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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. SHAYS].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 7, 1995.

I hereby designate the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY] for 5 minutes.

H.R. 1833, THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

Mr. CANADY of Florida. Mr. Speaker, the National Abortion Rights Action League has called H.R. 1833, the Partial-Birth Abortion Ban Act of 1995, ''[O]ne of the most extreme, outrageous, and anti-choice measures ever to come before Congress.''

Mr. Speaker, this must come as news to the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from Arkansas [Mrs. LINCOLN], and the gentleman from Rhode Island [Mr. KENNEDY], three of the many staunchly pro-choice Members who voted for the bill.

One Member who had a 100-percent voting record with the National Abortion Rights Action League said, and I quote, ''I'm not just going to vote in such a way that I have to put my conscience on the shelf.'' He continued by stating that it ''undermines the credibility of the pro-choice movement to be defending such an indefensible procedure.''

So, how have abortion advocates mounted a defense of such an indefensible procedure? They do so by ignoring the painful reality, by denying the undeniable truth, and by twisting and distorting the well-established facts.

Abortion advocates claim that H.R. 1833 would jail doctors who perform lifesaving abortions. This statement makes me wonder whether the opponents of H.R. 1833 have even bothered to read the bill. H.R., 1833 makes specific allowances for a practitioner who reasonably believes a partial-birth abortion is necessary to save the life of a mother. No one can be prosecuted and convicted under this bill for performing a partial-birth abortion which is necessary to save the life of the mother. Anyone who has any doubt about that should take a look at the text of the bill itself.

Of course, there is not a shred of evidence to suggest that a partial-birth abortion is ever necessary to save a mother's life. In fact, the American Medical Association Council on Legislation, which includes 12 doctors, voted unanimously to recommend that the AMA board of trustees endorse H.R. 1833. The council ''felt [partial-birth abortion] was not a recognized medical technique and agreed that the procedure is basically repulsive.'' In the end, the AMA board decided to remain neutral on H.R. 1833, but it is significant that the council of 12 doctors did not recognize partial-birth abortion as a proper medical technique.

The truth is that the partial-birth abortion procedure is never necessary to protect either the life or the health of the mother. Indeed, the procedure poses significant risk to maternal health, risks such as uterine rupture and the development of cervical incompetence.

Dr. Pamela Smith, director of medical education at the department of obstetrics and gynecology at Mount Sinai Hospital in Chicago has written, and I quote, ''There are absolutely no obstetrical situations encountered in this country which require a partially-delivered human fetus to be destroyed to preserve the health of the mother. Partial-birth abortion is a technique devised by abortionists for their own convenience, ignoring the known health risk to the mother. The health status of women in this country will only be enhanced by the banning of this procedure.''

Proponents of the partial-birth abortion method have also claimed that the procedure is only used to kill babies with serious disabilities. Focusing the debate on babies with disabilities is a blatant attempt to avoid addressing the reality of this inhuman procedure.

Remember the brutal reality of what is done in partial-birth abortion. The baby is partially delivered alive, then stabbed through the skull. No baby's life should be taken in this manner, whether that baby is perfectly healthy or suffers from the most tragic of disabilities.

Further, neither Dr. Haskell nor Dr. McMahon, the two abortionists who have publicly discussed their use of this procedure, claim that this technique is used only in limited circumstances. In fact, Dr. Haskell told the American Medical News, and I quote, ''I'll be quite frank: Most of my abortions are elective in that 20- to 24-week range. Probably 20 percent are for genetic reasons and the other 80 percent are purely elective.''

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Dr. McMahon claims that most of the abortions he performs are nonelective, but his definition of nonelective is extremely broad. He describes abortions performed because of a mother's youth or depression as ''nonelective.'' I do not believe that the American people support aborting babies in the second and third trimesters because the mother is young or suffers from depression.

Dr. McMahon sent me a graph which shows that even at 26 weeks of gestation, half the babies he aborted were perfectly healthy, and many of the babies he described as flawed had conditions that were compatible with long life, either with or without a disability. For example, Dr. McMahon listed nine partial-birth abortions performed because the baby had a cleft lip.

The National Abortion Federation, a group representing abortionists, has admitted that partial-birth abortions are performed for many reasons. In 1993, the National Abortion Federation counseled its members, and I quote, ''Do not apologize. This is a legal abortion procedure,'' and stated, ''There are many reasons why women have late abortions: Life endangerment, fetal indications, lack of money, health insurance.'' All of these are reasons that are advanced, and have been advanced in the past, these are not reasons that justify this terrible procedure. This procedure should be banned by the Senate.

Mr. Speaker, the supporters of partial-birth abortion seek to defend the indefensible by misrepresentations and deception. But House Members, who voted by more than two-thirds in favor of H.R. 1833, did not fall victim to the ferocious campaign of deceit waged by the supporters of partial-birth abortion. It is my hope that Members of the Senate will also see the truth and support H.R. 1833.

In the October 16 issue of the New Republic, feminist author Naomi Wolf made an observation that I think should be taken to heart by abortion advocates as the Senate considers the Partial-Birth Abortion Ban Act. Ms. Wolf wrote:

> What Norma McCorvey [the plaintiff in Roe v. Wade] wants, it seems, is for abortion-rights advocates to face, really face, what we are doing. ''Have you ever seen a second-trimester abortion?'' she asks. ''It's a baby. It's got a face and a body, and they put him in a freezer and a little container.'' Well, so it does; and so they do.

In a partial-birth abortion, a baby—who has a face and a body—is delivered, feet first, until all but the baby's head is outside the womb. The abortionist then forces blunt scissors through the base of the baby's skull creating a hole. The abortionist then inserts a suction catheter and extracts the baby's brains. Mr. Speaker, it is time for abortion advocates to admit the truth about this terrible procedure—and to stop their campaign to conceal the truth from the American people.

GOVERNMENT ATTACKS ON AMERICAN INDIANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized during morning business for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, on January 25, 1995, I and my good friends, Mr. GEORGE MILLER, Mr. BILL RICHARDSON, Mr. PAT WILLIAMS, and Mr. PETER DEFAZIO, introduced the Indian Federal Recognition Administrative Procedures Act of 1995. H.R. 671, is an effort to create an efficient and fair procedure for extending Federal recognition to Indian tribes. In my remarks at that time, I stated that introduction of the legislation was only the starting point for further discussions and debate and that I looked forward to the advice and input of colleagues, the agency, and tribes. I hope to continue to work with Chairman MCCAIN Cochairman INOUYE, and the members of the Senate Committee on Indian Affairs to craft a bill which provides a fair and timely procedure to provide Federal recognition to Indian tribes.

Mr. Speaker, the current test is not fair, nor is it administered in a timely manner. I have recounted from this floor many times the process we have put Indian tribes through. The current recognition process requires tribes to provide written records of tribal governments during periods when the U.S. Government disbanded the tribes and told them to assimilate into the larger society. Decades after we told them to stop keeping records and assimilate, now we tell them they are not Indian because they do not have written proof of tribal activities during these periods. The poor Lumbee Indians of North Carolina have been seeking recognition for over 100 years, and even though they have been Indians all that time and much longer before that, the Bureau of Indian Affairs thinks the current system of recognizing tribes is just fine as it is.

Mr. Speaker, the current system is terrible, and I intend to fix this deplorable mess. I am making every effort to see this bill become law during the 104th Congress so we can replace the current process created by administrative regulation with a system approved by elected officials.

Mr. Speaker, I also feel compelled to comment on how repugnant I find the process of having to go through any form of recognition process. The racist 50-percent blood test, the measurement of teeth and head shape is demeaning and meaningless. We need to move forward, and while we should have done so years ago, it does not mean we should not take action now.

Mr. Speaker, since January a number of occurrences have provided me with some of the discussion and input that I was looking for on the acknowledgement process. The Senate Committee on Indian Affairs held a hearing in July on S. 479, a bill very similar to H.R. 671. Nonrecognized and recognized tribes, the Bureau of Indian Affairs, Indian organizations, and experts submitted testimony on the bill and the existing recognition process. In addition, the White House has held a number of meetings with nonrecognized tribes so that they could discuss recognition with administration officials. As a direct result of those meetings, the Department of the Interior set up a task force of administration people and representatives of nonrecognized tribes to assist the Department in formulating a position on whether the recognition criteria could be improved. Further, only this month an administrative law judge, in the first challenge to a decision against recognition, has essentially reversed the Bureau of Indian Affairs. In doing so, the judge was critical of the Bureau's methodology and interpretation of their own criteria. The judge's views of the existing criteria can be considered a suggestion that the criteria could be improved.

Mr. Speaker, I have reviewed all of those developments and taken into account the views of the interested parties. As a result, I have modified H.R. 671 to improve both the procedures and the criteria that were in the original bill. The modifications will advance the goals of recognition reform legislation—providing a more objective, consistent, and streamlined standard for acknowledging groups as federally recognized Indian tribes.

Mr. Speaker, I have made the following changes to H.R. 671. The procedures under which the independent commission would hear and decide petitions for recognition have been slightly modified. Provisions that would have excluded groups from petitioning for recognition or continuing to seek recognition have been removed. Most importantly, the criteria for recognition have been improved. The improvements take into account the almost unanimous view of the experts and affected tribes that the criteria used in the existing administrative process, which were carried into H.R. 671, do not really test whether a group should be recognized or not and that it is only through these changes that we will enact a process that is both fair and able to resolve the recognition issue in the time frame anticipated.

Mr. Speaker, the changes I have outlined this afternoon and which will be incorporated into legislation I am introducing today are important because there are 545 Indian nations within our country, plus scores of tribes seeking recognition, all of which will be affected in one way or another by this legislation.

Mr. Speaker, I also want to take a few minutes to speak out in opposition to the proposed tax on Indian gaming.

The history of how this Nation has treated the American Indians is deplorable. We have taken their lands again and again, and we have negotiated treaties and reneged those same treaties again and again. I thought those times had passed, but even as I speak, the assault continues.

Last month the House adopted a tax on Indian gaming as part of its budget reconciliation bill. For the first time

the Congress is considering taxing other governmental entities on income which is used for governmental purposes such as building roads, hospitals, medical clinics, and providing education to children. My analysis of why this tax of up to 35 percent of net revenue is being considered only on Indian tribes, and not on the gaming activities of State and local governments, lead me to the conclusion that our new majority believes they can use the Indians yet again as a political punching bag to beat up on and take advantage of. Why is it that the party which comes to this well everyday to decry the ''tax and spend Democrats'' is so anxious to raise a new tax, but only on American Indians?

I was not surprised when the Washington Post published an editorial in opposition to this proposed tax, but today even the Washington Times editorialized against the idea. When this action is considered in the context of the 11-percent cut in funding for the Bureau of Indian Affairs contained in the Interior appropriations conference report we will consider later today, it is clear that the assault on America's favorite whipping boy has resumed. This action is especially hard to accept when money which could be used to provide educational opportunities to the poor, the same problem our Speaker spoke so forcefully in favor of last week, will be used to give tax breaks to those making up to $200,000 per year.

Mr. Speaker, this is not the course we should be taking, and I urge my colleagues to vote against these attacks on the American Indians.

Mr. Speaker, I also urge my colleagues to provide a better procedural format so that Indians could be recognized. Mr. Speaker, we have 545, to my last reading, sovereign Indian tribes as part of our Nation's heritage. Yet, after these processes over the years, our first policy was let us kill off the Indians, then let us assimilate and make them part of the American society; and then after that, no, let us terminate them. Now, Mr. Speaker, we are going through the process of let us recognize them again.

Mr. Speaker, it is time we make these changes to better the needs of the first Americans.

Mr. Speaker, I submit the following editorial for the RECORD:

[From the Washington Times, Nov. 7, 1995]

TAXING THE TRIBES

Given all the hype about gambling on Indian reservations, it's Foxwoods—the wildly successful casino complex run by the Pequot tribe in Connecticut—that probably comes to mind when the subject comes up.

But Foxwoods is not representative of all tribal gaming efforts. Most reservations are in remote locations, far from the sort of densely populated cities that provide customers for the Pequots; without the same volume of business enjoyed by the Pequots, most tribes' casinos struggle to produce modest revenues. Even so, conferees on the budget reconciliation bill will be deciding whether to impose a new federal tax on those gaming revenues, a tax that will range from 15 percent to 35 percent of casino income. The Republican Congress should not be in the business of instituting new taxes: The Indian gaming tax should be discarded in conference.

House tax writers seem to have fixed on tribal gaming as a convenient source of revenue for the federal Treasury. In political terms it is understandable: At least at Foxwoods and a few other well-placed Native American casinos, there is a lot of money being generated; and Indians are not a potent voting bloc. In other, substantial cash can be had without generating substantial constituent backlash. But in constitutional terms, the tax is dubious at best.

The way the tax is written, tribal governments are treated as non-profit organizations, and the gaming revenues are treated as ''unrelated business income.'' It must be news to the tribes that they are mere charities, rather than sovereign governmental entities. On reservations, tribal authorities are the local governments, both in fact and in well-established law. Yet the House would treat these recognized governments differently than every other non-federal governmental entity: That is, there is no proposal to tax the gaming revenues produced by state-sponsored gambling.

Tribal governments have been struggling for decades to develop businesses and enterprise on reservations, often with little luck. Conditions are bleak enough on many reservations that alcoholism is high and life expectancy is low. Gambling may not be an economic panacea, but the casino business has helped provide an economic base that many tribes have used for building prosperous communities with diverse industries. When tribal governments use gaming revenues to build housing and infrastructure and employment, they are engaged in legitimate governmental activities, not unlike states that use their lottery proceeds for road construction, prison building or education.

The more that tribes are able to build thriving economies in their own territories, the less they will be dependent on funding from Washington. This is not just an issue of whether in the long run the balance sheet will be positive or negative with new Indian gaming taxes, it is an issue of paternalism. Even if Washington were to return to the tribes, in the form of aid, all the money it takes away in taxes—frankly, an unlikely prospect—the problem would remain that the federal government would be hindering Indian self-sufficiency.

Most tribes engaged in federally approved gaming already pay taxes of benefits of one sort or another to the states in which their reservations are located. Foxwoods, for instance, pays the state of Connecticut some $200 million. To add a federal tax to that burden, especially when the state's competing lottery games are not taxed, is simply unfair. The Senate version of the spending bill does not call for the new tax on the tribes. If for no better reason than that Republicans should not be in the business of increasing anybody's taxes, conferees should stick with the version and jettison the House tax on Indian gaming.

A DARK DAY FOR WOMEN ON CAPITOL HILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the Speaker for recognition, and I rise to say this is really a very dark day for women in this Capitol, because is appears that what we did with such rush in this House last week is going to be rushed through the Senate even faster; that they are going to move expeditiously to outlaw a certain procedure and criminalize doctors that to it for late-term abortions, without having any hearings.

Mr. Speaker, in this House we acted on a 2-hour hearing where only one of the two panels was able to participate. The doctor who was accused was not able to come, and may other things; with drawings that have been discredited. Now, they seem to be actively moving to only compound the error.

Mr. Speaker, I must say no matter what anyone's position on abortion is, I feel these are ones that if you sat down and gave the life stories and the circumstances around them, almost every family, almost every grandmother in America would feel that the woman and her family had the right to that kind of medical treatment.

I have just come from a rally going on outside the Supreme Court where, again, women came forward and explained their very, very tragic circumstances around having to have this procedure.

Today a woman named Vicki Seles stood up and said she was diabetic. Everything went very well until about her 28th week, and at that point they realized that the fetus had so many anomalies they were totally inconsistent with life and that her life too could be threatened, because being a diabetic they had to be very careful about what kind of procedures she could and could not go through. And so it was with great pain, great sorrow, great everything that this pregnancy was ended with this method which was determined to be the safest for her because it preserved her reproductive organs. It kept the bleeding to a minimum, which is so important for diabetics and so many other things. But I do not want to pretend that I am practicing medicine without a license because obviously I do not have a medical license.

□ 1245

But she stood out there on the steps of the Supreme Court saying she is now 30 weeks pregnant with a healthy fetus, that this is going along well, how excited she it. She has had this opportunity to once again try to become a mother and that she and her husband have been so excited about this happening. It appears now that all of this is going well and that she would not have had that option had the fetus died in utero, which it appeared it could, and then all sorts of emergency procedures start happening and probably in all instances her entire reproductive system would have been removed in some kind of an emergency procedure.

Now, these are the types of things that we criminalized last week. We did not even allow an amendment for the life of the mother or the future health of the mother to be considered. I find

that absolutely astounding that this body would shut off that kind of debate and ram it through here only to be even more astounded this week that the other body is going to ram it through even faster it they possibly can.

I think the real reason this issue is so terribly painful is that you are talking about the life of the mother plus a future life of a potential fetus. But do we really as a Congress, men and women, think we have the right to come down and make that determination, and do we really have the right to criminalize any doctor, to excuse him of being a criminal for providing that procedure. If you read the bill, it is very clear that the doctor can only use the woman's life as a defense after he is arrested and on trial and then only if that doctor alleges there was no other procedures available, not a safer procedure, just no other procedure.

Of course, you can have a total removal of the organs; you could have all sorts of other procedures that might be much more dangerous for the women, but that is not a defense. So I must say, it is a sad day, Mr. Speaker.

Mr. Speaker, I include for the RECORD a letter that I have sent to Members of the other body about this issue and another letter dealing with the inaccuracies of the drawings this body was exposed to last week done by a doctor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 1995.

DEAR SENATOR SPECTER: I understand that H.R. 1833, the Canady-Smith bill to ban late term abortion procedures, will be before the Senate tomorrow. The issue before you is about one of the greatest tragedies that can befall a family—a wanted pregnancy that goes terribly wrong, either because serious fetal anomalies are discovered late in the pregnancy, or because the woman develops a life-threatening medical condition that is inconsistent with continuing the pregnancy.

The bill you will debate on Tuesday would horribly burden these families. It would preclude many women from having access to the best option available to them in terms of reducing the risk to their lives, their health, and their future fertility. Please, on the behalf of these families, send this bill back to the appropriate Senate committee for thorough hearings.

The House bill is based upon an incomplete hearing record and a cursory House debate. The legislation criminalizing an abortion procedure is unprecedented and demands a hearing record and debate more thorough than the House conducted.

As a member of the House Judiciary Subcommittee on Constitutional Rights, I can attest that the hearing record was incomplete. First, we held only one two-hour hearing. Two panels were originally scheduled to testify. The hearing was cut short and the scheduled second panel to deal with legal issues did not occur. The only scheduled witness was to present the proponents' legal interpretation of the bill. Only the Ranking Democrat, Rep. Barney Frank (D-MA), was allowed to ask questions of the first panel. It was only after considerable protest that I or any other members opposed to the legislation were allowed to ask further questions.

Second, no one with first-hand experience with the procedure testified. Dr. Martin Haskell, whose words were taken out of context and used as arguments to pass the legislation, never got a chance to testify, although as the enclosed letter explains, was willing to.

Further, proponents of H.R. 1833 pointed as reasons for passing the bill, an ''eyewitness'' account by Nurse Brenda Shafer who worked for three days as a temporary nurse in Dr. Haskell's office, yet Ms. Shafer never testified and her account has been contradicted and discredited by both Dr. Haskell and his head nurse Christie Gallivan, who supervised Ms. Shafer.

Third, throughout the hearing, proponents of H.R. 1833 displayed an illustrator's interpretation of the procedure. Yet, the illustrations were never medically certified by a qualified physician with first hand knowledge of the procedure attesting to its medical accuracy. In fact, Dr. J. Courtland Robinson, an M.D., M.P.H. from Johns Hopkins University School of Hygiene and Public Health, has labeled these illustrations ''highly imaginative and misleading.'' (See attached letter.)

The rule in the House barred any amendments from being offered and provided only one hour of debate. Opponents of the bill were not able to offer amendments to allow doctors the discretion to use the proposed banned procedures if the life or health, including a woman's future fertility, were endangered. The short time allotted for debate did not allow opponents time to discuss the type of health problems that would cause a family to consider this procedure. Nor did it give us any time to discuss why this option for some women may be the safest option for their situation.

It would be a legislative travesty if this bill is hurriedly passed based upon the House's deficient hearing process. American families who may find themselves in these tragic situations deserve better.

Sincerely,

PATRICIA SCHROEDER,
Member of Congress.

JUNE 28, 1995.

Hon. CHARLES CANADY,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN CANADY: I would like to submit, for the record, a clarification regarding statements I made in the House Judiciary subcommittee hearing on H.R. 1833, July 15, 1995. Evidently these statements are being misinterpreted by those who support your legislation to imply that I revised earlier comments submitted to Members of Congress. These interpretations are incorrect.

When discussing drawings presented to the hearing which purport to be depictions of an intact D&E or, as it is sometimes called, a D&X abortion, I stated that the drawings presented were ''technically correct.'' This is true—the drawings are ''technically correct'' in that they represent a rough characterization of what is present, and in what position, during such a procedure. A representation—in words of pictures—can be technically accurate, however, and still fall far from the mark in representing the truth of what it describes.

There are many substantive inaccuracies in the drawings presented. For example, the clear implication of the drawings is that the fetus is alive until the end of the procedure, which is untrue. The stylized illustrations further imply that the fetus is conscious and experiencing pain or sensation of some kind—which is also obviously untrue. Finally, the fetus depicted is shown as perfectly formed (indeed, proportionally larger in relationship to the woman than it ought to be), when in fact a great number of such procedures are performed on fetuses with severe genetic or neurological defects. All of these factors, as well as the rudimentary, even crude, nature of the sketches added up to a picture that is, as I previously stated, highly imaginative and misleading.

Just as the drawings presented misrepresent the nature and practical reality of the surgery, your edited public distribution of some of my words misrepresents the substance of my statements. I would respectfully request that you and your staff refrain from further mischaracterizations of my comments and my medical opinion on this matter. Please include this letter as part of the formal record of the above-mentioned hearing.

Sincerely,

J. COURTLAND ROBINSON, MD, MPH.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). The Chair will remind the Member not to characterize the action of the other body, the Senate.

MORE ON H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT OF 1995

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Tennessee [Mr. BRYANT] is recognized during morning business for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, it is my pleasure to come down and speak this morning on behalf of the bill that passed this House last week by an overwhelming majority. In fact, what is known up here as a veto-proof majority, one that would survive a President's veto, should the President veto it.

This is H.R. 1833, the bill that has already had some comments from this House floor this morning. I was proud to support this bill because I think it is a fair bill, and I think it is one that does away with a very grisly medical procedure. By the number of votes that it had last week in its passage in this body by a margin of 288 to 139, we see that there were Members on both sides of the aisle who joined in in support of this bill.

I am proud to say that I do not particularly like labels, but if you want to use pro-choice and pro-life labels up here in Washington, which is apt to happen on occasion, there were many, I would be pro-life in that category. There were many on the other side who were pro-choice, I am proud to say, many of our colleagues on both sides of the aisle who are pro-choice who voted in support of this amendment. In fact, it is a procedure that is grisly, that is gruesome.

Probably, taking aside all the issues of morality or lack of morality of choice or of no choice, taking religion out of this issue, I think one of the most persuasive factors that caused Members to vote for this was the vote that the AMA's own Council on Legislation had on this particular bill. This is a group of 12 doctors, the Council on Legislation, as a part of the American Medical Association. The American

Medical Association, of course, long ago recognized abortion rights. So they are no great fan of the so-called pro-life movement. In fact, they have supported abortions over the years. They, as a body, took a neutral stance on this bill, but again, at the recommendation of their own Council on Legislation, which voted 12 to zero to endorse this bill, 1833.

This particular council endorsed the gentleman from Florida, Mr. CANADY's bill, 1833. I know for a lot of us that took away some of the sting of these arguments that we hear about how doctors are going to have to make terrible decisions and how they are going to be confronted with the idea that they may go to jail and how women's lives are going to be put at risk. To me it is important to see doctors who represent doctors who perhaps do this procedure take this type of stance that they know that it is such a terrible procedure, and they know that many of these things that are being said simply are not true or else they chose to ignore them because again they voted 12 to 0 in favor of endorsing, in favor of supporting this bill. Some even said that this procedure had no recognized medical value.

I think one on that council called it repulsive. So I think for a lot of us, again, on both sides of the aisle, on both sides of the pro-choice, pro-life issue, this support from the Council on Legislation, which again is a body within the AMA, meant a lot to a lot of people.

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

Mr. BRYANT of Tennessee. I will yield briefly, if the gentlewoman can be brief. She had her 5 minutes, and I want as much of my 5 minutes as possible.

The SPEAKER pro tempore. Both Members will suspend. Time is not being deducted from the gentleman. He has the floor. The gentleman from Tennessee has the floor and has not yielded.

Mr. BRYANT of Tennessee. Let me finish because I had one other major point I would like to make. This is, talking about this procedure, I alluded to this when I spoke originally on the floor in support of the 1833 bill. That was the manner of this technique is so gruesome that as a person who is a former prosecutor and familiar with the death penalty and all those things that go with it, I think I can stand up here and say in an unqualified fashion that this particular partial birth abortion procedure would never be used as a form or as a means of execution in a capital murder case. Even the most gruesome murderer, and I mentioned, I believe, Charles Wayne Gacey and Ted Bundy who have been executed, even they had certain basic rights of due process of law and an infliction of a capital punishment, a method that was not so cruel and inhuman as to violate the Constitution.

Recently in Washington State, a man out there very overweight was able to avoid hanging because of the fact he might be decapitated. Again, I am proud to support this bill H.R. 1833 and hope that it will pass through both bodies and the President will sign it.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

During these times when so much of our consciousness reflects on the violence and the outrage of past days, we pause in prayer to commit ourselves to patterns of peace in all we do or say or think. Your word, O gracious God, a word of shalom, of peace, of understanding, is a word that commits us to be Your messengers of accord in our Nation and Your stewards of good will in all the world. May Your spirit, O God, remind us to use our voices in ways that bring tolerance and greater understanding so that our actions will be deeds of justice and righteousness, now and evermore. Amen.

THE JOURNAL

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

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

Mr. COOLEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

Mr. COOLEY. 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. Evidently a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments a bill of the House of the following title:

H.R. 2546. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists its amendment to the bill (H.R. 2546) ''An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 31. Concurrent resolution honoring the life and legacy of Yitzhak Rabin.

REPORT TO THE HOUSE ON THE TRIP TO JERUSALEM AND THE FUNERAL FOR PRIME MINISTER RABIN

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

Mr. GINGRICH. Mr. Speaker, I just want to take a minute to brief my colleagues on the trip to Jerusalem and on the funeral for Prime Minister Rabin. Let me say that I commend the President for having put together, on very short notice, a very powerful bipartisan delegation. The leadership of the Congress on both sides of the aisle were there, and President Carter, President Bush, former Secretary Shultz, and former Secretary Vance. I was told personally last night by acting Prime Minister Perez that it was a very powerful symbol of our commitment to stability and our commitment to the peace process that such a strong delegation would go to represent the United States in a tragic moment.

