBS LICENSES

No funds provided in this or any other Act shall be expended to take any action regarding the locations that bear Federal Communications Commission File Numbers DBS-94-117XT, DBS-94-154CP, and DBS-94-169P; Provided, that such funds shall be made available for any action taken by the Federal Communications Commission to use the competitive bidding process prescribed in Section 390(a) of the Communications Act of 1934 (47 U.S.C. 390(a)) regarding the disposition of the 27 channels at 110° W.L. orbital location.

KERREY (AND OTHERS) AMENDMENT NO. 2817

Mr. KERREY (for himself, Mr. LEANY, Mr. LIEBERMAN, and Mr. BINGHAM) proposed an amendment to the bill H.R. 2076, supra; as follows:

At the appropriate place in the bill insert the following: "The amounts made available to the Department of Justice in Title I for administration and travel are reduced by $15,200,000.".

On page 73, between lines 4 and 5, insert the following:

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $18,000,000, to remain available until expended as authorized by section 391 of the Act, and charged to the Corporation, for grants not to exceed $900,000 shall be available to provide grants for the development of local information systems and community-wide information networks and economic development activities for projects related directly to the development of a national information infrastructure. Provided further, That notwithstanding the requirements of sections 392(a) and 392(c) of this Act, these funds may be used for the planning and construction of telecommunication networks and economic development activities, including facilities, training, professional assistance, and equipment and materials, for the following purposes:

1. To the extent that the provision of the proposed project is consistent with the national plans and priorities for the deployment of information infrastructure and services; and
2. To the extent that the applicant has plans and coordinated the proposed project with these systems and information entities in the State.

BIDEN (AND BRYAN) AMENDMENT NO. 2818

Mr. BIDEN (for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 2076, supra; as follows:

On page 26, line 19, strike "Act:" and insert the following: "$27,000,000 for grants for residency assistance for prisoners pursuant to section 1001(a)(17) of the 1968 Act; $10,252,000 for grants for rural drug enforcement assistance pursuant to section 1001(a)(9) of the 1968 Act;".

On page 28, line 11, after "$25,000,000" insert "$150,000,000 shall be for drug courts pursuant to title V of the 1994 Act;".

On page 29, line 6, strike "$75,000,000" and insert "$72,500,000;".

On page 29, line 15, after "Act:" insert the following: "$1,200,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(2)(B) of the 1968 Act.".

On page 44, lines 8 and 9, strike "conventional correctional facilities, including prisons and jails," and insert "correctional facilities, including prisons and jails, or boot camp facilities and other low cost correctional facilities for nonviolent offenders that can free conventional prison space;".

On page 20, line 16, strike all that follows to line 22, and insert: "Section 1001(a)(21) of the 1968 Act;".

On page 12, line 19, after "Act;" insert the following: "$13,000,000 (to be allocated by the Board of Directors of the Corporation) is for management and control programs".

DOMENICI (AND OTHERS) AMENDMENT NO. 2819

Mr. DOMENICI (for himself, Mr. KASSER, Mr. HININGS, MR. D’AMATO, Mr. STEVENS, Mr. INOUYE, Mr. HATFIELD, Mr. KENNEDY, and Mr. SPEcter) proposed an amendment to the bill H.R. 2076, supra; as follows:

At the end of the committee amendment beginning on page 26, line 18, add the following:

LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION

Sec. 11. Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the allocation described by the Senate in the bill H.R. 2076, supra; as follows:

For payment to the Legal Services Corporation for basic field programs shall be allocated so to provide:

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

Sec. 12. None of the funds appropriated under this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance shall:

(1) a private attorney admitted to practice in a State or the District of Columbia; or

(2) a qualified nonprofit organization, chartered under the laws of a State, that—

(A) furnishes legal assistance to eligible clients; and

is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—
(i) are admitted to practice in a State or the District of Columbia; and
(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1008(a)(1)(A)(i)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996a(1)(A)(i)(ii)) or

(a) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials;

Sec. 13. (a) Not later than September 1, 1996, the Corporation shall implement a system of competitive awards of grants and contracts that will apply to all grants and contracts for the delivery of legal assistance awarded by the Corporation after the date of implementation of the system.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include:

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients;

(3) the experience of the Corporation with the applicant if the applicant has previously received financial assistance from the Corporation; and

the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper in the area in which the organization is to provide legal assistance to the eligible persons or entities receiving financial assistance.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply to Federal funds to conduct such auditing or monitoring, including any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, except that—

(A) if the person or entity is a nonprofit organization, the authority of the Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(B) any alien lawfully present in the United States, unless the alien is present in the United States under section 1008(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(2) that attempts to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case—

(A) that directly involves a legal right or responsibility of the client; and

(B) that does not involve the issuance, amendment, or revocation of any agency promulgation described in paragraph (2);

(3) that attempts to influence the passage or defeat of any legislation, constitutional initiative, or referendum, including any procedure of Congress or a State or local legislative body;

(4) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(5) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(6) that initiates or participates in a class action suit;

(7) that files a complaint or otherwise initiates litigation against a defendant, or engage in a proceeding to the precomplaint settlement negotiation; and

the statement of facts written in English and, if necessary, in a language that the plaintiff understands, that enumerates the particular facts known to the plaintiff on which the complaint is based, has been signed by the plaintiff, is kept on file by the recipient, and is made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and the statement of facts only through the discovery process after litigation has begun; and

(ii) that the legal assistance provided is the same type of legal assistance described in such section; or

(9) unless—

(A) the recipient is a recipient of legal assistance described in such section; or

(i) that the recipient is a nonprofit organization, the governing board of the recipient shall designate specific priorities in writing, pursuant to section 1007(a)(2)(C)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996a(2)(C)(ii)), of the types of matters and services that the nonprofit organization shall devote time and resources to; and

(ii) the staff of such person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996a(2)(C)(ii)), of the types of matters and services that the nonprofit organization shall devote time and resources to; and

(iii) that the legal assistance provided is the same type of legal assistance described in such section; or

(10) unless—

(A) if the person or entity is a nonprofit organization, the governing board of the recipient shall designate specific priorities in writing, pursuant to section 1007(a)(2)(C)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996a(2)(C)(ii)), of the types of matters and services that the nonprofit organization shall devote time and resources to; and

(B) the recipient is a recipient of legal assistance described in such section; or

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States under section 1008(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(8) an alien who—

(i) is married to a United States citizen or is parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1151 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States, unless the alien resides in the United States as a result of withholding of deportation by the Attorney General pursuant to section 205(h) of the Immigration and Nationality Act (8 U.S.C. 1255(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324a(7)) applies, unless the alien is admitted or seeks admission to United States as a result of withholding of deportation by the Attorney General pursuant to section 205(h) of the Immigration and Nationality Act (8 U.S.C. 1255(h));

(F) an alien who is lawfully present in the United States, unless the alien resides in the United States as a result of the attainment of the age of 18 years of such alien, because of persecution or fear of persecution on account of race, religion, or political belief;

(12) that supports or conducts a training program for the purpose of advocating a particular policy or encouraging a particular activity, a labor or antilabor activity, a boycott, strike, or demonstration; or

(i) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs; and

(ii) the experience of the Corporation with the applicant if the applicant has previously received financial assistance from the Corporation; and

the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(f) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper in the area in which the organization is to provide legal assistance to the eligible persons or entities receiving financial assistance.

(g) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(h) Sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply to grants and contracts awarded to the system before the date of enactment of this Act, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts that will apply to all grants and contracts for the delivery of legal assistance awarded by the Corporation after the date of implementation of the system.

Sec. 14. (a) None of the funds appropriated under this Act to the Legal Services Corporation for the provision of legal assistance to any person or entity (which may be referred to in this section as a “recipient”)—

(i) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapproporating a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(ii) that attempts to influence the issuance, amendment, or revocation of any executive order, similar promulgation by any Federal, State, or local agency, except as permitted in paragraph (3);
(14) that claims, or whose employee or eligible client claims, or collects, attorneys' fees from a nongovernmental party to a litigating, initiated after January 1, 1996, by such client or by such funds are received, except that such funds may not be expended by recipients for any purpose prohibited by the Legal Services Corporation Act or this title (other than requirement regarding the eligibility of clients).

(e) As used in this section:
(1) The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).
(2) The term "fee-generating case" means a case that, if undertaken on behalf of an eligible client by a private attorney would reasonably be expected to result in a fee for legal services from an award to an eligible client from public funds, from the opposing party, or from any other source.

(3) The term "individual in poverty" means an individual of a family (of 1 or more members) with an income at or below the poverty line.

(4) The term "poverty line" means the poverty line as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(5) The term "public housing project" has the meaning given in section 3, and the term "public housing agency" has the meaning given the term in section 3 of the United States Housing Act of 1937 (42 U.S.C. 802).

SEC. 15. None of the funds appropriated under this Act to the Legal Services Corporation or provided by the Corporation to recipients for the purpose of paying membership dues to any private or nonprofit organization shall be used to provide legal assistance for the provision of legal assistance for a case or matter, if the recipient or employee begins to provide legal assistance for the case or matter prior to such date, and begins to provide legal assistance for an additional related claim on or after such date, the requirements shall apply to the activities of the recipient or employee during the provision of legal assistance for the claim.

(a)(1) In the case of any other provision of this Act, the amounts appropriated under this Act for the accounts referred to in subsection (b)(1), the reference to "$30,484,000" shall be considered to be a reference to "$27,436,000".

(b)(2) In the matter under the heading "SALARIES AND EXPENSES" under the heading "LEGAL ACTIVITIES" in title I, the reference to "$433,660,000" shall be considered to be a reference to "$406,520,000".

(c) In the matter under the heading "SALARIES AND EXPENSES, UNITED STATES ATTORNEYS" under the heading "LEGAL ACTIVITIES" in title I, the reference to "$920,537,000" shall be considered to be a reference to "$909,463,000".

(d) In the matter under the heading "CONSTRUCTION" under the heading "FEDERAL BUREAU OF INVESTIGATION" in title I, the reference to "$137,800,000" shall be considered to be a reference to "$175,000,000".

(e) In the matter under the heading "SALARIES AND EXPENSES" under the heading "INTERNATIONAL TRADE COMMISSION" under the heading "RELATED AGENCIES" under the heading "TRADE AND INFRASTRUCTURE DEVELOPMENT" in title II, the reference to "$29,750,000" shall be considered to be a reference to "$24,896,000".

(f) In the matter under the heading "SALARIES AND EXPENSES" under the heading "ECONOMIC AND STATISTICAL ANALYSIS" under the heading "DEPARTMENT OF COMMERCE" in title II, the reference to "$46,986,000" shall be considered to be a reference to "$44,812,000".

(g) In the matter under the heading "OFFICE OF INSPECTOR GENERAL" under the heading "DEPARTMENT OF COMMERCE", the reference to "$21,849,000" shall be considered to be a reference to "$19,849,000".

(h) In the matter under the heading "FEDERAL BUREAU OF INVESTIGATION" under the heading "SALARIES AND EXPENSES" under the heading "DEPARTMENT OF JUSTICE" in title II, the reference to "$29,750,000" shall be considered to be a reference to "$26,000,000".

(i) In the matter under the heading "FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND" under the heading "DEFENSE" in title IV, the reference to "$26,000,000" shall be considered to be a reference to "$25,000,000".

(j) In the matter under the heading "COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES" in title III, the reference to "$2,446,194,665" shall be considered to be a reference to "$2,446,194,665".

(k) In the matter under the heading "FOREIGN AFFAIRS REORGANIZATION TRANSITION FUND" under the heading "DEPARTMENT OF STATE" in title IV, the reference to "$27,350,000" shall be considered to be a reference to "$24,350,000".

(l) In the matter under the heading "WORKING CAPITOL FUND (RESCISSION)" under the heading "GENERAL ADMINISTRATION" under the heading "DEPARTMENT OF JUS" in title II, the reference to "$133,812,000" shall be considered to be a reference to "$133,812,000".

(m) In the matter under the heading "GENERAL ADMINISTRATION" under the heading "DEPARTMENT OF STATE" in title IV, the reference to "$35,000,000" shall be considered to be a reference to "$35,000,000".

SEC. 18. Notwithstanding any other provisions of this Act, section 120, and the matter under the heading "CIVIL LEGAL ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" in title I, shall have no effect.

ABRAHAM (AND GRAMS) AMENDMENT NO. 2620

Mr. GRAMM (for Mr. ABRAHAM, for himself, and Mr. GRAMM) proposed an amendment to the bill H.R. 2076, supra, as follows:

At the appropriate place in the bill insert the following new section:

(a) The Regulatory Coordination Advisory Committee for the Commodity Futures Trading Commission is terminated. Amending section 5(h) of the Commodity Futures Trading Commission Act of 1974 is repealed.

(b) Section 502 of title 18, United States Codes, is amended by

The Table of sections for chapter 401 of title 18, United States Code, is amended by
Table the Committee amendment on page 79, lines 1 through 6.
Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 28, 1995, beginning at 9 a.m. in room SH-216, to conduct a mark up of spending recommendations for the budget reconciliation legislation.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 28, 1995, at 1:30 p.m. to hold a hearing on non-immigrant immigration.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to meet on Thursday, September 28, 1995, at 10 a.m., to consider private efforts to reshape America.

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

SUPPORT OF FUNDING FOR THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION FUND [CDFI]

Mr. INOUYE. Mr. President, I rise today to join my esteemed colleague from Vermont, Mr. LEAHY, to express my concern that by voting for final passage of H.R. 2099, we in the Congress are voting to eliminate funding for the Community Development Financial Institution Fund [CDFI]. The CDFI fund was established in the Community Development and Regulatory Improvement Act of 1994—an Act which passed the Congress with overwhelming bipartisan support. In fact, this body voted unanimously for the measure, which sought to stimulate community lending and empower local communities by increasing access to credit and investment capital.

But Mr. President, I stand before you to offer another perspective on the importance and significance that is held by the potential that it holds for improving the economic conditions in Native American communities. Native American communities face some of the harshest living conditions in this country, which would draw comparisons with conditions in Third-World countries. Fifty-one percent of Native American families live on reservations live below the poverty line, with unemployment rates on some reservations as high as 80 percent. Moreover, a recent study conducted by the Department of Housing and Urban Development found that over half of American Indian and Alaska Native families live in substandard housing, compared to the national average of 3 percent. Many American Indian and Alaska Native households are overcrowded or lack plumbing or kitchen facilities, compared to a national average of 5.4 percent; and approximately 40 percent of Native households were overcrowded compared to a national average of 5.8 percent.

Mr. President, these conditions, under any circumstances, are unacceptable. And it is even more unacceptable that in Congress we would turn our backs on an innovative program which would stimulate economic activity in these communities by leveraging private sector resources into permanent self-sustaining locally controlled institutions. Each $1 million in the fund would have a substantial impact, and could create 65 to 135 new jobs; provide 100 loans to micro-enterprises and self-employment ventures; assist 20 first-time homeowners; or construct 20 units of low-income housing. It is my understanding that there are at least 13 Indian controlled financial institutions which would be eligible for assistance from the fund, and an additional 16 tribal entities that have expressed an interest in becoming CDFI's.

Earlier this year, I joined Senators BEN NIGHORNE CAMPBELL and MCCAIN in sponsoring a bill, the Native American Financial Services Organization Act [NAFSO], which emanated from a congressionally chartered Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and from a multi-agency Federal working group with tribal input, and was designed to dovetail with the CDFI fund, with NAFSO serving as a technical assistance provider to a second tier of primary lending institutions, or Native American Financial Institutions. The elimination of funding for the CDFI fund will have devastating ramifications for this NAFSO bill which I support.

Mr. President, I realize full well the importance of the CDFI fund, and the significant potential it holds for improving the economic conditions in American Indian and Alaska Native communities and other very poor communities.

I feel compelled to take note of the irony that over the last few days, within the context of drastic reductions to funding for Indian tribal governments under the Interior Appropriations bill, that one of the justifications offered for these severe reductions was that tribal governments must become less dependent on Federal resources and more self-sufficient. And yet, we are poised to eliminate funding for the Community Development Financial Institution Fund—a fund which could have made tremendous strides in enabling tribal governments to realize greater economic independence.

Mr. President, I thank you for this time, and I thank my colleague from Vermont, Mr. LEAHY, for his leadership on these matters.

DEDICATED U.S. SERVICE MEN AND WOMEN

Mr. D’AMATO. Mr. President, I rise today to thank our brave U.S. service men and women who with total dedication serve around the globe, but most importantly to pay tribute to four individuals who recently died in the service of our country. On August 15, 1995, Chief Warrant Officer Michael R. Baker, Chief Warrant Officer Donald J. Thompson, Specialist SGT Robert A. Rogers, and Specialist Crew Chief Dale Wood perished when their U.S. Army Blackhawk helicopter crashed into the sea off the shores of Cyprus. The crew was on a routine humanitarian mission to bring supplies and mail to the U.S. Embassy in Beirut.

U.S. service men and women worldwide are frequently responsible for humanitarian and lifesaving missions which often go unnoticed by the American people. These missions are often fraught with danger attributable to health concerns or often insurgent occupation. The Cyprus airlift is just one example where our U.S. service men and women are tasked to put themselves in harm’s way.

In addition to Cyprus being needed as a strategic point to support our Middle East efforts, it has also become a strategic point for United States involvement in several areas of international concern such as counterterrorism measures, narcotics trafficking, countering, money laundering, and international bank fraud. The Cyprus
National Police force has been very cooperative and helpful in our international law enforcement efforts. I would like to take this opportunity to personally thank Assistant Chief of Police Panikos Hadjiloizou. Chief Hadjiloizou has been noted as being one of the driving forces in the cooperative international law enforcement effort being conducted within Cyprus. Chief Hadjiloizou has worked in close coordination with the U.S. Secret Service, the Drug Enforcement Agency, and other U.S. law enforcement agencies in efforts to stem these organized criminal organizations. I wanted to take this opportunity to thank Chief Hadjiloizou and hope that this cooperative effort continues its successful campaign. I also want to thank Chief Hadjiloizou and the men under his command for their extraordinary efforts to locate and recover the remains of the Blackhawk crew in order to return them to their families. I am sure that the selfless behavior of all my colleagues when I thank him for all his efforts.

We all are aware that international criminal activity is expanding and the only way to counteract this growth is through an effective effort to bring about international cooperation and increased involvement between the United States and its international neighbors.

JUDITH COLT J. JOHNSON

Mr. SARBANES. Mr. President, I rise today to recognize and pay tribute to a distinguished Marylander, committed environmentalist, and model citizen—Judith Colt Johnson. Judy recently stepped aside from a long and distinguished career as president of the Committee to Preserve Assateague Island. I want to extend my personal congratulations and thanks for her many years of hard work and dedication to the environment and the stewardship of Assateague Island’s ecosystem. Judy Johnson founded the Committee to Preserve Assateague Island in 1970, the year I was first elected to the U.S. Congress, and served as its president for the past 25 years. Over the years, Judy worked tirelessly to preserve the natural beauty and unspoiled character of Assateague Island. Her accomplishments are many and remarkable. Among other things she: Led the successful campaign to amend the organic act of the National Seashore to remove provisions calling for construction of a road the length of the island and 600 acres of development; developed a grass-roots membership of over 1,300 people representing 38 states; blocked construction of a sewage outfall pipe across the island; sponsored an annual beach cleanup marshaling larger volunteer efforts each year; and convened the first-ever conference on the condition of Maryland’s coastal bays which initiated the current efforts to protect these sensitive waters.

Judy not only organized and led these efforts, but gave selflessly of her time and energy to make Assateague a better place for all of us. She has done this through activities such as cleaning trash from the beach and helping plant stems of beach grasses and seedlings to protect valuable wildlife habitat. She also contributed substantially to the development of the broad plan for Chincoteague National Wildlife Refuge—now considered a model for other wildlife refuges in coastal areas—and actively participated in hundreds of public meetings, hearings and working sessions to preserve Assateague Island and the surrounding areas. Her monthly newsletters have provided invaluable information on potential threats to the natural habitat and ecology of this fragile barrier island as well as the many noteworthy events and special values of this area. I have had the privilege of working closely with Judy and her organization on a number of issues affecting Assateague Island and can attest that Assateague Island would not look as it does today had it not been for all the hard work of Judy Johnson over the years. Judy’s indefatigable energy, spirit and determination are renowned.

Mrs. Johnson’s activities and interests were not limited to her involvement with the Committee to Preserve Assateague Island. She also served on numerous national and state conservation organizations including the Maryland Wetlands Committee, the Maryland and Virginia Conservation Councils, the board of the Coast Alliance, the advisory council to the National Parks and Conservation Association and the Garden Club of America. In recognition of her outstanding service and dedication, Judy has received numerous awards and commendations including the U.S. Army Corps of Engineers Commander’s Award for Public Service, the Izaak Walton League of America Honor Roll Award, the Take Pride in America Award given by the U.S. Department of the Interior, and the National Parks and Conservation Association’s Conservationist of the Year Award.

The efforts of Judy Johnson over the past 25 years have earned her the respect and admiration of everyone with whom she has worked and the visitors to Assateague Island will benefit from her labors for years to come. I join with her many friends in extending my best wishes and thanks for her leadership and commitment.

THE AMERICAN PROMISE

Mr. ROBB. Mr. President, I rise today to speak briefly about an important new PBS series entitled “The American Promise”, which will premiere on October 1, 2, and 3. “The American Promise” celebrates community-based democracy—the individual efforts of countless citizens throughout America who work every day to make their communities stronger and more vital.

There is no question that our actions in this Capitol represent democracy’s most visible work. It is the facet of democracy most studied in classrooms and most reported nationally by the media. In our legislative world, Mr. President, has increasingly, in my judgment, become a world of partisanship and competition. The focus too often turns to who wins and who loses rather than how we can work together to reach a positive goal. I believe this partisan mindset makes our citizens more frustrated and cynical.

So we cannot forget that our work in Washington is but one form of American democracy—and that American democracy is larger and more diverse than the business conducted here in this Capitol.

In communities throughout our Nation, in ways both large and small, citizens decide every day to become a valuable part of the democratic process. In this, this is done through bringing others together to improve or expand an existing service; by asking how a practice that does not work can be changed; by engaging in a civil and respectful debate; by considering another viewpoint; or by taking responsibility to make a hard decision which will make a community better.

When this happens, Mr. President, everybody in the community wins. When a community development bank is opened where none existed before, when individuals cooperate so that dry land can be irrigated, score keeping becomes irrelevant. Through action and energy, participation and deliberation, taking responsibility and seeking common ground, American democracy comes to life.

“The American Promise”, a new PBS television series, reminds us of the community-based democracy that is alive and well beyond this Capitol. And in doing so, it both strengthens our faith in our democracy and teaches our citizens how they can personally be a part of the democratic process in their own communities. And because “The American Promise” will be available to high school and junior high school classes throughout the United States, young Americans will be able to have it as they study civics and government.

In roughly fifty story segments taken from every region of the country, lessons are offered on the skills and values needed to bring our democracy to life. These vignettes illustrate core American values such as freedom, responsibility, opportunity, participatory, and deliberation.

Each 3 hour segment contains select historical reenactments, which serve to establish important contexts through which the remaining vignettes take on new meaning. The first of these reenactments, which appears in the beginning of the development segment set in 1764, appears in the streets of Williamsburg, VA. We watch as a young Thomas Jefferson, along with Patrick Henry, Colonel...
George Washington, Peyton Randolph, George Mason, Richard Henry Lee, and others, take the first steps toward freedom. In the House of Burgesses, on the streets of Colonial Williamsburg, in a local tavern, the group draws up Virginia's first English language Constitution. We honor Washington's words, "How far their attention to our rights and privileges is to be awakened or alarmed by starving their trade and manufacturers remains to be tried." The view-ers of "The American Promise" see our Founding Fathers starting an rebellion that will gather strength for 7 more years before the Declaration of Independence is written.

Although we sometimes think of our freedoms as a Nation being won at Concord, Bunker Hill or Yorktown, these freedoms were also the result of years of meetings and debate and consensus building. This serves as a true re-minider of the communal instincts that helped create our great Nation.

Mr. President, would the Senator from Missouri, the chairman of the VA, HUD, and Independent Agencies Subcommittee, yield a few moments for me to address an issue of great importance to the people of Hawaii and the Pacific?

Mr. BOND. I would be happy to yield to the junior Senator from Hawaii.

Mr. AKAKA. Mr. President, I am concerned that FEMA lacks adequate staffing for its Pacific Area Office in Honolulu, to address fully this mitigation, training, and emergency response needs of this large and diverse area.

As the Senator from Missouri knows, FEMA's Region IX, based in San Francisco, is currently responsible for administering emergency management assistance programs and responding to disasters throughout the Pacific—including American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands—as well as in California, Arizona, and Nevada. It is by far the largest of FEMA's regions, covering an area greater in size than the U.S. mainland. But the current grouping of Hawaii and the Pacific Islands within Region IX results in the Pacific Islands receiving less than adequate attention.

The Pacific insular states are seven different nations that are geographically, culturally, and politically distinct from mainland states. The estimated 110 FEMA employees who staff the San Francisco office are too remote, both geographically and culturally, to provide the full range of disaster-related assistance to the unique Pacific insular states. Quite understandably, they are pre-occu-pied by the vast emergency needs of the populations who live closer at hand, in California, Nevada, and Arizona.

The Republic of Palau, for example, is 5,500 miles from San Francisco—a 2-day journey from the continental U.S. by jet. Moreover, when FEMA officials flew to Hawaii last year to assess a disaster that has occurred in the Pacific, they must contend with major differences in language, facilities, food, climate, and communications not to mention the idiosyncrasies of local political systems and administrative practices.

The establishment of the Pacific Area Office in Honolulu 2 years ago vastly improved FEMA's ability to respond quickly to disasters in the central and South Pacific, if only because it provides the Pacific Islands closer to potential disaster sites. And, while the office has made a serious effort to maintain ongoing contact with the more remote insular jurisdic-tions, it is seriously limited in its ability to provide critical training, technical assistance, and hazard mitiga-tion services that could significantly minimize loss of life and property. So, given the foregoing, I might ask the Senator from Missouri if he would consider the Pacific's emergency needs when the pending measure goes to conference.

Mr. BOND. What is the Senator from Hawaii's specific request?

Mr. AKAKA. After extensive consultation with emergency management officials and representatives of the Pacific insular states, I have determined that the service limitations I have described can only be overcome by augmenting the Pacific Area Office with a full-time permanent staff. Of these, six, (6) are needed in the Pacific Area Office itself to support preparedness training, planning, mitigation, and logistical functions, and six (6) others are required as permanent liaison officers assigned to, and physically based in, each of FEMA's insular Pacific jurisdictions.

Mr. BOND. So the Senator from Hawaii requests assistance in securing conference report language directing FEMA to assign 12 FTEs to the Pacific Area Office?

Mr. AKAKA. That is my request. The vital assistance provided by such staff could save millions of dollars in property and economic activity, not to mention human lives. I would underscore the fact that I am not proposing the establishment of a new regional office, only that the existing satellite office in Hawaii be provided with the resources to meet the full range of our emergency management obligations in the Pacific.

Ms. MIKULSKI. If I may interject. My colleagues may recall that as chairman of the VA, HUD, and Independent Agencies Subcommittee in the 102d Congress, I supported the original establishment of the Pacific Area Office. At that time, the subcommit-ttee set aside $500,000 in the Senate report accompanying the FY 92 VA, HUD, and Independent Agencies Appropriations bill for this initiative.

The subcommittee's action reflected a concern that a permanent FEMA presence was needed in the Pacific. Until the office was opened in Honolulu in 1993, the agency had no forward-based staff or facilities in these juris-dictions; instead, all disaster activities were conducted directly from FEMA's Region IX office, located in San Fran-cisco, thousands of miles from these jurisdic-tions.

While the creation of this office has clearly improved FEMA's ability to deal with the many disasters that occur in the Pacific, the agency still falls short of fully providing for the emergency needs of its citizens and friends in the Pacific. I think we need to consider seriously making the Pacific Area Office a full-service office, one that can provide robust mitigation, training, and emergency management services in a timely, appropriate fashion.

So, I would support the Senator from Hawaii's request that we consider taking this matter up in conference.

Mr. AKAKA. The Senator from Maryland has ably summarized the essence of this issue. I appreciate her comments as well as her key role in originally establishing the Pacific Area Office.

Mr. BOND. I also appreciate my colleague from Maryland's helpful comments on this issue. Given her support, and in view of the unique circumstances that exist in the Pacific, I would be pleased to consider seriously raising this issue in conference. The Senator from Hawaii should, however, bear in mind that any efforts we make, if any, must be made in the context of FEMA's overall budget.

Mr. AKAKA. I think the managers of the bill for their thoughtful consideration of this matter. Any accommodation that can be achieved in conference regarding the emergency management needs of the Pacific would be very much appreciated. I yield the floor.