I think we all have to recognize that even with all of the violence which has occurred in the Middle East, the assassination of Prime Minister Rabin was

an unusually shocking moment which has left the people of Israel, I think, genuinely in a state of deep mourning and, frankly, deep shock that it could have happened within Israeli society.

I believe for our part, we in the Congress have an obligation to continue to work toward the dream of a peaceful and prosperous Middle East, a Middle East in which Israeli's national security is ensured within a framework of friendship and comity with its neighbors. It is a long and a difficult process, but I think any Member or citizen of this country who watched on television, who listened to the heart-rending personal statement of Prime Minister Rabin's granddaughter, anyone who saw the historic moment in which the Russian Prime Minister stood next to the American President, who stood next to the premier of Spain, who stood next to the King of Jordan; to see King Hussein back in that part of Jerusalem for the first time since his grandfather was killed while seeking peace, and then to see President Mubarak of Egypt, it was truly a historic moment, a moment that I think must have made Rabin proud to know that he had contributed with his life's work and ultimately with his life to begin to move the Middle East toward peace.

I hope all Members will join in expressing our commitment and support. I hope all of us will remember that one person can make a difference, and that this sacrifice does not have to have been in vain. I hope all of us will continue to work to strengthen the prospects of having a genuine and lasting peace in the Middle East.

LET US DEDICATE OURSELVES TO THE CAUSE OF PEACE TO ENSURE THAT PRIME MINISTER RABIN DID NOT DIE IN VAIN

(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, the violent death of Israel's Prime Minister Yitzhak Rabin is a tragedy, not only for his family and for Israel, but for the entire world. His life spanned Israel's painful struggle for birth and survival.

His military background gave him the credentials to lead Israel in search of a secure peace. General Rabin knew how to wage war. Prime Minister Rabin knew how to make peace.

In the immortal words of Abraham Lincoln, he has given the last full measure in his devotion to peace for Israel.

We can ensure that Yitzhak Rabin will not have died in vain if we the living rededicate ourselves to the cause of peace, to carry the torch that Yitzhak Rabin held high on the road to peace for Israel and for her neighbors throughout the Middle East.

YITZHAK RABIN: WARRIOR FOR PEACE

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

Mr. LEWIS of Georgia. Mr. Speaker, I have just returned from Israel, where I attended the funeral of Prime Minister Yitzhak Rabin.

Today our condolences and our hearts go out to the people and friends of Israel, the Rabin family, and lovers of peace everywhere.

Prime Minister Rabin was a great man, a great statesman, and a great peacemaker. He lived his life protecting the people of Israel and gave his life trying to bring an end to the cycle of violence that has plagued his nation. He was a warrior for peace and that will be his legacy. No assassin's bullet can extinguish the flame, the dream, that Yitzhak Rabin ignited in the hearts and minds of his people. Yitzhak Rabin may no longer be with us, but his dream for a safe, secure Israel, an Israel at peace with itself and its neighbors, lives on.

We have all lost a great leader, a great man, a man of peace. Bless him.

EMULATING THE COURAGE AND DEDICATION OF PRIME MINISTER RABIN IN SUPPORTING THE PEACE PROCESS

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

Mr. PAXON. Mr. Speaker, today we all come together, Christian and Jew and Moslem. We come together as people of different races and ethnicities, but we come together as Americans all, to join in mourning the tragic death of Israel Prime Minister Yitzhak Rabin. There is absolutely no question, Mr. Speaker, of the singular greatness of Prime Minister Rabin. He was always a man of strength who lived a life of conviction and courage. Yitzhak Rabin gave his life in a passionate search for peace for all people in the Middle East.

The only question, the only question that remains: Will we who live on be as courageous and as dedicated in picking up where he left off, in standing up for a real and just peace in the Middle East?

INTERIOR APPROPRIATIONS CONFERENCE REPORT

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

Mr. RICHARDSON. Mr. Speaker, I commend all the previous speakers for their eloquence on the assassination of Prime Minister Rabin.

Mr. Speaker, later this week the House will consider for the second time the conference report on H.R. 1977. Even though this bill was sent back to committee, the new reported version is still completely unacceptable.

This conference report undermines our commitments to native Americans, our National Park System, and our precious national culture.

This bill slashes the budget of the National Park System at a time when more of our constituents are using the parks.

In this bill the budget for the National Park System is cut by $68 million.

This bill provides only $1 for management of the Mojave National Preserve, a newly established California park.

It eliminates $15 million for efforts to improve visitor safety and security at National Parks.

Despite public outcry about exploiting our national resources, this bill allows clearcutting in the Tongass National Forest.

This bill also undermines our commitments and treaty obligations to native Americans.

In this conference report native American programs will be cut by $184 million from last year's levels.

The crippling reductions targeted at tribes will significantly reduce support for essential tribal government services such as law enforcement, housing improvement, health care, Indian child welfare, and adult vocational training.

This conference report cuts $136 million more from Indian programs than the original House bill.

Make no mistake that this bill also jeopardizes the ability to provide important cultural, education, and artistic programs for communities across this country.

This bill eliminates 39 percent of funding for the National Endowment for the Arts. These cuts mean less dollars for communities in your district to help them bring ballet and orchestra, opera, and theatre performances to your constituents.

I urge my colleagues to do what is right to protect our environment, to do what is right for native American children and our cultural heritage. Vote ''no'' on the Interior appropriations conference report.

IT IS TIME TO SAY GOODBYE TO THE DEPARTMENT OF COMMERCE

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

Mr. Speaker, when this historic Congress convened, a number of us in the new majority promised our constituents that we would work hard to eliminate wasteful Federal agencies that cater to special interests. Soon we will have an opportunity to do just that by eliminating the Department of Commerce.

The Commerce Department, which was ostensibly created to promote American business interests, has evolved into a mish-mash of ineffective

and outmoded programs which soak the American taxpayer for hundreds of millions of dollars while providing precious little in return.

We promised we would balance the budget, not by raising taxes but by cutting wasteful spending. This is a perfect example, the Department of Commerce, of wasteful spending.

Mr. Speaker, we have to crack down on corporate welfare, and the Department of Commerce is a good place to begin. It is little more than a welfare department for big corporations. We should have the courage to eliminate it.

ART MODELL MUST OBEY CLEVELAND'S LAWS

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

Mr. TRAFICANT. Mr. Speaker, year in and year out, the Cleveland Browns averaged 70,000 paying fans a game, but owner Art Modell says that is not enough. He said he is losing money. Who is kidding whom? This move to Baltimore is nothing but a sweetheart deal for Modell and a raw deal for the city of Cleveland.

Mr. Speaker, what is the surprise? Anyone who would fire Paul Brown, trade Paul Warfield, and cut outright Bernie Kozar does not know the meaning of loyalty or community. I am asking the Ohio attorney general to enforce the contract between Cleveland Browns and the city of Cleveland. If the fine print is binding on those in the dog pound and Mayor White, the fine print should be binding on Art Modell.

THE DEMOCRATS' STRANGE VIEW OF THE BUDGET PROCESS

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

Mr. WALKER. Mr. Speaker, over the last several weeks, we have heard some fascinating dialog as we have discussed the budget. I think it has been particularly interesting. The Democrats, bless their hearts, have a very strange view of this whole budget process.

For example, when we actually cut spending, as we are doing in the Defense Department, so we are spending less in 1995 or in 1996 than we spent in 1995, they call that an increase; but when we increase spending in programs like Medicare above what we are spending in 1995, they call that a cut. No wonder the budgets of the United States were so screwed up for 40 years while they managed this place.

THE REPUBLICANS' ONGOING WAR AGAINST MEDICARE

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

Mr. BROWN of Ohio. Mr. Speaker, 2 weeks ago this Congress cut $270 billion in Medicare while increasing Pentagon spending $7 billion more than the Pentagon itself even asked for. Why? The Speaker has said and the Republican majority has said they want to preserve and protect Medicare. They want to save it by cutting it.

Let us look at a bit to history. In 1965, when Medicare was created, 87 percent of Republicans voted against its creation.

□ 1415

In the next 20 and 30 years, Republican Members of Congress continued to try to cut Medicare. In this year, Speaker GINGRICH said, now, we did not get rid of Medicare in round one because we do not think that is politically smart, but we believe it is going to wither on the vine. That is why they are cutting Medicare. They are cutting Medicare in order to let it wither on the vine and they are cutting Medicare in order to give $245 billion in tax cuts to the wealthy. Mr. Speaker, it simply does not make sense.

NOW IS THE TIME TO BALANCE THE BUDGET

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

Mrs. SEASTRAND. Mr. Speaker, the discussion going on here in Congress about balancing the Federal budget will continue on the floor this week. I think it is important to remember that every day, all across this country, millions of American families gather at the kitchen table to balance the family budget. They do not make excuses, they just do the right thing for the family.

I believe now is the time for the House and Senate to gather around the kitchen table of America and do what is right for America's future. We need to balance the budget, reform welfare, and cut taxes so that the American family will be able to keep more of their own, hard-earned paycheck. The growing expectation for a balanced budget has already caused long-term interest rates to fall, according to Alan Greenspan.

No more talking about balancing the budget, no more reading about it. Let's just do it. Let's work together at the kitchen table for the good of our Nation.

HOSPITALS WILL BE FORCED TO CHARGE MORE

(Ms. DELAURO asked and was given permission to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is not just seniors who will be asked to pay more under the Republican Medicare bill. Businesses and working people can expect to see that their health care costs are going to rise as well. In today's health care system, private patients and their insurers pay the price for the uninsured. This cost shifting will accelerate under the Republican Medicare proposal.

According to a story that ran this weekend in the New York Times, as Medicare payments fall short of covering the cost of care, hospitals will be forced to make up the difference by charging their private patients more. Many people who work for small businesses could also lose their insurance altogether.

An independent health care research firm, Lewin VHI, estimates that $66 billion will be shifted on to the privately insured. That is too big of a burden for our small businesses, and yet another reason to oppose the Republican Medicare cuts.

A HERO IN WAR, HE DIED FOR PEACE

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

Mr. CHRISTENSEN. Mr. Speaker, the epitaph of Prime Minister Yitzhak Rabin could fill volumes. He served his country tirelessly. He helped lead her to triumph in the 1967 war. He won the Nobel Prize for his efforts to bring her an everlasting peace.

Prime Minister Rabin had the rare ability to bring diverse people together in the pursuit of peace. He earned the admiration and the respect of the people of Israel and people throughout the world. I am shocked and saddened that such a brave man would be brought down so brutally.

So, in the great shadow of his loss, this is a sad time for Israel, America, and the world. Our thoughts and prayers are with Mr. Rabin's family and with the people of one of America's closest allies, Israel. He will go down in history as a hero in war, he died for peace.

DAVID ROHDE HELD HOSTAGE

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

Mr. HOYER. Mr. Speaker, as the peace negotiations between the warring parties in the Bosnian conflict continue in Dayton, an American journalist continues to be incarcerated and held hostage by the Bosnian Serbs.

David Rohde, a journalist for the Christian Science Monitor, was responsible for exposing the killing fields near Srebrenica in eastern Bosnia. He is now being held in captivity, detained by those responsible, the Bosnian Serbs. They have charged him with, and I quote, ''Illegal border crossings and falsifying documents.'' He has been tried and convicted by what our own State Department has called, rightfully, a kangaroo court. He has, Mr.

Speaker, become a pawn of the Serbs in their peace negotiations.

I suspect that Milosevic and his gang think they can use David Rohde as a bargaining chip in order to have us reduce our demands that the Serbs remove war criminals Karakzic and Mladic from their commands as part of any peace agreement. They are wrong.

Mr. Speaker, I am today urging the Clinton administration to demand that David Rohde and other noncombatant personnel, including all U.N. military and civilian personnel, be immediately released.

CONGRESSIONAL LIBERALS VOICE BOGUS CLAIM

(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, liberals here in Congress and in the White House love to claim that Republicans are raising taxes on the poor because of our efforts to reform the earned income tax credit. This claim is bogus and is an outright scare tactic.

EITC was set up in the 1970's to help working, poor families. It was designed to be a tax refund program. Since then, EITC has turned into a welfare program. In fact, only one-quarter of the $21 billion spent on EITC actually go to tax refunds. The other three-fourths go to welfare grants. The program has expanded far beyond its original intent.

In the last 10 years, spending on the program has increased 1,220 percent. This is unsustainable growth.

Mr. Speaker, the American people need to know that we are not raising taxes on poor people. Every family covered by EITC will receive the $500 per-child tax credit and it is an outright fabrication to suggest that reforming EITC is a tax increase.

CLINTON ADMINISTRATION AND AMERICAN PEOPLE HAVE DIFFERENT PRIORITIES

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

Mr. EWING. Mr. Speaker, the Clinton administration's top concern these days seems to be raising the debt ceiling; in other words, increasing the Government's credit limit, which will be paid by our grandchildren.

For 11 months now, the Republican Congress has been writing a budget which will be balanced in 7 years. Throughout the whole process, the President has been missing the whole point. He needs to build consensus and accept the agenda of the American people.

Now the President wants us to raise the debt limit when he has not even stated he will sign the balanced budget amendment over a 7-year period, nor has he said he will sign legislation to save Medicare or reform welfare. He wants to increase the debt ceiling and he is fighting nearly every Republican proposal to cut spending and reduce the size of Government.

Mr. Speaker, the Clinton administration's priorities are not the same as the American people. The American people want to clean up this fiscal mess, not increase the Government's credit limit without balancing the budget.

YITZHAK RABIN DEDICATED TO LASTING PEACE

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

Mr. FORBES. Mr. Speaker, I rise today in remembrance of one of the giants of the 20th century, a true hero, Prime Minister Yitzhak Rabin.

Prime Minister Rabin, who was tragically taken from us over the weekend, could best be described as one of the Founding Fathers of the State of Israel, and a man dedicated to lasting peace in the Middle East.

As a soldier, he led troops during Israel's War of Independence in 1948. As chief of staff of the Israel Defense Forces, he led Israel to a victory over Arab forces in 1967. As Defense Minister, he strengthened Israel's armies to defend against external threats, and as Prime Minister, he pursued peace with Israel's enemies. Above all else, he was a true patriot, whose commitment to the people of Israel and a secure future for all of its generations to come was unequivocal.

For those of us here in America, he was a friend, a comfortable friend, who we came to know during his time as Israeli Ambassador to the United States.

This past August, my wife, Barbara and I, had the good fortune of spending some time with the Prime Minister and his lovely wife, Leah. During that visit as I toured Israel, it was clear that Prime Minister Rabin was undergoing tremendous pressure from external forces as well as internal forces, as he so valiantly pursued the process of peace. This and so much more shall serve as an enduring legacy of hope and optimism that characterized the rich and full life of Prime Minister Rabin. Our prayers are with the Prime Minister's family and with all Israelis during the most difficult time.

PRIME MINISTER'S LEGACY TO MOVE FORWARD FOR PEACE

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

Mr. CARDIN. Mr. Speaker, as a Member of the congressional delegation that attended Mr. Rabin's funeral, let me share with you some of my observations from returning from Jerusalem.

Mr. Rabin was truly a unique individual who pursued peace, and his loss will be deeply felt in the peace process, make no mistake about that. We have lost a unique individual who was committed to bringing about peace.

As President Clinton remarked and as King Hussein of Jordan remarked, the legacy of Mr. Rabin must be to move forward in the peace process. The best way to honor Mr. Rabin's memory is for all of us to rededicate ourselves to peace in the Middle East.

My observations of what is happening in Israel today is that the Israelis are more united, more committed to peace than ever before, and I think that is a fitting tribute to Mr. Rabin's work.

YITZHAK RABIN'S ASSASSINATION

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

Mr. KNOLLENBERG. Mr. Speaker, on Saturday, November 4, the world suffered a great loss. Prime Minister Rabin's leadership and commitment to peace in the Middle East will be missed.

His untimely death is nothing less than tragic, not only to his family and the people of Israel, but to everyone who yearns for the end of bloodshed in the Middle East.

The United States has always stood beside Israel. Now more than ever, we must reaffirm our commitment to the parties involved in the peace process to ensure that Yitzhak Rabin's vision becomes a reality.

Mr. Speaker, our hearts and prayers go out to the people of Israel and Prime Minister Peres.

The challenges of the future are large, but not insurmountable. Mr. Rabin has shown us that courage and perseverance can win the day. Let us learn from his example.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

REAPPOINTMENT OF HOMER ALFRED NEAL TO THE SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 69) providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 69

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Homer Alfred Neal of Michigan on December 6, 1995, is filled by the reappointment of the incumbent for a term of six years, effective December 7, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

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

Mr. Speaker, I rise today in support of House Resolution 69 which provides for the reappointment of Homer Alfred Neal to the Smithsonian Institution's Board of Regents.

□ 1430

The Smithsonian is governed by a 17-member board composed of the Chief Justice, the Vice President of the United States, three Members of the House of Representatives, three Members of the Senate, and nine citizen members.

Homer Neal will complete his first 6-year term as a citizen regent on December 6. His extensive knowledge about science and his expertise as vice president for research and professor of physics at the University of Michigan have provided a significant contribution to the Smithsonian as a regent. Mr. Neal is being renominated for an additional 6-year term.

Mr. Speaker, regents oversee America's preeminent cultural institution. the Smithsonian's museums preserve, study, and present our cultural and scientific heritage through the vast collections that they hold in trust for the Nation. The Smithsonian is also a leading research center for the arts, history, and science, with facilities, as we know, here in the District of Columbia along the Mall but also in eight other States and in the Republic of Panama. We are most familiar with the Smithsonian based upon its exhibitions, 16 museums, galleries, and of course the National Zoo. They receive 29 million visitors every year, and every one of those visitors visit for free.

The Smithsonian is in essence the Nation's attic. They preserve unique records of art, history, plant and animal life. The total number of objects is estimated at more than 140 million. Some 120 million of those objects are specimens in the National Museum of Natural History, and there are more than 16 million postage stamps and related objects at the National Postal Museum.

The Smithsonian is a unique American institution. The Board of Regents are an important functioning aspect of the Smithsonian.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], one of the regents of the Smithsonian Institution of the House of Representatives, the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from California the distinguished chairman of the Committee on House Oversight for yielding me the time.

Mr. Speaker, I would like to thank him also and also the gentleman from California [Mr. FAZIO], the ranking member, who cannot be here today, for moving these regent nominations so quickly through their committee and onto the House floor. The actions we take today will allow the Board of Regents to have a full complement as the Smithsonian begins to celebrate its 150th anniversary this January.

The Board of Regents is indeed, as the gentleman from California [Mr. THOMAS] has pointed out, the governing body for the Smithsonian Institution. Its 17 members include the Vice President, Chief Justice, three Senators, three Members of the House, and nine citizen regents. The gentleman from Texas, Mr. SAM JOHNSON, and I are honored to be two of those regents.

A replacement will soon be named for Norm Mineta, who resigned on October 10. The nine citizen regents are appointed by joint resolution of Congress for 6-year terms.

The caliber of the people who are willing to serve in these positions reflects well upon the Smithsonian Institution, and each of the appointments will ensure that the Smithsonian continues its 150 years of success. Each of the joint resolutions that we will consider today, as the gentleman from California [Mr. THOMAS] will explain in detail, will appoint nationally respected individuals who are leaders in their respective fields. Each are distinguished Americans. I am honored to serve with them all.

Mr. Speaker, I will not elaborate on the individual nominees since the gentleman from California on each of the resolutions will do that. But I would be remiss if I did not add that I will be introducing a bill later this week to allow for a commemorative coin to celebrate the 150th anniversary of the Smithsonian. The proceeds from the coin will help to pay for sending Smithsonian exhibits across the country over the next 2 years to celebrate the 150th anniversary and to display the Smithsonian's treasures for many communities across America. For the first time we will help the Nation's coin collectors by devoting 15 percent of the proceeds for the numismatic collection at the Museum of American History.

Mr. Speaker, I again thank the chairman and the ranking member for their speedy consideration of the bill. I urge the adoption and the appointment of the citizen regents.

Mr. THOMAS. Mr. Speaker, I thank the gentleman, and that sounds like we have at least one more object to add to the Smithsonian's collection coming soon.

Mr. Speaker, I urge Members to support House Joint Resolution 69.

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

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

Mr. Speaker, I am pleased to join my colleague from California in support of the four joint resolutions before us today. They were all passed out of committee unanimously and will serve to continue the excellent stewardship that has been the tradition of the Smithsonian Institution.

The four resolutions before us are complementary and will bring a diverse group of skills and experience to the board. Together, the nominees bring backgrounds in the sciences, arts, business, and the Federal Government.

The Smithsonian Institution is the crown jewel among our Nation's fine museums and research facilities. Every day, hundreds of Americans, and indeed, visitors from around the world, visit the Smithsonian museums and marvel at their wonders. Whether it is school children seeing the remarkable pictures from the Hubble telescope at the Air and Space Museum and starting on their journey into the marvels of science or a grandmother seeing Dorothy's red shoes that she first saw years ago on the magical silver screen, the Smithsonian is like no other place.

The first resolution, House Joint Resolution 69, reappoints Homer A. Neal, vice president for research at the University of Michigan. House Joint Resolution 110 appoints Howard Baker, former Senator and Chief of Staff to President Reagan. House Joint Resolution 111 appoints Anne Harnoncourt, the director of the Philadelphia Museum of Art, and House Joint Resolution 112 appoints Louis Gerstner, chairman of the board and CEO of IBM Corp.

The Smithsonian is governed by a 17-member board and all of these nominations are noncontroversial and worthy of this House's full support. I urge my colleagues to support each of these measures and am pleased to join my friend from California in recommending these distinguished nominees to the House.

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

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

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 69.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF HOWARD H. BAKER, JR., TO SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 110) providing for the appointment of Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 110

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Jeannine Smith Clark of the District of Columbia on August 25, 1995, is filled by the appointment of Howard H. Baker, Jr. of the District of Columbia. The appointment is for a term of six years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Maryland [Mr. HOYER] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

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

Mr. Speaker, I rise today in support of House Joint Resolution 110, which provides for the appointment of Howard Baker, Jr., to the Smithsonian Institution's Board of Citizen Regents.

I do not have to tell anyone that Howard Baker has had a long and distinguished career in public office. He served in the U.S. Senate from 1967 to 1985. He was President Ronald Reagan's Chief of Staff from February 1987 to July 1988.

Mr. Speaker, rather than go into a more detailed background, it is my privilege to yield as much time as he may consume to the gentleman from Tennessee [Mr. HILLEARY], who represents the once and current home of Howard Baker.

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

Mr. HILLEARY. I thank the gentleman from California for yielding me the time.

Mr. Speaker, it is my honor today to rise in support of House Joint Resolution 110 which provides for the appointment of Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

It is a pleasure and honor to be able to call Senator Baker my friend. He is a true patriot who has had a long, dedicated career in public service.

I believe one of the earliest offices he held was that of student body president at the University of Tennessee in 1949. After receiving his law degree from UT, he began a career as an attorney and businessman in Huntsville and Knoxville, TN, where he soon developed an outstanding reputation in these communities and throughout the State.

In 1966 Senator Baker was first elected to the U.S. Senate. He was the first Republican since Reconstruction to be elected to the Senate from Tennessee. Later he was reelected twice more by the people of Tennessee, in 1972 and 1978.

While he is known to us in Tennessee as being instrumental in building it into a two-party State, the country knows him better for his dedication to setting partisanship aside for the good of our country.

As vice chairman of the Senate Watergate Committee in 1973, he shouldered the difficult and unpleasant task of investigating a Republican White House. The leadership he provided on that committee propelled him into the national spotlight. His goal was the truth, wherever it might have led.

Senator Baker then served as Senate Republican leader, first in the minority from 1977 through 1980, and then later in the majority from 1981 until he retired in 1984.

Senator Baker brought people together. When important legislation got bogged down in the Senate, he used his personal talent for bringing opposing factions together at the bargaining table to reach compromise suitable to all sides.

In 1988 President Reagan asked Howard Baker to take over as his White House Chief of Staff, and always being the willing patriot, he readily accepted. His presence as the head of the White House staff gave it instant credibility and integrity. He completed his task given to him by President Reagan, and again retired from public service.

He may no longer hold any public office, but his knowledge and understanding of both Tennessee and Washington continues to have tremendous influence. It is with great pride that I pay this tribute to my most famous and most distinguished constituent, Howard H. Baker, Jr. He is a great man who has dedicated his life to public service and we all owe him a great debt of gratitude.

Senator Baker is interested in serving on the Smithsonian Board of Regents, and this country could not have a better person to serve there. It is with great pleasure that I urge all of my colleagues to support House Joint Resolution 110 to appoint Howard H. Baker, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

Mr. THOMAS. Mr. Speaker, I think all of us know that Howard Baker is also an avid photographer and I look forward to being able to view future pictures of the Smithsonian from the inside out. I urge Members to support House Joint Resolution 110.

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

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

Mr. Speaker, I rise once again in behalf of this resolution. On our side of the aisle, we know Howard Baker to be a partisan Republican, but he was much more and is much more than that. He was appropriately, as a leader in his party, partisan when partisanship was called for. But he was, as the gentleman from Tennessee has said, an American first, not only a great leader in his own right but the son-in-law of a great Republican leader as well, Everett Dirksen.

Howard Baker is the kind of politician that America needs. In a time when we tend to yell and scream at one another, in a time when we tend to try to embarrass one another and show one another up, Howard Baker is an example of the best of public service.

Howard Baker revered the U.S. Senate, and in his career brought luster to that institution as well as to his own name, because Howard Baker understood that Americans expected us and expect us still to work together, recognizing our differences but recognizing that consensus in the final analysis is the way we make progress.

Therefore, as a member of the other party, if you will, but a friend of Howard Baker, and not only that, an admirer of Howard Baker, and an admirer of that for which he stood as a public servant, I gladly, on behalf of my party as well as on behalf of the Democratic side of the aisle and the committee, rise in support of this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 110.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

APPOINTMENT OF ANNE D'HARNONCOURT TO THE SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 111) providing for the appointment of Anne D'Harnoncourt as a citizen Regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with

section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Samuel Curtis Johnson of Wisconsin on December 4, 1995, is filed by the appointment of Anne D'Harnoncourt of Pennsylvania. The appointment is for a term of six years and shall take effect on December 5, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Maryland [Mr. HOYER] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

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

Joint Resolution 111 provides for the appointment of Anne D'Harnoncourt to the Smithsonian Institute's Board of Regents. Ms. D'Harnoncourt serves as the director of the Philadelphia Museum of Art. In addition to her current position, she has worked at the Tate Gallery in London and the Art institute of Chicago. The knowledge she possesses from her vast arts background will obviously prove beneficial to the Smithsonian's Board. I urge my colleagues to support House Joint Resolution 111.

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

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume and join my colleague, the gentleman from California [Mr. THOMAS], in strong support of this resolution.