RECOGNITION OF BERNARD L. BARELA

Mr. BINGAMAN. Mr. President, I rise today in recognition of the retirement of Bernard L. Barela, District Director for the Albuquerque District after 34 years with the Internal Revenue Service.

Mr. Barela is a native of New Mexico whose family has been here for over 200 years. His mother, sister, and numerous family members still reside in the New Mexico area.

Mr. Barela served in the U.S. Navy from 1957 to 1959. Upon receiving an honorable discharge he returned to Albuquerque where he was a civilian em-ployee.
Mr. Barela began his IRS career as a grade 3 mail clerk in the Phoenix District Office in 1961. He then became an office call interviewer in Phoenix until 1966.

After that he transferred to Las Vegas as a revenue officer until 1969 whereupon he became revenue officer manager in San Bernardino, CA. In 1971, he moved to San Diego as chief of office branch and was selected as one of the first grade 13 group managers in collection in the Los Angeles District.

Mr. Barela moved to the field branch chief position in 1972 in San Diego and in 1973 marked his first return to Albuquerque as a collection and taxpayer service division chief. 1973 also marked another promotion for Mr. Barela as the collection division chief in New Orleans District. Mr. Barela served as executive assistant, to assistant regional commissioner, central region office in Cincinnati from 1975 to 1981.

In 1981, Mr. Barela entered the executive ranks of IRS, where he has served in several positions of increasing responsibility. Mr. Barela's first executive assignment was an assistant director, returns and processing in Washington, DC, during 1981. In 1986, Mr. Barela became assistant director, service center in Atlanta. In 1989, Mr. Barela became assistant District Director in Fort Lauderdale where he assisted during the recovery after Hurricane Andrew. In 1991, Mr. Barela returned home to Albuquerque as the District Director, the highest State office with the IRS.

PERSONAL RESPONSIBILITY ACT OF 1995

Mr. NUNN. Mr. President, I rise to address H.R. 4, the Personal Responsibility Act of 1995, a bill to reform the Nation's welfare system.

H.R. 4 is a radical departure in Federal welfare policy. This bill would end a 60-year-old Federal entitlement to poor families with children under the AID to Families With Dependent Children Program (AFDC). In the place of AFDC, the Senate bill would create a Federal welfare block grant that will give almost $17 billion annually to State governments over the next 7 years to provide cash assistance, child care, job training, and other services to our Nation's poor. The States will have nearly complete flexibility to design and carry out these programs. The Federal Government requires only that the States impose a 5-year lifetime limit on welfare benefits and begin moving welfare recipients to work as rapidly as possible between now and the year 2000.

Opponents of H.R. 4 have talked extensively about this bill's flaws. It is said that the Federal money contained in the H.R. 4 is insufficient to meet the work requirements. We are told that funds for child care will make it impossible to care for the children of welfare recipients who go to work. Others have argued that States will cut welfare dramatically and set off a reverse bidding war as States reduce and eliminate benefits to avoid becoming welfare magnets.

Mr. President, I supported amendments to this legislation that address many of these concerns. I voted for the Senator Domenici amendment that would have provided an additional $6 billion in Federal child care subsidies. We reached a compromise to increase Federal child care spending by some $3 billion. The Senate also agreed to require the States to continue spending at least 80 percent of their 1994 welfare dollars. I believe these amendments have significantly improved H.R. 4 and increased the likelihood that it will succeed in reducing welfare dependence.

The Senate also took up an amendment offered by Senator Domenici on the issue of limiting welfare benefits increases for women who have additional children while on welfare. When H.R. 4 emerged from the Finance Committee, it allowed States to impose the so-called family cap but did not require it. The Dole substitute amendment made this policy mandatory. The Domenici amendment reinstated the state option on the family cap.

Mr. President, I voted for the Dole substitute amendment to H.R. 4. I understood the concerns expressed by those who fear this legislation will not do enough to protect children whose parents have reached the end of their welfare time limits. If this bill becomes law, I believe its effects on the well-being of children should be monitored carefully. Further steps will likely be needed by Congress and the States to assure that children are adequately cared for.

Mr. President, H.R. 4 is unlikely to be the last word in welfare reform. The problems we are trying to address in this legislation—welfare dependency and the illegitimacy, violence, and drug abuse that it engenders—are probably the most complex, troubling, and intractable problems facing American society. Anyone who believes that they need only to impose stricter time limits to solve these problems is wrong. As UCLA sociologist James Q. Wilson argued late last year in an essay entitled, "A New Approach to Welfare Reform: Humility," what is really needed is the kind of State-based experimentation that might yield innovations that could be replicated by other States. I voted for H.R. 4 because I believe it offers the best opportunity to encourage this experimentation. I hope that the conference between the Senate and the House will produce a compromise that I can also support.

Mr. President, I ask unanimous consent that the full text of the essay by James Q. Wilson be printed in the Record.

The essay follows:

[From the Wall Street Journal, Thursday, December 29, 1994]

FIRM FOUNDATIONS: A NEW APPROACH TO WELFARE REFORM: HUMILITY

(By) James Q. Wilson

We are entering the last years of the 20th century with every reason to rejoice and little inclination to do so, despite widespread prosperity, a generally healthy economy, the absence of any immediate national threat, and extraordinary progress in civil rights, personal health and school enrollment. Despite all this and more, we feel that there is something profoundly wrong with our society.

That communal life is thought to be defi- cient in every respect: crime, drug abuse, teenage pregnancy, WELFARE dependency and the countless instabilities of daily life. What these problems have in common is that they result from the weakening of the family.

Having arrived at something approaching a consensus, we must now face the fact that we don't know what to do about the problem. The American people are well ahead of their leaders in this regard. They doubt very much that government can do anything at all. They are not optimistic that any other institution can do much better, and they are skeptical that there will be a spontaneous regeneration of decency, commitment and personal responsibility.

I do not know what to do either. But I think we can find out, at least to the degree that we can reflect on understanding some of the most profound features of our condition.

The great debate is whether, how and at what cost we can change lives. If not the lives of this generation, then of the next. There are three ways of framing the problem.

First, the structural perspective: Owing to natural social forces, the good manufacturing jobs that once existed in inner-city areas have moved to the periphery, leaving behind decent men and women who are struggling to get by without work that once conferred both respect and money. Their place is now taken by benefit-wise youth and a class of two-parent families either irrational or unnecessary. These benefits have induced young women wanting babies and a home of their own to abandon both at public expense and convinced young men, who need very little convincing on this score, that sexual conquest need not entail any personal responsibilities.

Second is the cultural perspective: Child rearing and family life as traditionally understood can no longer compete with or
bring under prudent control a culture of radical self-indulgence and Oppositional defiance, fostered by drugs, television, video games, street gangs and predatory sexuality. Now, however, the language in which this discourse might say that obviously all three perspectives have much to commend themselves and, therefore, all three ought to be actively encouraged. That debate, however, tends to emphasize one or another theory and thus one or another set of solutions. It does this because, or at least people who are avowed political philosophers, tend to define problems so as to make them amenable to those solutions that they favor for ideological or moral reasons. Here roughly is what the analysis pursued separately and alone implies:

(1) Structural solutions. We must create jobs and develop programs in our inner-city areas, by means either of tax-advantaged enterprise zones or government-subsidized employment programs. As an alternative, we may facilitate the relocation of the inner-city poor to places on the periphery where jobs can be found and, if necessary, supplement their incomes by means of the earned-income tax credit.

(2) Rationalist solutions. Cut or abolish AFDC or, at a minimum, require work in exchange for welfare. Make the formation of two-parent households attractive through single parenthood and restore work to prominence as the only way for the physically able to acquire money.

(3) Cultural solutions. Alter the inner-city ethos by means of private redemptive movements, supported by a system of shelters or group homes in which at-risk children and their young mothers can be given familial care and adult supervision in safe and drug-free settings.

Now let me make my preferences in this menu of alternatives, but it is less important that you know what these preferences are than that you realize that I do not know which strategy would work, because so many people embrace a single strategy as a way of denying legitimacy to alternative ones and to their underlying philosophies.

Each of these perspectives, when taken alone, is full of uncertainties and inadequacies. These problems go back, first of all, to the structural solution. The evidence that links drug use, violence and the deterioration of jobs is, in fact, weak. Some people—such as many recent Latino immigrants in Los Angeles—notice that jobs have moved to the periphery of city and border, we hear to follow the jobs. Other people notice the very same thing and stay home to sell drugs.

Now, even if a serious job mismatch does exist, it will not easily be overcome by enterprise zones. If the costs of crime in inner-city neighborhoods are high, they cannot be competed away by very low labor costs for a very high customer demand. Moreover, employers in scanning potential workers will rely, as they have always relied, on the most visible reliability and skills, manner, speech and even place of residence. No legal system, no matter how much we try to enforce it, can completely or even largely suppress these cues, because they have substantial economic value.

Second, let’s consider some of the inadequacies of the rational strategy. After years of denying that the level of welfare payments had any effect on child-bearing, many scholars now find that states with higher welfare payments tend to be ones in which more babies are born out of wedlock. And the illegitimacy rate is rather low in states such as Idaho, Montana, Maine and New Hampshire, despite the fact that these states have rather generous welfare payments. And the illegitimacy rate of Mexican-American children are much more likely as black children to grow up in a two-parent, family, and that poor Mexican-American families were only-one-fifth as likely as black ones to be on welfare.

Even among blacks, the illegitimacy rate is rather high and the states such as Arizona, Montana, Maine and New Hampshire, despite the fact that these states have rather generous welfare payments. And the illegitimacy rate is quite high in the Deep South, even though these states have rather low welfare payments.

Clearly, there is some important cultural or at least noneconomic factor at work, one that has deep historical roots and that may vary with the size of the community and the character of the culture. Finally, the cultural strategy. Though I have a certain affinity for it, it has its problems, too. There are many efforts in many places to build communities, individuals and churches to persuade young men to be fathers and not just impregnators, to help drug addicts and alcoholics, to teach children and punting schools. Some have been evaluated, and a few show signs of positive effects. Among the more successful programs are the Perry Pre-School Project in Ypsilanti, Mich.; the Parent Child Development Center in Houston; the Family Development Research Project in Syracuse, N.Y.; and the Perry Pre-School Program in New Haven, Conn. All of these programs produce better behavior, lessened delinquency, more success in school.

Mr. GRASSLEY. Mr. President, this is quite high in many parts of the Deep South. Since the Civil War at least, blacks have had great differences in illegitimacy rates across economic groups or circumstances. Since the Civil War at least, blacks have had higher illegitimacy rates than whites, even though federal welfare programs were not invented until 1935.

These days, it has been shown that the illegitimacy rate among black women is more than twice as high as among white women, after controlling for age, education and economic status. David Hayes Bautista, a researcher at UCLA, compared poor blacks and poor Mexican Americans living in California. He found that Mexican-American children are much more likely to cite the things like the Deep South, even though these states have rather low welfare payments.

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The Manhattan Project by Myron Magnet (author of “The Dream and the Nightmare: The Sixties’ Legacy to the Underclass”) and I have both endorsed the idea of requiring teenage parents to live in group homes with their children under adult supervision as a condition of receiving public assistance. I also have suggested that we might revive an institution that was common earlier in this century but has lapsed into disuse of late—the boarding school, sometimes mistakenly called an orphanage, for the children of mothers who cannot cope. At one time such schools provided homes and education for more than 100,000 young people in large cities.

Though I confess I am attracted to the idea of creating wholly new environments in which to raise the next generation of at-risk children, I must also confess that I do not know whether it will work. The programs that we know to be successful, like the ones mentioned above, are highly expensive, efforts led by dedicated men and women. Can large versions of the same thing work when run by the average counselor, the average teacher? We cannot tell. We can only hope that some of these successes predated the arrival of crack on the streets of our big cities. Can even the best program save people from that viciously destructive drug?

There is evidence that such therapeutic communities as those run by Phoenix House, headquartered in New York, and other organizations can save people who remain in them long enough. How do we get people to stay in them long enough? We don’t know.
Today it is appropriate to correct such a record, having to do with information presented to the Subcommittee on National Security Economics of the Joint Economic Committee, meeting at 10 a.m. on Wednesday, December 21, 1988. The record of the hearing was published in a collection of hearings of subcommittees of the Joint Economic Committee, Senate Hearing 100–1059 beginning at page 559.

The hearing in question concerned trafficking in classified documents of the Department of Defense, and how the Department of Defense and the Department of Justice dealt with those problems during the period 1983–88.

A staff report prepared by the staff of the Joint Economic Committee Subcommittee on National Security Economics and the investigative staff of my committee included in the record. The staff report contains some information, supplied by officials of the Defense Criminal Investigative Service, which is not correct.

It has been brought to my attention that some of that information may have cast an undeserved cloud upon one of the persons named in the report. Two individuals are named in this information, on page 2 of the staff report, in the following paragraph:

"The Ohio investigation revealed evidence of widespread trafficking in classified documents, involving at least ten contractors and thirty Pentagon officials, including high level civil and military officials. The investigation resulted in the indictments of two officials, John McCarthy, who was then director of NASA Lewis Research Center, and James R. Atchison, an Air Force employee at the Wright-Patterson Base in Dayton, Ohio. McCarthy pleaded guilty in 1983 to a charge of filing a false statement in connection with his travel to Washington, D.C. Atchison resigned from the government and was not brought to trial."

Mr. President, I would like to correct several of the statements about Mr. James R. Atchison.

Mr. Atchison has never been indicted on any charges. This is confirmed in a letter to the Joint Economic Committee of November 6, 1992, from Mr. Derek J. Vander Schaaf, Deputy Inspector General of DOD.

Mr. Vander Schaaf notes that the focus of the investigative effort that led to Mr. Atchison was the unauthorized trafficking in classified documents. But there was no evidence resulting from any DOD or NASA investigation involving Mr. Atchison in any wrongdoing relating to classified documents. The Air Force took an adverse employee action against Mr. Atchison for other reasons.

Mr. Atchison has asked that the statement be corrected in the record, to the extent possible. I agree, Mr. President, that the record must be corrected, and that is what I have attempted to do here today.
September 28, 1995

CONGRESSIONAL RECORD — SENATE

S 14565

Regrettably, it would take more than a decade before additional efforts to find a formula that would hold out the possibility of resolving the complex issues with Israel’s other Arab neighbors would bear fruit. Certainly the break up of the Soviet Union and the gulf war were defining events that totally reshaped the political landscape in the Middle East and improved the prospect for peace. The seeds of today’s agreement were clearly sown during the 1991 Madrid Conference with the road map outlining all the steps including both political and multilateral issues within the context of the Madrid Framework.

The key provisions of the interim agreement include elections of an 82-member Palestinian Council that will oversee most aspects of Palestinian life in the West Bank and Gaza, the elimination of offensive clauses from the Palestinian covenant that call for the elimination of Israel, assignment of responsibility for religious sites, the temporary status of an international observer delegation to Hebron, the redeployment of most Israeli troops from Palestinian cities and towns, and the staged release of prisoners.

This interim agreement is to remain in force through May 1999 and builds upon the September 1993 Declaration of Principles, in which Israel and the PLO exchanged mutual recognition, and the May 1994 Cairo agreement, which established a Framework for Palestinian self-rule in the Gaza Strip and Jericho. We can all be justly proud of the enormous progress that has been made to undo the destruction and distrust that are the byproduct of decades of hatred and havoc. I for one am confident that the trust and good will that has been created by the peace process thus far will energize all parties to resolve all the remaining issues that stand in the way of a permanent agreement.

I do not seek to minimize the difficulties of the issues that remain to be resolved. They include matters related to boundaries, to the nature of the Palestinian entity, to the future of Jewish settlements in Palestinian areas, to the disposition of refugees, and finally to the status of Jerusalem. However, it is clear to me that the people of the Middle East are committed to finding a comprehensive solution to all the disagreements that stood in the way of a permanent and lasting peace. I believe that we in the United States stand ready to do all that we can to facilitate that effort.

WORLD MARITIME DAY 1995

Mr. STEVENS. Mr. President, as you may know, World Maritime Day 1995 will be observed this week, and the theme this year focuses on the achievements and challenges of the International Maritime Organization (IMO). The IMO was created under the auspices of the United Nations in 1948, and over the past 47 years has led the way to significant improvements in safety in the maritime industry and reductions in marine pollution around the world.

I ask that the letter sent to me by Coast Guard Capt. Guy Goodwin, which brought World Maritime Day 1995 to my attention, be printed in the Record.

Captain Goodwin provided me with a copy of the message delivered by IMO Secretary-General William O’Neill to commemorate World Maritime Day, and I ask that this, too, be printed in the Record.

I believe both Captain Goodwin and IMO Secretary-General O’Neill make important points about the need to continue to strive for safer shipping and I encourage other Senators to read these messages.

The material follows:

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Hon. Ted STEVENS,
Chairman, Subcommittee on Oceans on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DAR MIKREZ

The International Maritime Organization has announced that World Maritime Day 1995 will be observed during the week of September 25 to 29, 1995. The theme for this year’s observance is “50th Anniversary of the United Nations: IMO’s Achievements and Challenges”. As you know, Mr. Chairman, IMO has succeeded in winning the support of the Maritime world by being pragmatic, effective and above all by concentrating on the technical issues related to safety at sea and the prevention of pollution. So it is that most concern to its member states IMO’s priorities are often described in the slogan “safer shipping and cleaner oceans.”

Until recently the indications were that IMO’s efforts to improve safety and reduce pollution were paying off. The rate of serious casualties was falling and the amount of all and other pollutants entering the sea was decreasing quite dramatically. But recently there has been a disturbing rise in accidents and our fear is that, if nothing is done, the progress we have diligently fought for over the last few decades will be lost. To avert this danger, IMO has done a number of actions including establishing a sub-committee to improve the implementation of international port State control conventions and other agreements. They have also worked to ensure that flag States, encouraging the establishment of regional port State control arrangements, adopting a new mandatory International Safety Management Code, and adopting amendments to the convention dealing with standards of training, certification and watchkeeping for seafarers. When these and other measures are added together they make an impressive package that should make a significant contribution to safety and pollution prevention in the years to come. The Coast Guard has been an active player at IMO regarding these and other matters.

Enclosed is a message from the Secretary-General of the IMO, Mr. W. A. O’Neill, marking the observance of World Maritime Day 1995.

Sincerely,

G. T. GOODWIN,
Captain, USCG, Chief, Congressional Affairs.

Encl: World Maritime Day Message of Secretary General O’Neill.

WORLD MARITIME DAY 1995

Fifty years ago the United Nations was created. When people consider the United Nations today, most think only of the headquarters in New York or peacekeeping missions around the world. Very few people know that the United Nations indeed has another side.

This side, of course, consists of the specialized agencies of the U.N. system which deal with such matters as the development of telecommunications, the peaceful uses of nuclear energy, the improvement of education, the world’s weather, and international shipping, the particular responsibility of the International Maritime Organization.

IMO was established by means of a convention that was adopted at the General Assembly of the United Nations in 1948 and today has 152 Member States. Its most important treaties cover more than 98 percent of world shipping.

IMO succeeded in winning the support of the maritime world by being pragmatic, effective and above all by concentrating on the technical issues related to safety at sea and the prevention of pollution from ships, topics that are of most concern to its Member States. IMO’s priorities are often described in the slogan “safer shipping and cleaner oceans.”

But today I do not want to focus on past successes. Instead I would like to talk to you about the future. No one can precisely what will happen in the shipping world during the next few years but there are indications that, from a safety point of view, we should be especially vigilant.

The difficult economic conditions of the last two decades have discouraged shipowners from ordering new tonnage and there is evidence that in some cases, the maintenance of vessels has suffered. The combination of age and poor maintenance has obvious safety implications. Shipping as an industry is also undergoing structural changes that have resulted in the flets of the traditional flags declining in size while newer shipping nations have emerged.

IMO has no vested interest in what flag a ship flies or what country its crew members come from. But we are interested in the quality of the operation. We certainly can have no objection to shipowners saving money—unless those savings are made at the expense of safety or the environment. If that happens then we are adversely affected.

Until recently the indications were that IMO’s efforts to improve safety and reduce pollution were paying off. The rate of serious casualties was falling and the amount of oil and other pollutants entering the sea was decreasing quite dramatically. But recently there has been a disturbing rise in accidents and our fear is that, if nothing is done, the progress we have diligently fought for over the last few decades will be lost.

To avert this danger IMO has taken a number of actions including establishing a sub-committee to improve the implementation of international port State control conventions and other agreements. They have also worked to ensure that flag States, encouraging the establishment of regional port State control arrangements, adopting a new mandatory International Safety Management Code, and adopting amendments to the convention dealing with standards of training, certification and watchkeeping for seafarers. When these and other measures are added together they make an impressive package that should make a significant contribution to safety and pollution prevention in the years to come. The Coast Guard has been an active player at IMO regarding these and other matters.

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Encl: World Maritime Day Message of Secretary General O’Neill.
all, new provisions have been introduced which will help to make sure that the Convention is properly implemented.

When these and other measures are added together, they make an impressive package that should make a significant contribution to safety and pollution prevention in the years to come. But I think we need something more.

IMO's standards have been so widely adopted that they affect virtually every ship in the world. Therefore, in theory, the casualty and pollution rates of flag States should be roughly comparable, but in actual practice they vary enormously. That can only be because IMO regulations are put into effect differently from country to country. The measures that a flag State will help to overcome some of these differences, but they will only really succeed if everybody involved in shipping wants them to.

They are not enough. Surely everybody is interested in safety and the prevention of pollution and will do what they can to promote them? To a certain degree perhaps. We are all the greater degree this seems to vary considerably. The majority of shipowners accept their responsibilities and conduct their operations with integrity at the highest level.

Some others quite deliberately move their ships to different trading routes if Governments introduce stricter inspections and controls. They will rather risk losing the ship and those on board than to undertake and pay for the cost of carrying out the repairs they know to be necessary. Some Government ships are happy to take the fees for registering ships under their flag, but fail to ensure that safety and environmental standards are enforced.

The idea that a ship would willingly be sent to the unsafe condition and pose a danger to its crew is difficult to believe and yet it does happen.

The reasons for this are partly historical. We have become so used to the risks involved in seafaring that we have come to see them as a cost that has to be paid, a price which is exacted for challenging the wrath of the ocean. The attitude of a passive acceptance of the inevitability of disaster. When a ship sinks we should all feel a sense of loss and failure, because accidents are not inevitable—they can and should be prevented.

The actions taken by IMO during the last few years will undoubtedly help to improve safety and the lives, but there will be an even more dramatic effect if they help to change the culture of all those engaged in shipping and make safety not just a vague aspiration but a part of every day living, so that it comes as second nature. This is a clear, precise target—a target that is within our grasp if we continue to put our minds to the task.

Fifty years ago, when the United Nations was being planned, few people believed that there would ever be an effective international organization devoted to shipping safety. But, in the same spirit that led to the founding of the United Nations, IMO itself was born. The vision which led to this has been realized and seafarers of the world have benefited as a result.

However, casualties still do occur and much remains to be done by IMO, by its Member Governments, by the shipping industry and by those who create the world's ships, in fact, by all of us involved in shipping. The waters are not uncharted, the course is known, the destination is clear. It is up to us on the voyage in a way that our objective of maximum safety is in fact realized.

SCHOOLS FOR THE DEAF AND THE BLIND

- Mr. ROCKEFELLER, Mr. President, I would like to take this opportunity to commend the West Virginia Schools for the Deaf and the Blind for 125 years of service to students with disabilities in my State.

On this very day, September 28 in 1870, the doors of the West Virginia Schools for the Deaf and the Blind were first opened in the small community of Romney, WV. At that time, 25 deaf and blind children were enrolled on that first year in classes in a modest facility. Since that time, literally thousands of men and women of all ages with hearing and/or visual disabilities have passed through the hallowed halls of the West Virginia Schools for the Deaf and the Blind.

Today, hundreds of individuals receive a variety of services through programs offered by these schools—programs like Be aата, which earned national recognition in the 1989-94 school year as a model for hearing and visually impaired youth as volunteers.

People assume that students with disabilities are the recipients of community services, individually but through Romney's program, the handicapped students were able to get involved in community service projects and make their own personal contributions to the local community which has supported the institution for more than a century. Currently during the 1994-95 school year, the institution is implementing the Stars for Others Program. The goal, once again, is to let students be the leaders they can be in their respective communities. The school expects this year to log over 5,000 hours of staff and student volunteer hours of public service, and I am quite proud of this initiative.

In addition to the regular educational programs offered on campus, students also work with their families to receive services through special outreach programs. More than 450 students with visual disabilities throughout our State receive Braille and large print materials through the Instructional Resource Center. Over 250 individuals receive talking books through a loan program coordinated by the Library of Congress. Captioned films are made available through the Captioned Film Repository. Each year, many children with hearing and/or visual disabilities participate in the Preschool Diagnostic and Evaluation Program and in the summer enrichment programs.

This is a tremendous institution striving to improve its services and enhance the quality of life for students with disabilities so that they can live as independently as possible. The efforts made daily by every administrator, every teacher, every individual associated with the West Virginia Schools for the Deaf and the Blind have opened many doors to people with disabilities, and given them opportunities for jobs and freedom that they may not have otherwise. The schools have stressed that a physical impediment should not be a wall that blocks students from the life, but that they too can overcome challenges and play a vital role in our society. I share this view and am proud of the tremendous progress that has been made by our society in recognizing the potential of individuals with disabilities. This institution has contributed a great deal to helping ensure that every American, regardless of disability, should have the chance to be a happy, productive member of our society.

The West Virginia Schools for the Deaf and the Blind make a very real difference in the lives of students and their families. With great pride, and on behalf of all of West Virginia, I send my warmest congratulations on such a special anniversary, as well as best wishes for many more years of service.
is warranted. I would therefore encourage my colleagues to immediately consider and pass H.R. 2399.

Mr. President, H.R. 2399 is intended to curtail the devastating liability that threatens our housing finance system in the Rodash versus AIB Mortgage Co. The Rodash case produced an onslaught of over 50 class action suits. The majority of these suits demanded the most draconian remedy available under Truth in Lending—rescission. When a loan is rescinded, the borrower is released from the obligation under the mortgage. Currently, there are dozens of Rodash-styled class action suits pending. If rescission is granted in a class action lawsuit, every class member would be entitled to reimbursement of all finance charges, as well as other charges.

The threat of wholesale rescissions presents a real danger to our modern system of mortgage lending: predominant, potential liability that could reach into the billions. Last spring we enacted H.R. 1380, a class action moratorium. We enacted this moratorium to allow both Houses time to craft a solution. The moratorium expires on October 1, 1995—so now is the time to act.

Mr. President, I cannot overemphasize the threat to our mortgage lending system and the secondary markets that provide the mortgage market with liquidity. If we cannot fix the threat to the liquidity of the mortgage markets has helped millions of Americans obtain their dream of home ownership at lower costs.

H.R. 2399 is the result of much hard work and represents a commonsense compromise to a highly technical problem. H.R. 2399 provides greater certainty for lenders without eliminating the substantive protection available to consumers. I would like to summarize some of the important provisions of this bill:

First, this bill provides retroactive relief from Rodash-styled class actions that are pending certification.

H.R. 2399 also clarifies the treatment of certain fees for the purposes of the Truth-in-Lending disclosures.

This legislation provides greater flexibility, or tolerance, for honest mistakes that result in technical violations and can produce a litigation morass. The and we cannot forget that the liquidity of the mortgage markets has helped millions of Americans obtain their dream of home ownership at lower costs.

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Mr. GRAMM. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill appear at the appropriate place in the Record as if read.

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

So the bill (H.R. 2399) was deemed read a third time and passed.

SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995—CONFERENCE REPORT

Mr. GRAMM. Mr. President, I submit a report of the committee of conference on S. 895 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 895) to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

Mr. GRAMM. Mr. President, I ask unanimous consent that the conference report be included in the Record at the appropriate place.

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

So the conference report was agreed to.

EXPENDITURES FOR OFFICIAL OFFICE EXPENSES

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 176, submitted earlier today by Senators WARNER and MURR.
Mr. GRAMM. Mr. President, I ask unanimous consent that the resolution be agreed to, that the motion to reconsider be laid upon the table, and that any statements related to the resolution appear at the appropriate place in the RECORD.

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

So the resolution (S. Res. 176) was agreed to, as follows:

S. Res. 176

Resolved, That section 2(3) of Senate Resolution 294, Ninety-sixth Congress, agreed to April 29, 1980, is amended—

(1) By striking “and” and inserting “Capitol” and

(2) By inserting before the semicolon at the end of the following: “; and copies of the calendar ‘We The People’ published by the United States Capitol Historical Society”.

SEC. 2. Copies of the calendar ‘We The People’ published by the United States Capitol Historical Society shall be deemed to be Federal publications described in section 6(b)(1)(B)(iv) of Public Law 103-203.