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

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

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 111.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF LOUIS GERSTNER TO SMITHSONIAN BOARD OF REGENTS

Mr. THOMAS. Mr. Speaker, I have moved to suspend the rules and pass the joint resolution (H.J. Res. 112) providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

H.J. RES. 112

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Ira Michael Heyman of California on May 27, 1994, is filled by the appointment of Louis Gerstner of Connecticut. The appointment is for a term of six years and shall take effect on the date on which this joint resolution becomes law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Maryland [Mr. HOYER] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

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

House Joint Resolution 112, which provides for the appointment of Louis Gerstner to the Smithsonian Institution's Board of Regents is, I think, equally luminous. Louis Gerstner's impressive credentials begin with his current position as chairman of the board and chief executive officer of the IBM Corp. Prior to his work at IBM, Mr. Gerstner has held top positions at RJR Nabisco, American Express, and the management consulting firm of McKinsey & Co.

While Mr. Gerstner obviously offers a diverse and impressive business background, I think it is especially significant with his appointment as a regent of the Smithsonian to emphasize that Mr. Gerstner, throughout his lifetime, has had a continuous commitment to improving our system of education, and this seems to be an excellent appointment as a citizen regent. I urge my colleagues to support House Joint Resolution 112.

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

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

Once again I am pleased to join the chairman of the Committee on House Oversight, Mr. THOMAS, in support of this resolution. The nominee will, I am sure, make a very outstanding contribution to the work of the Smithsonian Board of Regents.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 112.

The question was taken.

Mr. HILLEARY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Joint Resolution 69, House Joint Resolution 110, House Joint Resolution 111, and House Joint Resolution 112, the resolutions just considered.

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

There was no objection.

LAND CONVEYANCE TO CITY OF SUMPTER, OR

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass bill (H.R. 1581) to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the City of Sumpter, Oregon.

The Clerk read as follows:

H.R. 1581

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

SECTION 1. LAND CONVEYANCE, CITY OF SUMPTER, OREGON.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the city of Sumpter, Oregon (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property of approximately 1.43 acres consisting of all of block 8 of the REVISED PLAN OF SUMPTER TOWNSITE in the City, as shown in plat recorded March 6, 1897, in Plat Book 3, page 26; including the alley running through such block, vacated by Ordinance No. 1966–3, recorded December 14, 1966, in Deed 66–50–014.

(b) ADDITIONAL DESCRIPTION OF PROPERTY.—The real property to be conveyed under subsection (a) consists of the same property that was deeded to the United States in the following deeds:

(1) Warranty Deed from Sumpter Power & Water Company to the United States of America dated October 12, 1949, and recorded in Vol. 152, page 170 of Baker County records on December 22, 1949.

(2) Warranty Deed from Mrs. Alice Windle to the United States of America dated October 11, 1949, and recorded in Vol. 152, page 168 of Baker County records on December 22, 1949.

(3) Warranty Deed from Alice L. Windle Charles and James M. Charles to the United States of America dated August 8, 1962, and recorded in Book 172, page 1331 on August 27, 1962.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City use the conveyed property only for public purposes, such as a city park, information center, or interpretive area.

(d) RELEASE.—Notwithstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), upon making the conveyance required by subsection (a), the United States is relieved from liability for any and all claims arising from the presence of hazardous materials on the conveyed property, and the City shall thereafter be liable for any and all such claims.

(e) REVERSIONARY INTEREST.—If the Secretary of Agriculture determines that the real property conveyed under subsection (a) is not being used in accordance with the condition specified in subsection (c) or that the City has initiated proceedings to sell, lease, exchange, or otherwise dispose of all or a portion of the property, then, at the option

of the Secretary, the United States shall have a right of reentry with regard to the property, with title thereto revesting in the United States.

(f) AUTHORIZED SALE OF PROPERTY.—Notwithstanding subsections (c) and (e), the Secretary of Agriculture may authorize the City to dispose of the real property conveyed under subsection (a) if the proceeds from such disposal are at least equal to the fair market value of the property and are paid to the United States. The Secretary shall deposit amounts received under this subsection into the special fund in the Treasury into which funds are deposited pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), commonly known as the Sisk Act. The disposal of the conveyed property under this subsection shall be subject to such terms and conditions as the Secretary may prescribe.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Agriculture may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon, [Mr. COOLEY].

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

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

Mr. COOLEY. Mr. Speaker, I rise in support of H.R. 1581, sponsored by myself, which would authorize the transfer of the Sumpter Guard Station in my district from the U.S. Forest Service to the city of Sumpter, OR.

The Sumpter Guard Station was established in the 1940's, and the site consists of three very primitive buildings. Two of the buildings, made from railroad boxcars, are considered usable if the electrical wiring is brought up to current standards. The third building is a small outhouse and is not longer usable.

The station is located on 1.43 acres of land in the city of Sumpter, OR, and the site and buildings were recommended for disposal when the real property utilization survey was completed in 1988. Disposal of the property was contingent upon a thorough inventory of the cultural resource values and an assessment of any hazardous wastes at the site.

The Oregon State Historic Preservation Officer has concurred that the site is not eligible for the National Register of Historic Places and that transfer of ownership would not be an adverse effect. The hazardous materials report has been completed; no hazardous materials remain on the site.

The U.S. Forest Service fully supports the transfer, has no further use of the Sumpter Guard Station, and wishes to dispose of the property. The city of Sumpter, on the other hand, is eager to receive the property and utilize it immediately for public benefit as a park facility.

H.R. 1581 was reported favorably by the Committee on Resources by voice vote, and is noncontroversial. This is very sensible legislation for all interests, and I urge the Members of the House to support this measure.

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

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

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

Mr. RICHARDSON. Mr. Speaker, this is a good piece of legislation. Basically what it is is a conveyance from the Secretary of Agriculture to the city of Sumpter, OR, all right, title and interest of the United States to a parcel of land that is approximately 1.43 acres, as described in the bill. The conveyance will be subject to the condition that the city use the conveyed property for only public purpose, such as a city park, information center, or interpretive area.

The United States is relieved of liability for claims arising from the presence of hazardous materials on the conveyed property. If the city does not use the property in accordance with the conditions of the bill, then the Secretary has the option to take possession of the property, and, notwithstanding any provisions of the bill, the Secretary may authorize the city to dispose of the property.

The Secretary of Agriculture may require additional terms and conditions as are appropriate to protect the interests of the United States.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1581.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CLEVELAND NATIONAL FOREST LAND EXCHANGE ACT OF 1995

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 207) to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange, and for other purposes, as amended.

The Clerk read as follows:

H.R. 207

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 ''Cleveland National Forest Land Exchange Act of 1995''.

SEC. 2. LAND EXCHANGE, CLEVELAND NATIONAL FOREST, CALIFORNIA.

(a) CONVEYANCE BY THE SECRETARY OF AGRICULTURE.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (b), the Secretary of Agriculture (hereinafter referred to as the ''Secretary'') shall convey to the Orange County Council of the Boy Scouts of America all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) located in the Cleveland National Forest. The parcel conveyed by the Secretary shall be subject to valid existing rights and to any easements that the Secretary considers necessary for public and administrative access.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) consists of not more than 60 acres of land in Section 28, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(b) CONVEYANCE BY THE BOY SCOUTS OF AMERICA.—

(1) CONVEYANCE.—In exchange for the conveyance described in subsection (a), the Orange County Council of the Boy Scouts of America shall convey to the United States all right, title, and interest to the parcel of land described in paragraph (2). The parcel conveyed under this subsection shall be subject to such valid existing rights of record as may be acceptable to the Secretary, and the title to the parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(2) DESCRIPTION OF PARCEL.—The parcel of land referred to in paragraph (1) shall be approximately equal in value to the lands described in subsection (a)(2) and shall be at least the Southerly 94 acres of the Westerly ½ of Section 34, Township 9 South, Range 4 East, San Bernardino Meridian, in the unincorporated territory of San Diego County, California.

(c) BOUNDARY ADJUSTMENT.—Upon the completion of the land exchange authorized under this section, the Secretary shall adjust the boundaries of the Cleveland National Forest to exclude the parcel conveyed by the Secretary under subsection (a) and to include the parcel obtained by the Secretary under subsection (b). For purposes of section 7 of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 460l–9), the boundary of the Cleveland National Forest, as modified by this Act, shall be considered the boundary of the forest as of January 1, 1965.

(d) INCORPORATION INTO CLEVELAND NATIONAL FOREST.—Upon acceptance of title by the Secretary, the parcel obtained by the Secretary under subsection (b) shall become part of the Cleveland National Forest and shall be subject to all laws applicable to such national forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

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

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

Mr. COOLEY. Mr. Speaker, I rise in support of H.R. 207, sponsored by Mr. COX, which would clear up a problem between the Boy Scouts and the Cleveland National Forest. The Lost Valley

Scout Reservation, located in a remote area of northern San Diego County and bordered by the Cleveland National Forest, is the principal summer camp for the 80,000 youth now served annually by the Orange County Council of the Boy Scouts of America. This 1,400-acre property was acquired by the council in 1956 through deeds based on an 1880 survey.

In 1987, the Forest Service surveyed the shared boundaries, and finding the 1880 surveys to be inaccurate, discovered a number of encroachments on Forest Service land. These included permanent buildings, a year-round residence, an unauthorized road, and buried water and electrical lines. The land is also heavily impacted by Scout use, as it lies between two camp activity centers.

The bill would authorize the exchange of the 43 acres of the Cleveland National Forest presently encroached upon or heavily impacted by the Lost Valley Scout Reservation for 94 acres now owned by the council.

H.R. 207 is noncontroversial and was reported favorably by the House Resources Committee by voice vote. I commend the sponsor for his work on this measure and urge the Members of the House to support this bill.

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

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

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

□ 1500

Mr. RICHARDSON. Mr. Speaker, we will be supporting this bill. This is a good piece of legislation. I think, as the gentleman from Oregon [Mr. COOLEY] explained, the Lost Valley Scout Reservation in California was built according to an 1880 survey. In 1987, a survey conducted by the Forest Service found that the Boy Scouts had encroached onto Cleveland National Forest in several locations. These locations include a year-round residence, an unauthorized road, and buried electrical and water lines.

Further, the land has been heavily impacted from Boy Scout use. This bill would authorize the Secretary of Agriculture to exchange the encroached land to the Boy Scouts for land owned by the Scouts elsewhere in Orange County.

Mr. Speaker, I support this transfer which will allow the Orange County Council of Boy Scouts of America to use this land unencumbered for years to come.

Mr. Speaker, I am always pleased to pass good legislation that benefits the gentleman from California [Mr. COX], the Boy Scouts, and does away with unneeded bureaucracy.

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

Mr. COOLEY. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. COX], the author of this legislation.

Mr. COX of California. Mr. Speaker, I thank my colleagues, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON], for the kind words that they have just spoken in behalf of this bill.

Mr. Speaker, it should not take an act of Congress for kids to go to summer camp, but that really is what this bill is going to facilitate. For several years, the facilities used by up to 10,000 Boy Scouts in the Orange County area have been deteriorating. They have been unable to build improvements on their land because a master plan cannot be approved by San Diego County until this boundary dispute, which as the gentleman states goes back to 1880, is resolved.

Mr. Speaker, like good neighbors, the Boy Scouts who discovered this problem with their property some 30 years after acquiring it from the Federal Government, worked with the Forest Service in good neighborly fashion to resolve it and they have now done so.

Mr. Speaker, I would like especially to take a moment to thank Mike Harrison, Kent Gibbs, and Craig Reide of the Orange County Council of the Boy Scouts of America for the extraordinary work they have done in getting this bill this close to passage. I am also grateful to the gentleman from Utah [Mr. HANSEN] and other members of the Subcommittee on National Parks, Forests and Lands.

Mr. Speaker, I first introduced this bill in 1992, along with California Senator John Seymour. It has taken us a great deal of hard work and effort to get to this point. Instrumental in our success was the work of my colleague, the gentleman from southern California [Mr. CALVERT], who also authored this legislation with me, and who has worked tirelessly to make certain that Members of this body recognize the special urgency of this legislation. While the gentleman from California [Mr. CALVERT] wanted to be here to mark the passage of this legislation, he has been unavoidably detained off the Hill.

Mr. Speaker, H.R. 207 may not be the most significant piece of legislation that this Congress considers, but it will have an immediate, tangible, and lasting positive impact on the lives of the thousands of Boy Scouts who spend their summers at the Lost Valley Scout Reservation.

H.R. 207 is the legislative route to implement the agreement that has been reached by the Boy Scouts and the Federal Government. Under the bill, up to 60 acres of the Cleveland National Forest presently encroached upon or heavily impacted by the Lost Valley Scout Reservation will be exchanged for 94 acres now owned by the Boy Scouts. The 94 acres of land do border the existing national forest and will expand the size of the Cleveland National Forest. Additionally, the Boy Scouts have agreed, at their own expense, to pay for new surveys and place monuments which will clearly mark the new boundaries.

Mr. Speaker, H.R. 207 is supported by the Forest Service, which testified earlier this year that enactment of this legislation will ''benefit the management of the National Forests by solving boundary, encroachment issues.''

Mr. Speaker, in conclusion, I cannot stress enough the special urgency of this legislation. The county of San Diego has denied building permits for needed improvements at Lost Valley Scout Reservation, pending a master land use plan as I have mentioned. That master land use plan depends on passage of this bill. For all of these reasons, time is of the essence.

Mr. Speaker, I am delighted that the leadership of this Congress has made passage of H.R. 207 a priority and I urge my colleagues on both sides of the aisle to join with me in supporting a bill that is good for our national parks, good for the Federal Government, and good for the Boy Scouts and good for about 10,000 campers.

Mr. PACKARD. Mr. Speaker, today we will have the opportunity to bring an ongoing boundary issue to rest. H.R. 207, introduced by my colleague, Congressman COX, is long overdue and reinforces the Republican-led Congress' commitment to the concerns of ordinary citizens.

As a former Boy Scout myself, I understand the importance of the Lost Valley Scout Reservation to the tens of thousands of young people in southern California served by the facility since 1954. In 1987, the U.S. Forest Service conducted a border survey and found that a small portion of land in use by the Boy Scouts was actually on Federal land. Since that time, the camp has been denied permits by the county of San Diego to make necessary repairs to the facility until the property rights issue was resolved.

This no-nonsense legislation simply exchanges land between the Forest Service and the Boy Scouts. As simple as that may sound, it has taken a considerable amount of time for the bill to be considered. It was first introduced in 1992, but no action was taken by the Democrat-controlled Congress. It was again introduced in the 103d Congress, but efforts were stalled by the Clinton administration's refusal to issue an official Forest Service opinion.

I applaud Congressman COX for his tenacity and commitment to our young people. I urge all of my colleagues to put aside petty politics and support the Cleveland National Forest land exchange.

Mr. CALVERT. Mr. Speaker, I strongly support H.R. 207 as introduced by my esteemed colleague from California [Mr. COX]. This is a matter of importance to my district and with that in mind I ask for passage of this bill.

Time is of the essence in this case. The county of San Diego has decided to disallow all building permits on the Lost Valley Scout Reservation until a master land plan is approved. This approval cannot come until this boundary dispute is resolved.

Lost Valley needs building permits now. The scout population at Lost Valley has increased 150 percent in just the past 3 years. As a result, repairs, and capital improvements must quickly commence. The Reservation is in dire need of 18 new staff cabins and a new dinning hall. In fact, the local health department has only allowed the existing dining hall's continued operation with the understanding that it will be replaced in the near future.

This bill is a fair settlement to end this boundary dispute and I urge its passage.

Mr. RICHARDSON. Mr. Speaker, as I stated, I strongly support this legislation, and I yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I want to thank the gentleman from California [Mr. COX] for introducing this legislation. I think it is a very worthy cause, and I urge my colleagues also to support this.

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

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 207, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTION OF WILD HORSES IN THE OZARK NATIONAL SCENIC RIVERWAYS

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 238) to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses, as amended.

The Clerk read as follows:

H.R. 238

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

SECTION 1. FREE-ROAMING HORSES.

Section 7 of the Act entitled ''An Act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes'', approved August 27, 1964 (16 U.S.C. 460m–6), is amended to read as follows:

''SEC. 7. (a) The Secretary, in accordance with this section, shall allow free-roaming horses in the Ozark National Scenic Riverways. Within 180 days after enactment of this section, the Secretary shall enter into an agreement with the Missouri Wild Horse League or another qualified nonprofit entity to provide for management of free-roaming horses. The agreement shall provide for cost-effective management of the horses and limit Federal expenditures to the costs of monitoring the agreement. The Secretary shall issue permits for adequate pastures to accommodate the historic population level of the free-roaming horse herd, which shall be not less than the number of horses in existence on the date of enactment of this section nor more than 50.

''(b) The Secretary may not remove, or assist in or permit the removal of, any free-roaming horses from Federal lands within the boundary of the Ozark National Scenic Riverways unless the entity with whom the Secretary entered into the agreement under subsection (a), following notice and a 180-day response period, substantially fails to meet the terms and conditions of the agreement or in the case of an emergency as defined in the agreement.

''(c) Nothing in this section shall be construed as creating additional liability for the United States for any damages caused by the free-roaming horses to property located inside or outside the boundaries of the Ozark National Scenic Riverways.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

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

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

Mr. Speaker, I rise in support of H.R. 238, legislation which would direct the Secretary of the Interior to permit free-roaming horses to continue to inhabit Ozark National Scenic Riverway.

Free-roaming horses have existed in the vicinity of Ozark National Scenic Riverway for at least 50 years. For nearly 25 years after the park was established in 1964, the National Park Service coexisted in apparent harmony with the small number of horses which roam on lands both inside and outside the park boundary. Then suddenly, in about 1990, the National Park Service decided that the horses would have to be completely removed.

The only reason cited by the National Park Service to justify removal of the horses is that agency policy calls for removal of non-native plants and animals. However, the agency policy also calls for the National Park Service to conduct research to determine the effects of non-native animals on the park prior to initiating any such removal. The National Park Service has never conducted the required research, and has been unable to supply the committee with any scientific evidence documenting the impacts of these horses on park resources. Further, while the Park Service claims that the removal action is required under their policy, there are at least six areas in the park system where the National Park Service permits free roaming horses to exist, with no attempts to remove them. In other words, it appears that the national policies of this agency are applied on an arbitrary and selective basis by the field managers.

When the National Park Service attempted to remove these animals, they encountered massive public opposition from all corners within the State of Missouri. That opposition was ignored. Volunteer groups appeared at the doorstep of the National Park Service and offered to manage the horses at no cost to the Federal Government. The door was slammed in their face. In fact, the National Park Service testified before our subcommittee that the only way to prevent future removal of the horses was to enact this legislation.

I know that the gentleman from Missouri [Mr. EMERSON] has worked long and hard on this issue, an am witness to his extensive efforts to resolve this administratively. While such a solution may have been preferable, it is apparently not possible. Therefore, I commend this bill to my colleagues, urge they support it, and recommend its passage.

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

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

Mr. Speaker, for decades now locals and visitors to the Ozark National Scenic Riverways have come to enjoy the sight of the free-roaming horses which inhabit the area. When the National Park Service recommended removal of the horses in order to protect the riverways area, a fierce debate broke out.

Mr. Speaker, I would like to see the National Park Service and the local community work together to allow a small number of horses the freedom to roam the area unencumbered. The bill before us will allow for the Wild Horse League of Missouri, or a similar group, to manage and care for the feral horses in the area. The Wild Horse League, or similar groups, will also be responsible for any damage caused by the horses. Further, the bill directs the National Park Service to provide grazing land for the horses.

Mr. Speaker, I want to commend the author of this bill, the gentleman from Missouri [Mr. EMERSON] and I see that the gentleman from Missouri [Mr. SKELTON] is here and will be speaking on the bill. Both gentlemen are outstanding Members of this body. The gentleman from Missouri [Mr. EMERSON] has had wide interest in this issue. We are going to make sure that this bill passes. We hold the gentleman in extremely high regard. We wish the gentleman a very, very speedy recovery. We see the gentleman here.

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

Mr. COOLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. EMERSON], the author of this bill.

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

Mr. EMERSON. Mr. Speaker, I certainly want to thank the manager of the bill, the gentleman from Oregon [Mr. COOLEY], and the gentleman from New Mexico [Mr. RICHARDSON] for their diligent work in bringing this bill before us today. I also thank the gentleman from Utah [Mr. HANSEN], chairman of the Subcommittee on National Parks, Forests and Lands, and the gentleman from Alaska [Mr. YOUNG],

chairman of the full Committee on Resources, for moving this bill through the legislative process.

Mr. Speaker, the Ozark Wild Horses Protection Act of 1995 is of high importance to the folks in my congressional district in southern Missouri, and to the folks in the district of my neighbor and colleague, the gentleman from Missouri [Mr. SKELTON], who represents the neighboring district. Mr. Speaker, I am just delighted to have the gentleman, and our other Ozark colleague, the gentleman from Missouri [Mr. HANCOCK], as cosponsors of this legislation. We can say we have all of the Missouri Ozarkian Congressmen behind this particular measure.

The Ozark Wild Horses Protection Act has been around a while, but it should be noted that it is a very straightforward measure. It combines common sense and the will of the people to answer what has turned into a very, very complex problem.

Mr. Speaker, in order to fully explain why my legislation is necessary, I want to give a little brief history about the wild horses that freely roam the Ozark scenic riverways. There are about 25 to 30 animals in the herd which have been around for 60 years or more, if not longer. Some new horses have been born into the herd while others have died off. In this time, however, the animals have never become overpopulated nor a physical nuisance to the lands or waters in which they roam. In fact, the folks of southern Missouri, the people who live there and own the land there, want the horses to stay for future generations to enjoy. They, as I, want this legislation to become law in order to protect the wild horses from being rounded up and carted away.

Mr. Speaker, all told, the wild horses have become a symbol of American freedom and certainly a case in point of the little guy versus government bureaucracy. It is very clear that the horses should be allowed to freely roam the scenic riverways, but due to an arbitrary decision by a local park superintendent some time ago, the National Park Service and the Interior Department, the issue now demands and deserves congressional resolution.

Remember, one of the goals of the 104th Congress is to return power to the people, government to the governed, and by passing the Ozark Wild Horses Protection Act we will be doing just that.

Members should know that there is precedence for allowing horses to remain in a National Park. In the 1980's, a similar case occurred in the Roosevelt National Park in North Dakota where the NPS wanted to proceed with removal, but the local folks wanted them to stay because of their image of the ''roughrider spirit.'' In the final analysis, the Park Service relented and allowed them to remain, because NPS determined that the wild horses are scenic, historic, and cultural.

Unfortunately, in our case, congressional action has been deemed necessary by the Interior Department bureaucracy. Since 1990, park officials have been so adamant about removing the Ozark's wild horses and, I might add, changing their rationale every time as to why they want to, that they have spent countless taxpayers' dollars to take the issue up the court of appeals ladder.

□ 1515

Additionally, this entire time an unwieldy bureaucracy was fighting an amenable, rational, no cost solution strongly and vocally urged by the Missouri Wild Horse League and the public at large—that rationale being simply leave the horses alone.

In fact, on one, including myself, necessarily wanted to pursue legislative action; however, we were forced to seek this route. In a three-page letter dated September 28, 1994, the Park Service stated that ''any amendatory or corrective legislation would have to be initiated by the U.S. Congress'' to keep them from rounding up the horses. Thus, representing the folks of southern Missouri together with the gentlemen from Missouri, Mr. SKELTON and Mr. HANCOCK, I had no other choice but to proceed with this legislation to amend the Ozark National Scenic Riverways Act.

In closing, let me say that the horses are a strong part of the regional lore, scenic beauty, and culture in southern Missouri. They also serve as a meaningful attraction for vacationing visitors who come to our area to fish, hunt, canoe, raft, or simply take in the great outdoors. The Ozark Wild Horses Protection Act will hopefully provide justice—once and for all—for the horses and the people who have stood beside them throughout these legal and bureaucratic hurdles.

I urge strong passage of the Ozark Wild Horses Protection Act today, so that the measure can be pursued in Congress' other body. I have been working with our two Senators, Senator BOND and Senator ASHCROFT, and they are ready to proceed with similar legislation in their Chamber following successful action today in the House. We must invoke the will of people unto the bureaucracy and not the other way around. As one of the slogans about the horses back home goes: ''Wild and Free—Let 'em Be.''

Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman from New Mexico for yielding time to me.

First, let me commend my friend, my colleague, the gentleman from southeast Missouri [Mr. EMERSON], for this piece of legislation. But let me tell Members, it is a shame. It is a shame, Mr. Speaker, that this has to be done. The National Park Service, using good judgment, in its bureaucracy should have let the horses stay where they have been for some 60 years. And now they say, the only way they are going to stay, to our friend, the gentleman from southeast Missouri [Mr. EMERSON], is to get legislation passed.

To his credit, he is doing it. I certainly hope we will pass it here in the House unanimously. I certainly hope that the U.S. Senate will follow suit.

There is such a thing as tradition in this country. There is such a thing as seeing things as they were in yesteryear in this country. We want tourists to come to Missouri. We want tourists to come to this country. We want them to see what happens, what has been around, what makes Americans Americans and Missouri Missouri. And the people understand that who live in our State.

The Missouri Wild Horse League is going to work with the National Park Service under this bill, no expense to the Federal Government. Shame on the bureaucracy and the National Park Service. Let us get this done. And hooray and congratulations to our friend, BILL EMERSON, from the State of Missouri.

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

Again, I urge passage of this bill. I want to commend the gentleman from Missouri [Mr. EMERSON] for excellent work and the eloquence of these two gentlemen from Missouri is nonpareil. I would like to simply add, let the horses go wild and free.

Mr. Speaker, for decades now locals and visitors to the Ozark National Scenic Riverways have come to enjoy the sight of the free-roaming horses which inhabit the area. When the National Park Service recommended removal of the horses in order to protect the riverways area, a fierce debate broke out.

I would like to see the NPS and local community work together to allow a small number of horses the freedom to roam the area unencumbered. The bill before us will allow for the Wild Horse League of Missouri or a similar group to manage and care for the feral horses in the area. By taking on the management of these horses, the Wild Horse League or similar group will also be responsible for any damage caused by the horses. Further, the bill directs the National Park Service to provide grazing land for the horses.

I support passage of this bill.

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

Mr. COOLEY. Mr. Speaker, I, too, wanted to commend the gentlemen from Missouri, both of them on both sides of the aisle for putting forth, especially Mr. EMERSON, this legislation. I think it is good legislation, and I urge my colleagues to support it unanimously as well.

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

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 238, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAND EXCHANGE AT FIRE ISLAND NATIONAL SEASHORE

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1163) to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the village of Patchogue, Suffolk County, NY, as amended.

The Clerk read as follows:

H.R. 1163

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

SECTION 1. AUTHORIZATION OF EXCHANGE.

The Secretary of the Interior may exchange all right, title, and interest of the United States in and to certain National Park Service lands in the Fire Island National Seashore in the State of New York, described in section 2, for all right, title, and interest of the Village of Patchogue, Suffolk County, New York, in and to certain lands in the Village of Patchogue, described in section 2, without further consideration.