ATTORNEY’S FEES EQUITY ACT

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 10, S. 144.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 144) to amend section 526 of title 28, United States Code, to authorize awards of attorney’s fees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed at the appropriate place in the RECORD.

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

So the bill (S. 144) was deemed read the third time and passed, as follows:

S. 144

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

SECTION 1. ADOPTION OF ATTORNEY’S FEES.

(a) SHORT TITLE.—This Act may be cited as the “Attorney’s Fees Equity Act of 1995”.

(b) ATTORNEY’S FEES.—Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

“(8)(A) Reimbursements of attorney’s fees incurred during and as a result of the investigation if the investigation does not result in adverse action against an attorney, agent, or employee—

“(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrongdoing.

“(C)(i) The Attorney General shall provide notice in writing of the conclusion and result of the investigation described in paragraph (1).

“(ii) The notice shall contain a specific, detailed description of the actual and specific wrongdoing that is the basis for the introduction of reasonable attorney’s fees incurred during and as a result of the investigation.

“(ii) Upon receipt of a proper application under this subsection for reimbursement of attorney’s fees, the Attorney General shall—

“(A) make not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

“(B) Upon receipt of a proper application under this subsection, the Attorney General shall—

“(i) calculate the amount of attorney’s fees ordered under this Act by the Director of the Administrative Office of the United States Courts and shall award reimbursement for the amount of attorney’s fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

“(ii) make not later than 180 days after the application is made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

“(iii) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

“(A) the sufficiency of the documentation accompanying the request;

“(B) the need or justification for the underlying item;

“(C) the reasonableness of the sum requested in light of the nature of the investigation; and

“(D) current rates for equal services in the community in which the investigation took place.

“(9)(A) Reimbursements of attorney’s fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

“(B)(i) Reimbursements of attorney’s fees ordered under this Act by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

“(ii) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.”.”

BP 14569

BANKRUPTCY CODE REFERENCE CORRECTIONS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar Nos. 190, S. 977.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 977) to correct certain references in the Bankruptcy Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. I ask unanimous consent, Mr. President, that the bill 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. 977) was deemed read three times and passed, as follows:

S. 977

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

SECTION 1. REFERENCE.

Section 1228 of title 11, United States Code, is amended by striking “section 1222(b)(10)” each place it appears and inserting “section 1222(b)(9)”.

BIOTECHNOLOGICAL PROCESSES

PATENTS

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 191, S. 1111.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1111) to amend title 35, United States Code, with respect to patents on biotechnological processes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I ask unanimous consent that the bill 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. 1111) was deemed read three times and passed, as follows:

S. 1111

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

SECTION 1. BIOTECHNOLOGICAL PROCESS PATENTS; CONDITIONS FOR PATENTABILITY; NONOBVIOUS SUBJECT MATTER.

Section 103 of title 35, United States Code, is amended—
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 the Judiciary with an amendment; as follows:

(The parts of the bill intended to be struck through are shown in boldface type. The brackets and the parts of the bill in insertion are shown in italics.)

S. 531  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  
SECTION 1. AMENDMENT.  
(The last sentence of section 46(c) of title 28, United States Code, is amended by striking "as a member" and all that follows through the period and inserting the following: "as a member of an in banc court—  
"(1) reviewing a decision of a panel of which such judge was a member; or  
"(2) continuing to participate in the decision of a case or controversy that was heard or reheard by the court in banc at a time when such judge was in regular active service.

The last sentence of section 46(c) of title 28, United States Code, is amended by inserting "(1)" after "eligible" and by inserting before the period at the end of the sentence "," (2) to continue to participate in the decision of a case or controversy that was heard or reheard by the court in banc at a time when such judge was in regular active service.

Mr. GRAMM. Mr. President, I ask unanimous consent so that the bill be deemed read the 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. 1147) was deemed read the third time, and passed, as follows:  
S. 1147  
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 "Defense Production Act Amendments of 1995".

SEC. 2. EXTENSION OF PROGRAMS.  
Section 711(a) of the Defense Production Act Amendments of 1995 (50 U.S.C. App. 2166(a)) is amended in the first sentence, by striking "Title I (except section 104), title III, and title VII (except sections 708, 714, 719 and 721) of this Act, and all authority conferred thereunder, shall terminate at the close of September 30, 1995" and inserting "Title I (except section 104), title III, and title VII (except sections 708 and 721) of this Act, and all authority conferred thereunder, shall terminate at the close of September 30, 1998".

SEC. 3. AUTHORIZING APPROPRIATIONS FOR TITLE III PROJECTS.  
Title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended—  
(1) by designating the first paragraph as subsection (a);  
(2) by designating the second paragraph as subsection (b); and  
(3) by inserting after the first paragraph the following:  
"(b)(1) Notwithstanding subsection (a), and unless the applicant for patent to proceed under this subsection, a biotechnological process using or resulting in a composition of matter that is novel under section 102 and nonobvious under subsection (a) of this section shall be considered nonobvious if—  
"(A) claims to the process and the composition of matter are contained in either the same application for patent or in separate applications having the same effective filing date; and  
"(B) no claims to the composition of matter, and the process at the time it was invented, were owned by the same person or subject to an obligation of assignment to the same person.

"(1) reviewing a decision of a panel of which such judge was a member; or  
"(2) continuing to participate in the decision of a case or controversy that was heard or reheard by the court in banc at a time when such judge was in regular active service.

Mr. GRAMM. Mr. President, I ask unanimous consent so that the bill be deemed read the 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.

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

The Senate continued with the consideration of the bill.  
Mr. GRAMM. Mr. President, I ask unanimous consent to continue the consideration of H.R. 2076 in order to reconsider and table the vote by which the managers' amendment was agreed to.  
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I move to consider the vote and to lay that motion on the table.  
The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY, SEPTEMBER 29, 1995

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m.
on Friday, September 29, 1995, that following the prayer, the Journal of the 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 State, Justice, Commerce appropriations bills under the previous order of 60 minutes on the McCain amendment.

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

PROGRAM

Mr. GRAMM, Mr. President, for the information of all Senators, the Senate will begin consideration of State, Justice, Commerce appropriations at 9 a.m., and two votes will occur at 10 a.m., with 4 minutes of debate between the two stacked votes.

Immediately following the two votes, the Senate will resume consideration of the Domenici amendment.

Senators should be on notice that tomorrow's session of the Senate is expected to be very late in order to complete action on the remaining appropriations bills prior to the end of the fiscal year.

RECESS UNTIL 9 A.M. TOMORROW

Mr. GRAMM. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:52 p.m., recessed until Friday, September 29, 1995, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 38, 1995:

THE JUDICIARY

JAMES L. DENNIS, OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.
TRIBUTE TO JUDGE ROBERT O. YOUNG ON HIS RETIREMENT

HON. ESTEBAN EDWARD TORRES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. TORRES. Mr. Speaker, I rise today to pay tribute to Judge Robert O. Young. Judge Young retired on August 15, 1995, from the Citrus Municipal Court after more than 20 years of judicial service on behalf of the residents of the San Gabriel Valley.

Before beginning his professional career, Judge Young served in the U.S. Army as a member of the German Occupation Force during World War II. Soon after returning to the United States, he married Sylvia, his lovely wife of 46 years. They have two daughters and four grandchildren.

Judge Young received his bachelor of arts degree from Pepperdine College and his master of science degree from University of California at Los Angeles. In 1963, he graduated from the University of Southern California Law Center and was admitted to State Bar of California.

In addition to his contributions on the bench, Judge Young has for many years played an active role in the community, including serving as a councilmember and mayor of the city of West Covina, a trustee of Azusa Pacific University and as an active member and an elder in the Community Presbyterian Church of West Covina. Judge Young is also a past recipient of the Equal Justice Award presented by the NAACP San Gabriel Valley chapter.

Judge Robert Young’s career shows that through hard work, determination and dedication one’s goals can be achieved. His commitment to community service should be regarded on the highest level.

Mr. Speaker I ask my colleagues to join me in saluting Judge Robert O. Young on his retirement from the Citrus Municipal Court.

THE CONTRACT WITH AMERICA

HON. RON PACKARD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. PACKARD. Mr. Speaker, today marks the 1-year anniversary of perhaps one of the most ambitious contracts ever signed. One year ago today, more than 300 Republican candidates for Congress signed the Contract With America, which indicated their commitment to end business as usual in government and their desire to restore the bonds of trust between the American people and those who represent them in Washington.

One year later, the contract has been an unqualified success. Within the first 100 days of the 104th Congress, House Republicans brought to a vote all 10 of the items contained in the contract and passed all but one.

Mr. Speaker, I would like to take this opportunity to commend my Republican colleagues for a job well done. Since the signing of the contract, this Congress has worked harder than any other in recent history. We have done the job the American people sent us here to do—change the way government works and spends.

WILLIE EASON—1995 FLORIDA FOLK HERITAGE HONOREE

HON. C.W. BILL YOUNG
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. YOUNG of Florida. Mr. Speaker, on Saturday, October 7, the 1995 Florida Folk Heritage Award will be presented to my constituent Willie Eason of St. Petersburg, FL, at a program at the Norwood Baptist Church. This award is presented by the Florida secretary of state to outstanding folk artists and advocates whose contributions have added to Florida’s culture and heritage.

Born in Georgia in 1921, Willie Eason began playing his brother’s steel guitar at an early age, and quickly distinguished himself as one who mastered the guitar talk. Willie Eason used that talent to become not only one of the most influential steel guitarists in the House of God, a Holiness-Pentecostal Church, but also the one person who directly or indirectly influenced most of Florida’s gospel steel guitarists.

Willie Eason’s career includes recording several records, and he has participated in a countless number of concerts, benefits, and revivals. Although his personal life includes tragedy, personal pain, and sacrifice; Willie Eason is filled with faith, courage, and above all with love.

While it is hard for Willie Eason to explain the impact his music has on those who sing with him or just clap their hands to the beat of his music, what is readily evident is that it comes from God. Even in retirement, Willie Eason serves as a model, his music an inspiration, and I salute him and the State of Florida for bestowing upon him the 1995 Florida Folk Heritage Award.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1995

SPEECH OF
HON. LYNN C. WOOLEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 21, 1995

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 927) to seek American cooperation.

Ms. WOOLEY. Mr. Chairman, I rise to strongly oppose H.R. 927, the Helms-Burton Cuba Embargo Act.

The Helms-Burton bill will tighten an economic noose around the island of Cuba in an attempt to remove Fidel Castro from power. Unfortunately, instead of prompting real democratic reform, this act will simply lead to more misery for innocent Cuban people.

Right now, the Cuban people are struggling under the weight of a United States-imposed embargo which has been in existence for over 30 years. This embargo has contributed to the widespread human misery in Cuba. Many of the problems facing Cuba today, including malnutrition and lack of modern medical equipment have been made worse by our embargo.

This embargo has also helped to stunt the Cuban economy while alienating the United States from other allies in this hemisphere. Our friends in Latin America want to promote trade with Cuba and bring that nation into the Organization of American States. H.R. 927 flies in the face of all efforts toward inter-American cooperation.

In light of these real concerns, Secretary of State Warren Christopher has warned against passage of this bill. He knows that the Helms-Burton Cuba Embargo Act will have dangerous repercussions for United States foreign policy in Latin America and worldwide. Secretary Christopher has appropriately indicated that he will recommend that President Clinton veto this ill-conceived legislation.

Today I stand with the Cuban people, with Secretary Warren Christopher, and with members of the Marin Interfaith Task Force on Latin America in opposing this bill.

I urge all of my colleagues, don’t be persuaded by cold war rhetoric. Don’t punish innocent Cuban people. Vote against H.R. 927.

THE 100TH ANNIVERSARY OF THE SACRAMENTO METROPOLITAN CHAMBER OF COMMERCE

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. MATSUI. Mr. Speaker, I rise today to celebrate the 100th anniversary of the Sacramento Metropolitan Chamber of Commerce. On September 27, 1895, the city of Sacramento and State of California incorporated an organization called the Sacramento Chamber of Commerce.

As the chamber grew in numbers, reach, area, and issues it subsequently changed its name to the Sacramento Metropolitan Chamber of Commerce to reflect its size as the largest business association in the area and its regionwide influence.

The goal of the Sacramento Metropolitan Chamber of Commerce through the last century has been to enhance the development and growth of the business community in California and the Sacramento region.
The Sacramento region has grown from an agriculture-based economy in 1895 to a highly diversified one that has a leadership role in the State and the Nation in high technology, entertainment, agriculture, trade, and more. The Sacramento region is a growing economic force in California, the capital of the eighth largest economic power in the world and a developing partner within the Pacific rim.

Congratulations as the Sacramento Metropolitan Chamber of Commerce celebrates its centennial anniversary and recognizes 1995 as a year of achievements on Sacramento’s past and being part of the future.

DEMOCRACY’S DICHOTOMY IN SLOVAKIA

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to express my concern over recent events in Slovakia.

Since coming to office last winter, members of the current ruling coalition in that country have failed to limit public discourse, control public debate, and quash public criticism of the government. They have portrayed those who disapprove of the government’s policies as enemies of an independent Slovakia, and those who disagree with Prime Minister Meciar are depicted as “anti-Slovak.” The media and the right of free expression have been special targets of the current regime.

A few weeks ago, I, along with the co-chairman of the Helsinki Commission, Senator ALFONSE D’AMATO, and the ranking Members, Representative STENY HOYER and Senator FRANK LAUTENBERG, sent a letter to Slovak Ambassador Lichardus to express our profound concern regarding this trend. Unfortunately, events since then raise even more concern about the authorities in Bratislava. I would like to mention three specific incidents to illustrate my point:

- Last week, the office of Bishop Rudolf Balaz was subjected to an unannounced police search, allegedly in connection with purported illegal antiquities trading. This intrusion came, not coincidentally, after the Bishops Conference described Prime Minister Meciar’s efforts to oust government intimidation of Catholic Church officials.
- Shortly after that, the President's son, Frantisek Miklosko, the deputy chair of the Christian Democratic Party—who had been in Washington just a few months ago—was beaten up by three thugs in front of his home.
- Ironically, Mr. Speaker, as the ruling coalition continues to delay or even reverse the establishment of democratic institutions and market reforms in Slovakia, average Slovak citizens have shown an unprecedented degree of activism: tens of thousands of people have demonstrated in Bratislava this year, 100,000 have signed a petition calling for freedom of speech, and, after Bishop Balaz’s office was searched, 3,000 clerics demonstrated to protest government intimidation of Catholic Church officials.

Mr. Speaker, as parliamentarians reconvene in Bratislava for the fall session and once again take up legislation that will define the pace and parameters of Slovakia’s democratic transformation, they might do well to look at a chapter from recent Polish history: when 100,000 people—in a country of only 5 million—take to the streets to protest you policies, you should pay attention.

NOTICE OF THE PASSING OF ELMER J. WHITING, JR., FIRST BLACK CPA IN OHIO

HON. LOUIS STOKES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. STOKES. Mr. Speaker, I am saddened to report the recent death of Elmer J. Whiting, Jr., a respected member of the Cleveland community. Mr. Whiting passed away on September 15, 1995, at the age of 72. I join his colleagues in mourning the passing of this distinguished individual. I rise today to share with my colleagues some biographical information regarding Elmer J. Whiting.

Elmer Whiting, Jr., was a graduate of John Marshall High School and Howard University. He received his Case Western University masters degree in business administration, and later earned a law degree from Cleveland-Marshall School of Law. During his lifetime, Elmer Whiting, Jr., achieved a number of important firsts. He made history in 1950 when he became the first black certified public accountant in the State of Ohio.

In 1971, Elmer Whiting earned another first, by becoming the first African-American to be named a partner when he merged his practice with Ernst & Ernst. He was an individual who was inspired by his colleagues throughout the Cleveland business community. During his career, he was elected to the presidency of the American Association of Attorneys-CPAS.

In addition to his professional career, Mr. Whiting maintained an outstanding record of service to civic organizations throughout the greater Cleveland area. He was the longest standing trustee and treasurer of the Eliza Bryant Center. Mr. Whiting also served on the boards of the Cleveland Playhouse, Karamu House, American Institute of Certified Public Accountants, and Blacks in Management, just to name a few.

Mr. Speaker, I first met Elmer J. Whiting, Jr., when we were both students at Cleveland Marshall Law School. He was 2 years behind me and attended classes with my brother, Carl. Elmer and I got to know one another and became good friends. He was an individual whom I greatly admired and respected. I recall that everyone was very proud of Elmer when he became the State’s first black certified public accountant. I also recall that both Elmer and his wife, Carmel, were active in Carl’s first campaign for mayor of Cleveland.

Shortly after coming to Congress, I had occasion to work with Elmer and the trustees at the Eliza Bryant Center. I supported their efforts to obtain additional funding to expand the facility. This facility was a real work of love for Elmer, and he devoted many hours to its operation.

Mr. Speaker, the passing of Elmer J. Whiting, Jr., brings to a close a life dedicated to serving others. Those of us who had the privilege of knowing Elmer will always remember him as a pioneer and champion. I take this opportunity to extend my deepest sympathy to Carmel. I also extend my sympathy to Elmer’s sons, Elmer J., III; David; and other members of the Whiting family. We hope that they will find comfort in knowing that our prayers are with them during this difficult period, and that others share their loss.

THE RCRA

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. CHAMBLISS. Mr. Speaker, on September 14, I introduced a bill to correct a problem which has caused great difficulty for industry in general, and the wood preserving industry in particular. Wood preserving is an important industry in my home State of Georgia, as well as in the home States of many of the bill’s co-sponsors.

Under current Federal regulations, many industries, including the wood preserving industry are required to report as generated hazardous wastes, large quantities of reused materials. These materials are never disposed of, yet are considered wastes. This provides industry with a balanced, reasonable, and fair solution by amending the statutory definition of solid waste—under the Resource, Conservation, and Recovery Act (RCRA)—to clearly exempt material that is maintained and reused within the manufacturing process.

RCRA was designed to encourage recycling and conservation. My bill would do this by reorganizing industry’s extensive efforts to reuse materials. Any regulation promulgated under this act that discourages recycling should be eliminated.

Only materials that are discarded should be regulated as wastes. My bill exempts recycled material from the definition of solid waste. These materials would only be subject to the solid waste regulations, and thus the hazardous waste regulations, only if they are discarded. In the wood treating industry, materials not completely reused on site are either treated and discharged under stringent Clean Water Act standards, or are removed from the process and appropriately managed under RCRA. However, materials that are not intended for disposal, and do not become part of the waste disposal problem, should not be considered a hazardous waste.

The hazardous waste designation creates a two-fold problem. First, it presents an incorrect picture of the waste generation trend of manufacturers, such as wood preservers. In public documents, it appears as if small plants generate millions of gallons of hazardous waste when, in fact, the majority of the material is recycled and reused in the production process. Second, some States repeated tax the recycling of hazardous waste each time it is reused, resulting in large tax liabilities that do not reflect the true generation of hazardous waste.
My bill would ease the administrative burden on wood preserving facilities in my district and around the country, on the EPA, and on the States. It would also recognize the extensive environmental recycling efforts of not only the wood preserving industry, but of all affected industries. The Congress should support this legislation to help ease the burden on the House floor under the Regulatory Corrections Day process.

OCTOBER 6 IS GERMAN-AMERICAN DAY

HON. MICHAEL PATRICK FLANAGAN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. FLANAGAN. Mr. Speaker, October 6 is German-American Day. Today, more than 57 million Americans trace at least part of their ancestry to Germany.

German-Americans have, since the arrival of the first German immigrants in Philadelphia, PA, on October 6, 1863, distinguished themselves by their loyalty to their new homeland and their contributions to the cultural and economic life of the United States of America. German-Americans have supported America's democratic principles and have dedicated themselves to the promotion of freedom for all people everywhere.

The German-American Friendship Garden in Washington, DC, stands as a symbol of friendly relations between the Federal Republic of Germany and the United States of America.

We in Congress call upon all citizens of the United States of America to acknowledge the services and contributions of our German-American citizens and to celebrate German-American Day on the 6th of October.

WORLD MARITIME DAY 1995

HON. BUD HUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. HUSTER. Mr. Speaker, I rise today to inform my colleagues that World Maritime Day 1995 is being observed this week. The theme for this year's observance is “50th Anniversary of the United Nations: International Maritime Organization's Achievements and Challenges.” The IMO was formed by an international convention in 1948, under the auspices of the United Nations, and today has 152 member States.

Since 1948, the IMO has worked to protect human life and the environment by promoting specific international programs focused on safety at sea and the prevention of pollution from ships. The U.S. Coast Guard, our country's representative at the IMO, has tirelessly worked through the IMO to bring international maritime safety and pollution laws up to our high standards. In order to honor the past successes of the IMO and better educate my colleagues about the continuing efforts of this international organization in promoting safety and environmental protection, I would like to submit the statement of Mr. William A. O’Neil, secretary-general of the International Maritime Organization, for the RECORD. Mr. O’Neil’s remarks on this important occasion discuss past IMO programs and the current challenges it faces in continuing to save lives at sea and reduce marine environmental damages.

A MESSAGE FROM THE SECRETARY-GENERAL OF THE INTERNATIONAL MARITIME ORGANIZATION

(By Mr. William A. O’Neil)

Fifty years ago the United Nations was created. When people consider the United Nations today, most think only of the headquarters in New York or peacekeeping missions around the world. Very few people know that the UN indeed has another side. This side, of course, consists of the specialized agencies from which deal with such matters as the development of telecommunications, the safety of aviation, the peaceful uses of nuclear energy, the international traffic in arms, the world's weather, and international shipping, the particular responsibility of the International Maritime Organization.

IMO was established by means of a convention which was adopted under the auspices of the United Nations in 1948 and today has 192 Member States. Its treaties cover more than 98% of world shipping.

IMO succeeded in winning the support of the maritime world by being pragmatic, effective and unambitious on the technical issues related to safety at sea and the prevention of pollution from ships, topics that are of most concern to its Member States. IMO is often described in the slogan “safer shipping and cleaner oceans.”

But today I do not want to focus on past successes. Instead I would like to talk to you about the future. Nobody can predict precisely what will happen in the shipping world during the next few years but there are indications that, from the standpoint of safety, we should be especially vigilant.

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The difficult economic conditions of the last two decades have disrupted ship owners from ordering new tonnage and there is evidence that, in some cases, the maintenance of vessels has suffered. The combination of age and poor maintenance has obvious safety implications.

IMO has no vested interest in what flag a ship flies or what industry and by the seafarers who crew the traditional flags declining in size while newer shipping nations have emerged.

IMO has no vested interest in what flag a ship flies or what country its crew members hailed from, and we welcome the new entrants in the shipping industry.

But IMO's efforts to improve safety and reduce pollution are not inevitable—they can and should be made.

If that happens then we are very concerned indeed.

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world’s ships—in fact, by all of us involved in shipping. The waters are not uncharted, the course is known, the destination is clear. It is up to us to conduct the voyage in such a way that our objective of maximum safety is in fact realized.

TO HONOR THE TWENTIETH ANNIVERSARY OF THE BAYWOLF RESTAURANT

HON. RONALD V. DELLUMS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. DELLUMS. Mr. Speaker, I rise to acknowledge the 20th anniversary of the BayWolf Restaurant, a vital and vibrant part of our Oakland and East Bay community.

On any given night, a winemaker whose wine appears on the list, the artist whose painting hangs on the wall, the graphic artist who designed the menu, the fish purveyor who provided the evening’s fish and the florist who arranged the flowers may all be dining in one of BayWolf’s two intimate dining rooms. Regulars and newcomers alike enjoy superb food, wine and a warmly inclusive atmosphere in the handsome wood frame house on Oakland’s Piedmont Avenue. The creators of this scene are Michael Wild and Larry Goldman, friends and admirers who, with Michael Phelps, opened BayWolf in 1975 as a means of making the shared values and passion for food of their community of artists, artisans, academics and hippies, a way of life.

Michal Wild was born in Paris, in 1940, to German and Russian Jewish refugees who relocated to Hollywood when he was 7 years old. Even amidst wartime scarcity, Wild remembers delicious food, and when presented with plentiful family’s food got much better. While much of America was reaching into the world’s ships—in fact, by all of us involved in shipping. The waters are not uncharted, the course is known, the destination is clear. It is up to us to conduct the voyage in such a way that our objective of maximum safety is in fact realized.

In 1965, during the sixties, Wild and Goldman re-united in San Francisco and roomed together in the Haight Ashbury District. While Goldman dropped out of dental school in favor of teaching and decided to open the ideal restaurant, a restaurant that would provide nourishment for the soul and intellect as well as the body. Friends and family would pitch in, enjoying the warm support of fellow pioneers. Wild recalls Alice Water’s extraordinary generosity as she suggested suppliers, loaned and delivered equipment on a moments notice, shared ideas and discoveries and provided luxuries. When he asked to borrow a truffle from the Chez Panisse kitchen for a special holiday dinner, he was presented with three, in Madera, in a wine glass, by then Chef Jeremiah Tower: “One for the customers, a second in case the first isn’t enough and a third for you to enjoy when the evening’s finished.”

After 2 exhausting years turning out the seasonally based Mediterranean dishes that had been part of his repertoire for years, Wild returned to Paris in 1977. He had spent several years there as a student in the sixties, familiarizing himself with the markets and great little budget bistros. This time, his great uncle, a charming bon vivant and raconteur, treated the burgeoning chef to a tour of three star restaurants and the opportunity to observe friend Roger Vergé’s kitchen. It was a revelation. He returned to BayWolf with a new dedication and the conviction that a restaurant could provide the worthiest and most fulfilling of lives. At this point, the extraordinary personable Mark McLeod joined BayWolf as maitre d—a position he still holds.

Wild pursued his wine education with the same passion he devotes to cooking and is renowned for his wine cellar and his wine and food pairing skills. California’s best winemakers became his personal friends, just as fellow restaurant and artists had years before. Today, Wild, Goldman and Phelps take immense satisfaction in the fact that 50 percent of their reservations are from people they know well. They share hosting duties with McLeod and are in the restaurant daily. Wild collaborates on menus with chef Joe Nouhan, oversees the wine list and acts as BayWolf’s ambassador to the food and wine world. Gold man oversees finances, works with designers and artists and is transported when everything works perfectly. Both are relaxed and happy when in the restaurant and say they genuinely enjoy coming to work. Seeing them in their restaurant one believes their proclamation that they can’t imagine a more satisfying way of life.

CHRIS ECKL RETIRING FROM TVA

HON. TOM BEVIL
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. BEVIL. Mr. Speaker, I rise today to pay tribute to Chris Eckl who is retiring this week from the Tennessee Valley Authority. Chris’ retirement marks 23 years of dedicated service to the people of the Tennessee Valley, including 14 years of my constituents in Alabama. Chris is a native of Florence, AL, and worked as a reporter for the Florence Times and the Associated Press after graduating from the University of Notre Dame. He started his career with TVA as the Nuclear Information Officer and came to TVA’s Washington Office in 1977. Since that time, Chris has been a chief spokesman for TVA’s appropriated programs, which include flood control, navigation, and stewardship of the Tennessee River, as well as economic development programs, the Environmental Research Center and Land Between the Lakes.

I have enjoyed working with Chris over the years and I appreciate his insight, wise counsel and advice.

Chris has been a loyal servant to TVA. His service, knowledge and enthusiasm will be greatly missed at TVA and on Capitol Hill. I wish him all the best in his future endeavors.

CAREERS ACT

SPEECH OF
HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, September 19, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1617) to consolidate and reform work force development and literacy programs, and for other purposes:

Mr. GOODLING. Mr. Chairman, certain parties have expressed concern about the labor market information or LMI section of H.R. 1617, the CAREERS Act, which passed in this body last week. A concern is that the funding stream envisioned in this legislation to support the enhanced State and local LMI also supports the production of our national economic data including employment and unemployment statistics.

I want to point out that this legislation clearly authorizes continued access to the traditional source of funds for national and subnational labor market information. Of course, the Bureau of Labor Statistics will have to continue to justify funding levels through the appropriations process, including its request for non-trust fund money which is used to prepare employment and unemployment statistics.

TRIBUTE TO ELDON J. THOMPSON

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. LEVIN. Mr. Speaker, on Tuesday, October 10, Eldon J. Thompson will be presented the 1995 Troy Distinguished Citizen Award by Leadership Troy of Troy, MI.

Through his professional career and civic work, Mr. Thompson has exhibited an enduring commitment to ensuring that the city of Troy continues as an exceptional place to live, work and raise families. Despite facing extraordinary challenges as president of SOC Credit Union, Mr. Thompson has generously shared his time and talents with the community.

He serves on the Troy Planning Commission and the Troy Downtown Development Authority. He is actively involved with Troy's
youngster generations; Mr. Thompson serves as director of the Boys and Girls Club of Troy. His interest in the economic vitality of his community is exemplified by his service as a board member of the Troy Chamber of Commerce, the Troy Futures Economic Vitality Task Force, on which he serves as co-chair, and the Troy, the Oakland County Business Roundtable.

His innovative leadership techniques, his many talents, and his tireless efforts on behalf of Troy make Eldon Thompson an outstanding choice for this prestigious award. I commend him on his success, and express my appreciation for his commitment to our community.

**REPUBLIC OF CHINA NATIONAL DAY**

**HON. SOLOMON P. ORTIZ**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 27, 1995**

Mr. ORTIZ. Mr. Speaker, I encourage the Members of the House of Representatives to join me in extending my best wishes and congratulations to the people of the Republic of China, Government of Taiwan, on the occasion of their forthcoming National Day.

As the world knows, the Republic of China on Taiwan is a genuine democracy and its people enjoy one of the highest standards of living in the world. As one of our largest trading partners and friends in the Far East, it is my belief that the Republic of China on Taiwan deserves much greater international recognition.

In the meantime, I wish to express my concern about reports of the U.S. involvement in the dispute between the Republic of China on Taiwan and the People’s Republic of China. It is my belief that the United States should stay out of Taiwan’s final reunification with the Chinese mainland. The Chinese people should be left to solve this issue, through peaceful means, by themselves.

Meanwhile, best of luck to President Lee Teng-hui and Foreign Minister Frederick Chien of the Republic of China on Taiwan. I am sure they will be able to meet all the challenges that lie ahead.

**TRIBUTE TO MAYOR TONY INTINTOLI**

**HON. GEORGE MILLER**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 27, 1995**

Mr. MILLER of California. Mr. Speaker, I rise today to pay tribute to the Honorable Anthony J. Intintoli, Jr., mayor of the city of Vallejo, CA. On December 5, 1995, Mayor Intintoli has effectively lobbied State and Federal legislators for conversion assistance, and has worked tirelessly with the Department of Defense to obtain the most favorable lease conditions for the city and the shipyard. The city has been successful in bringing the first civilian tenants to Mare Island—before closure—and providing the first jobs that will lead to the economic revitalization of Vallejo and the region.

During his tenure as mayor, the doors of the Vallejo City Hall were always open and residents felt they were part of the process. The makeup of city commissions became more balanced and reflective of the diverse ethnic makeup of the entire community. Mayor Intintoli improved the dialog between city hall and neighborhood organizations and focused on community concerns. His style of leadership was to work with and build consensus with constituents and his colleagues on the council.

During his two terms as mayor from 1987–95, the city focused on substance abuse prevention and was awarded a $3.2 million grant from the Robert Woods Johnson Foundation to implement a comprehensive program to address the issue. This was the first time representatives from the entire city worked in a collaborative effort to address a problem that affects every individual and family. The Fighting Back Program has received numerous awards for its innovative efforts which can be credited to Mayor Intintoli’s support and encouragement.

I am proud to call Mayor Tony Intintoli my friend and wish him all the best in his early retirement. I know this is the start of a beautiful friendship.

**CARING BY DOING**

**HON. JAMES A. BARCIA**

**OF MICHIGAN**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 27, 1995**

Mr. BARCIA. Mr. Speaker, there are times in life when people need the help of others in order to overcome circumstances that have a great impact on their lives. Insight Recovery Center of Flint, MI, has for 50 years provided vital and successful substance abuse and mental health treatment services to people suffering from alcoholism, drug abuse, and mental health problems.

This Friday, Insight Recovery Center will begin celebrating its thirtieth anniversary with a number of community leaders who all share Insight’s goal of trying to provide necessary help for needy people, especially at a time when government resources are scarce.

The event in Flint will highlight the wonderful work done by 225 people for an organization that over its history has helped more than 100,000 people.

The work that has been done to help people with alcohol problems, including a joint program started in the 1970s with the Michigan Secretary of State, and other cooperative efforts involving General Motors and the UAW, have been most important. The growing concerns about substance abuse over the years culminated in Insight’s construction of the first residential substance abuse treatment facility in Michigan that was not part of a hospital.

This wonderful program has operated without Government funds, except for some resources provided to Community Recovery services, a separate facility for the indigent. It has raised funds from a variety of sources, including fees for services, insurance proceeds, and from the profits of Axxon, a computer company it owns.

We need, Mr. Speaker, to appreciate the fact that a variety of resources and innovative solutions are needed to deal with the problems that many people face. Programs like Insight have made a mark, and established a reputation for truly caring for people at difficult times. I urge you and all of our colleagues to join me in wishing the men and women of Insight Recovery Center the very best on their thirtieth anniversary.

**275th ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF BOLTON**

**HON. BARBARA B. KENNELLY**

**OF CONNECTICUT**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 27, 1995**

Mrs. KENNELLY. Mr. Speaker, I would like to recognize a milestone in the First Congressional District of Connecticut: the 275th anniversary of the incorporation of the town of Bolton.

Bolton was originally fertile hunting ground for the Podunk Indians. European settlers from Bolton in Lancashire, England were some of the earliest residents of Bolton, CT.

On October 9, 1720, residents petitioned the general court of Connecticut requesting town privileges. The men involved in this landmark event included Cullott Ocolt, John Bissell, Stephen Bishop, Abiel Shaylor, Timothy Ocolt, Joseph Pomeroy, Nathaniel Allis, Edward Rose, John Clark, Charles Loomis, Samuel Bump, Daniel Dartt, John Church, Thomas Marshall and Samuel Raymond. Bolton then became one of the oldest towns in Connecticut.

During a town meeting in 1721, attendees voted to construct a meeting house, which established the foundation upon which the town of Bolton was built. On May 27, 1723, Jonathan Edwards was invited to serve as the first minister of Bolton. The Reverend Edwards accepted this position, then moved on to serve as a tutor at Yale, becoming one of the most influential writers and speakers of Colonial America. In 1725, Rev. Thomas White became Bolton’s minister.

In 1774, the residents of Bolton continued to affirm their loyalty to the King of England while
simultaneously voting at town meetings to cooperate with other colonies in defending the liberties of British America. Bolton residents also voted to offer relief to Boston residents who were suffering from the harsh measures of the British Parliament. Finally, the people of Bolton agreed to establish a committee for corresponding. The members of the committee included Thomas Pitkin, Esq., Ichabod Warner, Isaac Fellows, Samuel Carver, Jr., and Benjamin Talcott.

Today, Bolton is a thriving Connecticut town that has retained much of its historic character. The residents are proud of their town’s rural beauty with its rolling pasturaleal, its unspoiled town center and its historic homes. Above all, the residents cherish the intangible virtues of Bolton: the school system that emphasizes individual instruction, the hard-working residents who contribute so much to the community, and the direct democracy of the town meeting form of government first adopted in 1720.

Mr. Speaker, I am honored to celebrate the 275th anniversary of the incorporation of the town of Bolton. CT. I know they will continue their proud tradition on into the next century.

INTRODUCTION OF H.R. 2735, THE FEDERAL EMPLOYEE BASE CLOSURE RETIREMENT ACT

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. LANTOS. Mr. Speaker, the House voted recently to approve the Defense Base Closure and Realignment Commission’s recommendations to close additional military bases in California with its opposition from much in the California Congressional Delegation. We opposed the Commission’s recommendations on national security grounds and because the economic impact—particularly on California—will be enormous.

We opposed the Commission’s recommendations because we have very serious concerns about the effect of base closures on California’s economy—particularly since our State has sustained a disproportionate number of job losses stemming from previous rounds of military base closures. Although there are no military bases slated for closure in my congressional district, I oppose the closures out of concern for the citizens of California who are being asked to bear a disproportionate burden of military downsizing.

Mr. Speaker, I would like to address an issue which I do not believe has received enough attention by the Congress. I am concerned that in the rush to close military bases we are forgetting about the impact of these decisions on the civilian employees who have dedicated their lives and their careers to strengthening and maintaining our Nation’s defense. I am concerned about the impact of base closures on thousands of families of Federal workers who will lose their jobs as a result of downsizing. We must ensure that these employees receive job training and assistance in finding new jobs in the private sector.

We must also ensure that when we require employees to retire early we treat these employees in a fair and equitable manner. I am particularly concerned about the fairness of forcing workers to retire early because of a base closure. Many of these workers will stand to lose substantial pension benefits through no fault of their own.

Mr. Speaker, we must look for ways to help soften the blow to families who will be adversely affected by military base closures. H.R. 2735, would ease some of the pain for Federal employees who are forced to retire early because of a base closure. My legislation would change language in existing law that penalizes Federal workers who are forced to retire involuntarily. As you know, current laws require that a Federal employee who retires early loses a considerable amount of his or her retirement earnings for each year he or she is under the age of 55. My legislation would reduce the penalty by one-half of an employee is forced to retire early because of a base closure.

I urge my colleagues not to forget the thousands of Federal workers who have dedicated their lives and careers to Government service. I urge you to support this important legislation.

BICENTENNIAL OF RANDOLPH COUNTY, IL

HON. JERRY F. COSTELLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the bicentennial anniversary of Randolph County, IL, 200 years ago, on October 5, 1795, Gen. Arthur St. Clair, the Governor of the Northwest Territory, proclaimed the southwestern one-third of present day Illinois as Randolph County, with Kaskaskia as the county seat.

Randolph County, IL, is recognized as the oldest organized government west of the Allegheny Mountains. The county has sent forth numerous legislators and leaders to serve in the early days of both the State of Illinois and the U.S. Government. Its rich history also reflects a strong French influence. The two oldest French forts in the United States are located within Randolph County. Fort Kaskaskia and Fort de Chartres both overlook the Mississippi River and the city of Kaskaskia. In addition, the Liberty Bell of the West, cast in France in 1741, is located on Kaskaskia Island.

I ask my colleagues to join me in acknowledging Randolph County and celebrating its historic heritage on the event of its 200th anniversary.

IN HONOR OF THE CATHEDRAL OF THE PINES 50TH ANNIVERSARY

HON. CHARLES F. BASS
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. BASS. Mr. Speaker, I rise today to commemorate the Cathedral of the Pines in Ringde, NH on its 50th anniversary. This beautiful site is located on 450 acres of land in the southern part of my congressional district offering an incredible view of Mount Monadnock in the distance.

The Cathedral of the Pines was founded in 1945 by Dr. and Mrs. Douglas Sloane, in honor of their son, Lt. Sanderson Sloane. Lieutenant Sloane died in the service of his country in World War II. To commemorate his life, Dr. and Mrs. Sloane donated the land for a memorial that was erected in his honor and in honor of all who served their country. The non-denominational Cathedral of the Pines sits atop the site where Lt. Sanderson Sloane had planned to build a home after the end of the war. Today, 50 years later, over 100,000 people a year visit this beautiful site to admire and experience the beauty, the calm, the splendor, and the grace of this wonderful site.

I was honored to participate in a recent ceremony commemorating the golden anniversary of the Cathedral of the Pines. This event featured the participation of 70 members of Lt. Sanderson Sloane’s old unit, the 379th Bombardment Group. It was an event I will not soon forget.

Mr. Speaker, I ask all of my colleagues to join me in paying tribute to the memory of
A TRIBUTE TO RETIRING POLICE OFFICER AND DETECTIVE, MR. CHARLES MEIER

HON. CHARLES E. SCHUMER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to salute and pay tribute to an extraordinary leader, Detective Charles Meier, who has worked tirelessly to improve the quality of life for all New Yorkers throughout his tenure as a police officer. While growing up in Marine Park, Brooklyn, Mr. Meier quickly learned the rules of his neighborhood streets well enough to understand the undertones of issues facing his community.

Once joining the 79th precinct of the New York City Police Department, Charlie solidified his commitment to fighting crime, resulting in a long and honorable career. He patrolled his beat on foot and by scooter for over 9 years. After showing unwavering devotion to law enforcement, Charlie was selected to work as an Aerial Observer Aviation unit. He soon came back to the force and worked at the 67th precinct and then to the 63d and stayed for over 11 years. Charlie’s work was regarded so highly, that he was awarded the esteemed position of Detective Specialist for the New York City Police Department.

Few New Yorkers have contributed to the quality of life in New York as much as Charlie. Upon his retirement this year, Charlie will be lauded for his achievements as a dedicated law enforcement official in one of the most challenging cities in America for law enforcement. On behalf of the law enforcement community across the Nation, I applaud Mr. Meier for remaining on the force 32 years. He serves as a role model to us all. May God wish him well upon his retirement.

THE AMERICAN PROMISE

HON. SAM GEJDENSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. GEJDENSON. Mr. Speaker, what is the American promise? It is as diverse as Americans themselves. Each of us defines it in our own way, based on our own experiences. Some call it freedom; some call it individual rights; some believe it’s passing on a legacy to the next generation. Some call it honor and through reenactments of significant events in America, to give our children a better understanding of American democracy in action. During the 3-hour program, stories of community spirit and involvement come to life, through real life stories currently being played out and through reenactments of significant events in American history.

One of these recreations describes how a French aristocrat, Alexis de Tocqueville, first viewed our infant democracy in 1831. De Tocqueville was one of the first Europeans to recognize how different America was from other democratic republics. The series’ producers went to Mystic, CT, in my district, to recreate the scene of de Tocqueville marveling at the busy seaport. Noting the clipper ships in port and the energy and enterprise of their crew, he determined that in a free country, all is activity and bustle, and that such energy in the conduct of commerce typifies our democracy.

America’s rush to prosper financially was reflected in other areas of life as well; in the whirwind of American grassroots politics and the restless activity and energy of civil society. Americans were constantly involved in all facets of public life. According to de Tocqueville, Americans deprived of such involvement and reduced to occupying themselves only with their own affairs would become incredibly unhappy. He believed that no country could work harder to be fulfilled.

This attitude, de Tocqueville claimed, was a direct result of the nature of American freedom. Freedom’s achievement must be to forge a common purpose. We must learn what de Tocqueville called the habits of the democratic heart, the balance between individual concerns and collective thought and action.

The American Promise, which airs October 1, 2, and 3, shows us that the nature of American freedom has not changed very much over the years. We may have to look harder for it because stories of carving a carousel as a community project and channeling graffiti artists into painting murals that celebrate the community do not often make front page news. The problem is still there, but must be nurtured in each individual and in every community.

I applaud PBS and the series underwriters, the Farmers Insurance Group of Companies, for bringing the American Promise to television. This partnership reflects de Tocqueville’s theory of public spirit in America, where individuals are as interested in the public good as well as their own, and where each person takes an active part in the government of society.

THE WRONG MESSAGE TO PAKISTAN

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 27, 1995

Mr. PALLONE. Mr. Speaker, last week the House version of the bill, and it is my amendment, named for the Senator who sponsored the House version, the Senate, approved a provision to the fiscal year 1996 Foreign Operations Appropriations bill that would permit the transfer to military equipment to the Government of Pakistan. This provision was not included in the Senate. It would allow delivery of $368 million in military equipment to the Government of Prime Minister Benazir Bhutto.

Relations between Washington and Islamabad have been tense since 1990 after Pakistan violated its promises and began stockpiling nuclear materials and the United States refused to deliver F-16 fighter planes that Pakistan paid for in 1988. That decision was part of a ban on military assistance to Pakistan imposed to discourage its development of nuclear weapons. The Senate would now allow reimbursement to Pakistan for the planes, which is a reasonable compromise. But the loosening of sanctions should have stopped there.

To resume military aid to a country that is secretly developing nuclear weapons and defying American nonproliferation policy makes no sense. American intelligence agencies have concluded that Pakistan possesses M-11 missiles acquired from China that can carry nuclear warheads.

The Clinton Administration could have improved relations with Pakistan by simply removing the barriers to economic aid. A poor country, Pakistan already directs too many of its resources towards the military, at the expense of its citizens.

The Senate measure was passed as part of the foreign aid bill. No similar provision exists in the House version. The House should not accept the Senate measure when it comes to recertifying Pakistan’s nonproliferation status. The United States should not be contributing to an arms race on the subcontinent.
Mr. CLAY. Mr. Speaker, the fight for fair housing is far from over. But tragically, those Americans who suffer the indignities of housing discrimination are about to become the victims of an unnecessary bureaucratic nightmare. The legislation moving all fair-housing enforcement from the Department of Housing and Urban Development to the Department of Justice is a travesty of justice.

When will the leadership of this Congress halt its attack on programs enacted to end discrimination against blacks and Latinos? I would like to share with my colleagues a timely editorial which appeared yesterday’s St. Louis Post Dispatch.

HUD MAY LOSE FAIR-HOUSING FUNCTIONS

The Senate may take up as early as today a proposal to give the Justice Department the task of enforcing fair-housing laws. The bill also would reduce the Fair-Housing Assistance Program at HUD and require the agency to set up a bureaucracy to handle the nearly 10,000 fair-housing complaints filed annually. HUD is ill equipped. The new responsibilities would be barred from continuing settlement assignments and continue to assist their overseas clients from their foreign assistance programs. HUD is involved in granting more than 1.25 million dollars a year to volunteer organizations in 112 countries. These volunteers, from all walks of life, have invested their time and expertise in helping other countries achieve enormous successes and build international cooperation.

Mr. BERREUTER. Mr. Speaker, today, this Member would like to recognize the 25th anniversary of Volunteers in Overseas Cooperative Assistance, known as VOCA. Since 1970, VOCA has been indispensable in promoting sustainable development throughout the world by harnessing the American spirit of volunteerism to teach people in developing countries how to help themselves. Thousands of VOCA volunteers, including agricultural, commercial, and environmental experts, have donated their time and expertise in 112 countries in the last 25 years. These volunteers, from this Member’s congressional district and many others, are in Washington this week to take part in their organizations’ 25th anniversary celebration of international cooperation.

VOCA’s ambassadors of good will represent a growing cadre of Americans who have participated in a small, but powerful program to provide technical assistance to the developing world and emerging democracies. In 1985, this Member led the congressional effort to authorize the Farmer-to-Farmer Program, and in 1995, it began as a pilot project focusing on development efforts in Latin America and the Caribbean. Because of its early success, the Farmer-to-Farmer Program, still modestly funded, has since mushroomed into a program of global dimensions that is also now a major component of United States assistance to the struggling republics of the former Soviet Union.

At a time when our taxpayer dollars are scarce and our foreign assistance programs are under increasing scrutiny, VOCA and the Farmer-to-Farmer Program represent a cost-effective and efficient delivery mechanism for important U.S. aid. The Farmer-to-Farmer Program is simple in execution and avoids Government red-tape by contracting the administration to VOCA and similar organizations. Federal funding goes a long way because administrative costs are limited to volunteers’ travel expenses, food, and lodging. Therefore, while U.S. foreign assistance efforts generally remain controversial, the Farmer-to-Farmer Program and VOCA’s volunteers have demonstrated that U.S. foreign aid can achieve enormous successes and build international goodwill with a relatively small investment of taxpayer dollars.

Usually volunteers are encouraged to live with host families—not just to cut costs—but as another means of building friendship bonds and maximizing the likelihood of success. The short-term nature of the assignment has also encouraged the volunteers to begin work immediately and maximize every day until the job is done. But for VOCA volunteers, the work never seems to be done. Often these outstanding individuals return from their assignments and continue to assist their overseas clients at their own expense.

VOCA volunteers have come from every sector of the farming and food community: cattlemen, ranchers, dairy farmers, vegetable and fruit growers, peanut farmers, canners and food processors, beekeepers, and agricultural cooperative representatives. Some are active farmers at the time they volunteer for the program; others are retired from farm or land grant universities, eager to share a lifetime of experience with their counterparts in host countries.

VOCA volunteers inject a spirit of private enterprise into the farming community. By suing personal initiative and individual responsibility, volunteers support private enterprise activity as opposed to government activity. They encourage farmers to assume responsibility for their own operations, rather than depending on Government support or control. Oftentimes, too, involvement of the local people in a farmer cooperative is their first and crucial experience in participatory democracy.

Quite amazingly, small or simple suggestions by VOCA volunteers often achieve significant results in lesser developed countries. For example, the late John Tesar of Bellevue, NE, went to Honduras in 1988 to help the El Marranito Company—The Little Pig—improve its processing techniques and help them introduce new products into the local market. Within a few weeks of his arrival, the company had reduced its spoilage losses by 100 percent. How? Tesar discovered that the fans on the back walls of the plant were clogged with grease, thus cutting cooling efficiency and causing pork fat to become rancid almost immediately. A simple recommendation to clean the fans solved the temperature problems.

The generosity of VOCA volunteers helps both their overseas clients and the United States. It isn’t accidental that some of our largest customers for U.S. agricultural commodities are former beneficiaries of this program. For example, the California raisin industry now sells $500,000 of raisin concentrate each year to Uruguay because a VOCA volunteer provided information to a United States business colleague on marketing opportunities.

Over the years, this Member has spoken to many returning volunteers. Their stories are more than heart-warming and inspiring. They reinforce this Member’s belief that the strength of our American democratic and economic system can best be demonstrated through positive contacts between individual American citizens and our foreign neighbors. VOCA and the Farmer-to-Farmer Program give people around the world an opportunity to meet and work side by side with ordinary Americans who are generously putting their special talents and experience to work helping them in their struggle to survive, prosper, and escape oppression.

Since 1985, VOCA has implemented more than 1,200 Farmer-to-Farmer Program assignments. As the author of that original legislation, this Member strongly supports that successful partnership and will try to ensure that it continues. Congress certainly appreciates the enormous efforts of the VOCA volunteers and staff who have given many Members a reason to say they support this country’s efforts to help those less fortunate throughout the world.
CONTRIBUTIONS OF DR. DEBOW FREED AND OHIO NORTHERN UNIVERSITY

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. OXLEY. Mr. Speaker, I would like to take this opportunity to highlight the great work being done at Ohio Northern University by both the staff and students which has recently won the school an outstanding rating as one of the premier institutions in the Midwest. Ohio Northern was ranked fourth in the Midwest by U.S. News & World Report in its ninth annual “America’s Best Colleges.” This has been the second straight year Ohio Northern has been ranked fourth in the Midwest. The ranking includes 144 similar institutions in 12 States. Institutions are evaluated through various statistical measures with a survey of academic reputation by 2,700 college presidents, deans and admissions directors. Data measure student selectivity, faculty resources, financial resources, retention rate and alumni satisfaction. Ohio Northern continues to have a talented student body, capable faculty, strong academic programs, and high standards. For example, 1 out of 10 ONU students is a high school valedictorian. This year, 262 valedictorians are enrolled at the university. Incredibly, it should not be overlooked that ONU has been operating with a balanced budget for more than 30 consecutive years. For these reasons and numerous others not mentioned, I would like to extend my congratulations and best wishes to this fine institution which really is an asset to the people and State of Ohio.

THE FOREST BIODIVERSITY AND CLEARCUTTING PROHIBITION ACT OF 1995

HON. JOHN BRYANT
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 27, 1995

Mr. BRYANT of Texas. Mr. Speaker, with my colleague Christopher Shays, I am reintroducing today the Forest Biodiversity and Clearcutting Prohibition Act of 1995. For years I have sought to protect native forest biodiversity by ending clearcutting and other forms of even-age logging and allowing only selection management of federal lands that are logged. This is the moderate approach toward forest protection. It does not reduce timber production. This year’s legislative agenda, particularly the timber salvage rider, makes this forest management approach all the more appropriate and necessary.

Forests are under assault from expanded salvage logging and the weakening of environmental protections. The Forest Biodiversity Act we are introducing is a moderate reform that allows logging while avoiding the wasteful destruction of forest resources.

Most Americans who are aware of them are appalled by clearcuts. But many of our citizens have won the school an outstanding rating as I once did—that federally owned forests are protected from such devastation. They don’t realize that the U.S. Forest Service and other agencies do not stand watch to protect our publicly owned forests, but are timber brokers. These agencies arrange for the cutting of timber and its sale—often below the cost to U.S. tax payers and they are using even-age variants of clearcutting—such as seedtree, shelterwood, and heavy salvage—as the predominant logging practices. Most people don’t know that these Government agencies then bulldoze and replant, resulting in even-age timber plantations of only one species or two.

If current plans are followed, the remaining diversity in the 60 million acres available for commercial logging on Federal land will be eliminated and each of those acres transformed into timber plantation within the next 15 to 20 years.

The Forest Service and other agencies are using even-age logging in spite of substantial evidence that selection management—cutting individual trees, leaving the canopy and undergrowth relatively undisturbed—is more cost-efficient and has a higher benefit-cost ratio.

Selection logging is more labor intensive, creating more jobs for timber workers, but it avoids the high up-front costs of site preparation and planting. The result is productive logging operation without the elimination of native biodiversity diversity in the forest, without the indiscriminate mowing down of huge stands of trees, leaving only shrubs and bare ground.

The Forest Biodiversity and Clearcutting Prohibition Act would ban clearcutting in its various forms. It would require that Federal land managers maintain the native mixture of tree species, would create a Committee of Scientists to provide independent scientific advice, and would require Federal land managers maintain mixtures of tree species, would create a Committee of Scientists to provide independent scientific advice, and would ban logging in roadless areas, in order to save them intact so Congress may decide their permanent status.

My proposal is aimed at protecting the diversity of our nation’s forests, and the habitats they provide to wildlife, while demanding sound, proven forest management activities. Mr. SHAYS and I invite every Member to join us in seeking this badly-needed reform.

REPEALING THE DAVIS-BACON ACT

HON. NICK SMITH
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. SMITH of Michigan. Mr. Speaker, the time has long since passed for the repeal of the Davis-Bacon Act. Yet, this outdated piece of legislative legislation, along with all of its adverse effects, is still a bulwark of the United States labor law. The Davis-Bacon Act should be repealed for several important reasons:

First, it violates Americans’ right to contract freely with one another.

Second, it has ineluctable effects between people of different races.

Third, it serves no interest other than to protect the wages of white unionized construction labor.

Fourth, it adds over a billion dollars each year directly to Federal Government expenditures.

The Davis-Bacon Act was passed in 1931 amidst a sharp decline in construction activity and falling wages and prices that characterized the Great Depression. Its intent was two-fold: First, it aimed to halt the decline of wages. Second, Davis-Bacon intended to prevent blacks, migrant workers, and carpet-bagging contractors from competing for contracts that had typically been awarded to local, white unionized labor.

How did the act attempted to achieve these objectives? By requiring that construction work on federally financed projects be paid the local prevailing wage rate. This prevailing wage, as determined by the Department of Labor is nothing more than the union wage. In other words, this act gives the Secretary of Labor the authority to set the minimum wage for construction workers at a rate greater than that determined by the forces of supply and demand. In effect, it requires to pay an artificially high wage precludes most minority-owned and nonunionized firms from bidding for government construction contracts since they cannot afford to pay union wages. Consequently, the Davis-Bacon Act serves to protect the jobs and inflated wages of predominately white unionized labor by insulating them from lower cost competition. It effectively grants the higher cost, unionized contractors their own private monopoly over federally funded construction projects.

But there is another effect that follows directly from the requirement of paying prevailing wages. Since the Federal Government is prohibited by law from awarding contracts to lower wage, lower cost construction firms, it necessarily spends an excess of what it needs in order to get the job done. And guess who is picking up the difference? The American tax payer. This adds over a billion dollars each year directly to Federal Government expenditures, not to mention the additional billions added to private expenditures on projects that are partially federally funded. That means you and I are forced to subsidize the multitude of artificially and unnecessarily expensive construction projects because back in 1931, the Government granted a monopoly over the contracts to such projects to a small group of unionized construction workers.

The claim by some of my colleagues and supporters of the act that Davis-Bacon simply recognizes existing wages as determined by the local market, and thus添itives to free market principles, indicates a serious misunderstanding of the process through which the free market works. A free market, with competitively determined wages and prices, needs neither government recognition nor enforcement in order to function properly. These are the prices and wages that would exist in the absence of the Department of Labor.

The very fact that the Davis-Bacon Act was deemed necessary to require and enforce the payment of prevailing wages indicates that these are not the wages that would prevail in the free market.

If the only group of people whom this legislation benefits is a small number of predominately white, unionized labor, while imposing significant costs on minority and nonunion construction workers, as well as every taxpayer in the form of increased Federal Government expenditures, then you might ask, how long has Davis-Bacon been in effect for 64 years? The act has stubbornly survived precisely because it has a highly unified, powerful constituency. Organized labor groups lobby...
WORLD POPULATION AWARENESS WEEK

HON. MARTIN T. MEEHAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. MEEHAN. Mr. Speaker, the theme of World Population Awareness Week, to be held this year from October 22 to 29, is taking the goals worked out in Cairo and putting them into action. His Excellency Governor William F. Weld, of my home State of Massachusetts, has joined State Governors across the country in proclaiming World Population Awareness Week. In honor of this, I would like to request that the following proclamation be entered into the CONGRESSIONAL RECORD.