SEC. 2. DESCRIPTION OF LANDS TO BE EXCHANGED.

(a) NATIONAL PARK LANDS.—The National Park Service lands in the Fire Island National Seashore, in the State of New York, referred to in section 1 are the lands generally depicted on the map entitled ''Fire Island National Seashore Land Exchange—Proposed'', dated October 1994.

(b) VILLAGE OF PATCHOGUE LANDS.—The lands in the Village of Patchogue, Suffolk County, New York, referred to in section 1 are the lands generally depicted on the map entitled ''Village of Patchogue Land Exchange—Proposed'', dated October 1994.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the Office of the Director of the National Park Service.

SEC. 3. LANDS ACQUIRED BY SECRETARY.

The lands in the Village of Patchogue that are acquired by the Secretary of the Interior under section 1 shall be added to and administered as part of the Fire Island National Seashore.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

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

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

Mr. Speaker, I rise in support of H.R. 1163, sponsored by Mr. FORBES, which would authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the village of Patchogue, Suffolk County, NY.

H.R. 1163, introduced by Mr. FORBES authorizes the Secretary of the Interior to exchange approximately 8 acres of riverfront property currently within the Fire Island National Seashore for approximately 2 acres owned by the village of Patchogue, NY.

The village of Patchogue intends that the riverfront area be lightly developed with retail shops and restaurants. Currently, the Patchogue land consists of a large paved area and a few buildings. Fire Island needs the property for overflow parking, vehicle maintenance, and perhaps some office space.

I urge the Members of the House to support this measure that was favorably reported by the House Resources Committee by unanimous voice vote and commend its sponsor for his hard work.

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

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

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

Mr. RICHARDSON. Mr. Speaker, this bill would authorize the exchange of land located in Fire Island National Seashore for land owned by the village of Patchogue, NY. This is a good bill. It is a good exchange between the local and Federal governments with respect to the area.

It is a good tradeoff for both sides. It is expected that Fire Island National Seashore would use the acquired land to address the needs for overflow parking, vehicle maintenance, and office space, while the village of Patchogue would use its acquired land for commercial development, including retail shops and restaurants. As I said, this bill will satisfy the needs of both the local and the Federal governments with respect to the area, and I urge my colleagues to support it.

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

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. FORBES].

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

Mr. FORBES. Mr. Speaker, I want to thank my colleagues on the Committee on Resources for their expeditious handling of this vital piece of legislation.

H.R. 1163 would authorize an exchange of two small parcels in the district I am privileged to represent on eastern Long Island. It would be basically an even exchange involving no money.

Mr. Speaker, the Fire Island National Seashore, which is one of the pristine parks on Long Island, and the village of Patchogue have worked hand in hand to bring about this exchange of land. The first parcel is about 1½ acres. It is undeveloped property along the Patchogue River with literally about 20 percent of the parcel under water. And it currently is part of the Fire Island National Seashore.

The second parcel is 1.1 acres and it is a paved area currently owned by the village of Patchogue and being used as a parking lot. The Fire Island National Seashore is in need of a facility, a paved facility, where they can administer their vehicles and have a storage area and for other activity such as overflow parking, storage, et cetera, and a parcel of land, that they do not want to be dependent upon a waterfront location.

Likewise, the village of Patchogue would like riverfront parcels for the purposes of providing for economic development. Patchogue has fallen on difficult times in recent years, and working hand in hand with the mayor of Patchogue, Franklyn S. ''Whitey'' Lewendowsky, and the village board, they are working tirelessly to look for ways for economic development in the village of Patchogue. The village of Patchogue, being affectionately referred to as the downtown area of Brookhaven town.

Patchogue is hoping that this responsible economic redevelopment with the use of capital and job creation will help put a shot in the arm for Patchogue and help to revitalize this critical area in my district.

The exchange is supported by all sides. This is certainly a wonderful example of where local and Federal Government can work hand in hand for the benefit of all the people. The Park Service has several compliance measures that they need to deal with before the actual exchange can take place, but if we authorize it today, everything will be in order when the Park Service completes those vital steps.

I ask for unanimous consent to pass this important piece of legislation.

Again, I thank my colleagues for their assistance in making possible the passage of this measure.

Mr. RICHARDSON. Mr. Speaker, I urge passage of this bill.

I would like this body to note the outstanding bipartisanship, especially exhibited by the minority, in the passage of all of these majority Republican bills that are going through and the equanimity and the collegiality in making these bills a reality.

Mr. Speaker, I Yield back the balance of my time.

Mr. COOLEY. Mr. Speaker, I want to thank the gentleman from New Mexico for his benevolence. I do appreciate that very much. I also want to thank the gentleman from New York [Mr. FORBES] for this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1163, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MODOC NATIONAL FOREST BOUNDARY ADJUSTMENT ACT

Mr. COOLEY. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 1585) to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes.

The Clerk read as follows:

H.R. 1585

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 ''Modoc National Forest Boundary Adjustment Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain private lands presently owned by the Bank of California, N.A. Trustee, are adjacent to the Modoc National Forest and are logical extensions of the forest.

(2) A boundary adjustment will facilitate a land exchange which involves approximately 4,240 acres of National Forest land and 11,804 acres of private land, of which only 760 acres are outside the present Modoc National Forest boundary.

(3) Bank of California, N.A. Trustee, and the Forest Service are prepared to exchange these lands under existing authority of the Secretary of Agriculture which will benefit both the private landowners and the United States by consolidating their respective landownership patterns, providing reduced costs for each party in implementing their land management objectives, providing increased recreation opportunities and fishery habitat for the American public, and providing commercial timber lands to the private landowners.

SEC. 3. BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Modoc National Forest is hereby modified to include and encompass 760 acres, more or less, on the following described lands: Mount Diablo Meridian, Lassen County, California, T. 38 N., R. 10 E., sec. 5, SE¼NW¼, E½SW¼; sec. 8, E½NE¼, NE¼NW¼, NE¼SE¼, sec, 16, W½; sec, 25, Lots 13, 14 and 15 (S½SW¼, SW¼SE¼); T. 37 N., R. 11 E., Sec. 20, NW¼SE¼.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9), the boundary of the Modoc National Forest, as modified by this Act, shall be considered to be the boundary of that National Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] and the gentleman from New Mexico [Mr. RICHARDSON] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

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

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

Mr. Speaker, I rise in support of H.R. 1585, sponsored by Mr. HERGER, which would expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A., Trustee, and to facilitate a land exchange with the Forest Service.

The Ash Creek Exchange was entered into by the Bank of California, N.A., Trustee [BankCal], and the Forest Service to consolidate their respective holdings in parts of the Lassen, Modoc, and Plumas National Forests. Because certain private lands subject to the exchange were outside but contiguous to the boundary of the Modoc National Forest, the exchange was structured in two phases.

The first phase was completed in June 1993. In phase 1 of the transaction, 11,044 acres of private land were exchanged for 3,757 acres of Forest Service land. Phase 2 of the transaction, which is the subject of this legislation, would transfer approximately 11,804 acres of private land to the Forest Service and approximately 4,240 acres of Forest Service land to private ownership.

The remaining 760 acres of private land is located outside, but contiguous to, the proclamation boundary of the Modoc National Forest. The proposed boundary adjustment will provide for these lands to be acquired by the Forest Service.

H.R. 1585 was favorably reported by the Committee on Resources by unanimous voice vote. I commend the work of my friend, Mr. HERGER, on this measure and urge the Members of the House to support this bill.

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

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

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

Mr. RICHARDSON. Mr. Speaker, this authorization will authorize the final phase of a two-step process to consolidate lands in parts of the Lassen, Modoc, and Plumas National Forests. It will facilitate the transfer of approximately 11,804 acres of private land to the Forest Service in exchange for the 4,240 acres of Forest Service land to be transferred to private ownership. This bill has been worked out with all interested parties and is supported by the administration.

It is a good bill, introduced by the gentleman from California [Mr. HERGER], who has worked very hard on this issue. We welcome passing this legislation.

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

Mr. COOLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HERGER], the sponsor of this bill.

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

Mr. Speaker, I rise in support of H.R. 1585. I would like to thank the gentleman from Utah [Mr. HANSEN] and the gentleman from Oregon [Mr. COOLEY] for their strong support, and also the gentleman from New Mexico [Mr. RICHARDSON] on the minority side.

Mr. Speaker, this is a noncontroversial bill that completes an equal value land exchange between the Modoc National Forest and the Bank of California. This legislation enjoys strong support from the Forest Service and local communities in the Lassen and Modoc Counties of northern California.

The land exchange was commenced by the Bank of California and the Forest Service to consolidate their respective holdings in parts of the Lassen, Modoc, and Plumas National Forests. Because the transaction would require a boundary change in the Modoc National Forest, the exchange was structured in two phases. The first phase was completed in June 1993. This legislation will help complete phase 2 of the transaction. The land that will be added to the Modoc National Forest is currently used for grazing and tree production, both of which are consistent with the current land management plan.

Mr. Speaker, this exchange will not adversely affect any existing property or land use rights, and will complete a reasonable and fair transaction. By consolidating Federal landholdings, it will reduce land management costs, increase fishery habitat, and provide additional recreational opportunities within the Modoc National Forest.

Mr. Speaker, I give this bill my full endorsement, and strongly urge my colleagues to vote in favor of final passage.

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

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

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1585.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXCHANGE OF LANDS WITH THE WATER CONSERVANCY DISTRICT OF WASHINGTON COUNTY, UT

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1838) to provide for an exchange of lands with the Water Conservancy District of Washington County, UT.

The Clerk read as follows:

H.R. 1838

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

SECTION 1. EXCHANGE OF LANDS WITH THE WATER CONSERVANCY DISTRICT OF WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Subject to the provisions of this Act, if within 18 months after the date of the enactment of this Act, the Water Conservancy District of Washington County, Utah, offers to transfer to the United States all right, title, and interest of the District in and to the Bulloch Site, the Secretary of the Interior shall, in exchange, transfer to the

District all right, title, and interest of the United States in and to the Sand Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir, subject to valid existing rights.

(b) WATER RIGHTS ASSOCIATED WITH THE BULLOCH SITE.—The water rights associated with the Bulloch Site shall not be included in the transfer under subsection (a) but shall be subject to an agreement between the District and the Secretary that the water remain in the Virgin River as an instream flow from the Bulloch Site to the diversion point of the District at the Quail Creek Reservoir.

(c) WITHDRAWAL OF MINERAL INTERESTS.—Subject to valid existing rights, the mineral interests underlying the Sand Hollow Site, the Quail Creek Reservoir, and the Quail Creek Pipeline are hereby withdrawn from disposition under the public land laws and from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, from the operation of the Geothermal Steam Act of 1970, and from the operation of the Act of July 31, 1947, commonly known as the ''Materials Act of 1947'' (30 U.S.C. 601 et seq.).

(d) GRAZING.—The exchange of lands under subsection (a) shall be subject to agreement by the District to continue to permit the grazing of domestic livestock on the Sand Hollow Site under the terms and conditions of existing Federal grazing leases or permits, except that the District, upon terminating any such lease or permit, shall fully compensate the holder of the terminated lease or permit.

SEC. 2. EQUALIZATION OF VALUES.

The value of the lands transferred out of Federal ownership under section 1 either shall be equal to the value of the lands received by the Secretary under section 1 or, if not, shall be equalized by—

(1) to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Director of the Bureau of Land Management;

(2) transfer of all right, title, and interest of the District in and to lands in the Smith Site and water rights of the District associated thereto; and

(3) the payment of money of the Secretary, to the extent that lands and rights transferred under paragraphs (1) and (2) are not sufficient to equalize the values of the lands exchanged under section 1.

SEC. 3. MANAGEMENT OF LANDS ACQUIRED BY UNITED STATES.

Lands acquired by the Secretary under this Act shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

SEC. 4. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.

The exchange of lands under this Act is not subject to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 5. DEFINITIONS.

As used in this Act:

(1) DISTRICT.—The term ''District'' means the Water Conservancy District of Washington County, Utah.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) BULLOCH SITE.—The term ''Bulloch Site'' means the lands located in Kane County, Utah, adjacent to Zion National Park, more particularly described as follows:

BULLOCH SITE

	Section		Acres
T 39 S R 9 W (Private)	32	S½	320
	33	SW¼, S½ SW¼ NW¼	180
		Total	500
T 40 S R 9 W (State)	5	S½, SW¼ NE¼, NE¼ NE¼	400
	6	S½, NE¼	480
		Total	880
		GRAND TOTAL	1,380

(4) SAND HOLLOW SITE.—The term ''Sand Hollow Site'' means the lands located in Washington County, Utah, more particularly described as follows:

SAND HOLLOW RESERVOIR SITE

	Section		Acres
T 42 S R 14 W	13	SW¼	160
	23	E½, E½ W½	480
	24	All	640
	26	NE¼, E½ NW¼, N½ SE½	320
	25	All	640
T 42 S R 13 W	19	W½, SW¼ SE¼	360
	30	W½, W½ NE¼	400
		GRAND TOTAL	3,000

(5) QUAIL CREEK PIPELINE.—The term ''Quail Creek Pipeline'' means the lands located in Washington County, Utah, more particularly described as follows:

QUAIL CREEK PIPELINE

	Section		Acres
T 41 S R 12 W River-pipeline	30	NW¼ NW¼	40
		Total	40

(6) QUAIL CREEK RESERVOIR.—The term ''Quail Creek Reservoir'' means the lands located in Washington County, Utah, more particularly described as follows:

QUAIL CREEK RESERVOIR

	Section		Acres
T 41 S R 14 W	23	Tract 38	9.51
	23	Lot 2	40.00
	23	SW¼ SW¼ SE¼ SE¼	2.50
		Total	52.01
	25	W½ SW¼ NW¼	20
	25	SE¼ SW¼ NW¼	10
	25	W½ SE¼ SE¼ NW¼	5
	25	NW¼ SW¼	40
	25	W½ W½ NE¼ SW¼	10
		Total	85
	26	Lot 1	15.97
	26	Lot 8	40.00
	26	Lot 12	17.45
	26	Lot 15	42.23
	26	Lot 16	42.39
	26	SE¼ NE¼	40.00

QUAIL CREEK RESERVOIR—Continued

	Section		Acres
		Total	198.04
	35	E½ E½ NW¼	40.00
	35	SW¼ NE¼	40.00
	35	W½ SE¼ NE¼	20.00
	35	NE¼ SE¼ NE¼	10.00
	35	N½ NW¼ SE¼	20.00
	35	NW¼ NE¼ SE¼	10.00
	35	N½ SE¼ NW¼ SE¼	5.00
		Total	145.00
		Grand Total	480.05

(7) SMITH SITE.—The term ''Smith Site'' means the lands located in Washington County, Utah, adjacent to Zion National Park and more particularly described as follows:

SMITH PROPERTY

	Section	
T 40 S R 11 W	5	Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11 E½ SW¼, SE¼ NW¼
	6	Lot 1, S½, NE¼ and beginning at a point 2 rods west of the northeast corner of the northeast quarter of the southeast quarter; thence east 2 rods; thence south 80 rods; thence west 16 rods; thence in a northeasterly direction to the point of beginning
	8	E½ NW¼, E½ SW¼ and lots 1 & 2 excepting the south 1200 feet of the SE¼ SW¼
T 39 S R 11 W	30	W½ NE¼, W½ SE¼, SE¼ SW¼, W½ SE¼ NE¼, W½ E½ SE¼
	31	E½, E½ SW¼ and lots 3 & 4
	32	SW¼
		Containing 1,550 acres more or less

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

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

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

Mr. Speaker, I rise in support of H.R. 1838, sponsored by Mr. HANSEN, which would allow the Water Conservancy District of Washington County, UT, and the Department of the Interior to achieve a number of high priority objectives. As a result of the legislation, the conservancy district will be authorized to acquire lands needed for the proposed Sand Hollow offstream water storage reservoir and lands inundated by the existing Quail Creek Reservoir and other lands essential to reservoir operation.

In exchange, the Department of the Interior would receive the Bulloch water storage reservoir site and other lands adjacent to Zion National Park, which are important to preserve

instream flows and operation of the natural hydrograph of the North Fork of the Virgin River through the park. Exchange of these lands is an essential component in the resolution of the parks water flow agreement with the State of Utah. The exchange will also allow the Department of the Interior to acquire critical habitat for the desert tortoise, a threatened species.

The Bulloch Reservoir site lies above Zion National Park and its acquisition has been a goal of the National Park Service for many years. Locating an alternative water storage site in Sand Hollow is a good-faith effort by the water district to accommodate this concern.

This noncontroversial bill was favorably reported by the Committee on Resources by voice vote. I commend the chairman of the subcommittee for his excellent work on this measure and urge the Members of the House to support this bill.

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

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

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

Mr. RICHARDSON. Mr. Speaker, this land exchange will allow the Department of the Interior to acquire needed land for the Bulloch Water Storage Reservoir Site as well as lands adjacent to the Zion National Park in exchange for lands needed by the Washington County Water Conservancy District for water storage. The exchange will also provide the Department of the Interior with critical habitat lands for the desert tortoise.

The administration supports this land exchange, and I encourage my colleagues to support it.

Mr. Speaker, I urge support of this bill and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 1838.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXCHANGE OF CERTAIN LANDS IN GILPIN COUNTY, CO

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2437), to provide for the exchange of certain lands in Gilpin County, CO, as amended.

The Clerk read as follows:

H.R. 2437

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

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, Canon City District, United States Bureau of Land Management;

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher values for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) PURPOSE.—It is the purpose of this Act to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal lands with limited public utility and acquire in exchange therefor lands with important values for permanent public management and protection.

SEC. 2. LAND EXCHANGE.

(a) IN GENERAL.—The exchange directed by this Act shall be consummated if within 90 days after enactment of this Act, Lake Gulch, Inc., a Colorado Corporation (as defined in section 4 of this Act) offers to transfer to the United States pursuant to the provisions of this Act the offered lands or interests in land described herein.

(b) CONVEYANCE BY LAKE GULCH.—Subject to the provisions of section 3 of this Act, Lake Gulch shall convey to the Secretary of the Interior all right, title, and interest in and to the following offered lands—

(1) certain lands comprising approximately 40 acres with improvements thereon located in Larimer County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled ''Circle C Church Camp'', dated August 1994, which shall upon their acquisition by the United States and without further action by the Secretary of the Interior be incorporated into Rocky Mountain National Park and thereafter be administered in accordance with the laws, rules and regulations generally applicable to the National Park System and Rocky Mountain National Park;

(2) certain lands located within and adjacent to the United States Bureau of Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled ''Quinlan Ranches Tract'', dated August 1994; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,700 acres and are generally depicted on a map entitled ''Bonham Ranch-Cucharas Canyon'', dated June 1995: Provided, however, That it is the intention of Congress that such lands may remain available for the grazing of livestock as determined appropriate by the Secretary in accordance with applicable laws, rules, and regulations: Provided further, That if the Secretary determines that certain of the lands acquired adjacent to Cucharas Canyon hereunder are not needed for public purposes they may be sold in accordance with the provisions of section 203 of the Federal Land Policy and Management Act of 1976 and other applicable law.

(c) SUBSTITUTION OF LANDS.—If one or more of the precise offered land parcels identified above is unable to be conveyed to the United States due to appraisal or other problems, Lake Gulch and the Secretary may mutually agree to substitute therefor alternative offered lands acceptable to the Secretary.

(d) CONVEYANCE BY THE UNITED STATES.—(1) Upon receipt of title to the lands identified in subsection (a) the Secretary shall simultaneously convey to Lake Gulch all right, title, and interest of the United States, subject to valid existing rights, in and to the following selected lands—

(A) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 18, Lots 118–220, which comprise approximately 195 acres and are intended to include all federally owned lands in section 18, as generally depicted on a map entitled ''Lake Gulch Selected Lands'', dated July 1994;

(B) certain surveyed lands located in Gilpin County, Colorado, Township 3 South, Range 72 West, Sixth Principal Meridian, Section 17, Lots 37, 38, 39, 40, 52, 53, and 54, which comprise approximately 96 acres, as generally depicted on a map entitled ''Lake Gulch Selected Lands'', dated July 1994; and

(C) certain unsurveyed lands located in Gilpin County, Colorado, Township 3 South, Range 73 West, Sixth Principal Meridian, Section 13, which comprise approximately 11 acres, and are generally depicted as parcels 302–304, 306 and 308–326 on a map entitled ''Lake Gulch Selected Lands'', dated July 1994: Provided, however, That a parcel or parcels of land in section 13 shall not be transferred to Lake Gulch if at the time of the proposed transfer the parcel or parcels are under formal application for transfer to a qualified unit of local government. Due to the small and unsurveyed nature of such parcels proposed for transfer to Lake Gulch in section 13, and the high cost of surveying such small parcels, the Secretary is authorized to transfer such section 13 lands to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate to carry out the basic intent of the map cited in this subparagraph.

(2) If the Secretary and Lake Gulch mutually agree, and the Secretary determines it is in the public interest, the Secretary may utilize the authority and direction of this Act to transfer to Lake Gulch lands in sections 17 and 13 that are in addition to those precise selected lands shown on the map cited herein, and which are not under formal application for transfer to a qualified unit of local government, upon transfer to the Secretary of additional offered lands acceptable to the Secretary or upon payment to the Secretary by Lake Gulch of cash equalization money amounting to the full appraised fair market value of any such additional lands. If any such additional lands are located in section 13 they may be transferred to Lake Gulch without survey based on such legal or other description as the Secretary determines appropriate as long as the Secretary determines that the boundaries of any adjacent lands not owned by Lake Gulch can be properly identified so as to avoid possible future boundary conflicts or disputes. If the Secretary determines surveys are necessary to convey any such additional lands to Lake Gulch, the costs of such surveys shall be paid by Lake Gulch but shall not be eligible for any adjustment in the value of such additional lands pursuant to section 206(f)(2) of the Federal Land Policy and Management Act of 1976 (as amended by the Federal Land Exchange Facilitation Act of 1988) (43 U.S.C. 1716(f)(2)).

(3) Prior to transferring out of public ownership pursuant to this Act or other authority of law any lands which are contiguous to North Clear Creek southeast of the City of Black

Hawk, Colorado in the County of Gilpin, Colorado, the Secretary shall notify and consult with the County and City and afford such units of local government an opportunity to acquire or reserve pursuant to the Federal Land Policy and Management Act of 1976 or other applicable law, such easements or rights-of-way parallel to North Clear Creek as may be necessary to serve public utility line or recreation path needs: Provided, however, That any survey or other costs associated with the acquisition or reservation of such easements or rights-of-way shall be paid for by the unit or units of local government concerned.

SEC. 3. TERMS AND CONDITIONS OF EXCHANGE.

(a) EQUALIZATION OF VALUES.—(1) The values of the lands to be exchanged pursuant to this Act shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(2) In the event any cash equalization or land sale moneys are received by the United States pursuant to this Act, any such moneys shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from willing sellers land or water rights, or a combination thereof, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management's Blanca Wetlands, Alamosa County, Colorado.

(3) Any water rights acquired by the United States pursuant to this section shall be obtained by the Secretary of the Interior in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of said water rights through the appropriate State legal proceedings and to comply with any terms, conditions, or other provisions contained in an applicable decree of the Colorado Water Court. The use of any water rights acquired pursuant to this section shall be limited to water that can be used or exchanged for water that can be used on the Blanca Wetlands. Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to prior approval of the Rio Grande Water Conservation District.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States against all costs arising from any activities, operations (including the storing, handling, and dumping of hazardous materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch: Provided, however, That nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands prior to or on the date of their transfer to Lake Gulch.

(2) Conveyance of the selected lands to Lake Gulch pursuant to this Act shall be subject to the existing easement for Gilpin County Road 6.

(3) The above terms and restrictions of this subsection shall not be considered in determining, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 3 of this Act.

(c) REVOCATION OF WITHDRAWAL.—The Public Water Reserve established by Executive order dated April 17, 1926 (Public Water Reserve 107), Serial Number Colorado 17321, is hereby revoked insofar as it affects the NW¼ SW¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Act.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) DEFINITIONS.—As used in this Act:

(1) The term ''Secretary'' means the Secretary of the Interior.

(2) The term ''Lake Gulch'' means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term ''offered land'' means lands to be conveyed to the United States pursuant to this Act.

(4) The term ''selected land'' means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Act.

(5) The term ''Blanca Wetlands'' means an area of land comprising approximately 9,290 acres, as generally depicted on a map entitled ''Blanca Wetlands'', dated August 1994, or such land as the Secretary may add thereto by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Act or such other moneys as Congress may appropriate.

(b) TIME REQUIREMENT FOR COMPLETING TRANSFER.—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized and directed by this Act shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such 6-month-time period, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 2(d)(1)(C) of this Act as long as the parcel or parcels applied for are not under formal application for transfer to a qualified unit of local government.

(c) ADMINISTRATION OF LANDS ACQUIRED BY UNITED STATES.—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Act shall upon acceptance of title by the United States and without further action by the Secretary concerned become part of and be managed as part of the administrative unit or area within which they are located.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. COOLEY] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. COOLEY].

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

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

Mr. Speaker, I rise in support of H.R. 2437, sponsored by Mr. MCINNIS, which would authorize an equal-value exchange under which the United States would transfer about 300 acres of BLM-managed public lands near the city of Black Hawk, in Gilpin County, CO, to a named company, which would transfer to the U.S. specified lands, amounting to about 8,739 acres, elsewhere in Colorado.

The Gilpin County lands are 133 parcels, ranging from 38 acres to .01 acre; 90 are less than 1 acre. They were originally acquired by the United States from France in the Louisiana Purchase. From extensive gold discoveries, the area is criss-crossed with patented mining claims; the 133 parcels are intermingled fragments that are essentially unmanageable, and have been identified as suitable for disposal by the Bureau of Land Management. However, the U.S. cannot readily realize their fair-market value through normal BLM disposal procedures because of the high costs of surveys and other necessary administrative expenses. H.R. 2437 is intended to enable the U.S. to obtain the value by the acquisition of designated lands.

The lands that have been identified for the U.S. to receive would include about 40 acres within the Rocky Mountain National Park, nearly 4,000 acres in Conejos County, and about 4,700 acres—known as Bonham Ranch—intermingled with BLM-managed lands along Cucharas Canyon in Huerfano County, CO.

H.R. 2437 was reported favorably by the Committee on Resources by voice vote. I commend the sponsor of this bill on his hard work and urge the Members of the House to support this measure.

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

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

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

Mr. RICHARDSON. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS], the author of this bill, who developed this legislation, shepherded it, and it is in his congressional district. I wish to commend the gentleman from this good piece of legislation, which he has been working on for many years.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

First of all, Mr. Speaker, I want to express my thanks to the gentleman from New Mexico [Mr. RICHARDSON] for his help in moving this legislation, as well as the help of the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], and the gentleman from Oregon [Mr. COOLEY], in managing this bill today. I especially appreciate, as well, the assistance of my colleague, the gentleman from Colorado [Mr. MCINNIS], who is the sponsor of this legislation. I have been very glad to have the chance to work with him on this bill.