A COMMONWEALTH OF MASSACHUSETTS—A PROCLAMATION

Whereas: World population is currently 5.7 billion and is increasing by 100 million each year, with virtually all growth occurring in the poorest countries and regions where it can least be afforded; and

Whereas: The annual increment to world population is projected to exceed 86 million through the year 2015, with three billion people—the equivalent of the entire world population in 1960—reaching their reproductive years in the next generation; and

Whereas: The environmental and economic impacts of this level of growth may prevent inhabitants of poorer countries from improving their quality of life, and may affect the standard of living in more affluent regions; and

Whereas: The 1994 International Conference on Population and Development in Cairo, Egypt crafted a 20-year Program of Action for achieving a balance between the world’s populations, environment, and resources, which was approved by 180 nations, including the United States; and

Whereas: It is appropriate that all Massachusetts citizens recognize the purpose of the Cairo Program of Action;

NOW, THEREFORE, I, William F. Weld, Governor of the Commonwealth of Massachusetts, do hereby proclaim the week of October 22nd through October 28th, 1995, as World Population Awareness Week and urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

THE C–17 HAS PROVEN THAT IT IS THE BEST

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. HORN. Mr. Speaker, this November, the U.S. Air Force will reach its final decision on future procurement to fulfill its air transport needs for the next century. I welcome the continued support that most of you have shown for the C–17 in the past. For those who still doubt me, I urge you to look at the C–17 in light of what it has proven over the past seven years, the rate at which it has proven its performance.

The C–17 performs 22 missions and is the choice of the Air Force, Army, and Department of Defense while also providing a vital complement to naval transport. The C–17 is performing above and beyond what it was designed to do and has earned the support of these bodies.

How did the C–17 earn this support? By performance. Beginning on July 5, the C–17 engaged in the most extensive evaluation of a major program. In that test, it laid to rest the arguments of critics who had questioned its ability to perform. In 4 weeks of testing, the C–17 proved to General Robert Rutherford, Commander of the Air Mobility Command, that it “truly is the most reliable, most maintainable and most versatile air lifter in the world today.” I enclose additional information for the RECORD that discusses the outstanding achievement of the C–17. This plane has earned the confidence of today; and will continue to meet the many needs of our country well into the next century. Whether it be a rapid response to aggression around the world, meeting immediate tactical needs of our forces in the field, or providing transport for humanitarian assistance, the C–17 is the only choice.

Mr. Speaker, I ask that the U.S. Air Force press release of August 5, 1995, be included at the end of my remarks.

C–17’S EXCEEDED GOALS DURING INTENSIVE EVALUATION

CHARLESTON AFB, SC—Twelve C–17 Globemaster III’s airlifted a total of 12 M1A1 Abrams tanks, 12 Bradley fighting vehicles, 30-day evaluation, the C–17s airlifted a total of 12 M1A1 Abrams tanks, 12 Bradley fighting vehicles, the first 24-hour period, stopping in less than 2,800 feet. During the 30-day evaluation, the C–17s airlifted a total of 12 M1A1 Abrams tanks, 12 Bradley fighting vehicles, and 14 Sheridan tanks.

The C–17 has proven that it is the best

design requirements and goals, put the aircraft through its paces in operationally realistic scenarios. Launch reliability, the C–17’s “on time departure” rate for the entire 30 days, exceeded 98 percent, required target rates: the peacetime upe rate was 4.75 with a target rate of 3.2; wartime sustained upe rate was 12.7 with a target of 10; wartime surge upe rate was 12.7 with a target of 10. C–17s transported six of the Army’s M1A1 Abrams main battle tanks, more than 125,000 lbs., were carried aboard the C–17 to a forward operating base in the Mogov Desert in Saudi Arabia, stopping in less than 2,800 feet. During the 30-day evaluation, the C–17s airlifted a total of 12 M1A1 Abrams tanks, 12 Bradley fighting vehicles, 14 Sheridan tanks.

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Violent Environments, a not-for-profit organization which has served the St. Louis area for the past 14 years.

ALIVE’s goal is to provide accessible and affordable alternatives to violence for abused women and their children. This organization offers a variety of community services and educational programs designed to empower the abused woman to gain self-sufficiency and enable them to realize their own strengths and abilities. Thus far in 1995, ALIVE has increased its service to the St. Louis area by 45 percent, having served over 12,000 women and children.

As part of National Domestic Violence Awareness Month, ALIVE has planned a number of special events throughout October to educate the public and recruit support in the fight against domestic violence. On October 2, the organization is sponsoring a march and rally followed by a dinner, featuring guest speaker Denise Brown of the Nicole Brown Simpson Foundation. They are also hosting several lunches and dinners later in the month on October 18 and one on October 27 which will feature guest speaker Sarah Buel.

Mr. Speaker, it is an honor and a privilege for me to pay tribute to this fine organization, and commend them upon their efforts toward the elimination of family violence in this country. I join them in calling upon all citizens to participate in this national awareness campaign.

TAYWAN DESERVES INTERNATIONAL RECOGNITION

HON. MAJOR R. OWENS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. OWENS. Mr. Speaker, 2 weeks ago, I attended the 13th International Conference on Asian Affairs at St. John’s University in New York City. At that conference, I listened to a scholarly discussion on the Republic of China’s recent economic and political achievements and Taiwan’s need and desire to return to the United Nations and other international organizations.

As I stated during the conference, Taiwan truly deserves a much larger international voice. On the question of Taiwan and China, we should all remain mindful of the fact that the Soviet Union allowed two national entities to sit in the United Nations as independent voting members. A clear precedent already has been set.

At the conference, I further expressed my admiration for Taiwan’s willingness to help underdeveloped and needy countries become self-sufficient. I firmly believe that countries such as Haiti can benefit from assistance received from other countries, including the Republic of China.

On October 10, 1995, the Republic of China on Taiwan will celebrate its National Day. I wish it much success in its continuing bid to return to the United Nations and in its efforts to help developing countries such as Haiti.

Mr. Speaker, for valid, well-documented political, economic and social reasons, it is evident that Taiwan is deserving of our support.

Tribute to Alive

HON. JAMES M. TALENT
OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. TALENT. Mr. Speaker, I rise today to pay tribute to ALIVE, Alternatives to Living in
SALUTE TO DETACHMENT 10, AIR FORCE SPACE AND MISSILE SYSTEMS CENTER

HON. GEORGE E. BROWN, JR.
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. BROWN of California. Mr. Speaker, today I would like to draw attention of the Congress to the men and women who have worked for the U.S. Air Force and its related contractors at Detachment 10, Air Force Space and Missile Systems Center in San Bernardino, CA.

Detachment 10 will close shortly and its deactivation ceremony is taking place today in San Bernardino.

Detachment 10 has had a long history in San Bernardino going back over 30 years under various names, including the Ballistic Systems Division, the Ballistic Missile Office, and the Ballistic Missile Organization.

What has remained the same all these years is the dedication to mission, the pride, and the professional service to our Nation provided by the men and women who have worked for Detachment 10 and its contract partners.

Mr. Speaker, the deactivation of Detachment 10 brings a sense of sadness and loss to the San Bernardino area and to me. Detachment 10 and its contractors have been longtime, very valued members of our community.

However, I have great faith that the men and women affiliated with Detachment 10 will continue to be a part of our community and our Nation, using their skills, their knowledge, and their personal character to enhance themselves, their families, and our country. I look forward to continuing to work with them and to hear from them in whatever new activities and work they pursue.

Mr. Speaker, I urge the Congress to join me in saluting the men and women of Detachment 10 and in wishing them the best of luck in the future.

CELEBRATING 50 YEARS OF SERVICE TO BAY AREA RESIDENTS

HON. FORNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. STARK. Mr. Speaker, this Sunday, Kaiser Permanente Health Plan will celebrate its 50th birthday. Although Kaiser dates back to 1933, it was on October 1, 1945, that the plan was opened to public membership in the San Francisco Bay area.

Back in 1933, Dr. Sidney Garfield, the founding physician of Kaiser Permanente Health Plan, developed the principles of modern prepaid medical care in southern California when he provided health care to 5,000 workers who were building the aqueduct to carry water from the Colorado River to Los Angeles.

Five years later, Henry J. Kaiser was leading a consortium of companies building the Grand Coulee Dam in Washington State when he realized that labor unions were unhappy with the fee-for-service care being provided to the 10,000 workers and their families. Kaiser's son, Edgar, who was directing the project, invited Dr. Garfield to come to Washington and form a medical group to furnish health care to the workers and their families.

In 1942, Henry Kaiser and Dr. Garfield transformed the project's existing shipyards in Richmond, CA, and the Portland-Vancouver area. They then expanded it to the Kaiser steel mills in southern California. With the end of World War II and the closing of the shipyards, the health plan was incorporated into a nonprofit public trust and opened to the general public.

Today, Kaiser Permanente serves more than 6.6 million people—making it both the world’s oldest and largest nonprofit integrated health care system. Mr. Speaker, I ask you and my colleagues to join me in celebrating the birth of Mr. Kaiser and Dr. Garfield’s idea, which has since developed into one of the most influential forces in the delivery of modern health care and a model for others to follow.

TRIBUTE TO JUSTICE ARLEIGH WOODS

HON. HOWARD L. BERMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. Berman. Mr. Speaker, my colleague and I are honored to pay tribute to Presiding Justice Arleigh Woods, a close friend who is retiring after 18 years of distinguished service with the California judiciary. Justice Woods’ illustrious career includes numerous honors that attest to her compassion, sense of duty and commitment to justice. She has been a credit to the legal profession.

A graduate of Southwestern University School of Law, Justice Woods was a labor and workers compensation lawyer for 19 years prior to becoming a member of the Bench in 1976. Since 1982 she has been presiding justice of the California Court of Appeal, Second Appellate District, Los Angeles. A year after becoming presiding justice she was named Appellate Justice of the Year by the California Trial Lawyers Association. For Justice Woods, the 1980’s were a time of high-level appointments and numerous honors. Among others, she was appointed to the State Gender Bias Committee, 1986–87, and served as chairperson of the California Commission on Judicial Performance, 1986–90, which investigates and evaluates all charges brought against California judges. Since 1991 she has served as vice chair of the Judicial Council Advisory Committee on Judicial Performance Procedures.

It is impossible to mention all of the prestigious awards that Justice Woods has received. However, a few examples convey the breadth of her accomplishments: Bernard Jefferson Award for Judicial Excellence, California Association of Black Lawyers—1985; Hall of Fame Award, American Bar Association—1992; and the Life Commitment Award from the Equal Opportunity League—1985. She is also a member of the board of directors of the American Cancer Research Foundation and chair of the board of trustees of Western University School of Law.

We remember with particular fondness the 5 years that Howard Berman practiced law with Justice Woods when she was a partner in the firm of Levy and Van Borg. We recall with admiration that she was one of the most skilled practitioners in her field.

We ask our colleagues to join us in saluting Justice Arleigh Woods, whose tireless efforts on behalf of good causes and sense of dedication are an inspiration to us all—and in wishing her and her husband Bill the greatest joy in their new life in the secluded environs of rural Washington State. We have always been proud and honored to be counted among her friends.

TRIBUTE TO MITCHELL HARB

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. LEVIN. Mr. Speaker, I rise today to recognize Dulcie Rosenfeld, who on October 2, 1995 will receive a prestigious and high honor, the Fred M. Butzel Memorial Award for Distinguished Community Service. The Jewish Federation of Metropolitan Detroit is understandably pleased to present this award. Dulcie Rosenfeld embodies the concept of service to the community. Joining the roster of illustrious citizens who have received the Butzel Award, she follows in and has enriched the tradition which is signified by this award.

Ms. Rosenfeld’s work on behalf of her community embodies leadership, esteem, and commitment to improving life for all people. Mrs. Rosenfeld’s accomplishments include serving as a board member of the Jewish Home for the Aged, the Jewish Community Council, the Agency for Jewish Education, and Sinai Hospital Guild, just to name a few. She is also a past vice-president of the Jewish Federation, as well as a past member of the federation’s board of governors for 22 years. Dulcie Rosenfeld also has served as vice president of the Detroit Historical Society and has been active with the Hilberry Theater at Wayne State University. Her outstanding initiative in the field of community service is apparent as she is the founding chairman of the advisory board of the Jewish information and referral service. She also founded the Greening of Detroit. I am confident that all involved in these organizations are indebted to Dulcie for her dedication and incomparable talent.

The work of Dulcie Rosenfeld’s accomplishments exemplify her wisdom, leadership, and talent. All of us share in the joy of her receipt of the Fred M. Butzel Memorial Award.

A TRIBUTE TO MITCHELL HARB
OF LAWRENCE, MA

HON. MARTIN T. MEEHAN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. MEEHAN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Mr. Mitchell Harb.

Mr. Harb, a retired U.S. postal clerk, was the driving force behind a proposal to allow for
a moment of silence before the school day be-
gins in all of the Lawrence public schools. With
the help of Mr. John Housianitis, vice
chairman of the Lawrence school committee, Law-
rence School Superintendent James F.
Scully, and Lawrence Mayor Mary Claire Ken-
nedy, Mr. Hab was able to convince the
school committee to establish a moment of si-
lence in the schools as a way of fostering a
more positive atmosphere in the classrooms.

Since its adoption in March of 1994, many
students have expressed their gratitude for the
moment of silence before their school day be-
gins. Many have used this period as a time for
personal reflection and thought. Others have
used it as a time for prayer. Regardless of reli-
gious denomination, students in Lawrence
public school system now have the opportunity
to take a moment to express themselves
through reflection, thought, or prayer before
each school day begins.

Today in our country, our children face
many challenges at school. Not only are there
academic rigors, but there are also social
pressures that our young people must con-
stantly assess and deal with day by day. A moment
of silence and reflection will not eliminate
these pressures, but it can ease them.

Again, I applaud the efforts of Mr. Hab and
the other community leaders who have been
at the forefront of this movement. I hope other
communities will follow the lead of the Law-
rence public school system and institute a mo-
ment of silence before each school day. It has
benefited the students in Lawrence and it will
benefit others.

THE C–17 DOES THE JOB
HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. HORN. Mr. Speaker, real world events
continue to demonstrate why the nondevelop-
mental aircraft alternative (NDAA), as part of
our strategic airlift solution, is a bad idea. The
recent disaster in the Caribbean caused by
Hurricane Marilyn underscores our Nation's
continuing need for humanitarian airlift and,
likewise, demonstrates the Nation's need for
the unique capabilities of the C–17. The hu-
manitarian relief activity in the U.S. Virgin Is-
lands performed by the C–17 validates the very
reasons we are buying this magnificent airplane.
Simply, it does the job we bought it
to do, and does it when conditions preclude
the use of other, less capable aircraft.

At the airfield in St. Thomas, where ramp
space is extremely limited, landing and then
unloading a large commercial freighter would
essentially close to airfield to other aircraft.
We witnessed these same circumstances in
Goma, Zaire, where aircraft with desperate
ly needed supplies circled overhead and were
forced to turn back because the airfield was
out of service for hours awaiting the unloading
of a B747. The C–17’s unique ground maneu-
verability—route backing and the ability to
turn around in fewer than 90 feet—allows for
a continuous flow—greater throughput—of hu-
manitarian relief through the small St. Thomas
airfield.

Also the C–17 can carry more than people,
meals, and blankets. In the case of St. Thom-
as—17’s carried an entire 150-vehicle U.S.
Army light infantry truck company, including
2.5- and 5-ton trucks loaded with relief sup-
plies and flatbed semi-trailers. It is relief
equipment such as this, which cannot be car-
ried by the so-called nondevelopmental aircraft
alternative—a Pentagon word for an airplane
which is not a C–17. Such a capability is very
difficult to achieve in disaster relief.

The outsize cargo capability of the C–17 al-
ows the Army to stack-load many of its trucks
directly atop the flatbed vehicles, increasing
the load density and reducing the number of
required flights. Such outsize loads can be de-
ivered directly to where they are needed only
by the C–17.

As we have seen again in St. Thomas,
whether airlifting firepower for the soldier or
humanitarian aid for a neighbor, the C–17 is
living up to its promise—it delivers. The C–17
is demonstrating it is indeed the most versatile
airlift aircraft in aviation history. It is this capa-
bility our Nation must have to meet its global
military and humanitarian airlift needs.

As we begin to replace our aging C–141, a
dollar spent for airlift should be a dollar spent
for airlift modernization and increased capa-
bility; NDAA—the nondevelopmental aircraft
alternative—does neither. If a force mix solu-
tion is considered to satisfy our Nation's mili-
tary and humanitarian airlift needs, the correct
number of NDAA must be zero. I urge your
continued support of the maximum funding in
the fiscal year 1996 budget for the C–17 as
our single and most capable airlift solution.

TRIBUTE TO ED WUJEK AND
LARRY CALCATERA
HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. BONIOR. Mr. Speaker, the March of
Dimes is an organization with a noble mission:
To fight birth defects and childhood diseases.
We all share the March of Dimes dream which
is that every child should have the oppor-
tunity to live a healthy life.

For the past 12 years, the Southeast Michi-
 gan Chapter of the March of Dimes Birth De-
fects Foundation has honored several Ma-
comb County residents who are out-
standing members of our community and have
helped in the campaign for healthier babies.
This evening, the chapter will be hosting the
12 annual “Alexander Macomb Citizen of the
Year” award dinner. The award, instituted in
1984, is named after my home county's name-
sake, Gen. Alexander Mecomb, a hero of the
War of 1812.

This year, the March of Dimes has chosen
Ed Wujek and Larry Calcaterra as recipients of
the “Family of the Year” award. The Wujek-
Calcaterra family has operated a funeral home
in Macomb County for more than 40 years.
Both families have been in the business since
the early 1900's. As everyone knows, their
business involves caring for people during
what is often the most difficult period in peo-
lives. When they are not helping meet the
needs of the grieving, the Wujek-Calcaterra
family can be counted on to devote time and
money to numerous charitable and civic
groups including the Boy and Girl Scouts,
churches, hospitals, and of course, the March
of Dimes.

Dr. Jonas Salk’s polio vaccine is just one of
the many remarkable breakthroughs that would
not have been possible without March of Dimes
research funding. And, without people like
Ed Wujek and Larry Calcaterra and their families
the job of protecting babies would be that
much more difficult.

I applaud the Southeast Michigan Chapter
of the March of Dimes and Ed Wujek and
Larry Calcaterra for their leadership, advo-
cacy, and community service. I am sure that
the Wujek and Calcaterra families are honored
by the recognition and I urge my colleagues to
join me in saluting them as the 1995 recipients
of the “Alexander Macomb Family of the Year
Award.”

HONORING THE CARLOW COLLEGE
WOMEN OF SPIRIT
HON. WILLIAM J. COYNE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. COYNE. Mr. Speaker, I rise today to
honor some very special women—the Carlow
College Women of Spirit for the year 1994–95.
Carlow College is a private Catholic college
for women in Pittsburgh. The college, founded
in 1929, created its Women of Spirit Award to
call attention to women in the Pittsburgh area
who exemplify the college’s ideals of com-
petent and compassionate service in both their
personal and professional lives. The college
presents a Woman of Spirit Award every
month, and it holds a gala event each year to
pay tribute to the previous year’s recipients.

This year’s Women of Spirit Award recipi-
ents include prominent members of the area’s
business community, several leading edu-
cators, and women who are active in many
local charities. In fact, many Women of Spirit
have accomplishments in more than one of
these fields, as well as in their personal and
spiritual lives. I would like to mention each
award recipient personally.

Ellie Wynard, Ph.D., is a respected pro-
fessor of English and lecturer at Carlow Col-
lege. She has been influential in developing
the women’s studies curriculum at the college.
She is also the author of two books about
the effects of divorce.

Carol Neyland, a vice president at Mellon
Bank, has a distinguished professional career
in the fields of banking and finance. She has
also been active in community service, espe-
cially in her involvement with youth organiza-
tions. She is a bona fide scholar as well, with
a graduate degree in Greek and Latin as well
as an M.B.A.

Suzy Lowry, a retired businesswoman
with a remarkable record of public service.
She has been a member of the steering com-
mittee for Pittsburgh’s Walk for the Cure for
the last 2 years and a board member for the
Juvenile Diabetes Foundation in Pittsburgh.
She has been a volunteer for Catholic Char-
lites as well.

Ceci Sommers, now retired from the posi-
tion of vice president of community relations at
WQED–FM, was the executive producer of a
number of award-winning broadcasts. She is
widely credited with developing the in-
dustry standard for classical music stations.
She has been a leading supporter of the arts
in Pittsburgh for more than 20 years.
Linda Dickerson is the publisher of Executive Report, Pittsburgh’s respected business magazine. She has also been active in the city’s corporate and civic life. She has been responsible for much of the success of the Junior Achievement Program, and she has made significant contributions to efforts to stimulate economic growth in this region. She received the Vision Award from the Pittsburgh Guild for the Blind.

Audree Connelly Wirginis is a businesswoman of exceptional skill who was also honored for her ability to incorporate her dedication to her faith into her demanding professional life. She is currently involved in the construction of a hotel in the Vatican to house visiting clergy and, during papal elections, the College of Cardinals.

Cecile Springer is the president of a consulting firm that specializes in corporate and philanthropic programs and institutional development. Ms. Springer serves on the Pittsburgh Diocese Task Force on Unemployment, the Historical Society of Western Pennsylvania, Housing Opportunities, Inc., the Women’s Center Advisory Committee, and the Allegheny County 2000 Economic Development Task Force. She is also a board member for City Theater.

Marilyn Donnelly—poet, wife, and mother—has published more than 80 poems. She is a member of the board of directors for Pittsburgh Public Theater, Beginning with Books, and the Chimbote Foundation. She also serves on the advisory council for the International Poetry Forum and the women’s committee for the Carnegie Museum of Art.

Dr. Corrine Barnes is an internationally recognized pediatric nurse educator, clinical specialist, author, and researcher whose studies have included childhood cardiac conditions and organ transplants. She has served on a number of boards and commissions concerned with children’s health and welfare.

Dolores Wilden was responsible for developing the nation’s first primary health care plan designed exclusively for children. Now retired from a career in banking, finance, and community affairs administration, she is actively involved in local and regional community concerns.

Frieda Shapiro, vice chair of the Pittsburgh Foundation, serves on the boards of more than 20 service and arts organizations, including the United Way of Allegheny County, the Forbes Fund, WQED, the Community College of Allegheny County, the YWCA of Greater Pittsburgh, the Pittsburgh Public Theater, the Pittsburgh Opera, the Historical Society of Western Pennsylvania, Forbes Hospice Founders Society, the American Jewish Committee, the Section of the National Council of Jewish Women, the Jewish Healthcare Foundation of Pittsburgh, the Jewish National Fund, the United Jewish Federation, Beginning with Books, the Center for Victims of Violent Crime, the Pittsburgh Cancer Institute, Project 90, and the board of visitors for the School of Social Work at the University of Pittsburgh. Her life is an outstanding example of philanthropy and civic leadership.

Sister Jane Scully is the president emeritus of Carlow College. As a director of the Gulf Oil Corporation, she was the first woman to serve on the board of a top-ten multinational corporation, she was the first women to serve on the board of a top-ten multinational corporation, she was the first women to serve on the board of a top-ten multinational corporation. As director of the Gulf Oil Corporation, she was the first woman to serve on the board of a top-ten multinational corporation. She has also served on the boards of Carlow College, Holy Cross Hospital Foundation, and the Sisters of Mercy Ministry Corporation. In the 1960’s, she was active in the national women’s movement. She spoke eloquently in favor of women’s rights to increased educational and economic opportunity, as well as expanded roles for women in politics and business. In honoring Sister Jane, Carlow College celebrated her remarkable success in translating her religious convictions into worldly accomplishments.

Dr. Rosemarie E. Cibik, now retired, was the Secretary of Education and superintendent of Catholic schools for the Diocese of Pittsburgh for a number of years. Prior to that, she served as the superintendent of the Baldwin-Whitehall School District for 8 years. She has received numerous other awards for her professional achievements, including the Distinguished Service Award from the National Council of Administrative Women in Education, Pittsburgh Woman of the Year in Education, the Distinguished Daughter of Pennsylvania Award, and designation as Outstanding Woman in Education by the Pittsburgh chapter of the American Association of University Women.

Mr. Speaker, all of these women have a number of shared characteristics—energy, enthusiasm, intelligence, compassion, competence, and commitment to their community. Carlow College has chosen well in selecting them as its Women of Spirit for this year.

The American Legion, was conceived in March, 1919, at the Caucus in Paris, France by battle weary patriots waiting to return home from the physical battle to preserve our Constitution in World War I. Both men and women who had given so much of themselves to our nation, were destined to continue their sacrifice as they organized to preserve our nation’s future in peace time as well as in battle.

The spirit and love of America beats strong in the hearts of our two great organizations that are committed to the future through the programs we provide for the youth of America.

In 1918, the words of William Tyler Page were adopted by the United States House of Representatives as the “AMERICAN CREED.” And within that creed are some very moving words. William Tyler Page wrote that this Nation was: “[E]stablished upon the principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.”

Defend it against all enemies. Strong words with deep meaning. Since our forefathers carved America out of the wilderness, our nation has faced many enemies. American patriots for generations, have made many sacrifices for freedom.

In enemy action, our fathers, my father added his name to the long role call of American patriots who have paid the ultimate price—who have given their lives to the cause of freedom. The role call is long, the sacrifices are many, and those of us who breathe freedom’s air today, owe them. And we owe the men and women who came home bearing the scars of battle the duty to continue in their footsteps. We owe it to them to carry America’s flag against our enemies until we can hand it over to the next generation.

Today, America has new enemies. Enemies that are tearing at the fabric of our heritage and our society. Those enemies are moral, decay, disrespect, parental neglect, dependence on government, and phonny quick fix government solutions to complex social problems. America’s children are the victims of those enemies.

Because we love our country, our flag, our Constitution and our youth, we have a duty to America’s youngsters. They are the future of America. We must love and nurture them. We must teach them values and strengths. Teach them discipline, self-reliance, respect and honor. Teach them to love America and what it stand for.

Through our youth programs and our youth programs, we are making a difference. And working together with other community groups we can make an even bigger difference.

The NRA’s Eddie Eagle Gun Safety program for young children is about much more than just teaching safety.

Youngsters learn safety but they also learn respect for guns and at the same time they learn respect for themselves when they gain knowledge. They learn to resist temptation and not to touch a gun left carelessly unattended—that’s discipline.

They learn to leave the area and make the programs we provide for the youth of America.

They learn to quickly find and inform an adult of an unsafe situation—that’s responsibility.

And when an adult has removed the gun and the area safe again, they learn pride and...
a sense of accomplishment and self-worth for having used their knowledge and skills.

In our youth marksmanship programs and youth hunting programs they learn values other than how to shoot safely and accurately. They learn concentration, commitment, sportsmanship, self-reliance, teamwork, citizenship, and conservation of our natural resources—values that are just as important as skills.

I am a mother and a grandmother and I know that when NRA reaches out and takes the hand of a child we are touching America’s future.

I know that when you love a child and give your time and patience to teaching values, patriotism, and skills, you are investing in the future.

I know that when you win the heart of a child and enrich his or her life with knowledge, you are building a solid foundation for the next generation.

I know that within the body of this nation, the hearts of many children long for someone to reach out to them with kindness, knowledge and guidance.

The NRA is committed to expanding our programs, to reaching out to more children and to the families of those children by helping them instill values and to build character in the young men we touch throughout America.

Today, you have honored the National Rifle Association of America for its Eddie Eagle Gun Safety Program and I am privileged to be here to accept your award.

And I am proud to tell you that this program has now been taught to over 7 million youngsters—7 million youngsters whom we hope will be the safest generation our nation has ever seen.

On behalf of the NRA, I thank you sincerely for this honor, and I promise you that I am committed to doing everything that I can to help the NRA continue its mission of teaching America’s youth the fundamentals of what made our nation great.

If we all work together to fulfill our duty to our country and to the dedicated men and women who have given so much to keep us free, our children and our grandchildren and generations to follow them will learn to love their freedom, their country, their flag, their Constitution and themselves.

Thank you—each and every one of you—for the sacrifices you have made for our country. God bless you all, and God bless America.

CONGRATULATIONS MICHAEL REGULSKI

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. BARCIA. Mr. Speaker, the most important public servants are those who are closest to the people they serve, and I am proud to say that one of the finest, Michael Regulski, is a constituent. He has served as the finance officer for Bay County for nearly 16 years, and has actively worked to ensure the financial stability of Bay County.

Mr. Speaker, it is with great pride and honor that I present to our colleague and friend, Mr. Regulski, the Michigan Association of Counties at its 97th annual summer conference last month. The award, according to the organization, is given to one county employee each year from outstanding service and innovative contributions to county government.