As the gentleman from Oregon [Mr. COOLEY] indicated, this is a pretty straightforward proposition, one that I think serves both the local and the national interest in a nice way. We are exchanging some 300 acres in 133 separate parcels near the town of Blackhawk, CO, in my congressional

district, for some 8,700 acres of now privately-owned land in other parts of the State of Colorado.

The current BLM-owned lands near Blackhawk are very fragmented and unmanageable, and really do not lend themselves at all to the normal sorts of appraisal and transfer processes that involve expensive surveys and all the rest. This bill enables both the Government and some interests that are proposing private development near Blackhawk to make a match that will be in everyone's long-term interest.

The three major tracts that will be acquired by the Federal Government in exchange for these properties involve a very important 40 acres within Rocky Mountain National Park known as the Circle C Church Camp, an area that the Park Service has been anxious to bring under Park Service management for a long time; about 4,000 acres along the La Jara Canyon in Conejos County, again, important for both management, wildlife, and recreational purposes; and some 4,700 acres in Huerfano County, again involving very important scenic, recreational, and wildlife habitat areas in a beautiful canyon there.

This is legislation that I think has no opponents and has all of the right proponents, including all of the interested parties in the State of Colorado, the local governments, and all the rest. Again, I thank all involved in this on the Committee on Resources for their assistance in moving it along, and I urge my colleagues to vote for it.

Mr. Speaker, I want to thank the subcommittee chairman, Mr. HANSEN, and Ranking Member BILL RICHARDSON for bringing this bill to the floor today. I appreciate their good work, and I also greatly appreciate all that my colleague from Colorado, Mr. MCINNIS, has done in connection with this legislation that affects both our districts. I am very glad to have had the chance to work with him on this bill.

This is a straightforward and I believe a noncontroversial measure. It provides for a land exchange under which the public will receive more than 8,700 acres of Colorado lands that are important for recreational and environmental purposes, in exchange for about 300 acres near the town of Black Hawk, in Gilpin County, that are appropriate for development.

Under the exchange, the Gilpin County lands, located in my congressional district, would be transferred from Federal ownership to Lake Gulch, Inc., a private firm, in exchange for Lake Gulch's transfer to the United States of the other lands specified in the bill.

These Gilpin County lands comprise 133 separate parcels, ranging in size from 38 acres to one one-hundredth of an acre—in fact, 90 of them are less than an acre. These lands were originally acquired by the United States from France through the Louisiana Purchase. After the discovery of gold in Gilpin County, most of the immediately adjacent lands—also Federal public domain lands acquired in the same way—were claimed under the mining laws and thus passed into private ownership.

However, the 133 parcels covered by the bill are still in the public domain. For the most part, they are left-over fragments, intermingled with private lands. They are essentially unmanageable, and have been identified as suitable for disposal by the Bureau of Land Management. That means that BLM has the legal authority to dispose of them for fair market value.

The problem, though, is that the fragmented nature of the lands, and the resulting very small size of many tracts, makes it very difficult for the Government to obtain that fair market value because of the high costs of surveys and other necessary administrative expenses.

This bill responds to that problem. It will enable the United States to realize the value of these Gilpin County lands by transferring them to the Lake Gulch corporation in exchange for other lands of equal value that have resources, including potential for recreational uses, which give them priority status for acquisition by Federal land-management agencies.

These lands that the United States will receive include: About 40 acres within Rocky Mountain National Park—known as the ''Circle C Church Camp'' tract—that has been a long-time acquisition priority for the National Park Service; nearly 4,000 acres in Conejos County—known as the Quinlan Ranches parcel, bordering on the scenic La Jara Canyon, that is intermingled with Federal lands managed by the BLM and the Forest Service and that has recreational values as well as elk winter range and other wildlife habitat; and about 4,700 acres—known as the Bonham Ranch, now intermingled with BLM-managed lands along Cucharas Canyon in Huerfano County, whose acquisition will enable BLM to protect more than 5 miles of the scenic canyon, with its important wildlife habitat—including raptor nesting areas, cultural resources, and recreational uses.

The bill also would authorize the Secretary of the Interior to agree to transfer certain additional adjacent Gilpin County lands in exchange for additional lands acceptable to the Secretary or payment of the fair market value of any such additional Gilpin County lands.

I want to stress that the bill authorizes only an equal-value exchange. If it's determined that the value of the Gilpin County lands is greater than the value of the lands transferred to the United States, Lake Gulch will be required to pay the difference. Any such payment would be used to acquire from willing sellers land or water rights in the BLM-managed Blanca wetlands near Alamosa, an area with crucial winter habitat for bald eagles and a very productive area for ducks and geese.

Mr. Speaker, this bill is good for economic development in Gilpin County and good for the environment and outdoor recreation in Colorado. The administration supports the bill, and it also has the support of Governor Romer, the Colorado Division of Wildlife, and affected local governments including Black Hawk, Central City, and Gilpin County, as well as local and national environmental and conservation organizations. I urge its passage by the House.

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

Mr. Speaker, the Gilpin County land parcels currently managed by the BLM consist of 133 parcels ranging in size from one-tenth acre to 38 acres. I think, as the gentleman from Colorado [Mr. SKAGGS] mentioned, this bill is pretty straight forward. These are fragments scattered in an area crisscrossed with patent and mining claims, making their management extremely difficult.

What this legislation does, it would authorize an equal value land exchange, and my colleague, the gentleman from Colorado [Mr. SKAGGS], as I said, has worked for some time on this issue with the administration and the local parties affected. I commend the gentleman from Colorado [Mr. MCINNIS], too, for his efforts, and my colleagues on the majority side. This bill has wide support.

Mr. Speaker, I urge my colleagues to vote in favor of passage, and I yield back the balance of my time.

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

For the record, Mr. Speaker, I want to state that the gentleman from Colorado [Mr. MCINNIS] wanted to be here, but he could not make it here today. I would note that for the record. I also want to thank the gentlemen from Colorado, Mr. MCINNIS and Mr. SKAGGS, for their cooperative work on this issue. I think it is time we straightened up these small parcels and get some uniformity. I think this is a good piece of legislation, and I appreciate the statements made by the gentleman from New Mexico [Mr. RICHARDSON]. I think it is helpful in a bipartisan way to get some of this straightened out.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. COOLEY] that the House suspend the rules and pass the bill, H.R. 2437, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1545

GENERAL LEAVE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the 7 measures just considered.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule 1, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 45 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHAYS] at 6 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to clause 5, rule I, the Chair will now put the question on approval of the Journal and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: Approval of the Journal de novo; House Joint Resolution 69, by the yeas and nays; House Joint Resolution 110, by the yeas and nays; House Joint Resolution 111, by the yeas and nays; and House Joint Resolution 112, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question de novo of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

REAPPOINTMENT OF HOMER ALFRED NEAL TO THE SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 69.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 69, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 765]

YEAS—386

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—46

Ackerman
Andrews
Baker (CA)
Baker (LA)
Barr
Bartlett
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Hoke
Inglis
Jacobs
Kennedy (MA)
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Meehan
Menendez
Mfume
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Rush
Slaughter
Stokes
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

□ 1825

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 765. I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

APPOINTMENT OF HOWARD H. BAKER, JR., TO SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 110.

The clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 110, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 766]

YEAS—389

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Ackerman
Andrews
Baker (CA)
Baker (LA)
Barr
Bartlett
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Hoke
Inglis
Jacobs
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Menendez
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Rush
Slaughter
Stokes
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

□ 1835

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolutin was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 766, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea."

APPOINTMENT OF ANNE D'HARNONCOURT TO THE SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 111.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 111, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 767]

YEAS—389

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker

Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—43

Ackerman
Andrews
Baker (LA)
Barr
Bartlett
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Hoke
Inglis
Jacobs
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Menendez
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Rush
Slaughter
Stokes
Studds
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

☐ 1842

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 767, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted "yea."

APPOINTMENT OF LOUIS GERSTNER TO SMITHSONIAN BOARD OF REGENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 112.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 112, on which the yeas and nays are ordered.

The SPEAKER pro tempore. Members are reminded this is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 768]

YEAS—390

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—42

Ackerman
Andrews
Baker (LA)
Barr
Bartlett
Bateman
Clay
Collins (MI)
Deal
Ehlers
Fattah
Fields (LA)
Flake
Foglietta
Ford
Gallegly
Inglis
Jacobs
Klink
Lincoln
Lowey
Manton
McDade
McKinney
Menendez
Molinari
Myrick
Paxon
Payne (NJ)
Peterson (FL)
Slaughter
Stokes
Studds
Thornton
Torricelli
Towns
Tucker
Walsh
Weldon (PA)
Whitfield
Williams
Wilson

☐ 1850

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, on rollcall No. 768, I missed the vote due to cancellation of one airplane flight and mechanical problems requiring the delay of another flight. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. BEREUTER. Mr. Speaker, it was this Member's intent to vote ''aye'' on October 31, 1995, on H.R. 1905, the fiscal year 1996 Energy and Water Appropriation Conference Report. This Member was present and attempted to vote in favor of the conference report, but apparently for some technical reason the vote was not recorded.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 395, ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–314) on the resolution (H. Res. 256) waiving points of order against the conference report to accompany the bill (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 and for other purposes, which was referred to the House Calendar and ordered to be printed.

MIDDLE EAST PEACE FACILITATION ACT OF 1994 EXTENSION

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2589) to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

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

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

Mr. Speaker, H.R. 2589 temporarily extends the Middle East Peace Facilitation Act of 1994 which expired on November 1, 1995. That act was previously extended by Public Law 10417, by Public Law 10422, and by Public Law 10430. H.R. 2589 extends the act until December 31, 1995, and includes the transition provision to permit the President to immediately exercise the authorities granted him by this extension.

Mr. Speaker, I ask my colleagues to support the measure.

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

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

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

APPOINTMENT OF CONFEREES ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 927) to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes, with Senate amendments thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection appoints the following conferees: Mr. GILMAN, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, and Messrs. KING, DIAZ-BALART, HAMILTON, GEJDENSON, TORRICELLI, and MENENDEZ.

There was no objection.

MAKING IN ORDER ON WEDNESDAY, NOVEMBER 8, 1995, CONSIDERATION OF SENATE CONCURRENT RESOLUTION 31, HONORING THE LIFE AND LEGACY OF YITZHAK RABIN

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that it be in order on Wednesday, November 8, 1995, to consider Senate Concurrent Resolution 31 in the House, and that the previous question be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question, except 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

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

There was no objection.

EDIBLE OIL REGULATORY REFORM ACT

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 436), to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, and vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes, with Senate amendments thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 8, after ''to'' insert: ''the transportation, storage, discharge, release, emission, or disposal of''.

Page 2, line 9, strike out ''any'' the second time it appears and insert ''that''.

Page 2, line 18, strike out ''such'' and insert ''that''.

Page 2, line 22, strike out ''different'' the first time it appears.

Page 2, line 23, strike out ''as provided'' and insert: ''based on considerations''.

Page 3, line 12, strike out ''carrying oil in bulk as cargo or cargo residue''.

Page 3, line 13, after ''carried'' insert ''as cargo''.

Mr. BILBRAY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, I would like to yield to the gentleman from California [Mr. BILBRAY] so that he could tell us the changes made in the Senate version as related to the original House revision.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, the Senate has included the reference in the first section A to include the transportation, storage, discharge, and release of emissions or disposal thereof, which actually was part of our original bill that came out of committee. They have retained the other sections, except for in reference to cargo and transportation.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman.

Mr. Speaker, in behalf of the Committee on Agriculture, we have no objection.

Mr. EWING. Mr. Speaker, today the U.S. House of Representatives has an opportunity to finally remedy one of the unnecessary and illogical Federal regulations that led to the creation of corrections day. H.R. 436, the Edible Oil Regulatory Reform Act, which I introduced early this year, along with Ms. DANNER of Missouri, will restore common sense to the Federal regulatory process by requiring Federal agencies to recognize the obvious differences between edible oils and toxic oils when issuing and promulgating regulations.

In addition to thanking Ms. DANNER, I also want to thank Speaker GINGRICH, who deserves special credit for establishing the corrections day process which allows the Congress to take expedited action to correct unnecessary, and sometime foolish, regulations which hurt our economy and frustrate the American public. Lastly, I want to thank Chairman BLILEY, Chairman ROBERTS, Chairman SHUSTER, and the corrections day task force for all of their cooperation and assistance, which has allowed the House to reach this point, adopt H.R. 436, and send the bill to the President for his signature.

The agricultural oils covered by H.R. 436 are nontoxic, natural products, like cooking and salad oils, which many of us eat every day. Their unnecessarily stringent regulation forces producers, shippers, and manufacturers to comply with costly and counterproductive requirements, without providing any additional measure of protection to the environment or enhancing the health and safety of our citizens.

Simply stated, H.R. 436 will require Federal agencies to differentiate between edible oils and petroleum-based oils when promulgating regulations under the Oil Pollution Act of 1990. This common sense legislation does not change or weaken the underlying principles of the Oil Protection Act of 1990 or other related statutes like the Clean Water Act.

In passing H.R. 436, Congress is sending a strong message to Federal regulators. It is the Congress' intent for Federal agencies to recognize, and not ignore, the differences between animal fats and vegetable oils and all

other oils, including toxic petroleum oil. Specifically, H.R. 436 requires Federal agencies charged with regulation of the transportation, storage, discharge, release, emission, or disposal of oil to establish a separate class for animal fats and vegetable oils and to consider the differences in characteristics of these edible oils and other types of oils.

While an agency may consider the characteristics of animal fats and vegetable oil and determine that for a particular regulation no differentiation is required, the agency may only do that where there are no differences in the characteristics that are relevant to that regulation. For example, in the case of regulations dealing with oil spill response, common sense dictates that the non-toxic, biodegradable, and nonpersistent characteristics of animal fats and vegetable oils be recognized and reflected in the oil spill response regulations. It seems clear to everybody except Federal regulators that the Oil Pollution Act was designed to reduce the risk of, improve the response to, and minimize the impact of catastrophic oil spills like the one in Prince William Sound, Alaska—not to regulate edible agricultural products.

In fact, vegetable oils have been used to help clean up beaches fowled with petroleum, and vegetable oils are also being explored as substitute lubricants for machinery in environmentally sensitive areas. This not only demonstrates the significant difference between vegetable oils and petroleum oils, it highlights the fact that animal fats and vegetable oils do not pose the same risk to human health and the environment, and should not be treated the same way.

The financial responsibility relief provided in H.R. 436, as amended, applies only to exclusive shippers of animal fats and vegetable oils, and it brings industry insurance and bonding requirements back into line with the value of the product. Like the rest of H.R. 436, nothing in this section exempts edible oils from all regulatory requirements. The net effect will be to place transporters of edible oils on par with other shipments of nontoxic products, and it will allow U.S. agricultural oils to be more competitive in world markets.

Although the House has already acted three times on this issue in the 104th Congress, H.R. 436 should be adopted as a stand-alone measure because similar language was adopted twice in the House and once in the Senate during the 103rd Congress, only to see the underlying bills die at the end of 1994. I know of no objection to the substance of H.R. 436 from any Member of this body, or from the administration. H.R. 436 passed on voice votes in both the Commerce and Agriculture Committees, and in the House on October 10. In fact, judging from the bipartisan mix of cosponsors, H.R. 436 enjoys broad support and is absolutely non-controversial.

Again, Mr. Speaker, I want to thank all of the Members—from both sides of the aisle—who have worked hard to see H.R. 436 enacted, for their input and cooperation on this issue. It is time to finally solve this problem.

I urge my colleagues on both sides of the aisle to support H.R. 436.

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 436, the Edible Oil Regulatory Reform Act, as amended by the Senate. The legislation passed the House, as part of the Corrections Day Calendar, on October 10, 1995. The Senate passed the bill with minor amendments on November 2, 1995.

The bill embodies the overwhelming sentiment that Congress can and should interject common sense into various Federal regulations.

H.R. 436, requires that Federal regulations differencies between animal fats and vegetable oils on the one hand, and petroleum products on the other. It does not exempt animal fats and vegetable oils from any regulatory requirement. The bill simply requires Federal regulators to consider the different physical, biological, and chemical properties of these oils as opposed to petroleum based oils.

The Transportation and Infrastructure Committee has already passed language very similar to H.R. 436 in two separate contexts: section 413 of H.R. 1361, the Coast Guard Authorization Act for fiscal year 1996, and section 506 of H.R. 961, the Clean Water Amendments of 1995. Both bills subsequent passed the House of Representatives by wide margins.

Over the last several years, the Committee has gathered testimony and other data indicating that the need for this legisaltion stems primarily from the current or proposed regulations under the Oil Pollution Act of 1990 and the Clean Water Act—statutes which are under the jurisdiction of the Transportation and Infrastructure Committee.

When Congress passed the Oil Pollution Act of 1990, in the wake of the *Exxon Valdez* oil spill, the focus was on crude oil and other petroleum products, not on animal fats or vegetable oils. Although the definition of oil under both the Oil Pollution Act and the Clean Water Act can be read to include these products, regulating them under standards developed for petroleum oils make no sense. This is a prime example of the kind of regulation run amok that has given rise to the corrections calendar.

This is a common sense reform. It does not say that animal fat and vegetable oil should be exempt from regulation. It merely requires Federal agencies to take a second look at these substances and regulate them according to their relative threat to the environment.

We believe substances that are biodegradable, nonpersistent in the environment, and are essentially components of human and wildlife diets should not be treated the same as crude oil. It's that simple. In addition, these products are shipped in much smaller quantities than petroleum based products and they have a safety record that is the envy of the marine industry. Only 4 tenths of 1 percent of the spills from 1986–1992 were from animal fats or vegetable oils.

I would also add a note of thanks to the bill's primary sponsors, Representative EWING and Representative DANNER, and other supporters, for their efforts. Because it was drafted in a generic, agency-wide manner, H.R. 436 was initially referred to the Commerce and Agriculture Committees. All of us know, however, that the primary purpose of the bill is to address problems under the Oil Pollution Act and the Clean Water Act, which are under the jurisdiction of the Transportation and Infrastructure Committee. Therefore, I also want to thank the leadership of both Committees for their cooperation in getting this important legislation to the House floor, through the other body, and—I hope—on its way to the President.

I urge my colleagues to support the bill.

Mr. DE LA GARZA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 436, and the Senate amendments thereto.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2126

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

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

Mr. METCALF. Mr. Speaker, I rise to ask unanimous consent to address the House for 30 seconds, and to revise and extend my remarks.

Mr. Speaker, pursuant to the provisions of rule 28, clause 1(c), I am announcing that tomorrow I will offer a motion to instruct the House conferees on the bill, H.R. 2126, to insist on sections 8102 and 8111 of the House-passed bill.

The text of the motion is as follows:

Mr. METCALF moves that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the bill H.R. 2126 be instructed to insist on sections numbered 8102 and 8111 of H.R. 2126 as passed by the House restricting the deployment of United States Armed Forces in the former Yugoslavia.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BUNN of Oregon). 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.

IN MEMORY OF YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I am deeply saddened by the tragic assassination of Israel's Prime Minister Yitzhak Rabin. I offer my sympathies to the Rabin family, to the Israeli people, and to all who mourn the loss of this great man.

Yitzhak Rabin was an Israeli patriot and courageous leader whose life will

be forever intertwined with the history of Israel. As a general, he led the heroic effort to secure Israel's existence. As a statesman, he made the historic decision to seek peace for his nation. Only a man who so fully understood the struggle to create a secure and democratic Israel could seize the moment to pursue peace.

It is tragically fitting that Prime Minister Rabin's last act was to speak in support of the peace process—a difficult yet vital process to which he devoted the past 2 years of his life.

I can add little to the words Yitzhak Rabin spoke on his last day. He said: ''I was a military man for 27 years. I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those who are standing here, and for those who are not here—and they are many. I have always believed that the majority of the people want peace and are ready to take a chance for peace.''

Yitzhak Rabin has done as much as anyone to build the Jewish state, defend it in time of need, and foster relationships with Israel's neighbors so that future generations will know peace instead of war. We mourn the loss of Yitzhak Rabin and pray that his life's work may continue.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

[Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

CALLING FOR ABOLITION OF ELECTORAL COLLEGE

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. Mr. Speaker, 1 year from now, 1 year from this week, the entire Nation will be watching the results of the 1996 presidential election. As 1992 had a lot of suspense to it, including three candidates, 1996 could be a real roller coaster ride.

That is why I am introducing legislation today that would amend the Constitution of the United States to do away with the Electoral College and the winner-take-all system that says that a presidential candidate who wins even by 1 percent of the votes in a State therefore takes all the electoral votes in that State.

The reason I am calling to do away with the Electoral College is because I think 1 year from today we should not have the kind of possible suspenseful outcome that could happen. Because, Mr. Speaker, 1 year from today, as I read the newspapers and as I look at the tea leaves, we could have as many as four presidential candidates on the ballot.

We could have the Democratic nominee, presumably William Clinton. We could have the Republican nominee. We could have the Independent United We Stand nominee, Ross Perot or someone else. I have heard talk of Jesse Jackson running as an Independent candidate. And who knows who else that may be running and winning a significant number of votes? As the system stands, if there is no one that is a clear winner in the Electoral College, then that election comes to the House of Representatives.

In 1992, if that had been the outcome, I suspect that the Republican candidate would have been concerned about coming into the House of Representatives, which was controlled by the Democratic Party. And so in 1996 it is fair to say the Democratic candidate may have some hesitation about coming to the House of Representatives controlled by the Republican Party. But I will tell you who really ought to be upset, would be an Independent candidate who has to come to a House that they do not have any votes, Republican or Democrat, in.

Why do we not end this anachronism, this vestige of the past, this Electoral College, by simply saying that the candidate that gets over 40 percent of the vote, the popular vote, is the winner. And indeed, if no candidate gets 40 percent of the vote, then the top two vote-getters have a runoff until one wins. That is what the American people deserve.

Some will say, well, if you do away with the Electoral College, this winner-take-all system whereby, if a presidential candidate gets 1 more vote in the State of West Virginia than the other candidates, that presidential candidate takes all 5 of our State's electoral votes, or if they get 1 more vote of the popular vote in the State of California, they get all 54 of those electoral votes, some say that small States may lose out on this. I do not buy that.

First of all, to be honest with you, presidential candidates do not drop in a great deal on us small States. They may fly through occasionally, have a tarmac press conference at the airport, but they are not spending a lot of time. They are going after the big populous States.

But the second thing is this. Why is it that if I vote and I vote for the winning candidate in West Virginia, my vote in effect is multiplied times five? My vote equals five electoral votes. But somebody with the winning candidate in California, their vote is multiplied by 54, the number of electors from California.

So for these reasons, I think it is essential that we make sure that the American public feels secure about the election process, and understands that it cannot be taken away and that the person who gets the most votes is the person who ends up being elected President; not the person getting the most votes, perhaps getting outdone and politically outmaneuvered in the House in a later election.

That is why I hope that we can pass this constitutional amendment to do away with the Electoral College once and for all. This is a college that ought to lose its certification.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART 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 American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

[Mr. FALEOMAVAEGA 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 California [Mrs. SEASTRAND] is recognized for 5 minutes.

[Mrs. SEASTRAND addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TOLEDO COMMUNITY REMEMBERS AND PAYS TRIBUTE TO YITZHAK RABIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last evening on November 6, the greater Toledo community gathered at Temple Shomer Emunim to pay tribute to the heroic life of Israeli Prime Minister Yitzhak Rabin. Our citizenry humbly assembled—Jew, Muslim, Hindu, Christian, people of all faiths and denominations—to stand together as free people, of diverse heritage, to light candles of commemoration and of peace. Our people wished to demonstrate that here in the United States—a Nation dedicated to justice, human betterment, and ''E Pluribus Unum''—One from many—we stand at one with people of peace, wherever they reside.

We witness through our unity as well as our deep sorrow that the hope for peace for which Prime Minister Rabin laid down his life will enlarge the resolve of the entire world to bring its human and spiritual resources to bear on the Middle East peace process. May the cause for which he so nobly shed his blood be sanctified.

The heartfelt remarks of Rabbi Alan Sokobin, cochair community relations of the Jewish Federation of Greater Toledo, delivered with eloquence, offered deep comfort and inspiration. Let them be inserted in this RECORD as historical evidence of the international understanding of our Toledo community and the deep desire of all our people for reconciliation.

Those officiating at the ceremony included: Michael Berebitsky, president of the Jewish Federation of Greater Toledo; Rabbi Samuel Weinstein, Temple Shomer Emunim; Cantor Judy Seplowin, Temple Shomer Emunim; Cantor David Friedes, Temple Bnai Israel; Rabbi Arnold Bienstock, Temple Bnai Israel; Judah Segal, executive director of the Jewish Federation of Greator Toledo and Jewish community representatives; Cantor Evan Rubin, Congregation Etz Chayim; Rabbi Edward Garsek, Congregation Etz Chayim; and Rabbi Sokobin.

Mr. Speaker, Rabbi Sokobin spoke on behalf of our entire community when he said of the death of Prime Minister Rabin: ''We all now share a pain which will not go away.''

Then he reminded us of the life of Prime Minister Rabin:

[All his life, almost all his years were years of war. He was a first generation Sabra born of parents who fled persecution in Europe. His parents met when they fought side by side defending the Jews of the Old City who were defenseless when attacked in the orchestrated riots, the pogroms, of 1920. As a child of the thirties he was aware of tragedy enveloping the Jews of Europe. In Palestine, there were descriptions of horror as European Jewry was being wrapped in bloody shrouds of hatred. He was very conscious, deeply affected, by both the hatred of Jews in Europe and the enmity of Arabs.

His youthful passion was agronomy. He wanted to plant, to cultivate, to inspire the sacred soil to flourish. A young man of exceptional intelligence, at Kadoorie Agricultural School, he was the number one student. He achieved the highest score, comparable to one SAT scores, in Palestine. But he gave up his personal dream and accepted onerous responsibility. He became a soldier. He dropped the plowshare and took up the sword. His adult life was the sword. His army service was dedicated to killing. As a young man he killed, personally. Later, as a military commander he directed others that they might kill. He was well acquainted with death.

His final evening of life, at a rally for peace he joined in singing the song: Shiru shir la-shalom, sing a song of peace].

Mr. Speaker, it is our desire as the Toledo community on an interfaith and interdenominational basis to journey to the Middle East and to Israel as we recommit ourselves as witnesses to peace and in his memory and in our own way help Prime Minister Rabin's dream of peace reach ultimate fulfillment.

May God rest his soul and give comfort to his family, the people of Israel, and peace-loving peoples everywhere.

Mr. Speaker, I include the remarks of Rabbi Sokobin for the RECORD, as follows:

I have stood before you and represented you in other dolorous occasions. During moments of personal grief when your beloved lay before you and your grief required articulation you turned to me for words to tell of the immensity of your sorrow. I spoke for you other times as well. When we all were gripped by unbearable excruciating communal anguish such as that time of evil when the Israeli athletes were massacred at Munich. Who can forget our emotions when there was that craven attack on Yom Kippur, our holiest of days. We have gathered together as caring community too many times when implacable enemies used the sword and inflicted unbearable pain.

Each time that I spoke to and for the community, I faced my own humanness and my own personal limitations. I could not explain those verities which were beyond my ken. I could not really interpret the activities of others that were outside of my understanding. I could not and still cannot understand, comprehend, the depth of hatred in some that they would wage war and commit terrorism. I could not and still cannot understand the malignity and cruelty of human beings who are willing to, who desire to, inflict excruciating pain on others.

But in the past it was enemies of the Jewish people who were uncompromising and unrelenting in their hostility. It was enemies who had views of destruction on their lips. This is the first time where the ripping, searing pain was caused, generated, not by a foe. What crushes my soul, causing agonizing soul searching, is what so many have said with simple majesty, ''Jews don't kill Jews.'' Until now it has been a truism, an irrefutable axiom, that the political and ideological cannibalism that infects and contaminates other societies has not tainted Jewish life. Until now!

Yitzhak Rabin's life was taken by a senseless, irrational, stupid and unthinking act. That the finger that pulled the trigger had pointed to words in Torah is unthinkable! That a Jew could denigrate all that we represent, our ideals, our sanctified mission, the visions enunciated in our tradition, our God given flawless purposes is monstrous. We all now share a pain which will not go away. That this pain would be generated by the assassination of Yitzhak Rabin is also unthinkable. He in his life represented Israel's and the Jewish people's highest hope. In the moments prior to his death he exemplified and epitomized the torturous path of our people in our generation.

All his life, almost all his years were years of war. He was a first generation Sabra born of parents who fled persecution in Europe. His parents met when they fought side by side defending the Jews of the Old City who were defenseless when attacked in the orchestrated riots, the pogroms, of 1920. As a child of the thirties he was aware of tragedy enveloping the Jews of Europe. In Palestine, there were descriptions of horror as European Jewry was being wrapped in bloody shrouds of hatred. He was very conscious, deeply affected, by both the hatred of Jews in Europe and the enmity of Arabs.

His youthful passion was agronomy. He wanted to plant to cultivate, to inspire the sacred soil to flourish. A young man of exceptional intelligence, at Kadoorie Agricultural School, he was the number one student. He achieved the highest score, comparable to our SAT scores, in Palestine. But he gave up his personal dream and accepted onerous responsibility. He became a soldier. He dropped the plowshare and took up the sword. His adult life was the sword. His army service was dedicated to killing. As a young man he killed, personally. Later, as a military commander he directed others that they might kill. He was well acquainted with death.

His final evening of life, at a rally for peace he joined in singing the song: Shiru, shir la-shalom, sing a song of peace! He was blessed with active intelligence, deep commitment, dedication and unusual ability but he was not endowed with a singing voice. But he sang, Shini Shir la-shalom which is the Israeli equivalent of sixties song. ''All we are asking, is give peace a chance.'' This was his final vision, his hope. He wanted the blessing to live to see his Israel proud, strong, productive, living in amity and concord in the family of nations. He wanted to lead his country and his people who had been tortured by generations of war, a people who knew well the torment of mangled bodies and hasty funerals, to peace. He had walked with grieving families accompanying their loved ones to their place of peace in the military cemetery. Now he asked them to walk with him on a path of hope, not of promises, but trust and faith. He asked them to sing a new song, a song of peace.

We have gathered together on this sorrowful and melancholy evening not to mourn a man. By any measurable standard he was immensely successful and fulfilled. he was a richly loved and loving husband, parent and grandparent. He was an eminent soldier and statesman, honored by the world for his achievements. Beyond these accomplishments, which reflected both his leadership qualities and his humaneness, Yitzhak Rabin fulfilled a fundamental Biblical mandate

And they shall beat their swords into plowshares

And their spears into pruning hooks

Nation shall not lift up sword against nation

Neither shall they learn war anymore. (Micah 4:3)

This memorial service honors Yitzhak Rabin, a planter and a soldier. He protected his people, their ideals, and planted within them new hope. A hope which is ours as Jews. But our service is not only a memorial. It is our response to our initial question. How could a Jew slaughter another Jew? I have heard, as you must have as well, numerous commentators refer to the ''loss of innocence'' in Israel. Innocence meaning naivety, perhaps. But innocence meaning purity, integrity, utopian idealism is not lost. No one can take this from us. Not as long as we maintain those ideals, those sacred purposes. We are a sanctified people. We are not pragmatic: we are prophetic. For us, this is our moment of recommitment. Now we dedicate ourselves to share with our fellow Jews of Israel, our brethren throughout the world in all our habitations to seek a path of reconciliation and equitable peace.

We would have a peace predicated upon the ancient principles enunciated in our sacred tradition. We must devote ourselves to ancient the mandate given us by the great Rabbi Hillel.

Be of the disciples of Aaron.

Love peace, pursue peace.

Reach out to your fellow human being. (Ethics of the Fathers).

We must stretch forth our hands, reaching across the gulf of hostility, to create peace, amity, concord and hope.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

[Mr. SHADEGG 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 Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

[Mr. MCINTOSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. EHRLICH] is recognized for 5 minutes.

[Mr. EHRLICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF 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 California [Mr. KIM] is recognized for 5 minutes.

[Mr. KIM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

[Mr. HAYWORTH 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 Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

[Mr. ENGLISH of Pennsylvania 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 Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

[Mr. SCARBOROUGH 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 Michigan [Mr. SMITH] is recognized for 5 minutes.

[Mr. SMITH of Michigan 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 Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MARKING MARINES BIRTHDAY IN LIGHT OF CONSIDERATION OF COMMITTING TROOPS TO BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, November 10 will mark the 220th birthday of the U.S. Marine Corps.

I would like to take this opportunity of the Marine birthday to express some thoughts that have come to mind as we consider a long-term commitment of United States ground forces in Bosnia.

With the dread of flag-draped coffins arriving back to America from the Balkans in mind, I drove to the Beirut Memorial yesterday, and that is at the Marine base at Camp Lejeune, NC.

The Marines have a spirit, and they call it Esprit d'Corps, which bonds all Marines together as they march in lockstep doing their country's bidding overseas. They march forward with a flame in their heart which symbolizes the best of what makes this country great.

When I went to the memorial there in North Carolina, next to the Marine base, there is a wall which memorializes the 240 Marines that were blown up in 1983 when a mad bomber burst into their encampment and blew up the building in which they were sleeping.

These Marines are heroes. Their names are not on the Vietnam Wall, although many of the Marines who were killed were actually Vietnam veterans. One of the Marine names, Sgt. David Battle, was my brother's best friend and our families were very close.

Now as we talk about deploying troops, we should not forget the tragedy of what happened there in Beirut in 1983, over 10 years ago now. It was very similar to what we see in the Balkans. It was a very confusing situation.

In fact, very shortly after the arrival, the political situation was so confused, and the Marines became so entangled, that the State Department set down a policy that the Marines were to have no ammunition, no bullets in their guns. And when eventually a bomber came to break through the perimeter to get to the Marines with a truck laden with explosives, the Marine guard did not have a bullet in his gun to stop that truck.

We did not do right by the Marines by sending them into that situation, and we should keep them in mind and keep in mind that there are people who sacrifice and lose their lives when we make decisions like sending people to the Balkans.

Unless it is in part of America's interest, we should not be putting our people's lives at stake.

Looking at that memorial with the 240 names listed, the statue of the fallen Marine and the words ''They Came in Peace'' on the wall of the memorial this weekend at Camp Lejeune, I wrote the following poem which I would now like to read and have inserted into the RECORD.

It is entitled ''Marines in Beirut.''

□ 1915

I am sorry if it sounds schmaltzy to some people, or if it sounds a little too patriotic or whatever, but this reflects my feelings after having visited this memorial to those Marines who died in Beruit.

MARINES IN BERUIT
(By Dana Rohrabacher)

They came in peace to a distant shore.
The gallant warriors of the Corps
To risk their lives yet once more
Always faithful, ever more.

It's ''Yes sir, can do''
The Marines salute, and then come through.

They landed in Beruit's bloody scene
Such is the life of a Marine.
On deadly turf confused and mean—
Political pawns in a foolish scheme.

But it's, ''Yes sir, can do''
The Marines salute, and then come through.

They knew that something had gone wrong
When their short mission went on and on
With no objective, yet they stayed strong.
Courage sometimes means holding on.

Holding ground where snipers reign,
Hold faith in our country's game,
Their bullets pouched. It's insane,
but Marines take orders and don't complain.

It's ''Yes sir, can do''
The Marines salute, and then come through.

For the fools in charge they had to pay
And on the dawning of that day
Death could not be held at bay
By guards whose bullets were stashed away.

The explosion killed our gallant men.
Yet we know they'd go again
if called by country, or country's friend.
These heroes, alas, won't fight again.

Never send Marines to die
Unless it's clear the reasons why.
for heroes must know that we will try
to take to heart their families' cry.

For it's ''Yes sir, can do''
The Marines salute, and then come through.
We let them down, but we won't do it again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

[Mr. FOX of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

VACATION OF SPECIAL ORDER

Mr. POMEROY. Mr. Speaker, I would ask unanimous consent to vacate my request for 5 minutes.

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

There was no objection.

BUDGET PLACES WORKER PENSIONS AT RISK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Dakota [Mr. POMEROY] is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, in the course of my time this evening, and I am not going to use the entire 60 minutes, I will be discussing the issue in the budget that places at risk worker pensions. I will be discussing that in some detail.

Before beginning that topic, I want to say a couple of things. First, I would

commend my colleague. I thought the poetry which he professes to have authored was excellent. Very, very distinct and captures, I think, a lot of the emotions many of us have around the Lebanon tragedy.

Second, I would also express my deep feelings of sadness about the death of Yitzhak Rabin. I have, as a second term Member of this chamber, heard the presentations of many world leaders from the podium here. No one has so impressed me as Yitzhak Rabin when he spoke about the long march toward peace.

He had committed his life for his country, he had been his country's leading warrior, and now he felt the moment was right for peace. The sheer courage and moral authority he brought to the leadership of his country in trying to react and trying to result in peace was really overpowering. He could convey it personally and he could even convey it through the television, for those of us that watched him in that forum as well.

Mr. Speaker, his loss is a real tragedy to the world.

Now, on to the pension issue.

One of the proposals that concerns me the most, Mr. Speaker, in a budget reconciliation act that is full of proposals that concern me, is a plan that would allow the withdrawal of pension funds across this country of $40 billion. I will be discussing this plan over the next 7, 8, 9, maybe 10 minutes. I have an hour. I invite any Member of this chamber, any Member of the House of Representatives that favors this proposal, to join me on the House floor. Because I would be very happy to debate it in its technical dimension or in its public policy dimension.

So if Members are watching this presentation, I would urge them to come to the floor and try to make their case. I do not think there is much of a case to be made for a proposal that would jeopardize workers' pensions to the tune of $40 billion across this country.

Mr. Speaker, the issue, as I see it, is should protections that presently exist within the law, protecting solvency of pension programs, be maintained. The House budget has proposed eliminating the excise tax that prevents the withdrawal of pension funds exceeding 125 percent of termination liability. They would eliminate the excise tax altogether until July 1 of 1996 and then impose a 6.5-percent tax thereafter.

The process leading up to the inclusion of this provision in the House budget is, in my opinion, truly startling, even for a Congress that is full of startling shortcuts. In process, this one takes the cake. Forty billion dollars in workers' pension funds placed at risk for a proposal that did not have a single hearing. No hearing. It was placed in the Budget Reconciliation Act in the context of a Committee on Ways and Means markup. They eliminated the solvency protections, allowed corporations to grab those excess funds, for any purpose, notwithstanding the fact that there might be a resulting threat to solvency. So much as a 1 percent interest downturn would take these 125 percent of termination liability plans and put them under water. Notwithstanding that risk, no hearings.

Mr. Speaker, when one of the Members offered an amendment that said, well, at least notify the workers that we are going to take their pension funds, that amendment was also defeated. So we have no hearing, no opportunity for public input, the defeat of a provision that would have allowed for at least worker notification if their pension fund is robbed. Then some of us, because of the magnitude of this proposal, and let me tell my colleagues that $40 billion places at risk the pensions of millions of workers, and because of that we sought a rule. We sought a rule that would allow an amendment. Straight-up vote. We think this is a horrible idea, let us air it out on the floor of the House straight up or down. Give us a vote.

We were denied the vote. The Committee on Rules did not allow us to offer an amendment striking this provision out because they wanted it sewn tightly into that huge Budget Reconciliation Act. They wanted to pass it in the sheer weight of this many hundreds of pages of proposals.

I ask myself, Mr. Speaker, why in the world would they put worker pension funds at issue? We recognize as a country we have a savings crisis. People are not saving enough for their own pensions. In fact, this is the very budget that takes a run at Medicare, reduces what people will have under Medicare in the future. So why in the world, if we are going to reduce things like Medicare, which are public programs helping people in their retirement, why would we put at risk their private pension funds?

The answer is one of two. First, let me give you the budgetary answer they have floated. If $40 billion comes out of pension funds, the U.S. Treasury collects a tax on it. It adds about $9 billion to the pension budget picture in the short run. It might strike the American people as more than a little curious that they would jeopardize long-term worker pension needs for a short-term hit to the budget, but that seems to be the gamesmanship underlying this proposal.

Maybe there is another answer. The other thing that I can think of is that somebody has some powerful friends, and that somebody, corporation somewhere, wants to get at their pension kitty, and they have convinced this Congress, the Committee on Ways and Means and congressional leadership, to allow them to get at those pension funds because they want them.

It has to be one of two, a short-term budget gimmick or unbelievable favors for special friends. In any event, it deserves more debate.

Mr. Speaker, I want to talk a couple of minutes about the history of this. Having been an insurance commissioner during the eighties, I was responsible for regulating the solvency of insurance companies. As I did that, I also watched carefully what was happening to the solvency of pension plans, and what I saw I did not like; because in the go-go eighties, the mentalities of corporate takeovers, we began to see a run on corporate pensions.

Often predators, trying to buy in a hostile buyout situation, a corporation would use the workers' own pension funds to finance the buyout. The great irony for workers is that their retirement savings, the pension fund, would actually be used to finance the hostile takeover that resulted in their loss of jobs. When the takeover artists enacted their downsizing and their cutbacks, their own pension funds financed the hostile takeover resulting in their loss of a job. Can you imagine anything worse?

Over the 1980s, Mr. Speaker, we began to see acceleration in the tendency of money to flow from pensions. In 1982, $44 million. In 1983, you can see the amounts accelerating, until the total tally of money that flew out of pensions in the 1980s was estimated at $20 billion. Twenty billion dollars. And I will tell the American people, Mr. Speaker, that some of the pension funds that experienced those raids never came back, and some of the employees covered by those pensions did not receive what was owed to them in retirement savings. We can see the dramatically accelerating raid on pensions.

To deal with this situation, past Congresses, operating on a bipartisan basis, because they understood that this country has an interest in having people have healthy pension funds, on three separate occasions enacted restrictions on people's ability to pull money out of their pension funds intended for their workers. First, they enacted an excise tax that was going to slow that up. They enacted a 15 percent excise tax to slow down the growth.

That was not enough, and, as we can see on this chart, money continued to flow out. So they added to that the penalty for withdrawing from the pension funds and the amounts slowed, and the amount virtually stopped at the present protection, 50 percent excise tax on the withdrawal of the excess funds in pension funds. That left, as I mentioned earlier, a total of $20 billion out of those funds. Compare that to the $40 billion projected under the plan to come out if the protections are removed as proposed in the House-passed budget.

Now, the resulting exposure if pension plans start going bust all over the country, because people have pulled out all this $40 billion, hits in two ways. First of all, it hits the worker that does not get their full benefits because the pension plan is under water; second, it hits taxpayers. We all have a

stake in this because the pension programs are guaranteed by an insurance program ultimately funded by taxpayers. Guaranteed by taxpayers kind of like the savings and loan insurance deal that cost taxpayers billions. This is insured by the Pension Benefit Guaranty Corporation. The PBGC.

So, ultimately, workers get less on their pensions and taxpayers are asked to pick up the difference. Tremendous future liability exposure to taxpayers under this proposal. That is why, Mr. Speaker, when I first saw the proposal I asked the Pension Benefit Guaranty people what they thought of it. Their response was unequivocal. At the PBGC they believe this proposal places distinctly at risk the pensions of millions of workers across the country.

They have done various studies that show that plans which are healthy today would, if they drew down to the limit allowed in the budget, be in serious financial shape in the future.

□ 1930

This thing has got to be stopped, and I will tell my colleagues my deep concern as we go into conference committee in the budget. It was initially proposed in the Senate as well. Now, the Senate can do something that we cannot in the House. They can have straight-up votes on whether this is a good proposal that ought to move forward. In response to the amendment offered in the Senate that we were precluded, prevented from offering in the House, the Senators voted 95 to 4 to take this out of their proposal.

It is still in the House version, and I have every reason to believe that there is very strong feeling in the House for the passage of this particular proposal. They will try and blow it through in conference committee and tuck it into the folds of this massive Budget Reconciliation Act. And so the time for us, Members of Congress, who have a concern about this raid on workers' pensions is now. We must let the conferees on the budget know that it is not acceptable to place employees' pensions at risk in this fashion.

I would hope that we would be joined in this effort by workers across the country whose future retirement security depends on the solvency of their pension funds. I would like these workers across the country to write to their Congressmen and let them know what they think of a proposal that would allow $40 billion to flow out of that pension fund. Those workers should know, as they write to their Congressman, that if their Congressman happens to be a Republican Member of this body, he or she has already voted for this pension raid. It is not too late to correct this mistake, but we better get after it, every Republican member having voted for this raid on pension funds.

It is unacceptable, and although I have issued an invitation to any Member who cared to come down and debate the other side to supply to us how in the world they would allow a worker pension program to be raided to the tune of $40 billion, what was their motive in doing it, no one has joined me in the well or in the Chamber to conduct that kind of debate.

Mr. Speaker, I let that challenge stand, and I will be back this week on other special order presentations fully prepared to debate with all comers this pension issue. It is a ripoff for working men and women, make no mistake about it, and will happen in one of three ways. Predator companies that want to take over a corporation will assess how fat their pension fund is, how secure their workers' retirement is, and they will base their takeover on whether they can bleed out pension funds to finance the takeover. We have seen it in the eighties, and we are going to see it in the nineties under this proposal.

Second scenario, a corporation that cares a lot about the future retirement of its workers that has really tried to prudently manage their pension plan for solvency, that understands that they succeed as a corporation only because of the work of their workers and wants to be steadfast in their commitment to their retirement, will have to look again at their pension fund because they will know that the predators out there, the ones that I described under the first scenario, are taking a look at whether they can take over this corporation and use the workers' pensions to pay for it. Not only the predators will come after the pension funds, but even excellent corporations that fear takeover are going to have to look at whether they need to draw down in the pension fund, place the workers' pension funds at risk to avoid a hostile takeover.

There is a third scenario, one that I used to watch as insurance commissioner. This is the struggling corporation, a corporation that is being badly managed, needs money, and cannot quite function in terms of meeting operating costs based on revenues. They have a couple of options. They can go to a bank, they can try and raise money privately, stock offerings and the like, but either of those prospects bring questions. How come you are being managed at a cash-flow loss? Why are you not doing more to improve your efficiency and productivity?

Those are questions that go right to the caliber of the leadership of that corporation. Maybe they do not want those questions asked. Maybe the CEO's know they are not going to pass muster. It is real easy to dip in the workers' pension fund and take a little out of the pension kitty to fund cash flow. If they qualify on the reserves, no one is going to look.

I saw this a little bit when I was insurance commissioner. The first indication of an insurance company heading into insolvency was that they would underfund their future liabilities. They would underfund the amount they are expected to pay in the future.

That was a way of reducing the amount they were committing to the future and maximizing what they had available for cash flow, even though that was an incompetent management team that should have been replaced. Well, we are going to see it again. Incompetently run corporations are going to steal from their workers' pension cash kitty, forestalling the day of reckoning that faces that corporation and jeopardizing the solvency of the workers' pension fund while they are at it.

Any way you slice it, these are unacceptable outcomes for our workers. It is unacceptable that Members would propose a $40 billion hit on the private pension funds of our workers and try and justify it. This is a case of where the Republican agenda has gone way too far. This is a case where I cannot understand for the life of me, and I try to be a bipartisan Member of this Chamber, I think we need more of that in the country, not less, but I cannot understand why they would walk lockstep on a proposal that so brazenly assaulted the sanctity of private pension funds necessary for the retirement obligations of their workers.

We have got to stop this proposal, and that is why again in closing I would urge every Member of Congress to write, to contact, to call the House of Representatives in the budget conference on this issue. I would hope that we would be joined in this effort by workers across the country to contact their Member of Congress and say, ''Enough. Enough foolishness out of Washington. Do not place our pension funds at risk.''

IN MEMORY OF YITZHAK RABIN

The SPEAKER pro tempore (Mr. BUNN of Oregon). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, I was unable to get back from the presidential straw poll in Maine in time to join the CODEL, the congressional CODEL that left a few hours before Air Force One to go over to Jerusalem, the most beautiful city on this small delicate earth and pay my respects to Rabin, but I wanted to share something with my colleagues that I have been sharing with my rather large family all week.

Mr. Speaker, that is for some wonderful reason I had at least 10 minutes, maybe more, alone with Prime Minister Rabin in the old House of Representatives Chamber, Statutory Hall. We both went over to get a Coca-Cola, a Pepsi. I started talking to him and for some reason people respected us engaged in conversation.

Mr. Speaker, I asked him about a line that he made in his closing remarks in the ceremony in our wonderful Rotunda under the Capitol dome for the 3,000th anniversary ceremony here on

Capitol Hill for the founding of the beautiful city of Jerusalem, when David bought a small hilltop from a man named Ornan, O-R-N-A-N.

When I was in Israel on one of my 15 trips there, I obviously memorized that name as I heard it because I put D, for David, in front of Ornan and got DORNAN. That as a way of remembering it. When he bought Mount Zion and Mount Moriah and started that tiny little city, David then still not much older than the shepherd boy who had killed Goliath, the Philistine, little did he know how many times he would offend God or how many times he would please God, or write the most beautiful of all poetry, the Psalms, or that he would father the great Solomon, the next Israeli king after himself.

I pointed out to Mr. Rabin that he had used a line in his remarks in the Rotunda speaking about the chill of the handmade armored cars among the pines.

Mr. Speaker, I knew what he was referencing. In little workshops in Tel Aviv they had built handmade armored cars. They took small, old trucks, some of them pre-World War II trucks, in the 1948 war, put sheets of metal around them. Welded them. They looked for all the world like something out of Jules Verne in the middle of the 1800's.

Then they would take these trucks southeast up from Tel Aviv up to the top of the beautiful mountainous area where Jerusalem is. There are pine trees all along that route. I have been in Israel when it has snowed. It gets extremely cold, biting cold in those hills on the way up to Jerusalem, and that is what Mr. Rabin meant.

Mr. Speaker, I said, ''Were you a brigade commander then?'' And he said, ''Yes, the 10th Brigade. Those were my armored cars.'' I hope they never take them away to widen the road, which was attempted this last year. The rusted armored cars where people where machine gunned and killed in those cars. They are still at several points along that beautiful, winding road up to Jerusalem.

We talked about his age. He was 26 years of age. I said, ''How did you get to be a brigade commander at such a young age?'' And he said, ''Well,'' in that distinctive style of his, ''you must remember the ages of your own revolutionary heroes in your War of Independence.'' And I said, That is right. Hamilton, 23; Lafayette, whose picture is here, the only other person's portrait on the floor other than the father of our country, they were both 23. That is right.

And at 45 years of age he was the overall field military commander for all the Israeli defense forces. I still wear my Israeli defense force belt buckle that they gave me when I flew a Kafir in my freshman year, January 8, 1978, with one of their triple aces, Ovi, last name still to be kept secret for obvious reasons. I talked about how at 45 years of age he commanded it all.

This wonderful moment I will treasure forever. I did not have to be at the ceremony to have tears running down my face, because out of my five children, four are freckle-faced red heads. I have my first freckle-faced red head in a ninth grandchild, Liam, who is staying with me this week. And when his beautiful granddaughter got up, Noa, N-O-A, and said to all the leaders from around the world these simple words: ''Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.''

Mr. Speaker, I have a tenth grandchild, son or daughter, due in January, and I would like to put all of her words in, Mr. Speaker, that follow from that, because it is the most beautiful eulogy I believe I have ever heard from a child or grandchild about one of their elders in my entire life.

At some point I will read all of her words into the RECORD. I want them to ring forever in this Chamber. Thank you Mr. Speaker, and I thank my colleague.

Mr. Speaker, I submit the following for the RECORD.

GOODBYE TO A GRANDFATHER: WE ARE SO COLD AND SO SAD

The granddaughter of Yitzhak Rabin, Noa Ben-Artzi Philosof, 17, spoke at his funeral. Her remarks were translated and transcribed by The New York Times.

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I know that people talk in terms of a national tragedy, and of comforting an entire nation, but we feel the huge void that remains in your absence when grandmother doesn't stop crying.

Few people really knew you. Now they will talk about you for quite some time, but I feel that they really don't know just how great the pain is, how great the tragedy is; something has been destroyed.

Grandfather, you were and still are our hero. I wanted you to know that every time I did anything, I saw you in front of me.

Your appreciation and your love accompanies us every step down the road, and our lives were always shaped after your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much.

Others greater than I have already eulogized you, but none of them ever had the pleasure I had to feel the caresses of your warm, soft hands, to merit your warm embrace that was reserved only for us, to see your half-smile that always told me so much, that same smile which is no longer, frozen in the grave with you.

I have no feelings of revenge because my pain and feelings of loss are so large, too large. The ground has been swept out from below us, and we are groping now, trying to wander about in this empty void, without any success so far.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

STAY THE COURSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, before I introduce those that are joining me tonight, I am pleased to share with those that might be viewing that tomorrow will be one year since the new Republican Majority was elected. Tonight, I am pleased to have at least five or six of my colleagues, freshmen colleagues from throughout the United States of America. The gentleman from Arizona [Mr. SALMON], the gentleman from California [Mr. RADANOVICH], the gentleman from Arizona [Mr. HAYWORTH] the second gentleman from Arizona, and the gentleman from Texas [Mr. STOCKMAN]. Possibly, before we finish the 1 hour, the gentleman from Florida.

Mr. Speaker, we all are freshmen that were elected last year to help change America. To build a better America, if you will.