Michael Regulski was nominated for this award by his colleagues in Bay County government. Having worked as the finance officer since 1989 and as a senior accountant in the finance department since 1979, his colleagues learned to recognize and appreciate his attention to detail and accuracy. Revisions in payroll systems, budget development, and asset accounting are among his accomplishments. The improvement in the county’s credit rating in 1992 speaks volumes about the true magnitude of accomplishment that his care has helped define.

I am sure that his wife Diane, and his children, Andrew and Brad, are tremendously proud of him. I know that the people of Bay County appreciate his hard work, as well as his commitment to his community, evidenced by his involvement in St. James Catholic Church, his participation in school activities, and the Pony League and Little League associations. He has set an excellent example for all of us with his efforts both on the job and off the job.

Mr. Speaker, jobs well done deserve to be commended. For his years of dedication and excellence, I urge you and my colleagues to join me in congratulating Michael Regulski on his award, and thank him for his outstanding work.

Saluting the Cleveland Council of Black Nurses—25th Anniversary

HON. LOUIS STOKES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. STOKES. Mr. Speaker, I rise today to salute an organization in my congressional district which is celebrating an important anniversary. On September 30, 1995, members of the Cleveland Council of Black Nurses, Inc., will gather at the Sheraton-Cleveland City Center Hotel in Cleveland, to host its 25th anniversary ball. Since its founding, the Cleveland Council of Black Nurses has been a catalyst in promoting health delivery in the black community.

As a health advocate, I enjoy a close working relationship with the Council of Black Nurses. It is for this reason that I rise to salute the organization on the occasion of its anniversary. I want to share with my colleagues and the Nation some important information regarding the Cleveland Council of Black Nurses.

The Cleveland Council of Black Nurses was organized in January, 1972. Its birth followed the formation of the National Black Nurses Association, also in Cleveland, and other black nursing organizations throughout the country. The Council adopted several important missions. This included providing a vehicle for the unification of black nurses; and investigating, defining, determining, and implementing change in the health delivery system for minorities in Cleveland. To achieve its objectives, the organization formed standing committees on Health Education and Community Service; Research; and Recruitment and Retention, just to name a few.

Mr. Speaker, over the years, the Cleveland Council of Black Nurses has been a driving force in the health care arena. The organization has provided educational programs for nurses and the general public, and coordinated health-related community service activities. The organization has sponsored town hall meetings, health fairs, and screenings. These events have focused on diabetes education, cancer awareness, glaucoma and cardiovascular screenings, and other health issues which impact the black community.

From a historical perspective, it is interesting to note that the blood pressure screening tests which are now conducted on citizens around the country, were first utilized in Cleveland by the Council of Nurses.

The Cleveland Council of Black Nurses has also played a leading role in the education field, providing scholarships, tutoring, and mentoring for students enrolled in nursing programs. The organization was the recipient of the 1994 Community Service Award for its extensive service to the Cleveland community.

Mr. Speaker, as I rise to salute the Cleveland Council of Black Nurses, I recall that, 25 years ago, when black nurses gathered in Cleveland to form an advocacy organization to promote health delivery to the black community, I was chosen to address the gathering.

Today, I want to recognize the founder of the Cleveland Council of Black Nurses, Mattiedna Johnson, a dynamic and national known individual who has devoted her life to greater health awareness and research. I also salute the organization’s current president, Rachel Freeman, and the many members of the Council of Black Nurses. I am proud of my close association with this distinguished organization, and I extend my best wishes as the Council of Black Nurses marks this important anniversary.

150TH ANNIVERSARY OF SOUTH PARK

HON. MICHAEL F. DOYLE
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. DOYLE. Mr. Speaker, I call to the attention of this Congress and the Nation a celebration which will mark the 150th anniversary of a community in the 18th Congressional District of Pennsylvania. On October 15, the township of South Park commemorates a milestone for its citizens, for fellow Pennsylvanians, and the entire Nation.

The township, once a bustling center of coal production in the United States, was not known as South Park prior to 1845. It now includes areas of Library, Broughton, and Snowden, PA. The community itself dates back to 1773. It began as many other communities in America began, as a family settlement which grew as the farmers built their homes nearby. It was the initial site of the historic Whiskey Rebellion of 1794, when citizens protested taxation of locally produced whiskey by the Federal Government.

It is important to remember the times which shaped the economy, the political philosophy, and society as we know it. These events have shaped the present in western Pennsylvania. The American Revolution, the formation of the U.S. Government, the industrial revolution, particularly the boom
TRIBUTE TO MARY DWYER

HON. FLOYD SPENCE
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. SPEAKER, I rise to bring to the attention of my colleagues an article that appeared in the September 20, 1995, edition of The Lexington County Chronicle. I believe that this account of the impressions of a returning young lady is an eloquent statement of what it truly means to be a part of America. I know this Congress and the Nation join me in saying: Congratulations,Mary Dwyer, on becoming an American citizen.

Mary Dwyer, a tireless worker in Lexington, shared these thoughts on her family's naturalization at a recent Lexington County Toastmasters meeting.

I am proud that I am a naturalized, certified, 100% American! It seems like just yes-tie that my husband and our then 15-month-old son and I arrived at the airport in Atlanta for our long eight-hour flight, and how humiliated I became when we were asked, if we intended to throw it away for the uncertainty of life in a new country? My self-confidence, once strong and unshakable, was wavering. I asked myself if I had done the right thing for him. I questioned my adequacy as a mother. But the decision had been reached, the commitment made, it was time to extricate myself from self pity and face the consequences and responsibilities.

I am proud that I am a naturalized, certified, 100% American! It seems like just yes-tie that my husband and our then 15-month-old son and I arrived at the airport in Atlanta for our long eight-hour flight, and how humiliated I became when we were asked, if we intended to throw it away for the uncertainty of life in a new country? My self-confidence, once strong and unshakable, was wavering. I asked myself if I had done the right thing for him. I questioned my adequacy as a mother. But the decision had been reached, the commitment made, it was time to extricate myself from self pity and face the consequences and responsibilities.

Then an Immigration and Naturalization Service agent picked us out of the long line and brought us to the INS office. She was a kind lady—an unbureaucratic bureaucrat. I had dreaded dealing with the INS. I recalled how nasty some INS agents at Kennedy Airport had been. An INS agent in Atlanta began my ever evolving understanding of the differences between Northerners and Southerners.

Since then, our understanding of several aspects of American life has been enhanced. I have eaten grits and okra, watched people shag, and been introduced to “Saturday Night Live” and “Gilligan’s Island.” I’ve learned that a football game is not an oversized toilet. I gained first hand knowledge of medicine in this country after my husband severed his hand, our son, then two and a half years old, was born, our daughter had the birth of our second son at Richland Memorial Hospital five years ago. I’ve volunteered with the Boy Scouts, Sistercare, United Way, and the March of Dimes. I’ve learned to drive on the right side of the road and how to express my dissatisfaction with other drivers. Through experience, I have re-alized that South Carolina is my home and I never want to stray.

We felt confident when we applied for our American citizenship in 1994. We completed reams of forms and sent lots of money to the INS. We answered silly questions such as “Do you intend to overthrow the government of the United States of America?” We studied for our interview. In Charles-ton, a professional, competent and likable gentleman determined our ability to read and write English and told us he could find no reason why we could not become Amer-i-can citizens. We were thrilled and cele-brated with Wendy’s hamburgers while we rushed back so that my husband could get to school on time. Education is important to us. That my husband could finish his degree was standing like this waiting to be accepted. I feel privileged that I can vote and will take every opportunity to do so.

TIMOTHY C. MCCAGHREN CUSTOMS ADMINISTRATIVE BUILDING

HON. RONALD D. COLEMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. COLEMAN. Mr. Speaker, today I am in-troducing legislation to name the Ysleta/ Zaragosa Port of Entry after Timothy C. McCaghren, a Customs inspector who was tragically killed in the line of duty.

Customs Inspector Timothy C. McCaghren would be honored by having the U.S. Customs Administrative Building at 797 South Ysleta in El Paso, TX designated as the “Timothy C. McCaghren Customs Administrative Building.”

Customs Inspector Timothy McCaghren, as-signed to the Ysleta Port of Entry in El Paso, TX, attempted to stop a van at the port Feb-ruary 19, 1990. The driver of the van accelerated and ran the port, dragging Inspector McCaghren until he was flung from the vehicle. Inspector McCaghren died the following day from head injuries sustained in the inci-dent. He is survived by his wife, Dedra, and his children, Chastity and Brandt.

As the Speaker knows, I have fought to ob-tain law enforcement status for Customs inspec-tors. Customs inspectors are often our first line of defense against terrorists and the smuggling of illegal drugs. Many inspectors carry firearms and face a constant threat of severe bodily injury and death. A recent study showed that more Customs officers die due to service-related injuries than any other group with the exception of Drug Enforcement Ad-ministration and Bureau of Prisons officers. Earlier this session, I introduced legislation that would grant Customs inspectors a 20-year law enforcement retirement package. It is presently being considered by the House Committee on Government Reform and Over-sight.

Customs Inspector Timothy C. McCaghren, a dedicated public servant. With every drug seizure Inspector McCaghren made, he would say, “That’s one load that won’t reach my kids.” His passing is a tragic loss, not only for his family, but for the Nation.

Mr. Speaker, Timothy C. McCaghren de-serve to be honored by naming this Federal building named in his memory. I urge my col-league to pass this legislation.

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

SECTION 1. DESIGNATION.

The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, Texas, shall be known and designated as the “Timothy C. McCaghren Customs Adminis-trative Building.”

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “Timothy C. McCaghren Customs Adminis-trative Building”.

E1866 CONGRESSIONAL RECORD — Extensions of Remarks September 28, 1995
TRIBUTE TO ST. MARY QUEEN OF PEACE CHURCH

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. STUPAK. Mr. Speaker, I rise today to offer my sincere congratulations to St. Mary Queen of Peace Church in Kingsford, MI, as it celebrates the golden jubilee. This is certainly an important milestone in the history of St. Mary’s, as well as the Kingsford community. I was pleased that I could be in Kingsford on August 12, 1945, with Bishop Garland, Bishop Schmitt, Father Nomellini, all clergy, and the parish community to celebrate 50 years of honoring God and serving God’s people.

When St. Mary Queen of Peace Church was dedicated on August 12, 1945, amid the splendor of a Catholic ritual, it was the culmination of many years of efforts by the local community. Prior to that time, there were two downtown parishes in Iron Mountain, St. Mary and St. Joseph. Local parishioners found that the distances that had to be traveled to St. Mary and St. Joseph were a serious impediment to attending Sunday mass. It soon became clear, as the Kingsford area became more populated, that there was a need for a separate parish for Catholic families.

In 1946, working with the permission of his bishop, Bishop Pelissier Reverend Pelieser established a mission station in Kingsford Heights and placed in charge his assistant—your friend, my father’s friend, and later the pastor of this parish—Rev. Arnold Thompson. As many of you know, and as I mentioned at Father Thompson’s jubilee celebration, Father Thompson and my father were in seminary together. I am living proof that my father did not complete the seminary. My connection with this parish goes back even further, because my father taught Father Joe Gouin. Because of these ties, the Stupak family is always welcomed and made to feel part of the St. Mary Queen of Peace family.

It was Reverend Thompson who impressed upon the people of this pioneer congregation their obligation in laying the groundwork for the future parish. In 1941, five lots were purchased, and by 1942, mass was being offered every Sunday in a local community building by Rev. Arnold Thompson. Soon, catechism groups and a religious vacation school were organized. The enthusiasm for a separate parish ran high, and a fund was started for the planning and construction of a new church.

Anxious to be declared a parish in its own right, the community secured a residence for a priest if the bishop would send one. Progress being made by the people of Kingsford so pleased the Bishop Francis Magner, that he deemed it time to send the resident priest and formally erect the parish. On June 14, 1944, His Excellency, the Bishop of Marquette, issued the decree that formed St. Mary Queen of Peace parish in Kingsford Heights, and Rev. Gerald Harrington was appointed as its first pastor.

The work of excavation began in August 1944 on the lots purchased in 1941, and the decorative cornerstone, containing documents of parish and national history, was laid in October. Many distinguished clergymen from the Midwest were present to celebrate the occasion.

On August 12, 1945, the beautiful church of St. Mary Queen of Peace Church was dedicated. Future pastors, including the second resident priest, Rev. Thomas Anderson, contributed to the internal decoration of the church, such as the striking stained glass windows.

Fifty years later, we are celebrating not only the construction of this church, but more importantly, we are paying tribute to the profound effect this church has had on the Kingsford community. This church and its theological leaders have provided spiritual guidance and religious education to this community for 50 years, and that is truly something to celebrate.

In 1995, this Nation is faced with a variety of problems that affect our families and our young people. That’s why it is so important to have a center of worship. This church provides a foundation of faith that is necessary in today’s society.

So today, I am pleased to pay tribute to the leaders of this church and its parishioners for the enormous contributions they have made to the Kingsford community and Marquette diocese. And I hope my family and I are invited back to celebrate the 100th anniversary of the St. Mary Queen of Peace Church.

I know my colleagues join me in honoring the parish community of St. Mary Queen of Peace Church as they celebrate their golden jubilee.

RECOGNITION OF MIAMI UNIVERSITY IN OXFORD, OH

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. OXLEY. Mr. Speaker, we would like to take this opportunity to recognize the significant contributions made by Miami University in Oxford, OH. As one of us is a proud alum of this institution and the other has the privilege of representing it in Congress, we know firsthand that the rankings and honors are well deserved. We jointly submit our appreciation and acknowledgement of the efforts taken by the staff, students, and administration. Their combined work has earned them a top twenty rating by both The Fiske Guide to Colleges and Money magazine as one of the Nation’s best educational values. Yet another accolade came this week with U.S. News and World Report ranking Miami University as the 9th most efficient school nationally. Considering the caliber of schools this fine institution competes with, one easily sees that all of Ohio benefits from such a productive and rewarding partnership. We feel that the quality of higher education is being vigorously upheld and improved upon by Miami University and all the other fine institutions recently listed among other fine institutions recently listed among the 9th most efficient schools nationally. Miami University is a world leader for decades to come.

The TEAM Act was created in an attempt to clarify to the NLRB and other Federal agencies the legality of these employee involvement structures. It permits an employer to interact with employees on matters of mutual interest. This legislation does not impede the right of employees to select their own representatives or their own bargaining agent. In fact, provisions were included in the act that specifically state no labor-management cooperation committees under the National Labor Relations Act. This legislation only enhances employee productivity and competitiveness of their companies and their employees. I believe the TEAM Act is a well-crafted vehicle to usher in a new era in employee management relations and congratulates my colleagues for writing and passing this legislation.
Rollcall 627, recommitting the legisla-
tive appropriations conference re-
port, No;
Rollcall 638, final passage, fiscal year
1996 legislative appropriations con-
ference report, Yes;
Rollcall 659, cutting $493 million for
Stealth bombers, Yes;
Rollcall 640, cutting $1 billion for F–
22 R&D, Yes;
Rollcall 641, supporting abortion
rights, Yes;
Rollcall 642, opposing abortion
rights, No;
Rollcall 643, cutting intelligence
spending, No;
Rollcall 644, cutting 3 percent across
the board, Yes;
Rollcall 645, regarding political adva-
cacy, No;
Rollcall 646, final passage, fiscal year
1996 Defense appropriations, No;
Rollcall 647, regarding BRAC rec-
ommendations, No; and
Rollcall 648, motion to instruct on
Treasury-Postal appropriations, Yes.

THE SCHOOL BASED HEALTH
CLINIC ACT

HON. NYDIA M. VELÁZQUEZ
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Ms. VELÁZQUEZ. Mr. Speaker, I rise before
you today to announce the introduction of leg-
islation that is long overdue. The School
Based Health Clinic Act ensures that every
child shall have access to high quality health
care services. I trust that this body will act
to ensure prompt passage of this critical bill.

Tragically, over 12 million children, and al-
most half of all elementary school students,
lack access to basic preventative health care
such as immunizations and physical exams.
The children who may stand in their way are
inadequate or no health insurance, few avail-
able caregivers, and lack of convenient trans-
portation.

This dilemma has caused many communi-
ties to establish school based health clinics.
These clinics have proven to be very success-
ful in their mission—brining comprehensive
health care to children in need.

Unfortunately, many centers cannot get
the funding that they desperately need to con-
tinue operating. The School Based Health Center
Act will provide seed money for expanding
these centers to new communities. My bill will
increase access to health services for school
kids by requiring that HMO’s and other man-
aged care plans provide assistance to school
based health centers.

Mr. Speaker, our children are in dire need of
health care services. Far too many children
are not immunized, they do not receive dental
care, and only get to see a doctor in the emer-
gency room. We now have a unique opportu-
nity to make a positive impact on the health
and well being of our Nation’s most needy
children.

I urge my colleagues on both sides of the
aisle to join me in sponsoring this historic
piece of legislation, and bring comprehensive
health care to children in dire need of care.

THE MEDICARE DEBATE

HON. BRIAN P. BILBRAY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. BILBRAY. Mr. Speaker, I ask that the
following editorial from the San Diego Union
Tribune, dated September 22, 1995, be in-
serted in the RECORD.

THE MEDICARE DEBATE
(By Brian Bilbray)
The current radio and television ad cam-
paign employed to derail Medicare reform ef-
forts resembles a horror movie—a ridicoulous script, unbelievable characters and a
wildly exaggerated villain. If the big-labor-
financed advertisements running against me
in San Diego weren’t so distorted and out-
rageous they would be humorous.

But there is nothing funny about the im-
peaching bankruptcy of the health-care sys-
tem upon which 37 million American seniors
now depend. However, the distortions and scare tactics surrounding the debate do a
great disservice to seniors and those of us in
Congress who wish to arrive at a reasonable
solution to preserve the system.

As we begin to debate the specifics of Re-
publican proposals to reform Medicare, we
will keep in mind what the opponents of
Medicare reform have forgotten: The future
of Medicare depends upon a dialogue, not a
shouting match. The real villains are those
who cheapen the debate and contribute no
ideas or solutions of their own.

The Medicare Preservation Act of 1995, in-
troduced in the House of Representatives
this week, is a starting point for debate, not the
final product for reform. Since April, when President Clinton’s trustees warned that the system
would be bankrupt by the year 2002, I have met with seniors, doctors and hospital adminis-
trators in San Diego. They provided me with input and ideas, which have become part of the proposal we are now debating in Congress.

The Republican plan is based upon the be-
lief that individuals will make better choices about their health care in the govern-
ment. Seniors will be able to choose from the
same types of health-care plans now found in
the private sector. If a senior is now spend-
ing a great deal of out-of-pocket expenses on
Medicare insurance to cover prescription
drugs, he or she can choose not to enroll in
“traditional” Medicare and may instead want to pick a plan that includes drug cov-
verage.

Seniors also will have an option of a “MediSave” program, in which a high-de-
tuctible policy would allow the govern-
ment deposits money to cover that deduct-
ible in an interest-bearing account in a bank
of their choice. This gives them complete
control over their health care decisions, with their doctors, without worrying about an
insurer’s or Medicare’s payment policies.

The bill introduced this week also exposes
the sham of the Medicare “Medigap” option: the past few months which have alleged that premium
costs for seniors enrolled in Medicare Part B
will drastically increase. Today, seniors pay
premiums that are 3.5 percent of Part B costs.

Under our proposal, the premiums will con-
tinue to be calculated that way, so that they
will increase as seniors’ premium increase,
just as they have done since the inception of the
program. Beneficiaries will not face any in-
crease in deductibles and co-payments, in
contrast to what they may be claiming.

Under our proposal, doctors and hospitals
will be allowed to form provider-service net-
works to cover Medicare benefits, without
the insurance company or managed-care company as an intermediary. A group of doc-
tors or hospitals functioning as a network
will not be required to meet marketing
requirements. Per-beneficiary con-
tributions will be adjusted for age and other
factors so that Medicare is providing funds
adequately to need.

The health-care dollars spent by a senior in
San Diego may be drastically different
than those spent by a senior in Nashua, N.H.—our plan provides for this flexibility.

Every Medicare provider must agree to take all applicants and allow participants to stay
in the plan as long as they want; no one will
be shut out due to an illness or a pre-existing
condition.

How do Republicans reduce Medicare’s rate
of growth—one that has been running at
hyperinflationary levels? Two ways: In-
creased health-care choices for seniors who
will spend their dollars more efficiently, and
increased competition between providers. In
addition, the Medicare Preservation Act will
shrink the subsidy Medicare currently pro-
vides to more affluent seniors.

According to the Congressional Budget Of-
fice, a 65-year-old couple, both retiring this
year, will collect $126,000 more from Medi-
care than they paid in during their working
years.

For millions of seniors, this subsidy is vital
to their retirement income security, but this is a luxury the taxpayers cannot af-
ford. Federal seniors with incomes over $75,000 and couples with incomes over $150,000 will begin to pay high-
er premiums instead of receiving a subsidy from the taxpayers.

The scare tactics and misinformation cam-
paign designed to derail Medicare reform
will not succeed. Republicans have worked
in the system know that doing nothing to
save Medicare is not an option. The calls I
have received from seniors in San Diego have
been overwhelmingly against the “Medicare”
advertisements.

As one woman from La Jolla asked, “How
gullible do the labor unions think we are?”
Preservation of Medicare means reform, and
as long as reform continues to involve dia-
logue with San Diegans, I have more con-
fidence in the process.” I agree, and I urge
opponents of Medicare reform to focus on the
process of debate, don’t further debase the
process.

IN MEMORIAM: THE OFFICE OF
TECHNOLOGY ASSESSMENT, 1972–95

HON. AMO HOUGHTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. HOUGHTON. Mr. Speaker, the Con-
gressional Office of Technology Assessment
[OTA], which served the Congress with such
great distinction for more than 20 years, will
close its doors on September 29, 1995. On
behalf of all the Members of this body, I
would like to express my deep appreciation to
the more than 200 dedicated and talented
individuals at OTA who have served government
process. And I want to share with you a brief summary of
their accomplishments.

As you know, OTA’s job was to provide the
Congress with an objective, thorough analysis
of many of the critical technical issues of the
day. And that it did, examining cutting edge
science in medicine, telecommunications, agri-
culture, materials, transportation, defense, in-
deed in every discipline and sector important
to the United States. The agency appraised the costs and benefits of diverse technological systems: The computerization plans of Federal agencies; satellite and space systems; methods for managing natural resources; systems for disposing of wastes. The list is endless. But to mention a few more:

OTA evaluated the environmental impacts of technology and estimated the economic and social impacts of rapid technological change. The agency offered sound principles for coping with, reaping the benefits of, that technological change. Thus, in the Federal Government, in the work-place, and in our schools. The agency took on controversial subjects, examining them objectively and comprehensively for our benefit. It helped us to better understand complex technical issues by tailoring reports for legislative users. It provided us with early warnings on technology’s impacts and it enabled us to better oversee the science and technology programs within the Federal establishment.

While pulling issues down to practical grounds, OTA has usually erred on the optimistic side. For example, OTA regularly spelled out its belief in the power of technology to improve our lives and help solve the Nation’s problems. It worked through a basic understanding of how technology works, how institutions need to change to accommodate new technology, how resistant to change such institutions can be when the conditions are wrong, and how swiftly they can adapt when the conditions are right. OTA helped us discover the conditions for change.

A SCOPE WIDE AND DEEP

Once OTA was well underway, it had 30–60 projects in progress, published up to 55 reports, and started approximately 20 new projects each year. Its work ran the gamut of subject matter, with approaches tailored for each topic and congressional request. For example:

In 1975, one OTA program began a comprehensive policy analysis of the Nation’s energy future, which it provided incrementally throughout the energy crisis.

Between 1975 and 1980, another OTA group focused on the rapidly becoming industry in the technology assessment of health care by demonstrating the inadequacy of information on which decisions about technology were made; laying out the strengths and weaknesses of methods to evaluate technology; and crystallizing the process by which economic tradeoffs could be incorporated in decisions.

In 1979, OTA expanded its work in agriculture to include all renewable resources and laid the foundation for others’ efforts on sustainable development and, later, ecosystem management.

One OTA group examined each key mode of transportation in turn, focusing especially on urban transportation; better and less expensive ways to move goods; and technologies which used less petroleum. Another OTA program tracked materials through their total life-cycle—from exploration and extraction through production to use, reuse, and eventual disposal. A third investigated policies related to the private use of Federal public lands and other resources, addressing questions of public equity, the responsibility of industry, and the long-term protection of the environment.

In sum, OTA brought new, old important science into the center of many congressional discussions. At times, OTA took part in high-profile debates on major pieces of legislation such as the 1980 Energy Security Act; Superfund; the Clean Air Act; and the Foreign Assistance Act. Also, the agency contributed to specific technical issues that puzzled nontechnical decision-makers: nuclear risk reform to long-term African development; from acid rain to dismantling nuclear weapons; from the Strategic Defense Initiative to policy body armor. One study on global climate change helped Congress evaluate more than 131 pieces of legislation. At its busiest, OTA’s testimony for various committees averaged more than one a week.

The executive branch and State governments were not outside the OTA reach. OTA published the landmark work on computers in schools. This eventually led to support for teachers as the way to make the best investment in technology—a key policy change in education. OTA’s repeated work on the farm bill prompted important changes in the U.S. Department of Agriculture. And OTA’s comprehensive series on nuclear waste management set out issues of technology and policy for both industry and the military.

CAREFUL ANALYSIS, SHARED WITH THE WORLD

In the course of every study, OTA accumulated vast amounts of raw information. By a process of sifting and sifting, it created a record of a report with “value-added.” OTA staff excelled at identifying the principal strands of analysis, weighing the evidence of each, and synthesizing essential pieces. The creed of OTA was to come as close as possible to objective analysis. It was true when OTA developed the analytical model. It was used in every project. Team members came from different disciplines and backgrounds, with different experiences and perspectives, yet they always seemed to share a commitment to their product and not incidentally to the American people.

When work took OTA into new subject areas, staff broke ground for new intellectual pursuits. This was true in risk policy. And it was true when OTA developed the apolitical methods to identify priorities for agricultural conservation. During OTA’s lifetime, “international interdependence” changed from slogan to reality. OTA was ahead of the curve, conducting international case studies and exploring the environmental effects of multinational corporations.

In fact, between 1985 and 1990, OTA’s studies of the impacts of technology on the economy, environment, and security of the U.S.S.R. and Eastern Europe made clear that the demise of centrally planned economies would be inevitable. As a result of all this, OTA gradually became recognized worldwide as the top institution in its field. Representatives from about one-third of the world’s nations visited OTA one or more times to learn how OTA worked; how it became so valuable to Congress and the American people; and how these foreign nations might develop their own “OTAs.” Austria, Denmark, the European Community, France, Germany, Great Britain, the Netherlands, and Sweden have copied or adapted the OTA style. Similar organizations are being discussed or formed in Hungary, Japan, Mexico, the People’s Republic of China, Russia, Switzerland, and Taiwan.

The above is simply the most visible aspect of OTA’s international impact. Visitors from other countries stopped by nearly every week to discuss specific technologies or technology-related issues. Several OTA staff spoke frequently about OTA in other countries. A number accepted temporary details to academic or government positions overseas. And still others traveled abroad to teach short courses on technology assessment.

THE WRITTEN WORD

In its 24 years, OTA published nearly 750 full assessments, background papers, technical memoranda, case studies, and workshop proceedings. OTA reports were recorded as being “remarkably useful;” “throughout ‘comprehensive;’ ” “rigorous.” At their best, OTA reports were among the most cited references on their subjects. “Landmarks,” they were called, “definitive,” and the “best available primers.” From 1992 to 1994, twelve assessments won the National Association for Government Communications prestigious Blue Pencil Award, successfully competing against as many as 850 other publications in a single year. In the same 3 years, 12 additional reports were named among the 60 Notable Government Documents selected annually by the American Library Association’s Government Documents Round Table—representing the best Federal, State, and local government documents from around the world.

In typical comments, the journal Foreign Affairs claimed that, “The Office of Technology Assessment does some of the best writing on security-related technical issues in the United States.” A former Deputy U.S. Trade Representative called OTA’s 1992 report on trade and the environment, “the Bible.” A Senator described OTA’s work on the civilian impacts of defense downsizing as * * * a superb study and the standard by which all similar efforts will be judged.” And the head of one state’s plant protection agency described OTA’s study of non-indigenous species as * * * a benchmark which will be the most heavily referenced document for years to come.”

OTA’s reports were often bestsellers at the Government Printing Office and the National Technical Information Service: GPO sold 48,000 OTA reports in 1980 alone. Commercial publishers reprinted at least 65 and translated two reports all or in part. The Superintendent of Documents selected 27 OTA reports to display in the People’s Republic of China in 1981. And OTA itself reissued reports that had unusual staying power. For example, OTA’s 1975 report on tanker safety and the prevention of oil spills was reissued in 1990 after the Exxon Valdez accident. Likewise, OTA combined the summaries of two particularly popular reports—on tropical forests and biological diversity—and reprinted them in 1992.