□ 1945

With that, Mr. Speaker, I am going to yield my time so that the gentleman from Arizona can kind of be the floor leader to keep this dialog for 1 hour going and that we can help to inform the American people that might be watching.

With that, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank my good friend from North Carolina, and I am pleased to join with him and our friend from California and my neighbor from Arizona as well as my good friend from Texas this evening.

History demands that we recall the historic moment that occurred 364 days ago, the first Tuesday following the first Monday of November 1994. An election that literally shook the foundations of this institution, when for the first time in four decades the old order that talked about more and more government spending and more and more debt on our children and more and more authority resting in a massive centralized bureaucracy with little accountability to the people, that philosophy was rejected.

Now as America prepares to confront a new century with leadership truly passed to a new generation, those of us here and assembled on this floor tonight and, Mr. Speaker, I daresay, those who join us via the technology of television, deserve a status report on what has transpired. Forty weeks of governing in the wake of 40 years of liberal rule, and the people need a status report. Though it is not my intent

to go in alphabetical order, Mr. Speaker, I do see my good friend from my neighboring district in Arizona, Mr. SALMON. Mr. Speaker, what is he hearing at home?

Mr. SALMON. Mr. Speaker, we just had a townhall this weekend. I think it was our 30th since I was elected to serve in the 104th Congress.

The folks back home are a lot smarter than I think the media gives them credit for. The answer that they gave to me resoundingly was stay the course, stick to your guns. You have started a revolution, but it is just the tip of the iceberg. We expect you to see through to the many promises that you made in the campaign.

No. 1, that you would balance the Federal budget and quit financing failed social programs of yesterday on the backs of our children and our grandchildren. It is immoral, stop it. Get the job done. That is what we sent you there for.

The other thing that I heard, I hear all this rhetoric from folks back here about folks back home not wanting to have tax cuts. As I talked to folks back home, especially those that feel the pinch, those that are trying to raise children in today's society and those that feel that maybe they just know a little bit better than the Federal bureaucrats here what might be best for their family and how their dollars might be spent, I heard again very clearly from them. We are sick and tired of money going back to Washington and going down a rathole. It costs $1.50 to produce 50 cents worth of services at the Federal level, and it has got to stop. We think we are a little bit better qualified to address our family's priorities than some nameless, faceless bureaucrat in Washington, DC.

That is what I heard resoundingly, stick to your guns, stay the course and do what we sent you there to do. If you are going to be like Congresses of old and buckle and put a Band-Aid on problems like Medicare and not really save the program for future generations but put a Band-Aid on so you can get through the next election, if those are the things that you intend to do, you are no different than the Congresses we sent there in the past and we do not want you back.

Mr. HAYWORTH. Mr. Speaker, I see that one of our friends from Florida has joined us who was also a part of that historic night but even more importantly is part of this new history-making majority in the House of Representatives. As we yield to our friend from Florida, I would imagine that, even though the gentleman from Arizona and I reside in neighboring districts and hear much the same message, I have to believe that the gentleman from Florida hears similar things from his constituents.

Mr. SCARBOROUGH. Mr. Speaker, it is absolutely amazing. As I campaigned last year, I was an unknown. I had never been involved in any political process. Most of my friends here were never involved in the political process until last year. We campaigned. It was an underfunded campaign, but we believed that we had the ideas that would make a difference in my campaign.

I talked in very general concepts. I talked about the tenth amendment, which I hear all of us talking about, where the tenth amendment says all the powers not specifically given to the Federal Government are reserved to the States and the citizens. I quoted Thomas Jefferson, who said the government that governs least governs best. Perhaps my favorite quote and the centerpiece of my campaign was the James Madison quote which really encapsulated what my campaign was all about.

Madison, who was one of Framers of the Constitution, said all powers not specifically—I am sorry—said, we have staked the entire future of the American civilization not upon the power of government but upon the capacity of the individual to govern himself, control himself and sustain himself according to the Ten Commandments of God. I thought I was this visionary, that nobody else was talking about the tenth amendment because I did not hear anybody in Congress talking about the tenth amendment. I did not hear anything coming out of Congress or the White House about the tenth amendment or talking about Madison or Jefferson. I thought that these were archaic ideas that our Founding Fathers talked about but that somehow this liberal Congress had forgotten all about.

I come up to Washington, DC and I find out that everybody else, you and the gentleman from Washington [Mr. METCALF], on the other side of the continent were saying the same exact thing. There was just this undercurrent that swept us into Washington, and people do not understand why we are so committed to do what we promised to do. It is because our people put faith in us when nobody else, when the political pros and the pundits and the New York Times, which personally came to my district and said there is no way you are going to elect radicals like SCARBOROUGH.

I am sure all of my colleagues here have the same stories. Nobody else believed in us, believed in the ideas of Madison and Jefferson. But my constituents did, and I will be darned if I am going to spend my time in Washington compromising with a liberal Democratic Party that never represented my district well and never represented the views and ideals of the Founding Fathers that laid the great foundation of this country. That is my responsibility, to carry through on that promise.

Mr. HAYWORTH. Mr. Speaker, the gentleman said something very interesting, paraphrasing friends from the fourth estate who sometimes seem to step across that bound of reporting into advocacy for those who always propose bigger government programs and a highly centralized state.

It was interesting to hear that description of your candidacy as radical. Of course, the amazing thing is that only to those who exist inside the beltway were our candidacies or is this new majority in any sense radical. Quite the contrary, to the people in the heartland of America, from California to Florida, through Texas and in Arizona and in the great State of North Carolina, throughout this country, it is not radical; it is rational and reasonable.

And therein we find the difference. Despite what the media axis between New York and Washington would report and promote and quite often distort, the American people in their infinite wisdom cut through all of that and understood what was at stake. I think we have a prime example here on the floor tonight in our good friend from Texas, the pundits called, as you will remember, the giant killer, who was able to win election to the Congress of the United States after many tries and some talk from the pundits that he ought to maybe not think about public life.

Mr. STOCKMAN. Mr. Speaker, we just had a town hall meeting. We had several town hall meetings. I thought after reading the papers, I stated believing, Mr. Speaker, some of those issues and wrongly so. Some of those issues are, we are doing the wrong thing, we are going in the wrong direction. But, Mr. Speaker, let me say something. I went to those town hall meetings. The chairman, the former chairman of the Democrat Party, the country judge there stood up and he said, sir, I have been a Democrat all my life and I stand behind what you are doing; not because it is Republican, not because it is Democrat, because it is the right thing to do.

I was amazed as people came forward that knew and understood what we were doing and the knowledge that they had. They said to me, please continue what you are doing, do not stop. Quite frankly, I was astounded. I came away from that wondering whether the people that act as our fourth estate really comprehend that the rebellion that took place was at the grassroots level.

Mr. Speaker, we had $1.2 million spent against us, $1.2 million. That is a lot of money. He was going to be the dean of the U.S. House, the dean of the House. Everything was going great. He had been here 42 years, 42 years. You would think that everything, the world was wrapped around his finger; but the people spoke, and the people felt their power for the first time in 42 years and stood up and said, we want change.

When change came, they were standing next to me and saying, keep it up, that is what we voted for. But our friends from the fourth estate say, no, no, no, no. We are losing our grip, we are losing what we fought for, what we got for 40 years. Socialism is slipping away, and we hear those cries back in our district, no, it is not what we want,

socialism. We want you to stay the course.

I know one thing, we are not going to punt. We are not going to punt. We are going to do exactly what this says. Our good friend, the gentleman from Oklahoma [Mr. LARGENT], freshman, signed it. I said, do not drop the ball. Pass the budget.

I cannot think, Mr. Speaker, of a greater gift for Christmas than to give our children and our grandchildren a balanced budget. I know that, as you know, we are going to stay the course. We are going to give the best Christmas present of all, a balanced budget.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for his comments. I think he absolutely sets forth the dynamic at work here. The question is, Are we willing to love generations yet unborn enough and those youngsters who are now in our homes—and I think of my children, one of them in college but two not even in grade school yet—do we love them enough to leave them a country where they will not continue to pay our debts?

I think the gentleman from Texas offers an embodiment of part of the change that took place last year on that fateful Tuesday in November, a change that continues around the country tonight. Indeed, as I heard the words of my friends from Texas, I thought of my good friend from North Carolina who went on a personal journey, both intellectually, philosophically, and finally politically. For the gentleman from North Carolina had his dad serving in this House, a conservative man who yet sat on the other side of this aisle. I yield to our friend who reserved this special time to talk about what has gone on not only in his own life politically but what has gone on in his district in North Carolina.

Mr. JONES. Mr. Speaker, I thank the gentleman from Arizona. I appreciate him making reference to my father who did serve for 26 years in the U.S. Congress representing the First District of North Carolina. It is very humbling to hear comments from both Democrats and Republicans, the elevator operators as well as those on the police force, how much they thought of him as a fair man and a good man. I really appreciate you mentioning his name.

I will tell you that my father and I both discussed my change of party affiliation. I used to be a Democrat, served 10 years in the North Carolina General Assembly. Quite frankly, as you mentioned, my father was a conservative. He said to me, he said, WALTER, I do not think that you nor myself, he was speaking, belong in the Democratic Party because they have become so liberal. They are out of touch with the people.

I think my friend from Arizona as well as my friends from Texas and yourself have mentioned that this country needs leadership. When a child is born in this country today—and I know I have said it 100 times, and each one of you, but it is so important. A child born in this country today, 1995, the time they take their first breath they owe $187,000 in taxes, $187,000 in taxes.

If they live to be 75 years of age and we do not balance the budget, then they will pay $187,000 in taxes just to pay the interest on the debt.

Our children deserve the American dream, not the American debt. That is why this new Congress, my fellow freshmen, you and the gentlemen from Texas, Arizona, and California and the gentleman from Florida that just had to leave, we know what the American people want. We are here to make those decisions.

Yes, I will tell my colleagues, they are tough decisions. But I will also share with my colleagues and those watching that, when I go home every weekend but four in 11 months, and I drive home and drive back, I see the people. The people say to me, WALTER, do not stray, stay committed, balance this budget, because where the liberals forget, they try to scare the senior citizens about Medicare.

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Yet we are promising an increase in Medicare. We are promising choices for our senior citizens. We are giving them the choices that they deserve to have. We are giving them the security that they deserve to have. Yet, the other side keeps trying to scare the senior citizens.

I would tell the gentleman from Arizona [Mr. HAYWORTH], it is not working in my district. The people in my district have enough confidence in me and my fellow colleagues that they trust us to do what is right to preserve, protect, and strengthen Medicare.

The other point I would like to make before closing is that when you have a country where the average working family in this country today will spend more on paying taxes than that same average working family will spend on clothing, housing, or food, how can they ever realize the American dream? They cannot. That is why they turned to the Republican party last November, almost 365 days ago, because they said, ''We want a change. We want to believe that this is the greatest country in the world. We think that you, under the new Republican conservative leadership, you will give us the hope that the liberals have taken away from us through taxes and regulations.''

Yes, I am pleased to be with you tonight. I am proud to be part of the new majority that cares about America.

Mr. HAYWORTH. If the gentleman will continue to yield, I thought of another familial relationship, a parental bond. You described the service of your father in this House, and how both of you made that philosophical journey. As we turned to our friend, the gentleman from California, a couple of distinctions, Mr. Speaker, that are worth being noted in the RECORD.

First of all, we heard our good friend, the gentleman from Florida, speak of Thomas Jefferson. Mr. Jefferson was indeed a man of many talents, including that of being a vintner, a winemaker. It is our privilege to have someone from the real world, from the wine country of California, a vintner, here serving with us in this freshman class; but also he draws a distinction, and it is akin, it comes back to the Sixth District of Arizona, for his mother was born an inspiration by the Inspiration Mine, in the Sixth District of North Carolina, so in a sense, I know that my colleague, the gentleman from Arizona, or the Sixth District of Arizona and I would like to claim him as at least an honorary Arizonan, the vintner of the House of Representatives with a very, very sober reflection on what has transpired in these last 40 weeks.

Mr. JONES. I yield to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Speaker, I want to say that I am proud to be associated with all three of you gentlemen here today, to talk about what has happend in the last year since our eve of election about a year ago today.

I, too, spent the weekend going home and traveling in the district and making many stops. I stopped in Lemon Cove, the Sequoia Middle School, to address the 7th, 8th, and 9th graders. In particular, a lot of the message that I state, and of course, being on the Committee on the Budget we deal with budget issues, and I talk budget issues there, and I go home and I explain what we are really doing as far as reform and expanding the Medicare system and offering choices, and limiting government, decentralizing government, privatizing government, localizing government through the budget process.

They all realize, too, that we are coming to the point now where there are threats of a budget train wreck, and there is the issue about raising the debt ceiling, and a standoff between the Congress and the administration, the executive branch. By and large, people are concerned in general.

The bottom line is, Mr. Speaker, and I think it can be articulated, in one of my Monday morning meetings I met with the Parcel Post Service in Fresno, which is a distribution center; I met with about 100 truck drivers and the management of this company, who presented a $25,000 check to the West Fresno Christian Academy for them to be able to fix their restroom floors. I was honored to be in the middle of this presentation. I was able to speak and give them an idea of what we were doing.

I explained to them with regard to the upcoming brinksmanship that we are in now with the budget, in that we had not too long ago, last week, four experts from Wall Street sit down and talk to our Republican conference and deliver a very strong message, and the message was that even if we have to go through short-term economic disheveling in order to get a balanced budget,

that it is worth it for the future economic health of this country to go through something short term, if we have to. It is imperative to get a legitimate balanced budget passed this year. That was the message that the Wall Street Journal experts, I think, conveyed to all of us.

I took that message home and explained to my group of employees there at United Parcel Service, and the message got applause when I said this is what Wall Street was willing to come up and say: ''If there is brinksmanship here, let all the stops go, but just make sure you get a balanced budget.'' Their message to me was ''Do not come home without a balanced budget.'' They are serious. They want government out of their face. This budget begins that process. It does that.

The response that I get from people in my district is just leave me alone, let me run my own life, do not try to be my mommy, do not try to be my daddy, do not try to be my pastor, and do not try to be my employer. That is really the message that I come back with.

Basically, Mr. Speaker, they sent me back here saying if I drop the ball, do not come back to Fresno. They are that serious about it. My commitment is that, that we pass a legitimate balanced budget, one that is scored by the Congressional Budget Office, which is the legitimate scoring agency in the House here; not by the Office of Management and Budget, like the administration wants their budget scored.

Mr. JONES. Mr. Speaker, I would say to the gentleman from California, I think I was in that same meeting, but I would appreciate if the gentleman would reaffirm what I thought I heard from those four economists, one statement they made: Since the Republican majority had been the majority, that the interest rates had dropped by 2 points, and if we should pass a balanced budget, because many of the markets feel that maybe it is more talk than action, but that if we did balance the budget, that it was accepted and we balanced the budget, that the rates could almost within a certain number of months drop to 5 percent. Does the gentleman remember that?

Mr. RADANOVICH. What I can relate is that we met with—on a number of occasions Alan Greenspan with the Federal Reserve met with the Committee on the Budget, and in that, he expressed supreme confidence in two things: No. 1, that business, health, and the economy and the country was directly related to our good intentions, and we had better prove it all out in passing a balanced budget, but the effect of that would have a minimum of a 2-percent decrease in interest rates. So that is something that comes from the chairman of the Federal Reserve, and backed, actually, by scoring in the budget that we have right before us today.

I want to make one brief comment. That is that people in America have to be really concerned about what their representatives say and what kind of numbers they quote. The best example I can give is the Congressional Budget Office is the legitimate scoring agency for budgets in town, and everybody, including the OMB, recognizes that the CBO is the more legitimate scorer. If you take the President's 10-year budget that balances to the CBO and have it scored, it still has annual deficits of $60 billion.

Mr. HAYWORTH. A very key point, and if the gentleman will yield, I think it is important before, Mr. Speaker, we end up in a type of alphabet soup when we talk about the Congressional Budget Office or OMB, the Office of Management and Budget, that we make this clear distinction. Indeed, it happened prior to us joining this institution, prior to the historic shift: The President of the United States stood at the podium here behind us at the outset of the 103d Congress and he said, with great oratorical flourish, that his administration would always use the figures provided by the Congressional Budget Office, because year in and year out, they were the most reliable numbers.

Yet, the same dichotomy and indeed the same reversal that we have seen on so many issues came with our friend at the other end of Pennsylvania Avenue, when somewhere along the line, camped out in the Rose Garden, was that mythical figure, Rosie Scenario. Rosie Scenario set up shop with the President's budgeteers in the Office of Management and Budget, and quite frankly, Mr. Speaker, Rosie Scenario and those at OMB cooked the numbers for a 10-year plan that my friend, the gentleman from California [Mr. RADANOVICH], is absolutely correct in stating gives us no type of balanced budget, throws the numbers out the window that this same President said were the most reliable numbers. And, clearly, this dichotomy is behavior and rhetoric and instant revision of history calls into question just how serious the gentleman at the other end of Pennsylvania Avenue is in joining with our new majority in the legislative branch to truly govern.

My friend, the gentleman from Arizona, I know we have talked about it on several occasions, this flip-flop, and I think it is incumbent upon the incumbent President to join with us and govern.

Mr. SALMON. If the gentleman will yield, Mr. Speaker, I have talked to some of my Democrat friends on the other side. I think they know full well that there is going to be a lot of rhetoric, there is going to a be a lot of theatrics from the White House, and ultimately he is going to have to do the right thing because the American people are demanding it. This is a President that constantly has his wet finger in the air, testing which way the wind is blowing. He knows that the winds of change, they run hard and they are pushing us toward balancing the budget.

I would say to the gentleman from Arizona, this is not rocket science. Most folks understand that if they keep spending and spending and spending with their charge cards and their revolving debt and all those things that get us into trouble, that before too long there is a time that you have to pay the piper. When you have to pay the piper, you either decide that you are going to cut back on your spending in your family budget or you are going to find a new source of revenues.

At the Federal level that new source of revenues is the cash cow. It is the taxpayer. That is where Congress has gone in past years, taxed basically out of oblivion. Last Friday I went and spoke to two senior classes, government classes, at Tempe High School. I looked into their eyes and I asked them if they understood the implications of a budget that would not be balanced; if they understood full well that right now we have a $5 trillion debt—and your eyes kind of glaze over when you hear $1 trillion, because nobody has ever held, smelled, or touched $1 trillion—and when we explain to them that the first 33 cents out of every tax dollar that they send to Washington goes just to pay the interest on the debt, and under the current budget scenario, with $200 billion deficits, in 5 years we reach another trillion. Then before too long it is $10 trillion. Do you know what happens when we reach $10 trillion. Everything, everything that we have right now in the form of revenues is consumed just to pay the interest on the debt. Everything. We have nothing left for programs unless we go back and raise taxes.

I further went on to explain to them, those kids, most of them 17- and 18-year-old kids, when they reach my age, if we continue with the trends of yesteryear under the failed old tactics of the Democratic-controlled Congress, then they would be facing an 85- to 90-percent tax bracket. That means that $9 out of every $10 that you earn goes to Washington, DC. That is immoral. We cannot continue to do that.

No family would do that. No family would put themselves so far into debt that they would leave to their children, instead of an inheritance, all the Master Card bills and Visa card bills to pay. Nobody would do that. It is laughable. Why then would we conglomerately as a country do that to our children? It is the same exact principle.

Let me talk just for a minute about the tax cuts, too, because we hear so much from the other side that we are providing tax cuts for the rich. In my town hall meeting I asked this question: How many of you have children? Almost everybody raised their hand, I would say about 80 percent of the people in the town hall raised their hand. Then I asked, them ''Out of those of you who have children, how many of you paid at least $500 last year to the

IRS?'' I ask those of you listening on C-Span to consider the same equation: How many have children, how many have paid at least $500?

According to the liberals here in Congress, you are the rich. You are part of the problem. I think most of us understand that if you fall into those parameters, you are not a wealthy person. That is mainstream America. That is mom and pop America, who are trying so desperately to raise their children and trying to take care of their family's needs, but they are not able to because they are sucked up here in Washington. It is time we change, and it is time we realize that those people are not the wealthy, they are not the ones to be despised so we can rob the middle class to pay for failed social programs.

It is time to make a difference. We came here to make a difference, and is it so unique? Is this so historic that we finally have a body that has the integrity to keep its word? That is what this is all about.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Arizona, and I think we see why I have such ample evidence of the pride I take in having such a responsible neighbor, because it is a pleasure to serve alongside him in this House, and geographically, to have our districts alongside one another.

My friend, the gentleman from Arizona, makes a very good point when it comes to personal finance and the family gathered around the kitchen table, trying to decide budget priorities. It is irresponsible to the 10th degree to imagine a family transferring its debt from Master Card to Visa in a type of credit card kiting scheme. And yet, and yet, Mr. Speaker, in common parlance here, as a Member of Congress, many of us have come to call the card that I hold here now, our voting card, in an attempt to laugh to keep from crying, we call this voting card that each of us has, the world's most expensive credit card.

There is an element of humor in the truth. Again, I think we cite it to laugh to keep from crying, so absurd has this equation gotten over the years, so overreaching has this Government come into the pockets of Mr. and Mrs. America. The reason we call our voting card the world's most expensive credit card is because when my colleagues and I received ours, each came with a debt of almost $5 trillion.

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The gentleman from North Carolina.

Mr. JONES. If the gentleman from Arizona would yield for just a moment, because the comments that the gentleman has made, as well as the other gentleman from Arizona [Mr. SALMON], I wanted to share this with my colleagues, because as we talk about the debt, roughly $4.9 trillion, $5 trillion, and we talk about the debts of this Nation, I want to share this with my colleagues, that the bipartisan Concord Coalition reports that debt and deficit spending have lowered the income of American families by an average of $15,000 a year.

Very quickly, let me repeat that. The bipartisan Concord Coalition reports that debt and deficit spending by this Congress have lowered the income of American families by an average of $15,000 a year. You are absolutely right. That is why the new majority is here and I am proud to be a part with you gentlemen tonight.

Mr. STOCKMAN. Mr. Speaker, if the gentleman would yield, trying to grasp $1 trillion, think about it, I am trying to grasp $1 trillion. I asked an economics individual one time, I said, how much is $1 trillion? He said $1 trillion was $1 bills laid on top of each other like this going from the Earth to the Moon and back again. That is $1 trillion. Think about that.

What kind of a legacy are we leaving? We are talking $5 trillion, five trips to the Moon and back, and yet we are so addicted to spending that we cannot stop.

Mr. Speaker, as I was running, somebody said, we had a great hurricane in 1900, in fact, the largest disaster in the United States to this day. Wiped out the whole town of Galveston, killing thousands of people. They built a seawall and on the other part of the seawall, the gentleman said, Steve, he said, we need a seawall. Can you get us Federal dollars? We know that your opponent will get us Federal dollars to build a seawall. I said, I cannot do that. I said, if you want a seawall, you maybe should vote for my opponent. Because see, if I promise you that, I am not spending your money, I am not spending your child's money or even your grandchild's money. I am spending your great-grandchild's money to buy your vote, and I, for one, cannot look in the mirror and say I bought your vote with your great-grandchild's money. That would be morally wrong. So I suggest if you want a future for your great-grandchildren, vote for me. But if you want a lousy bridge or road, vote for my opponent. I suggest to you, future is better, because we owe it to our great-grandchildren to do better and we will do better—$5 trillion.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would yield, he makes a point so profound, and I think it demonstrates why the people of his congressional district had the great and good sense to end a long term for his predecessor and to make a change for the better in Texas, and indeed, as we see what goes on, the question remains, not the worthiness of some projects, because some projects are exceedingly worthy when viewed in a vacuum, when viewed without the reality of the budgetary constraints in which we live. And for those at home, Mr. Speaker, who may be watching saying, yes, but, yes, but, what about the role of government as charity, I would simply suggest this: Nowhere in the document of the Constitution, in the preamble especially, do you see the word charity. Indeed, it is not the province of the Federal Government to be the charity of first recourse. This Government exists, it derives its powers, from the people to serve the people, and indeed, my friend from California who serves on the Committee on the Budget has been dealing with the heavy lifting and the harsh realities of the numbers we confront. In one sense, in Washington or Orwellian Newspeak, it is an incredible, monumental task and exceedingly difficult. And yet, in real-world numbers, it is a challenge that must be met.

Mr. Speaker, I would like to ask the gentleman from California [Mr. RADANOVICH], what struck him most about the entire budgetary exercise on the committee and seeing this through to fruition with the reconciliation package?

Mr. RADANOVICH. If the gentleman from Arizona will yield, the point that you bring up and also the point that the gentleman from Texas brings up are very good examples of I think some of the changes that we want to see coming down in the next few years.

One thing, the biggest lesson I think that I learned being exposed to the national budget for the first time in January and the learning process that I went through is that this is a journey of 1,000 miles that begins with one step, and this budget truly is one step.

Now, you had mentioned one thing in particular, and that is the role of charity in government and how it got there, and how the one thing that we are going to have to learn when we are budgeting is if there is a need, it should not always be presented to government. I think that if you will look a little more closely in a few other books, the role of Good Samaritian was found in the Bible, not in the Constitution, and yet this is a responsibility that government is for some reason deemed necessary to pick up over the last few years, When something is not inherently someone's responsibility, that person is not going to do a very good job with that responsibility, as evidenced by what government has done with charity, via welfare, during these last 30, 40 years.

Mr. STOCKMAN. If the gentleman will yield quickly, I just wanted to point something out. Do you know that if you had one dollar and you wanted to help somebody, and as you may know in this body I was homeless, and you wanted to give it to some organization and you wanted it to be the most effective dollar you could use, you could give that dollar to the Federal Government or you could give it to Red Cross or some private charity, or your church or your synagogue, do you know that the Federal Government takes 80 cents to 90 cents to give to a bureaucrat and only gives 20 cents to the poor? It is the exact opposite in private enterprise. Is that compassion, is that true compassion to give $1 to the Federal Government seeing 89 cents of it wasting and only 10 cents or 20 cents ending up with the poor?

Mr. JONES. If the gentleman will yield, the point that I want to make too is that not only are we starting to eliminate the deficit, but what we want to do is to begin to reduce this $5 trillion debt that we are talking about, and then after we are done with that, then we can start reducing further Federal income taxes and really shift control of the State and local levels, so that if Texas wants a sea wall, they can go to their State and local authorities and fund that and have dollars that go a lot farther to solve the problem, and we can contribute to our churches' and charities' nonprofit organizations to take care of the poor and needy and for once be effective doing it.