THE PEOPLE BEHIND THE PROJECTS

OTA staff represented every major field of science and technology, ranging from board-certified engineers to astrophysicists. OTA staff were sought out to serve their respective professional associations. A number were elected to offices or boards—the International
Society for Technology Assessment, the International Association for Impact Assessment, the Association for Women in Development, the Ecological Society of America, etc. Two staff formed the Risk Assessment and Policy Association and others went on to found their own companies.

Above all else, OTA staff were teachers. As a result of their efforts, hundreds of thousands of people are better informed not only about science and technology but also about the structure and function of Congress. OTA served 60 staff, three subcommittees and subcommittees every year. Thirty-one Senators and Representatives had the privilege to serve on OTA's Technology Assessment Board and we became among the Congress' most knowledgeable members on issues of science and technology.

Each year, at least several hundred advisory panelists and workshop participants also took part in OTA's work. Some years, OTA tapped as many as 1,500 leaders from academia, non-governmental organizations, State and local governments, and industry. OTA's advisors valued OTA's experience and said it made them more fit for decisionmaking in their own fields. Some were experts; some were stakeholders. Still other were members of the larger public. As early as 1975, OTA incorporated public participation and stakeholder involvement into its recommendations for offshore energy development. Nearly 15,000 people were involved. Later approximately 80 African farmers and herders were included in an evaluation of the United States-funded African Development Foundation.

In addition, OTA provided 71 scientists and engineers with a challenging and memorable year on Capitol Hill as Morris K. Udall Congressional Fellows or congressional fellows in health policy. Many of OTA's younger employees gained a taste for research—and for public service—at OTA and went on to graduate school to become the next generation of business leaders, scientists, engineers, and policy analysts.

OTA's record depended upon remarkable support staff as much as it did on the agency's analytical staff. Their work was the foundation of OTA's record. OTA's meetings—and often commented that OTA's workshops were the most well supported, best organized, and most productive they had ever attended. Contractors were gratified by the ease with which their travel arrangements and invoices were handled. OTA processed hundreds of security clearances efficiently and without incident—without which OTA could not do its work on national defense. Reports sped through OTA's publishing process and grew steadily more attractive through the years. The staff of OTA's Information Center could find even the most obscure research material—and provided a friendly agencywide gathering place. The Information Center, the technical support office, and the agency's electronic dissemination program kept OTA at the cutting edge of technology for research and for public access to the agency's work.

OTA was a small agency. It was a generous place. For some, colleagues became like second families and these relationships extended to committee and personal staffs. Friendship, joy, and grief seemed to be shared without regard to job description. Many at OTA value this legacy as much as any other. But of course, OTA was not perfect. At times, its greatest strengths—flexibility, tolerance, the preponderance of technical skills—became its biggest weaknesses. One outsider looked at OTA's work and commented, "You must have just about the best job I ever did." I know that many at OTA, for much of their time, felt exactly that way.

Although OTA closes on September 29, 1995, the Congress will continue to benefit from its work. Stark evidence of the dedication of OTA staff is the fact that OTA continued working to the end. More than 30 reports will be delivered to requesting committees even after the doors are closed.

OTA soon will be a memory, and we will discover what is lost. But we can salvage something. Those of us who have used OTA reports know that most of them have long shelf lives. The really important issues—the issues OTA worked on—do not get solved and go away in one Congress. In January 1996, all of OTA's reports will be issued on CD-ROM—OTA's final legacy. We should be proud of it.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

SPEECH OF
HON. JOSEPH P. KENNEDY II OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1995

The House in Committee of the Whole on the House of the Senate of the Union had under consideration the bill (H.R. 2274) to amend title 23, United States Code, to designate the National Highway System, and for other purposes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the Lowey zero tolerance amendment to the National Highway bill. At last, we have an amendment which will provide a Federal standard for making driving laws consistent with drinking laws.

In addition, we have a provision which will provide a Federal standard for making driving laws consistent with drinking laws.

By restoring sensibility to our impaired driving laws, zero tolerance provisions make it illegal for underage persons to drink any amount of alcohol and then drive.

Driving inexperience and risk-taking behavior often leads teens to dangerous driving situations. If alcohol is introduced in the equation, it often becomes a deadly mixture. Research shows that young drivers are particularly susceptible to impaired judgment when driving under the influence of even small amounts of alcohol. A survey of Massachusetts teenagers who admitted consuming five or more drinks showed they were twice as likely to drive 20 miles over the speed limit, run red lights, and make illegal turns—and many without wearing their seat belts.

As of May 1995, 32 States and the District of Columbia have established lower blood alcohol contents [BAC's] for youthful drivers. Such provisions should be indiscriminately applied across all State lines, sending a clear message to our Nation's teens: If you are under 21 years old and are driving with any level of blood alcohol consumption, you will be considered driving while impaired and your driver's license will be temporarily revoked.

Each year for the past decade, between 2,400 and 5,400 youths aged 15 to 24 were killed in alcohol-related crashes. If this amendment were adopted, it is estimated at least 375 single vehicle night fatal crashes would be prevented each year. These are more than just numbers—these are lives.

I applaud my colleague from New York, Ms. LOWEY, for her leadership in offering this amendment. I believe the time has come for us to engage in a national debate over the merits of formulating a new comprehensive alcohol policy. To that end, I am planning to offer a comprehensive alcohol bill in the coming weeks and would encourage my colleagues to lend their support. One provision of this bill parallels the ideas conveyed in the amendment we are debating today—establishing a national zero tolerance law for underage drinking drivers.

Responsible legislating can be manifested in various forms. Passing the Lowey zero tolerance amendment is the responsible thing to do. I urge my colleagues to adopt this amendment.

FLOWER SHOW SPONSOR EXHIBITS MORE THAN LOVE OF FLOWERS

HON. SHERWOOD L. BOEHLERT OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. BOEHLERT. Mr. Speaker, I rise today to commend to you John Hordines, who sponsors an annual flower show in my district at his farm in East Branch, N.Y. In his third year of running this flower show, which he does at his own expense, Mr. Hordines will have 31 entries from as far away as Florida and California. He does it for the love of flowers. And it's evident that plenty of people in this country share his enthusiasm, since 20 million Americans raise flowers. Mr. Hordines shows some qualities that I greatly admire: initiative, self-reliance, and generosity. His flower show, which is only open to amateurs, is a great example of these attributes. I encourage everyone to attend this year's flower show, which will be on October 1.

MORE BEIJING THREATS

HON. DAVID FUNDERBURK OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 1995

Mr. FUNDERBURK. Mr. Speaker, earlier in the year the House shamelessly handed the aging rulers of Communist China another bloodless victory. The House, the Senate, and the President gleefully renewed legislation granting most favored nation trading status to Red China.

I said then and I say now that kowtowing to the old boys in Beijing is a stain on American honor. Communist China has murdered millions. It runs the world's most sinister and extensive gulag. Its slave camps turn out textiles for the old boys in Beijing is a stain on American honor. Communist China has murdered millions. It runs the world's most sinister and extensive gulag. Its slave camps turn out textiles for the...
we allowed the President of the Republic of China—free China—to visit the United States.

Mr. Speaker, as if that were not enough, there is another facet to the Chinese problem which is potentially more ominous than all of the Chinese crimes which I have cataloged. The Chinese invasion and modernization program of any nation in the world. They are building and buying a blue water navy. They have recently completed a series of offensive missile tests off the coast of Taiwan.

Taiwan poses a military threat to the Beijing dictators. There is only one reason for the Communists to embark on a missile buildup. They are deadly afraid that free China, with its robust markets and its expanding democracy, will provide the world with a stark contrast to the crimes and deficiencies of the Communist dictatorship. They believe that their missile tests will intimidate free China and force it off the world stage. Of course, they don’t understand the mettle of free people.

Mr. Speaker, our State Department has turned a blind eye to the threat posed to all of Asia by Beijing. While the Communists arm, Foggy Bottom does business as usual. What is needed now? Wall Street Journal editorial, written by a man of the New York Times, President Lee said no.

Background: September 30, 1994, President Lee Teng-hui of the Republic of China told the Wall Street Journal that he was willing to meet with PRC leaders to discuss relations between the ROC and the PRC. Beijing said no. January 30, 1995, PRC leader Jiang Zemin issued an eight-point plan for future bilateral relations between the mainland and Taiwan. April 8, 1995, President Lee formally responded to President Jiang’s eight points with a six-point counterproposa.

May 22, 1995, the White House announced the new strategy. President Clinton decided to allow President Lee to visit Lee’s alma mater, Cornell University. June 9, 1995, President Lee delivered the Olin Speech at Cornell University.

July 21, through 26, 1995, PRC forces staged ballistic missile exercises near Taiwan. The missiles were all MTCR class, four short range and two intermediate range. All were modern, mobile nuclear-capable. The tests in the open sea 80 miles from Taiwan forced the closure of fisheries and the diversion of commercial flights. The Taiwan stock market promptly plunged 6.8 percent amid jitters about a Chinese strike.

August 15 through 25, 1995, PRC forces resumed military exercises in the Taiwan Strait. A second round of guided missile tests, firings of guided missiles and live artillery shells in the East China Sea north of Taiwan. The tests zone off Zhejiang is a few miles north of the area where China’s military test-fired six surface-to-surface missiles from July 21 through July 26.

In addition, PRC launched strong personal attacks on President Lee Teng-hui. PRC’s People’s Daily (overseas edition), in four separate commentaries, called Lee stubborn, insisting on separating Taiwan from the motherland, creating two Chinas by employing “money diplomacy,” “vacation diplomacy” and “alumni diplomacy.” Lee is a traitor and an advocate of Taiwan independence. President Lee’s response to the PRC: In a September 1 interview with Thomas Friedman of the New York Times, President Lee makes clear that “he is not seeking international recognition for Taiwan... to... resume the quiet dialogue that had been going on between Beijing and Taipei.”

Results of the missile tests and personal attacks on Lee: Fear and panic throughout Taiwan. The stock market plummeted to a 20-month low. Land prices sagged. Also, the Taiwan dollar has hit a 4-year low of 27.36 to the U.S. dollar.

PRC’s motives: cutting support for President Lee Teng-hui and creating tensions in the PRC’s December parliamentary elections and next March’s presidential elections. Warning Taipe not to try to raise its world status such as returning to the United Nations or practicing “pragmatic diplomacy.”

PRC threats continue: The worst nightmare in Asia is a Chinese invasion of Tai- among the world with a stark contrast to the crimes and deficiencies of the Communist dictatorship. They believe that their missile tests will intimidate free China and force it off the world stage. Of course, they don’t understand the mettle of free people.

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The Federal Government—and Congress—have a legitimate interest in knowing what is happening on a Federal transportation system. We are not preventing States from doing what they want, but we and the States have a responsibility to know and squarely face the consequences. We need the facts. We and the States need the facts. This report will provide the data and help guide future decisions. I urge my colleagues to support the amendment.

TRIBUTE TO FRANK REDMILES
HON. ROBERT A. BORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. BORSKI. Mr. Speaker, I rise today in recognition of Frank Redmiles, a man who has dedicated 45 years of his life to bettering his family, his community, and the lives of tens of thousands of working men and women throughout Pennsylvania, New Jersey, and New York.

Frank Redmiles is retiring from four decades of toil and service in behalf of the men and women of the United Auto Workers. And while he may be retiring from active service, his legacy is certain to live on and inspire future generations of labor advocates.

From the very beginning of his working life, in 1950 at the former ITB Circuit Breaker Co. in Northeast Philadelphia, Frank Redmiles was a union man. He began in the then-independent union, the ESU, which later affiliated with the United Auto Workers.

He started out, like so many advocates, as a shop steward. He served 12 years on the United Auto Workers’ negotiating committee. He became chairman of that committee.

Frank Redmiles was in the forefront of the affiliation of the ESU with the United Auto Workers in 1969. He served as a trustee and as shop chair, and then was elected president of UAW Local 1612—a post he held for 7 years.

In 1979, Mr. Redmiles was appointed as an international representative of the UAW for southeastern Pennsylvania, and in 1985, he reached the pinnacle of his union advocacy when he was appointed Pennsylvania area director of region nine of the UAW—a post from which he represented the interests of more than 75,000 working men and women.

The 1980’s, as we all know, were difficult economic times for working men and women in the United States. The constant pressures from foreign companies and foreign competition fell particularly hard on the automobile industry, and the workers of the UAW felt those pressures and hard times.

But through every one of those difficult days, months and years, Frank Redmiles never stopped fighting. He never stopped fighting for fair and equitable contracts for his rank and file. He never stopped fighting for a living wage. And he never stopped fighting to save the jobs of American workers.

And, while Mr. Redmiles was serving as such a tireless advocate for UAW workers, he was also finding time to serve his larger community and the Region Nine of the Philadelphia Mayor’s Scholarship Advisory Committee, and he served on the city’s zoning board as well, eventually as chairman. In addition, he served on the board of the Ben Franklin Partnership, and in 1992 he was appointed to serve on the transition team of Mayor Edward G. Rendell.

Thank you, Mr. Speaker, for the opportunity to bring to the House’s attention the life story and public service of Frank Redmiles, a man whose 45 years of advocacy to the cause of the working men and women of the United Auto Workers do much justice to the historic legacy of a proud American labor organization.

I told the agency heads back in January that Alaskans had suggested the type of proposal that I am making today. I told them that I was considering a proposal that would transfer their lands. I asked that they improve their policies and decisionmaking on our national forests and public lands, so that we improve the environments on which we depend. Decisions just keep getting worse.

Even after the President’s political appointees in the Government decided to cancel the large timber contract, they still refuse to offer timber to small business people. While 80 million board feet should be available for small mills, only 35 million board feet has been provided in the Tongass this year, most of it at the end of the season when it does little good.

Communities in southeast Alaska are suffering. Productive, hardworking people are out of work. Forty-two percent of the timber jobs are gone in Southeast. The President’s political appointees who control the Federal land managers just do not seem to care. They continue to propose problems instead of solutions.

Alaskans and others realize that their State legislature is closer to the economic and ecological needs in the Tongass. It has a much better understanding of what it will take to bring peace to the Tongass than does the U.S. Congress and the Federal Forest Service.

Given the choice, a majority of southeast Alaskans would rather see the State of Alaska own the Tongass than continue with Federal management. Fifty-five percent would support a Tongass transfer to the State according to a recent poll. Alaskans clearly favor what my bill seeks to accomplish.

No particular group asked for this bill. I stress that point. No particular group asked for this bill, but I have listened to what Alaskans have been saying since the passage of the Tongass Timber Reform Act. I have discussed the ideas in this draft with Alaskans.

I have listened to our Governor of Alaska speaking through Commissioner Willie Hensley. At Senator Murkowski’s workshop on the Senate bill Commissioner Hensley said:

The hallsmarks which guide our [state] policies in connection with the Tongass include ... maximum self determination for the people of Southeast Alaska with respect to land management decisions which affect them, and a minimum of legislative prescriptions from Washington D.C.

My bill relies on the Governor’s wisdom. My bill gives Alaskans a chance to achieve maximum self-determination for the people of southeast Alaska. There will be no running back to Washington, DC, to a Congress that uses the Tongass as a political pawn. Tongass policies will be Alaskan policies. Our Governor wants no Washington, DC, legislative mandates and that is what my bill proposes.

I also heard elected leaders of the State legislature. This year the Alaska legislature overwhelmingly passed Senate Joint Resolution 6. That resolution noted that America’s Founding Fathers knew that control of land is power. They knew that centralized Federal Government with a substantial land base would eventually overwhelm the States and threaten individual freedom. Senate Joint Resolution 6 said:

Be it resolved that the Alaska State Legislature urges the 104th Congress of the United States to ... transfer to the states, by fee
title, any federally controlled property cur-
currently held within the states admitted to the
Union since 1802.
Just last week, the Southeast Conference passed a resolution supporting the concept of
transferring the Tongass to the State of Alas-
ka. The Southeast Conference resolution read:
Now, therefore be it resolved, that South-
east Conference supports the concept of
transferring the Tongass National Forest to
the State of Alaska, thereby allowing maximum
self-determination by the people of Alaska in resolv-
ing existing conflicts and bringing stability to our region.
I also heard from Alaskan families who now
suffer as a result of Federal policies in the Tongas.
People like the Gardners wrote me. They said:
DEAR DON YOUNG: My husband and I moved
here to Alaska about 6 years ago so we would
not have to worry about him losing his job in the
logging industry, and every since . . . it
seems like a lot of really good people are
being put out of work. It just doesn’t make
a lot of sense to me why [the mills are clos-
ing.] We only logged 4% of the Tongass Na-
tional Forest in 40 years, don’t you think
there is plenty to go around? Please help us
keep the logging and mills and all of the families
working.
Sincerely,
SHANNON, STYVE, AND
AMBER GARDNER.
My proposal is in line with what the Gov-
ernor desires, is more modest than the Alas-
kau Legislation urged, brings decisions in the
Tongass closer to those like the Gardners, and is exactly what the Southeast Conference
urged in a resolution adopted last week.
This bill is a starting point. Critics and sup-
porters note this fact. It is a draft, a
discussion piece so to speak, but it is a seri-
ous proposal. It is a proposal that I am making
because the Federal Government has failed
those like the Gardners and hundreds of oth-
ers who write to me about what is going on in the
Tongass. I have included at the close of
my remarks a sampling of other letters from
timber families in the Tongass.
The business of transferring an entire 17
million acre forest to a State is a complex mat-
ter. How to make the best transition to State
ownership raises complicated issues. It may
take some time to refine the details and I do
not want to leave anyone with the impression
that this is a quick fix solution.
We have talked to Alaskans about many
issues raised by my bill and arrived at the
draft proposal that I am introducing today. My
staff and I will talk further with Alaskans as
this draft proposal circulates.
We may not have thought of the best solu-
tion for every issue, but I am anxious to hear
thoughtful suggestions from Alaskans and oth-
ers on how to best modify the bill to ease the
transition.
To be clear, we aim to get the Federal Gov-
ernment out of our business in the Tongass,
to give decisions to Alaskans, and to accom-
plish this with a minimum of Federal strings at-
tached.
Before my committee takes action on the
bill, we will hold hearings. We will give Alas-
kans and others a chance to provide thought-
ful analysis of how the transition from Federal to
State ownership should work. I look forward to
this hearing. It will be well attended.
So that my proposal for Alaskans is under-
stood, the following summary of the bill may be
useful. In addition, I ask for unanimous
consent that the full text of the bill and other
material appear in the RECORD immediately
following the summary.

SUMMARY OF THE TONGASS TRANSFER AND
TRANSITION ACT

TONGASS TRANSFER PROCESS

Within 10 years of enactment, the State of
Alaska may elect to receive an ownership of all of
the Tongass National Forest lands.

The election is made when the legislature
passes and the governor signs a bill that says
(1) the State elects to receive the Tongass, (2) the
land is transferred subject to valid exist-
ing rights, (3) the procedures and transition
provisions of the Act apply to the transfer,
(4) the State is not required to respect the rights guar-
anteed under ANCSA.

Once such a bill is passed by the legisla-
ture, signed by the governor, and the Sec-
retary of Agriculture is notified, all of the
United State’s interest in the Tongass Na-
tional Forest is automatically transferred to
the State of Alaska.

At that time, a one year “transfer-transi-
tion” period begins, during which a patent
title, any federally controlled property cur-
currently held within the states admitted to the
Union since 1802.

The Tongass is prepared by the Sec-
retary and several transition issues are
worked out. First, the State will respect the
rights guaranteed by the Act. Finally, at the end of the
transfer-transition period, the Secretary delivers the
Tongass patent on the “patent date.”

During the one year transition period,
the Forest Service still manages the Tongass
and federal law still applies. Beginning on
the patent date, the State of Alaska man-
gages the forest and Alaska law applies to
land in the Tongass with limited exceptions.

On the patent date, the State generally be-
comes obligated to handle Federal federal
obligations (such as leases, permits, licenses,
and contracts). Basicly the State assumes federal
obligations.

TRANSITION ISSUES

Several specific issues are also addressed during the
transfer-transition period:

- Forest Service Employees. —During the one
year transfer-transition period, the State of
Alaska must interview each person employed
by the Forest Service for purposes of reem-
ployment with the State of Alaska’s new ad-
mimisterive management system for the
Tongass.

- Timber Receipts to the Federal Treasury. —For
ten years, 25 percent of the net timber receipts
for all timber sold in the Tongass is paid to the U.S. Treasury by the State of
Alaska.

- Alaska Pulp Corporation Contract. —During the
one year transfer-transition period, the State of Alaska must negotiate a new
contract for purposes of retaining the
APC contract. The agreement must in-
clude provisions that dismissing the APC
contract. The agreement must in-
clude provisions that dismissing the APC law-
suit against the federal government and it
requires the sale of the contract to a third
party who agrees to construct a manufac-
turing facility in Southeast Alaska that uti-
lizes pulp-grade logs.

- Subsistence. —The transfer of the Tongass will
not affect subsistence use or manage-
ment under title VIII of ANILCA. The bill re-
quires federal management of subsistence on
transferred Tongass lands until Alaska state
law complies with title VIII of ANILCA.

- Landless Natives. —The State of Alaska is
required to negotiate with the landless na-
tive communities and to reach agreement
that allocates between 23,040 and 46,000 acres
to the landless native community as
surface estate in the Tongass. Land will be
transferred for purposes of historical, cul-
tural, economic, and subsistence use. Any
 timber harvested from such lands must re-
turn net sales proceeds to the State of
Alaska. Agreement must be reached within one year of the patent date.

Timber Receipts For Local Governments. —For
ten years after the patent date, the State of
Alaska must allocate 25 percent of the net
 timber receipts from the Tongass directly to
the boroughs, municipalities, and local gov-
ernments for schools, educational materials,
and community roads.

Ketchikan Pulp Contract. —Beginning on the
one year transition period, all fee interests
originating from the KPC timber sale contract shall be-
come obligations of the State of Alaska. All
benefits resulting from the KPC timber sale
contract shall become benefits flowing to the
State of Alaska.

Mining Claims. —Federal mining claims are
given the option, for 15 years, of holding
their claims under the existing federal
law, which is administered by the State of Alaska. The
claimholder could patent the claim during
that period. After 15 years, all federal federal
management and patent rights are provi-
te the KPC timber sale program fund.

Timber Road Fund. —All timber receipts col-
ducted during the one year transfer-transi-
tion period are provided to the State of
Alaska for a timber road program fund.

Timber Exports. —The State of Alaska must
prohibit export of unprocessed saw, utility
logs, and pulp logs originating from lands trans-
ferred for a minimum of ten years.

SOUTHEAST ALASKA PUBLIC OPINION SURVEY—
A SURVEY MEASURING PUBLIC OPINION ON THE TONGASS NATIONAL FOREST TIMBER IN-
DUSTRY TRANSFERRING OWNERSHIP OF THE TONGASS TO THE STATE

Transferring ownership of the Tongass from
the federal government to state government is
an appealing idea for most Southeasterners. Across the region 55% favor
transferring ownership to the State of
Alaska.

SUMMARY OF THE TONGASS TRANSFER AND
TRANSITION ACT

BY THE SENATE RESOURCES COMMITTEE — SPON-
SORED BY SENATORS TAYLOR, HALFORD, KELLY,
AND SHANNON.

A resolution relating to federally held
property in those states, including Alaska,
admitted to the Union since 1802.

Be it resolved by the legislature of the State of
Alaska:

WHEREAS the founding fathers of this na-
tion recognized that land is power and that a
centralized federal government with a sub-
stantial land base would eventually over-
whelm the states and pose a threat to the
freedom of the individual; and

WHEREAS the original 13 colonies and the
next five years admitted to the Union were
admitted to the Union since 1802.
WHEREAS all but two states admitted to the Union since 1802 were denied the same rights of land ownership granted the state admitted earlier;

WHEREAS art. I, sec. 8, of the Constitution of the United States of America makes no provision for land ownership by the federal government, other than by purchase from the states for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

WHEREAS acting contrary to the provisions of art. I, sec. 8, of the Constitution of the United States, the federal government withheld property from the states admitted since 1802, making them land poor and unable to determine their own land use and development policies; and

WHEREAS this action has made those states admitted since 1802 unequal to other states and subject to unwarranted federal control; and

WHEREAS restoration of property to which they are historically and constitutionally entitled would empower the land poor states to determine their own land use policies;

Be it resolved, That the Alaska State Legislature urges the 104th Congress of the United States to transfer the Tongass National Forest to the states, by fee title, any federally controlled property currently held within the states admitted to the Union since 1802; and be it

Further resolved, That the Congress is urged to then purchase from the newly empowered States land needed to meet the provision of art. I, sec. 8, United States Constitution.

Copies of this resolution shall be sent to the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to members of the delegations in Congress of those States admitted to the Union since 1802; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators; and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

SOUTHEAST CONFERENCE, 
Juneau, AK.
A RESOLUTION SUPPORTING THE CONCEPT OF TRANSFER OF THE TONGASS NATIONAL FOREST TO THE STATE OF ALASKA
RESOLUTION 95-12

WHEREAS, the existing 1979 Tongass Land Management Plan has been under revision since 1989, and;

WHEREAS, this lack of finality in the planning process has lead to instability in the economy and communities of southeast Alaska, and;

WHEREAS, national political input to the Tongass land management planning process has been a key problem in efforts to resolve conflicts on the Tongass;

WHEREAS, southeast Alaska households believe the timber industry is an important part of the region’s economy, and;

WHEREAS, Southeast Conference believes that transfer of the Tongass National Forest to the people of Alaska is an important element in the quality of life in southeast Alaska;

Now, therefore, be it resolved, That Southeast Conference supports the concept of transferring the Tongass National Forest to the State of Alaska, thereby allowing maximum self-determination by the people of Alaska in resolving existing conflicts and bringing stability to our region.

Adopted in the City of Whitehorse this Twenty-First Day of September, 1995.

J. ALLAN MACKINNON, 
President.

TESTIMONY OF COMMISSIONER WILLIE HENSLEY REGARDING TONGASS LEGISLATION (S. 1054)
Mr. Chairman and members of the Committee, my name is Willie Hensley. I am the Commissioner of Commerce and Economic Development. On behalf of Governor Tony Knowles and Lieutenant Governor Fran Ulmer, I thank you for the opportunity to share our views on S. 1054 and other issues concerning the Tongass National Forest.

The Knowles-Ulmer Administration is committed to assuring a healthy, diversified economy for Southeast Alaska—both for today and for the future. We are pleased that the Alaska Congressional delegation shares our belief that the Tongass National Forest, as it is currently managed, does not reflect the needs and interests of the people of Southeast Alaska.

We recognize that the southeast Alaska’s economy is, by virtue of the region’s land base, inextricably linked to the Tongass National Forest. Consequently, balanced, sound management of the multiple-use Tongass is vital to the long-term social and economic well-being of the people and communities of southeast Alaska.

To this end, the hallmarks which guide our policies in connection with the Tongass include:

1. Informed decision-making and prudent management of our resources through the use of sound science;
2. Multiple, balanced and sustainable use of the Tongass’ diverse resources, including conservation measures that reflect our concern for future generations of people who will depend on these resources;
3. A planning process that is inclusive of the many and varied interests associated with the Tongass and is designed to foster consensus building;
4. Maximum self-determination for the people of southeast Alaska with respect to land management decisions which affect them; and
5. Minimization of legislative prescriptions from Washington, D.C.

These are the criteria by which we evaluate Tongass policies.

DEAR CONGRESSMAN YOUNG: Just wanted to let you know there are a lot of us cutters out here depending on you. It’s damn hard, when one guy doesn’t know if he’s going to have to pack out the next day because of an injunction. I know you have been trying hard and I wanted to say thanks for doing so. Please stay with it, cause you all we’ve got.

Thanks,
GARY BATCHELER.
P.S. Right now I’m in a camp of about 50-60 men and I’m sure, I speak for them all.

WARD COVE, AK, 

Congressman Don Young,
House of Representatives, Rayburn Building,
Washington, DC.

DEAR CONGRESSMAN YOUNG: This letter is to offer my congratulations on your continued support of the timber jobs in southeast Alaska. It is time the Forest Service considered the impact of people in the equation, not just bugs and birds. They have gotten so involved in protection, it has escaped their attention that the forest is a renewable resource for the people. I encourage the wise use of our natural resources with a greater importance placed on people and jobs.

BOB ELLIOT.

PETERSBURG, AK, 

Congressman Don Young,
House of Representatives, Rayburn Building,
Washington, DC.

DEAR CONGRESSMAN YOUNG: Thank you for your support of the forest industry in southeast Alaska.

The forest industry is vital for the economy of southeast Alaska, where 42% of forestry jobs have already been lost directly and indirectly because of the 1990 Tongass Timber Reform Act. I urge you to work toward new legislation which will allow the forest industry to harvest timber, safeguard our forests from over harvesting and protect habitat. It does not seem like a balance between the factions.

Does the Forest Service need to be restructured? What is their main objective? It does not seem to be managing the forests for the forest industry but for special interest groups, such as tourists and conservationists, which would lock us in the key away with no regard to the opinions of the local citizens. Personally, I feel the US Forest Service has become too large and wield too much power over their fellow citizens. In fact, they remind me of the IRS.

Thank you again for your efforts towards the forest industry and the dilemma it is in.

Sincerely, 
MIKE LUHR.

FIRE DEPARTMENT ANNIVERSARY REMARKS

HON. MICHAEL P. FORBES
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. FORBES. Mr. Speaker, I rise today to pay tribute and to congratulate the Shelter Island Heights Fire Department on the 100th year of dedicated service to the people of Shelter Island Heights. The residents of the Shelter Island Heights Fire District are very fortunate to have such a well-trained and devoted fire department.

The Shelter Island Heights Fire Department worked hard to establish itself as one of the best departments in New York and has achieved an impeccable record.

The success of the fire department is a direct result of dedication and effective management displayed by its members. Under the leadership of Chairman Frederick J. Gurney the fire department has continued to play an active role in the life of the Southampton community. This leadership umbrella extends to the other members of the commission, Charles Williams, Eugene Tybaert, Louis Cicero and Richard Surozinski as well as the loyalty and hard work exemplified by Chief Officer Stuart Nicoll, First Assistant Larry Lechmanski and Second Assistant Dave Sharp. The Shelter Island Heights Fire Department consists of more than 35 volunteer fire fighters, containing no career employees, of which the Shelter Island Heights Fire Department is a part.

On Saturday, September 30, 1995, the Shelter Island Heights Fire Department celebrates its 100th anniversary, marking the culmination of a long, proud history by recognizing and honoring the efforts of those who have sacrificed and served the department and community. Therefore, Mr. Speaker, it is fitting that we wish this fine group of professionals, ‘Godspeed!’

I urge the members of this House to join me in congratulating the fire department on achieving this momentous milestone. This is a much deserved tribute and I wish them all the best on their day of recognition and glory. They give of themselves beyond the call of duty for their community, and we applaud this extraordinary service and efforts. These courageous individuals have truly earned this recognition. May they continue to
serve their community for another hundred years.

PUNCH DRUNK AFTER ONLY ONE ROUND?

HON. CYNTHIA A. MCKINNEY
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Ms. MCKINNEY. Mr. Speaker, I am outraged and dismayed that the Voting Rights Section of the United States Justice Department seems punch drunk after only one round. Is it that the lawyers over there have forgotten the rich and violent heritage that resulted in their employment?

The Voting Rights Act was won only after tears had been shed and blood had been spilt. People died for the passage of the Voting Rights Act. And that our country could survive the turmoil and emerge a better place for all of us is a tribute to our strength.

Dr. Turner has been honored by many community groups, including: the NYC Bureau of Child Welfare, the United Builders Association, the Boy Scouts of America, and the YMCA. He was appointed by the Governor of the State of New York to the New York State Commission on Health Education and Illness Prevention.

Dr. Turner has a B.A. from Gordon College, an M.S. form Biblical Seminary of New York City; an M.T.S. from New York Theological Seminary; and a D.Min. from Drew University.

Dr. Turner is married to Laura B. Turner, an educator, and they have two children. I am pleased to bring the life and service of the Rev. Doctor V. Simpson Turner to the attention of my colleagues and commend him on a ministry well-served and a life well-lived.

STATEMENT OF CAROL ANN DEVINE AS READ BY BIANCA JAGGER AT THE CONGRESSIONAL HUMAN RIGHTS CAUCUS ON SEPTEMBER 27, 1995

HON. ROBERT G. TORRICELLI
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 28, 1995

Mr. TORRICELLI. Mr. Speaker, I submit the following statement and recommend it to my colleagues:

On June 8, 1990, my husband, Michael Vernon DeVine, was kidnapped and almost certainly murdered by members of the Guatemalan military. Michael was a kind, gentle, and honest man. He devoted himself to our family and our business, and was a good friend to our neighbors in Popún, Peten, where we lived. He was not politically active.

After Michael’s assassination, many wonderful people supported my children and me in our efforts to find out who killed Michael and why, and to bring to justice those responsible for his murder. Remarkably, six soldiers were convicted and sentenced to 30 years in prison. One officer, Captain Hugo Contreras, was also convicted. The day that he was sentenced, Captain Contreras was allowed to escape from the military base at which he was held. As far as I know, in Guatemala, no other officer was held responsible. Anyone at all familiar with Guatemalan community organizations. He serves as president of the board of trustees of the Baptist Medical Center, and serves on the board of trustees of Gordon college, the Baptist home for the elderly, and the Brooklyn public library. His ecumenical involvement includes: chairman, Department of Communications, Council Churches of the City of New York; former president, North American Baptist Fellowship of the Baptist World Alliance; member of the board of directors, Religion in American Life; and, former president, Baptist Minister’s Conference of Greater New York.

Dr. Turner is also a member of the Board of Directors of New York Law School. He is an adjunct professor of urban concerns at Alliance Theological Seminary, and he appears regularly as a radio and television host. Dr. Turner has traveled throughout the world as a featured preacher.

Dr. Turner has been honored by many community groups, including: the NYC Bureau of Child Welfare, the United Builders Association, the Boy Scouts of America, and the YMCA. He was appointed by the Governor of the State of New York to the New York State Commission on Health Education and Illness Prevention.

Dr. Turner has a B.A. from Gordon College, an M.S. form Biblical Seminary of New York City; an M.T.S. from New York Theological Seminary; and a D.Min. from Drew University.

He is the author of "Compassion for the City," used throughout the country as a textbook for students pursuing urban ministry. For 10 years, he served as editor of the Baptist Progress, the official journal of the Progressive National Baptist Convention.

Dr. Turner is married to Laura B. Turner, an educator, and they have two children. I am pleased to bring the life and service of the Rev. Doctor V. Simpson Turner to the attention of my colleagues and commend him on a ministry well-served and a life well-lived.
I gather that a number of people who have seen the full CIA report believe it to be unsatisfactory in many respects. Based on the contents of the CIA’s summary report, I can well imagine that the full report is seriously flawed. I hope that all of you here today will encourage the CIA to conduct further investigations and to release publicly the full 700-page report so that answers can be provided to the many unresolved questions in the case.

The inadequacy of the CIA’s investigation and its failure to disclose the basis for its findings makes me seriously doubt how much I, or the United States and Guatemalan people, will ever really learn about what happened, and the role of the United States or its intelligence assets. One of the unfortunate effects in Guatemala of the CIA summary report is that Colonel Alpirez is now being publicly vindicated of all involvement. In addition, last month a Guatemalan appeals court upheld a military court ruling that cleared Colonel Garcia Catalan of any connection to Michael’s murder. Despite strong evidence that Garcia Catalan authorized Michael’s kidnapping and assassination or at least participated in the cover-up, the appeals court held that since an earlier trial had already resulted in convictions, there was no basis to proceed with charges against Garcia Catalan.

The results of my FOIA requests have been as discouraging to me as the CIA summary report. I have received complete denials, on a variety of grounds, from the DEA, Interpol, and the Attorney General. The DEA has acknowledged that it has documents on Colonel Alpirez, but that it still will not release them because, for example, disclosure “may constitute an unwarranted invasion of personal privacy,” reveal the identity of a source, or relate to internal practices or policies of the DEA. I have received nothing, other than receipts for my requests, from the Department of Defense, the State Department, and the National Security Council. To date, the only documents I have received from any agency are a transcript from the CIA of William Studeman’s statement at the open hearings held on April 5th by the Senate Select Intelligence Committee, and copies of two cables from Interpol which explain nothing.

I love Guatemala, but many terrible things happen there to innocent people. I believe that terrible things will continue to happen, and that there will never be real peace until the guilty parties are held accountable for their acts. For the sake of the people of Guatemala and the United States, as well as for my family, I ask all of you here today to press the Clinton administration for meaningful investigations, the fullest disclosure possible, and the declassification of all documents related to Michael’s assassination.

Although my once unshakeable faith in the U.S. Government has been deeply challenged, I still want to believe that the government will do the right thing. I can see no good reason why my children and I should be prevented from knowing at least what our government knows about the facts of my husband’s murder, and all those who played a part in ordering his execution, carrying it out, or covering up the true circumstances.

Thank you for your interest and support.
**Chamber Action**

**Routine Proceedings, pages S14433–S14571**

**Measures Introduced:** Five bills and one resolution were introduced, as follows: S. 1280–1284, and S. Res. 176.

**Measures Reported:**

Special Report entitled “Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for fiscal year 1996” (S. Rept. 104–149)

**Measures Passed:**

- **Truth in Lending:** Senate passed H.R. 2399, to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors, clearing the measure for the President.

- **Official Office Expenses:** Senate agreed to S. Res. 176, relating to expenditures for official office expenses.

- **Attorney’s Fees Equity Act:** Senate passed S. 144, to amend section 526 of title 28, United States Code, to authorize awards of attorney’s fees.

- **Bankruptcy Code Corrections:** Senate passed S. 977, to correct certain references in the Bankruptcy Code.

- **Biotechnological Patents:** Senate passed S. 1111, to amend title 35, United States Code, with respect to patents on biotechnological processes.

- **Judicial Tenure:** Senate passed S. 531, to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, after agreeing to a committee amendment.

- **Defense Production Act Amendments:** Senate passed S. 1147, to extend and reauthorize the Defense Production Act of 1950.

- **Labor/HHS/Education Appropriations, 1996:** By 54 yeas to 46 nays (Vote No. 471), Senate rejected a motion to proceed to consideration of H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, (The motion, pursuant to the order of Wednesday, September 27, 1995, required 60 votes or more.)

  Also, by 54 yeas to 46 nays (Vote No. 472), Senate again rejected the motion to proceed to the consideration of the bill.

  Subsequently, the motion to proceed was withdrawn.

- **Commerce, Justice, State Appropriations, 1996:** Senate began consideration of H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1996, with committee amendments, taking action on amendments proposed thereto, as follows:

  - **Adopted:**
    1. Gramm Amendment No. 2813, to make certain technical corrections.

    - **Pages S14539–40**

    2. Hatfield Amendment No. 2814 (to committee amendment beginning on page 2, line 9 through page 3, line 5), to add funds by increasing 602(b) allocations.

    - **Pages S14502–05**

    3. Gramm (for Abraham/Grams) Amendment No. 2820, to terminate the Regulatory Coordination Advisory Committee, the Biotechnology Technical Advisory Committee, and the Advisory Corrections Counsel.

    - **Pages S14539–40**

    4. Gramm (for Helms) Amendment No. 2821, to extend the authority to administer au pair programs through fiscal year 1999.

    - **Pages S14539–40**

    5. Gramm (for Dorgan/Conrad) Amendment No. 2822, to express the sense of the Senate on United States-Canada Cooperation concerning an outlet to relieve flooding at Devils Lake in North Dakota.

    - **Pages S14539–40**

    6. Gramm (for Hollings) Amendment No. 2823, to increase funding for the Manufacturing Extension Partnership program.

    - **Pages S14539–40**

    7. Gramm (for Hollings) Amendment No. 2824, to reduce funding for the Commerce Reorganization Transition Fund.

    - **Pages S14539–40**
(8) Gramm Amendment No. 2825, to provide for the relocation of the Office of Cuba Broadcasting.

Pages S14539–40

(9) Gramm (for Hatfield/Hollings) Amendment No. 2826, providing that the Eisenhower Exchange Fellowships, Inc., may use any earned but unused trust income from the period 1992–1995 for Fellowship purposes.

Pages S14539–40

(10) Gramm (for Helms) Amendment No. 2827, to waive until December 1, 1995, the requirement for authorizations of appropriations for Department of State funding.

Pages S14539–40

(11) Gramm (for Helms/Pell) Amendment No. 2828, to make available for diplomatic and consular programs funds collected from new fees charged for the expedited processing of certain visas and border crossing cards.

Pages S14539–40

Pending:

Biden Amendment No. 2815, to restore funding for grants to combat violence against women.

Pages S14505–13

McCain/Dorgan Amendment No. 2816, to ensure competitive bidding for DBS spectrum.

Pages S14513–16

Kerrey Amendment No. 2817, to decrease the amount of funding for Federal Bureau of Investigation construction and increase the amount of funding for the National Information Infrastructure.

Pages S14516–29

Biden/Bryan Amendment No. 2818, to restore funding for residential substance abuse treatment for State prisoners, rural drug enforcement assistance, the Public Safety Partnership and Community Policing Act of 1994, drug courts, grants or contracts to the Boys and Girls Clubs of America to establish Boys and Girls Clubs in public housing, and law enforcement family support programs, to restore the authority of the Office of National Drug Control Policy, to strike the State and Local Law Enforcement Assistance Block Grant Program, and to restore the option of States to use prison block grant funds for boot camps.

Pages S14529–37

Domenici Amendment No. 2819 (to committee amendment on page 26, line 18), to improve provisions relating to appropriations for legal assistance.

Pages S14537–39

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday, September 30, 1995.

Pages S14537, S14570–71

Small Business Lending Enhancement Act—Conference Report: Senate agreed to the conference report on S. 895, to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration.

Page S14568

Appointments:

North Atlantic Assembly Fall Meeting: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the North Atlantic Assembly Fall Meeting during the First Session of the 104th Congress, to be held in Turin, Italy, October 5–9, 1995: Senators Cochran, Grassley, Murkowski, Gordon, and Akaka.

Page S14566

Nominations Confirmed: Senate confirmed the following nominations: James L. Dennis, of Louisiana, to be United States Circuit Judge for the Fifth Circuit.

During consideration of this nomination, Senate also took the following action:

By 46 yeas to 54 nays (Vote No. 473), Senate rejected a motion to recommit the nomination to the Committee on the Judiciary.

Pages S14456–71

Messages From the House:

Pages S14546

Measures Referred:

Pages S14546–47

Communications:

Page S14547

Statements on Introduced Bills:

Pages S14547–53

Additional Cosponsors:

Pages S14553–54

Amendments Submitted:

Pages S14554–58

Authority for Committees:

Pages S14558–59

Additional Statements:

Page S14559

Record Votes: Three record votes were taken today. (Total—473) Pages S14448, S14455–56, S14471

Recess: Senate convened at 9 a.m., and recessed at 9:52 p.m., until 9 a.m., on Friday, September 29, 1995. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S14571.)

Committee Meetings

(Committees not listed did not meet)

Budget Reconciliation

ETHANOL PRODUCTION
Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the effects of the ethanol industry on farm income, deficiency payments, energy efficiency, and economic activity in rural America, after receiving testimony from Dan Glickman, Secretary of Agriculture; Carol M. Browner, Administrator, Environmental Protection Agency; Eric Vaughn, Renewable Fuels Association, Washington, D.C.; Douglas A. Durante, Clean Fuels Development Coalition, Bethesda, Maryland; and Merlin Plagge, Iowa Farm Bureau, Des Moines.

PUBLIC HOUSING REFORM
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on S. 1260, to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, after receiving testimony from Henry G. Cisneros, Secretary of Housing and Urban Development; Joseph G. Schiff, The Schiff Group, Inc., Bethesda, Maryland, former Assistant Secretary of Housing and Urban Development for Public and Indian Housing; Richard C. Gentry, Richmond Redevelopment and Housing Authority, Richmond, Virginia, on behalf of the National Association of Housing and Redevelopment Officials; John H. Hiscox, Macon, Georgia Housing Authority, on behalf of the Public Housing Authorities Directors Association; Gregory Byrne, Dade County Department of Housing and Urban Development, Miami, Florida, on behalf of the Council of Large Public Housing Authorities; Paul Graziano, New York City Housing Authority, New York, New York, on behalf of the National Leased Housing Association; Thomas R. Shuler, Insignia Management Corporation, Greenville, South Carolina, on behalf of the National Apartment Association and the National Multi Housing Council; Karen V. Hill, Fair Housing Implementation Office, Yorkers, New York, on behalf of the National Low Income Housing Coalition; Nancy Bernstine, National Housing Law Project, and Orthello W. Poulard, Center for Community Change, both of Washington, D.C.; Ann O’Hara, Boston, Massachusetts, on behalf of the Consortium for Citizens with Disabilities; Helen Boosalis, Lincoln, Nebraska, on behalf of the American Association of Retired Persons; Rosemary Rittenberg, Massachusetts Union of Public Housing Tenants, Dorchester, and Sharron D. Lipscomb, Empowerment Network Foundation, Alexandria, Virginia.

BUDGET RECONCILIATION

NOMINATIONS
Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of Patricia J. Beneke, of Iowa, to be Assistant Secretary for Water and Science, and Eluid L. Martinez, of New Mexico, to be Commissioner of the Bureau of Reclamation, both of the Department of the Interior, Derrick L. Forrister, of Tennessee, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, and Charles William Burton, of Texas, to be a Member of the Board of Directors of the United States Enrichment Corporation, after the nominees testified and answered questions in their own behalf.

BUDGET RECONCILIATION

NOMINATIONS
Committee on Foreign Relations: Committee concluded hearings on the nominations of Joan M. Plaisted, of California, to be Ambassador to the Republic of the Marshall Islands and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati, and Don Lee Gevirtz, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu, after the nominees, who were introduced by Senator Feinstein, testified and answered questions in their own behalf.

NOMINATIONS
Committee on Governmental Affairs: Committee concluded hearings on the nominations of Ned R. McWherter, of Tennessee, to be Governor of the United States Postal Service, and Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority,
after the nominees testified and answered questions in their own behalf. Mr. McWherter was introduced by Senator Frist.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of R. Guy Cole, Jr., of Ohio, to be United States Circuit Judge for the Sixth Circuit, Susan J. Dlott, to be United States District Judge for the Southern District of Ohio, Stephen Murray Orlofsky, to be United States District Judge for the District of New Jersey, Barry Ted Moskowitz, to be United States District Judge for the Southern District of California, and John R. Tunheim, to be United States District Judge for the District of Minnesota, after the nominees testified and answered questions in their own behalf. Mr. Cole and Ms. Dlott were introduced by Senator Glenn and Representative Stokes; Mr. Orlofsky was introduced by Senators Bradley and Lautenberg, Mr. Moskowitz was introduced by Senator Boxer, and Mr. Tunheim was introduced by Senators Grams and Wellstone.

NON-IMMIGRANT ISSUES

Committee on the Judiciary: Committee concluded hearings to examine non-immigrant immigration issues, after receiving testimony from Robert B. Reich, Secretary of Labor; Doris Meissner, Commissioner, Immigration and Naturalization Service, Department of Justice; Austin T. Fragomen, Fragomen, Del Rey & Bernsen, New York, New York, on behalf of the American Council on International Personnel; Grace Gentry, Gentry, Incorporated, Oakland, California, on behalf of the National Association of Computer Consultant Businesses; Lawrence Richards, Software Professionals’ Political Action Committee, Austin, Texas; David Auston, Rice University, Houston, Texas, on behalf of the Association of American Universities; Philip P. Martin, University of California, Davis; Bob L. Vice, California Farm Bureau Federation, Sacramento; John Young, New England Apple Council, New Boston, New Hampshire; James S. Holt, McGuiness & Williams, and David North, both of Washington, D.C.; Dolores Huerta, United Farm Workers of America (AFL–CIO), Keene, California; Robert A. Williams, Florida Rural Legal Services, Tallahassee; and Wallace Huffman, Iowa State University, Ames.

PRIVATE EFFORTS TO RESHAPE AMERICA

Committee on Labor and Human Resources: Subcommittee on Children and Families concluded hearings to examine the effectiveness of private organizations in providing social services, after receiving testimony from Robert L. Woodson, Sr., National Center for Neighborhood Enterprise, and John Woods, Gospel Mission of Washington, D.C., both of Washington, D.C.; Freddie Garcia, Victory Home, San Antonio, Texas; James Heurich, San Antonio Teen Challenge, San Antonio, Texas; Jerry Hayes, Sunshine Mission, St. Louis, Missouri; Janet W. Evans, Person-to-Person, Darien, Connecticut; Joan Smith, St. Elizabeth’s Regional Maternity Center, New Albany, Indiana; and John Booy, The Potter’s House, Grand Rapids, Michigan.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 2413–2423, and 1 private bill, H.R. 2424; and 2 resolutions, H.J. Res. 109 and H. Res. 223 were introduced.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Hefley to act as Speaker pro tempore for today.


Agreed to the Rogers technical amendment.

Reports Filed: Reports were filed as follows:

- Conference report on H.R. 1976, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995 (H. Rept. 104–268); and
- Conference report on S. 895, to amend the Small Business Act to reduce the level of participation by the Small Business Administration (H. Rept. 104–269).
Recess: House recessed at 1:59 p.m. and reconvened at 3:02 p.m.

International Space Station Authorization: House passed H.R. 1601, to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station.

Agreed to the committee amendment in the nature of a substitute.

Three-Judge State Referenda Review: H.R. 1170, to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

Agreed to the committee amendment in the nature of a substitute.

Rejected:

The Schroeder amendment that sought to limit the application of the bill to court districts which have either only one sitting judge or that have multiple judges who can receive cases in any other way other than a random assignment basis (rejected by a recorded vote of 177 ayes to 248 noes, Roll No. 692); and

The Watt amendment that sought to make the provisions of the bill applicable only to the State of California.

Agreed to amend the title.

H. Res. 227, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Interior Appropriations: By a recorded vote of 251 ayes to 171 noes, Roll No. 695, the House agreed to H. Res. 231, waiving points of order against the conference report on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995.

Agreed to amend the title.

H. Res. 227, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Defense Appropriations: by a yea-and-nay vote of 284 yeas to 139 nays, Roll No. 694, the House agreed to H. Res. 232, waiving points of order against the conference report on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

British-American Interparliamentary Group: The Speaker appointed Representative Bereuter, Chairman, to the British-American Interparliamentary Group on the part of the House.

Quorum Calls—Votes: One yea-and-nay vote and three recorded votes developed during the proceedings of the House today and appear on pages H9625–26, H9627–28, H9644–45, and H9645–46. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 8:40 p.m.

Committee Meetings

BUDGET RECONCILIATION

Committee on Agriculture: On September 27, the Committee concluded consideration of Budget Reconciliation recommendations, but came to no resolution thereon.

OVERSIGHT—FEDERAL HOME LOAN BANK SYSTEM

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises concluded oversight hearings on the Federal Home Loan Bank System. Testimony was heard from the following officials of Federal Home Loan Bank System: Alex J. Pollock, President and CEO, Chicago; Alfred A. DelliBovi, President, New York; and John K. Darr, Managing Director, Office of Finance; and public witnesses.

BUDGET RECONCILIATION

Committee on Economic and Education Opportunities: Approved Budget Reconciliation recommendations.

HEALTH FRAUD AND ABUSE

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held a hearing on the following bills: H.R. 2326, Health Care Fraud and Abuse Prevention Act of 1995; and H.R. 1850, Health Fraud and Abuse Act. Testimony was heard from Gerald Stern, Special Counsel, Financial Institution Fraud, Department of Justice; and public witnesses.

TAXPAYER-FUNDED POLITICAL ADVOCACY

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on Taxpayer-funded Political Advocacy. Testimony was heard from Representative Longley; and public witnesses.

MISCELLANEOUS MEASURES

Committee on House Oversight: Ordered reported the following resolutions: S. Con. Res. 21, amended, directing that the “Portrait Monument” carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol Rotunda; and H. Con. Res. 94, authorizing the use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Raoul Wallenberg in the Capitol.
TERRORISM IN LATIN AMERICA
Committee on International Relations: Held a hearing on Terrorism in Latin America/AMIA Bombing in Argentina. Testimony was heard from Phillip Wilcox, Coordinator for Counterterrorism, Department of State; Robert Bryant, Assistant Director, National Security Division, FBI, Department of Justice; and public witnesses.

OVERSIGHT—U.S. OVERSEAS PROGRAMS EFFECTIVENESS
Committee on International Relations: Subcommittee on International Economic Policy and Trade held an oversight hearing on the Effectiveness of U.S. Overseas Programs to Promote International Tourism and Travel to the United States. Testimony was heard from Senator Pressler; Greg Farmer, Under secretary, Travel and Tourism, Department of Commerce; Richard Speros, Director, Division of Tourism, State of Wisconsin; and public witnesses.

BOSNIAN REFUGEES
Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Bosnian Refugees. Testimony was heard from Brunson McKinley, Under Secretary, Department of State, and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on the following bills: H.R. 194, to direct the Secretary of the Interior to make matching contributions toward the purchase of the Sterling Forest in the State of New York; H.R. 1256, Sterling Forest Protection Act of 1995; and the Snow Basin Land Exchange Act of 1995. Testimony was heard from Senators Bradley and Lautenberg; Representatives Gilman, Roukema, Torricelli, Martini and Frelinghuysen; Marie Rust, Northeast Director, National Park Service, Department of the Interior; Gray Reynolds, Deputy Chief, Forest Service, USDA; Bernadette Castro, Commissioner, Office of Parks, Recreation and Historic Preservation, State of New York; James F. Hall, Assistant Commissioner, Department of Environmental Protection, Office of Natural and Historic Resources, State of New Jersey; and public witnesses.

IMPACT OF GOVERNMENT REGULATORY, TAX AND LEGAL POLICY ON TECHNOLOGY DEVELOPMENT
Committee on Science: Subcommittee on Technology held a hearing on Impact of Government Regulatory, Tax and Legal Policy on Technology Development and Competitiveness. Testimony was heard from Allan I. Mendelowitz, Managing Director, International Trade, Finance and Competitiveness, GAO; Andrew W. Wyckoff, Program Director, Industry, Telecommunications and Commerce, OTA; and public witnesses.

SBA’s VENTURE CAPITAL PROGRAMS
Committee on Small Business: Held a hearing on SBA’s Venture Capital Programs. Testimony was heard from the following officials of the GAO: Donald Wheeler, Deputy Director, Office of Special Investigations; and Judy England-Joseph, Director, Housing and Community Development Issues; and Patricia Forbes, Acting Associate Deputy Administrator, Economic Development, SBA.

BUDGET RECONCILIATION RECOMMENDATIONS
Committee on Transportation and Infrastructure: Approved Budget Reconciliation recommendations.

FAA REVITALIZATION ACT
Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on H.R.
2276, Federal Aviation Administration Revitalization Act of 1995. Testimony was heard from Representative Lightfoot; and public witnesses.

**VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT; BUDGET RECONCILIATION**


The Committee also approved Budget Reconciliation recommendations.

**Joint Meetings**

**AUTHORIZATION—DEFENSE**

Conferees met in closed session on the differences between the Senate- and House-passed versions of H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, and to prescribe military personnel strengths for fiscal year 1996, but did not complete action thereon and recessed subject to call.

**APPROPRIATIONS—AGRICULTURE**

Conferees on Wednesday, September 27, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 1976, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996.

**SMALL BUSINESS LENDING ENHANCEMENT ACT**

Conferees agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 895, to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration.

**COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 29, 1995**

(Committee meetings are open unless otherwise indicated)

**Senate**

*Committee on Armed Services,* hold hearings on the nomination of John Wade Douglass, of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition, 10 a.m., SR–222.

*Committee on Banking, Housing, and Urban Affairs,* to hold hearings on the nominations of Dwight P. Robinson, of Michigan, to be Deputy Secretary, John A. Knueb, of Maryland, to be Chief Financial Officer, Hal C. Decell, III, of Mississippi, and Elizabeth K. Julian, of Texas, each to be an Assistant Secretary, Kevin G. Chavers, of Pennsylvania, to be President, Government National Mortgage Association, all of the Department of Housing and Urban Development, Joseph H. Neely, of Mississippi, to be Member of the Board of Directors of the Federal Deposit Insurance Corporation, Alicia Haydock Munnell, of Massachusetts, to be a Member of the Council of Economic Advisers, and Norman S. Johnson, of Utah, and Isaac C. Hunt Jr., of Ohio, each to be a Member of the Securities and Exchange Commission, 10 a.m., SD–538.


**House**

*Committee on Banking and Financial Services,* Subcommittee on Housing and Community Development, hearing on the proposed United States Housing Act of 1995, 10 a.m., 2128 Rayburn.

*Committee on the Judiciary,* hearing on H.R. 497, National Gambling Impact and Policy Commission Act, 10 a.m., 2131 Rayburn.


*Permanent Select Committee on Intelligence,* executive, briefing on Guatemala, 1 p.m., H–405 Capitol.

**Joint Meetings**

Conferees, on S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, 10 a.m., H–137, Capitol.
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