Mr. SALMON. Mr. Speaker, if the gentleman will yield, I would just like to comment also, we hear so many times from people as we look at, not cutting programs, because I do not think we are really cutting anything. In fact, I know we are not cutting anything. The Federal budget is still rising dramatically, as we all know. When we hear of cuts to Medicare, again, I think Mr. GINGRICH probably put it best when he said it is really a problem with remedial math. The people really do not understand that when you go from $4,500 to $6,400 that that is an increase, that is not a cut. But we hear from folks, whether it is the arts or the humanities or you name it, all of these wonderful, wonderful things that the Federal Government has done, but is is a good program and it is good for society. I think back to when I was in college and I was a junior in college and I was married and we had our first child, and I remember a really high-pressure encyclopedia salesman came to our house. He made a good case and he made me feel guilty, he said how I really needed to think about my child's future and this was such a worthy program, like we hear so much in Washington, that this was something that was good. I ended up making the decision not to buy those encyclopedias. No. 1, they were very expensive, but No. 2, at that time I was working full-time, I was a full-time student, my wife was working full-time, and we were having a hard time making ends meet. We were having a hard time putting food on the table. We had priorities. Yes, it was a worthy program, but do I put food on the table for my daughter, for my family, or do I buy this worthy program? I think that is the kind of choices that we are faced with now.

Mr. JONES. Mr. Speaker, if the gentleman would yield, I enjoyed your comments, and you made the statement that we are really not cutting programs. I want to share this with you. The total government spending over the next 7 years under the Republican plan would continue to grow an average of 3 percent per year. Social Security spending is slated to rise about 5 percent per year, and Medicare growth will average 6.4 percent. So when the liberals keep saying we are cutting, we do not care about the poor, they are so wrong, we do care about the poor and we care about every American's future.

Mr. STOCKMAN. My wife would like that kind of cuts in her own private life.

Mr. JONES. That is a personal problem.

Mr. HAYWORTH. If the gentleman will yield, I think that is vitally important, and indeed we should address some of our comments, Mr. Speaker, to those who may be looking in who say to us, gee, you have not really gone far enough. And what I can say, Mr. Speaker, to those who have that idea, I would say, perhaps you are right. But it is exceedingly difficult in the span of 40 weeks to change a culture that has grown up over 40 years, not impossible, because we have taken the first steps to do so. But in this climate, within this beltway, with the Orwellian Newspeak that ignores the realities which mathematics bears out that the so-called cuts in fact are reductions in future expenditures, that have no place on any legitimate number line, but only on the squiggle that seems to meander around this district, from Federal office to Federal office, we need to have straight talk with the American public. The fact is, we are taking some steps that while they may be called momentous, history will record, perhaps as modest, but as my friend from California said, the journey of 1,000 miles begins with a single step. My journeys yesterday took me to the town of Eloy, AZ, and to the town of Casa Grande, and in Eloy I had an assembly with the entire student body of Santa Cruz High School and the question came up, Congressman, how would you rate yourself on education spending? And indeed, some of the folks who may be looking in, Mr. Speaker, are looking to the Department of Education and saying, well, there is an area, there is a project left undone. And it surprised me when I explained to the student body and to one of the questioners, I felt it was important, again, echoing the comments of the gentleman from California, I believe it is important to take the billions of dollars spent on a bureaucracy directed by a friend of mine, former Governor Riley of South Carolina, a fine and decent gentleman, but a centralized bureaucracy spending billions of dollars, I would far rather return that money to the States and counties and localities and to the school boards and ultimately to the front lines, to help children learn than to continue to perpetuate a vast bureaucracy. Indeed, as we look at the so-called Information Age, at the technological advances that we have now, what do they echo, what resounds from them in this new computer age? It is what we find in the Constitution, it is what we find in the writings of Madison, which is the power of the individual, and so that is our mission, to help empower the citizenry, to understand the value and the power of one, and to rejoice in the fact that yes, we unify on key questions and yes, even as we have differences of philosophy within this Chamber, sometimes I think exaggerated too greatly in the theater of politics, yet we have this mission to allow people to live up to their fullest potential, not due to the dictates of government, but to the dignity of their respective person. That is what this revolution encompasses, not what is radical, what is exceedingly reasonable, and much remains to be done.

I yield to my friend from California.

Mr. RADANOVICH. Mr. Speaker, if the gentleman will yield, the only thing that I would add to the comments of the gentleman from Arizona is that the hope is, too, that looking out even a little farther, is that some day that dollar, that education dollar that we send down to Casa Grande will never have to leave Casa Grande to come to Washington in the first place. So that as you well know, and I think we articulated, that dollar on its round trip to Washington and back to Arizona loses a lot on the way, and if we get to the point where we eliminate the deficit and we pay off the debt and start shifting these taxing responsibilities down to the State and local level, if Casa Grande wants its education dollars to go to the State and local government, raise your taxes and fund your own programs there.

□ 2030

Mr. JONES. If the gentleman will yield, this has been a great hour and I really have enjoyed and appreciate everybody that has joined us. I know we are getting down to the last 2 or 3 minutes, but to share with those that are watching tonight, that all the good that can come from the balanced budget, always remember that if we balance the budget, that we can create 6.1 million new jobs in the next 10 years.

We are not just talking about, as I mentioned earlier, a child born this year, we are talking about the good that can come to this country in the way of new jobs and new opportunities for our people. I thank each and every one. I know we are not quite through, but thank you for joining me and I have enjoyed being with you.

Mr. SALMON. If the gentleman will yield, I would just like to follow up on that. I think maybe that is one thing that we do not talk about enough. The gentleman mentioned that there would be 6.1 million more new jobs.

How does that occur? That occurs when you lower people's taxes. What do they do? They invest it in their businesses. And their businesses grow. When their businesses grow, there are more jobs for people. When the interest rates drop by 2 percent, once we balance the budget, they can expand their businesses, they can grow their businesses and jobs grow. And what happens when jobs grow?

Have you seen the bumper sticker that says ''The Best Kind of Welfare Is

a Job''? Truer words were never spoken, in many ways, because it helps that person preserve dignity and self-respect and feel like they are a contributing member of society.

How many of our other social programs would turn around when people felt that they had that kind of dignity and empowerment to take charge of their own lives? What is going to happen to our society is we have less reliance on social programs, on failed social programs, I might add, because there will be jobs and we will be an opportunity society as we once were.

America was great because our grandparents and our grandparents' parents that came to this land because it was the land of opportunity where you could become anything you wanted be. I think we have lost that vision but we are regaining it in this 104th Congress. That is the ball we have got to keep our eye on. That once that budget is balanced, we will be having an opportunity society again for everybody.

Mr. HAYWORTH. As I heard my colleague from Arizona, I think of our colleague from Texas who perhaps more than anyone in this institution has lived the American dream, who knows what it is like to pull up from the bootstraps. I would ask the gentleman from Texas, coming through the experiences he has, knowing the ultimate fabric and value and truth of our society, what does he see as the mission for the future?

Mr. STOCKMAN. Mr. Speaker, I am deeply touched by how after a year we still see the grassroots and I want to thank everybody who went out today. I have to tell you, I went out today and voted this morning at a little church near our home.

I did start out at night, looking up, in Fort Worth at the clock, it also had the temperature, it never dropped below 80 degrees in 1980, and I was sleeping on the concrete slab and had a lot of introspect and thought, a lot of different things.

I had to say, how did I get here and were do I want to go? But I realized one thing, that I could have easily taken food stamps. I could have easily gotten in welfare and got into the system. But that is not the road I chose. The reason I did not choose that road is because that is a dead-end road.

What Republicans are doing is opening up the road. We are not giving them the fish. We are teaching them to fish. We do not count how many people are on welfare. We count how many got off welfare and are productive members of society. That is what this revolution is about. I think tonight as the vote count is coming in, the revolution will continue.

I ask, Mr. Speaker, that this freshman class commit to, no matter what the media up here says, that we commit to the revolution of lower taxes and lower and less government.

Mr. HAYWORTH. I thank the gentleman from Texas. I would simply conclude by thanking our good friend from North Carolina, having the foresight to schedule this special hour on an auspicious night where we rejoice in the fact that we changed things through ballots and not bullets, where we rejoice, in the freedom of our society, in the basic dignity of the American people which we hope again to empower through a revolution that is not radical but is reasonable, rational, and we will see through.

POLITICAL GAMESMANSHIP IN BASE CLOSINGS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the Chair recognizes the gentleman from Georgia [Mr. CHAMBLISS] for 60 minutes.

Mr. CHAMBLISS. Mr. Speaker, tonight I am going to be joined by two of my distinguished colleagues on the Committee on National Security, my good friend, the gentleman from Utah [Mr. HANSEN], as well as my good friend, the gentleman from Oklahoma [Mr. WATTS]. We want to discuss an issue that is of great importance to our constituents.

It is also an issue that ultimately, Mr. Speaker, we view to be an issue of importance to every American, because it concerns the ability of our U.S. Air Force to protect this great Nation.

The issue is privatization in place, and it refers to a plan that has been hatched by the current administration in the White House, that makes military effectiveness and efficiency take a back seat to political gamesmanship. We will use the next hour to discuss the President's plan and offer our thoughts about the future of our military maintenance system.

Privatization in place is an issue that has come out of the White House recently because of the closing of two military bases, one in San Antonio, TX, Kelly Air Force Base, and one in California, McClellan Air Force Base. These two Air Force bases are two of the five air logistics centers that are currently operated by the U.S. Air Force.

What is the problem with the depot system? Why are we here tonight talking about the issue of privatization in place?

We are talking about that issue because of the fact that the Air Force has determined, and the Department of Defense has agreed, that we have excess capacity within the U.S. Air Force depot system from a maintenance standpoint. We have too much capacity out there to do the work that we have to do. Therefore, certain bases need to be considered from a downsizing standpoint or possibly from a closure standpoint.

The U.S. Congress has a mechanism in place called the BRAC process to deal with this specific issue. The BRAC process is not a very well thought of issue within this body. The reason is because it has a very drastic effect on areas where it is determined that bases are no longer needed and must be closed.

But the BRAC process is a nonpolitical process that was established by this body and by the U.S. Senate several years ago, and is a process that is designed to take politics out of making decisions on whether or not military bases should remain open or whether or not military bases should be closed.

As everyone knows, since the end of the cold war we have been downsizing the size of the force structure of our various militaries. We have downsized the Air Force, we have cut back on the number of people that we have in that blue uniform. We have downsized the Army, the number that we have in that green uniform; and the Navy, the Coast Guard and so forth and so on.

As we continue to downsize our military, it is necessary that we look at other areas that serve that force structure. For example, with respect to the Air Force, we now have less airplanes than we had flying 10 years ago. We have less pilots to fly those airplanes. Therefore, we have less maintenance work to be done on those airplanes. That is why we have the excess capacity that has led to this issue of privatization in place.

The BRAC process, as I say, was not a very popular item within this House, but the BRAC Commission was established several years ago to review all of the military bases all across this country from the standpoint of can we afford to operate without those military bases due to the fact that we have begun to downsize the force structure.

We do not have as many people in uniform. We need to look to see whether or not we can make savings in the amount of money that the Government spends, no only from the standpoint of paying the salary of those personnel but from the standpoint of maintaining the airplanes, of maintaining the trucks, for maintaining tanks, for maintaining ships, whatever it may be with respect to each particular branch of the service. That is why BRAC was established.

During the past 6 years, we have had three BRAC Commissions to take action with respect to military bases all across this country. Those BRAC Commissions have taken into consideration the fact that we have downsized our force structure, and they have made decisions regarding certain military bases, be they depots or be they nondepots.

Those FRAC Commissions have made decisions that are not popular decisions within this body, to close military bases, but those decisions needed to be made.

They were good judgment decisions that have been made to make certain base closures.

In this particular instance, the BRAC Commission came to consider certain bases to determine whether or not they should be closed during the 1994 year and 1995 year. They considered the Air Force depots, of which there are five,

that maintain all of the Air Force equipment that is used by the personnel in this country.

Those five bases are Hill Air Force Base, which is located in Utah, represented by my friend, the gentleman from Utah [Mr. HANSEN], who has joined us; Tinker Air Force Base in Oklahoma, represented by our friend, the gentleman from Oklahoma [Mr. WATTS]; Robins Air Force Base in Warner Robins, GA; McClellan Air Force Base in Sacramento, CA; and Kelly Air Force Base in San Antonio, TX.

Those were the five U.S. Air Force depots that were in existence that were under consideration by the BRAC Commission.

At this time, I am going to ask my friend, the gentleman from Utah [Mr. HANSEN] if he will to step in and tell us a little bit about this, and explain a chart that he has there concerning the excess capacity issue that I have alluded to, why that issue was important and what the BRAC Commission decided with respect to that excess capacity.

Mr. HANSEN. I appreciate my friend, the gentleman from Georgia, yielding to me on this very important issue that he has brought up tonight, and I thank the gentleman for coming up with an issue that I think is so very important to the people of America.

Mr. Speaker, with permission of the gentleman from Georgia, I would like to explain a little about air logistics centers, if I may. Air logistics centers are some of the largest industrial complexes in the Department of Defense. They provide the critical maintenance and logistics support to sustain our ability to meet the national military strategy.

ALC's, along with other maintenance depots, Army arsenals and Navy shipyards, provide a ready and controlled source of technical competence and repair and maintenance capability to respond to our Nation's national security needs. This core maintenance capability must include sufficient skilled personnel and capital equipment and facilities owned and operated by the Department of Defense to meet any contingency or mobilization, and must be assigned sufficient work load to ensure cost efficiency and technical proficiency in time of peace.

That is what the Under Secretary of Logistics said, why a core depot maintenance capacity is so important. Core exists to minimize operational risk and to guarantee required readiness for these weapons systems.

Those reasons, to minimize risk and guarantee readiness, are even more important in today's leaner force structure, and in fact make the armed services' new policy of two-level maintenance possible. Under two-level maintenance, a weapons system is either fixed right at the unit level or shipped back for depot level repair. Only consolidated maintenance depots under the direct control of the Department of Defense can guarantee a full service, flexible and on-time response for a predictable price in time of peace and war, without risking readiness for our troops in the field.

In the First District of Utah, I represent Hill Air Force Base which contains the Ogden Air Logistics Center. I am proud to say that Hill Air Force Base was the only installation in the Air Force to be rated in the top tier as both an operational base and a maintenance depot.

Let me just say a little about what Ogden ALC provides. Ogden is the logistics manager and depot for the world's largest aircraft fleet, the F–16, used by 21 nations around the world. Ogden is the world's largest overhaul facility for landing gear, struts, wheels and brakes, accommodating over 70 percent of DOD's work, with the capacity actually to do it all. Ogden is also the only maintenance site for the Nation's ICBM fleet, with a work force cited by the Vice President as heroes of reinvention.

These are just a few of the tremendous assets the Ogden ALC brings to the Air Force. In combination with two champion F–16 fighter wings in the vast Utah Test and Training Range, Hill Air Force Base is simply the best of the best.

In a January 1995 letter to the Secretary of Defense, the Commander of U.S. Air Force in Europe put it this way: ''The combination of Hill Air Force Base,'' and I am quoting, ''and Utah Test and Training Range is an irreplaceable national asset.'' I could not agree more.

While Hill Air Force Base represents the future fighter aircraft of the Air Force, it is Tinker Air Force Base in the great State of Oklahoma that is the future of jet engines. I have noticed, my friend from Georgia, that our friend from Oklahoma has joined us. I think that we should yield to him regarding Tinker.

□ 2045

Mr. WATTS of Oklahoma. Mr. Speaker, I want to say to the gentleman from Georgia [Mr. CHAMBLISS] that I am delighted to be a part of this tonight and have an opportunity to talk about the BRAC process and the three facilities that survived the BRAC procedures.

I want to take an opportunity at this time to share a little bit about Tinker Air Force Base, which is there in the Fourth District of Oklahoma, the district I represent, in Midwest City, OK. My colleagues owe it to themselves to come and take a look at Tinker Air Force Base sometime. It is a state of the art facility for the repair and maintenance of the world's most sophisticated aircraft engines.

The work force is a blend of military, civilian and contractor support to provide for our fighting force the fabrication of parts to keep our most sophisticated aircraft, like the B–2 bomber, in a mission ready state, or the management of missiles, such as the air launch cruise missile, the short range attack missile, the Navy's harpoon, and an advanced cruise missile.

Tinker has the responsibility of managing more than 17,000 jet engines. The Department of Defense' own depot maintenance operations indicators report states that during the period ending in the second quarter of fiscal year 1994 Tinker's average engine process days was greater than one-third, one-third better than the competition.

Additionally, Tinker's schedule indicator index for the period between April of 1993 and February of 1994 was the second best in the entire Air Force. Tinker is leading the fleet in the area of technology innovation and partnering. Tinker has formed a number of technology advancement coalitions to address a wide spectrum of environmental issues. One such venture will join all Department of Defense installations in Oklahoma as a coalition to cross feed information on compliance concerns or compliance actions and improve the partnership between the Environmental Protection Agency and other Federal agencies.

Also, Tinker has blazed a trial in alternative fuel use by adapting some 551 vehicles to run on propane, compressed natural gas, and electric battery power. Nearly 300 fleet vehicles have been converted to dual fuel clean natural gas, giving Tinker the distinction of having one of the largest dual fuel armadas in the Nation.

Tinker Air Force Base, as we went through the BRAC process, we continued to find that Tinker was well ahead of its competition and in productivity and efficiency. As a matter of fact, Tinker got out about 98 percent, or over 98 percent of its work on time.

The Oklahoma City Air Logistics Center entered into its first technology transfer agreement with private industry in November of 1994. The signing of the cooperative research and development agreement between Tinker and Savalitch Prosthetic and Research Center represents the first medical involvement for practical application between an air logistics center and a private entity.

There is a partnership between the Air Force and the Navy at Tinker Air Force Base. They share resources, some of the finest resources and skills and some of the best technology in human resources available.

Mr. Speaker, in closing, I have visited several military facilities around the country, as I serve with these gentlemen on the Committee on National Security. So I have the opportunity to travel around the country and look at different Air Force facilities and ask questions. Of course, any time anyone goes into a military facility, they feel great pride knowing that they are on grounds of responsibility and commitment and sacrifice and dedication to protect our Nation's national resources or to protect our Nation's interests around the world.

I find it quite interesting to walk on the grounds of Tinker Air Force Base

and see how the general there, the commander, General Eichman, and his leadership and the management there and the civilian employees, the military employees, the contractors have created an air of expectancy, where they expect to be at the top of what they do. They expect to do things well. They expect to compete well, and they expect to come out ahead whenever they are given a task or given a challenge to do something for our Nation's forces.

I am just quite proud to be a part of Tinker and representing them in my district, and that even just makes me feel a little worse, as I understand the pride and the quality and the work that they do there, to be on the short end of this BRAC process, as the way it is being recommended by the President.

So with that, I will yield back to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. HANSEN. Mr. Speaker, may I ask the gentleman, has he commented on the strengths of Warner Robins, GA?

Mr. CHAMBLISS. I have not yet, but I will take a moment to do that. As my colleagues are both deservedly proud of the work done at Tinker and the work done at Hill, I cannot tell them how proud I am to represent the Eighth District of Georgia, which is the home of Robins Air Force Base in Warner Robins, GA.

Robins Air Force Base has a $2.1 billion economic impact on the State of Georgia, and all of central Georgia sort of evolves around Robins. It is the largest industrial employer in the State of Georgia. I get filled with a sense of real pride every time I go on that military base and I see those men and women dressed in blue, knowing that not only the military but the civilian personnel at Robins Air Force Base are absolutely totally and firmly committed to ensure that they do the very best work on every job assigned to them.

At Robins Air Force Base we have worldwide management and engineering responsibility for several of the workhorses in Desert Storm, the F–15 Eagle, the C–130 Hercules, the C–141 Starlifter, home of the electronic warfare and avionic centers. We do all the maintenance work on the helicopters operated by the United States Air Force, and we do all special operations aircraft.

It was quite ironic that Robins Air Force Base competed with every other Air Force Base in the World over the last couple of years and received the award as the best Air Force Base in the whole world. It was really ironic that that announcement was made back in the spring, and the next week Robins Air Force Base was placed on the BRAC Commission list to be considered for closing.

Mr. Speaker, thank goodness we had a great experience in going through the BRAC process. As I worked with each of these gentlemen and some other gentlemen that were involved frankly in representing Kelly and McClellan, it was competition that we all participated in. Our bases participated and our bases were fortunate to come out on top. We want to talk a little bit about what happened in that process and why we are here considering the privatization in place. But let us be clear about the fact that the personnel at McClellan Air Force Base and the Kelly Air Force Base are very capable and competent, but there are just valid reasons why bases need to be closed occasionally.

We went through the BRAC process. That is part of the reason why we are here tonight to talk about the privatization in place, and I yield back to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman continuing to yield, and I appreciate we are all justly proud of these Air Force Bases we represent. People in America should realize these ALCs are some of the largest military bases in the world and the largest we have in the Air Force.

Now, the question comes down, the Navy has closed three out of their six aviation depots. If BRAC 95 goes through, as I recall, the Army will have six out of nine of theirs closed. But here of these depots are five ALCs. What is the problem? What are we talking here tonight? What is the problem the American people face?

The problem can be put into two words: Excess capacity. That is why we have this chart up here to show the people of America what we are talking about.

As everyone is aware, the Department of Defense has experienced dramatic downsizing over the last 6 years. In the wake of the victory of freedom and democracy over tyranny and communism and the end of the Cold War, our armed forces have experienced a real cut in spending of over 40 percent and a force structure reduction of over a third. Comparatively, even after full implementation of all three rounds of base closures, the department will only have closed 20 percent of its industrial capacity. In the Air Force, while we have only half the number of planes, we still have all five of the depots designed to maintain them.

As I pointed out, the Navy has closed three of six; the Army six of nine. Let us take a look at this chart.

The long black lines represent capacity, and they are fixed. Capacity in this sense measures industrial facilities and the design capability of real facilities and buildings. The only way to decrease this obvious excess capacity is to make the hard choices and close installations.

The white lines represent workload. These will continue to decline as we complete the downsizing of our armed forces.

The gray lines that we see show just how much of the current depot work loads are core and, as such, would remain in the organic depot system.

The problem displayed so clearly on this simple chart is obvious. Our depot infrastructure does not match our current or planned workload and, thus, significantly increases the cost of each and every product by spreading a massive and expensive infrastructure over a smaller and smaller workload.

I guess the question we have to face is, how can we solve this problem and eliminate the capacity?

Mr. WATTS of Oklahoma. Mr. Speaker, if the gentleman would yield, under this privatization-in-place plan, I believe Tinker's capacity would be around 42 percent. So, if the objective in the BRAC process was to eliminate capacity, as the gentleman from Georgia mentioned a few minutes ago, two words, excess capacity, they want to eliminate that, under this privatization-in-place plan, Tinker Air Force Base would have 42 percent of their capacity full.

It does not take a rocket scientist to see that the privatization-in-place process is going to create even more problems for the existing facilities. I think, again, it does not take a rocket scientist to understand that. The winners in this progression become the losers because we have even more capacity in all five of the air depot facilities around the country.

We have added to that excess capacity problem rather than resolving that problem, which is what the BRAC process was all about.

Mr. CHAMBLISS. Mr. Speaker, let us put this in the perspective of a business decision, which really it is. This body runs the world's largest business. Unfortunately, if every other business in this country was run the way Congress has been run for the last 25 years, there would not be many left, because we have been spending more than we make.

What we have been talking about is the fact that we have capacity at all of the five Air Force depots all across the country to do a certain amount of work. We have capacity of 100 percent of the work that each base can produce. But what the gentleman from Oklahoma [Mr. WATTS] is saying is that at his base he is producing 42 percent of what he could produce. That is an excess of 58 percent up there, and it is about the same all the way across at all of our bases.

It only made sense for the BRAC commission to say, hey, something is not right here. We are costing the American taxpayer money by having all of these bases open and all of this excess capacity out there that is costing so much just to open the gates every morning. What we have to do is, from a business standpoint, we have got to close some of those bases to narrow that capacity down and try to provide for work to be done during surge periods, such as Desert Storm or any other catastrophe that might arise or war that may break out somewhere, we have to leave capacity there for that, but we can do that and, at the same time, save the American taxpayer billions and billions of dollars. And this is

the way we do it. We consolidate the work at less depots than what we have now.

Mr. Speaker, as the gentleman from Utah said, the Navy has done it, the Army has done it, and it was time for the Air Force to do it, and that is what we have done.

Mr. HANSEN. Mr. Speaker, let me respond to what the gentlemen have both said.

I want to talk about the base analysis of how this came about. I do not know if the people in America realize that prior to the base closing law how many bases were closed. We know the answer to that was zero. Not one. Because any Congressman worth his salt could come in here and he could just stop it one way or another because all of his buddies did not want to have his closed.

□ 2100

So they would close them all. People would come in, and they would not allow them to be closed. And they would go out to their districts and brag how well they had done.

Was it necessary to do a base closing? I think absolutely it was necessary. There is no way we could continue with the amount of money we were putting in defense, when we were facing the old evil empire, the old Soviet Union. At that point we had to pour billions and billions of dollars into defense. And because of that, we were able to bring them to their knees.

I still remember when Mr. Gorbachev gave his concession speech. A man that I knew from the Soviet Union said, you spent us under the table. Your technology was so great. We could not run with you. You are way ahead of us.

Well, we did that, but then we cannot keep it going at that level. We all know that. It could not happen. So we passed the base closing law out of that. That is Public Law 101–510. It established the independent Base Closure and Realignment Commission. And incidentally, there is not one of those for parks, in case anyone wants to bring that up. This independent commission was designed to shield the difficult issue of base closure from the political pressure of an individual congressional district and political favoritism of the President and the administration. In other words, we said, Mr. President, you do not have anything to do with it. Congressman Oklahoma, Georgia, Utah, you guys do not have anything to do with it. We are going to put this independent commission there to get this job done. Because if the political element there is, it is not going to happen.

This process has worked well. We have closed well over 100 major installations with project savings of billions and billions of dollars. The reason it works is because decisions are made on certified, objective data designed to reevaluate military value and are reviewed by an independent BRAC commission. Each community, each political leader, we are all given a shot. We all had our shot. We all realized our bases were on the base closing list. So we said, come on, you can go in there.

They came to our bases respectively. We toured them around. We made the best pitch. We got people in there from our community to put up thousands of dollars. They had bands playing and kids yelling and giving out lollipops and the whole bit to try to influence the BRAC commission. And every one was a big boy. We all knew we were taking our chances, but the main thing was not the balloons and the lollipops. The main thing was the information that they got from where? From the Pentagon.

And I happen to have here a base analysis, and this was flashed up in front of the BRAC commission, put there by the U.S. Air Force. I recalled, as you gentlemen did, on the last day when the BRAC commission decided whether or not to close some of these ALCs. The Navy has done it. The Air Force has done it.

They asked the question, is this the chart you looked at, will you stand by that chart? And the answer from the Secretary of the Air Force, General Fogleman, was yes, we stand by that chart.

As you both pointed out, we have nothing against our good friends at McClellan. We have nothing against our good friends at San Antone, but they came in last in both these instances. So it was easy for the BRAC commission to look at this. Look at the tiers. Look at how they rated them. Look at the cost to close. Look at the annual savings, the return on investment, the economic impact. It was simple to do that. It did not take a rocket scientist to look that up. This was the military. This was the Air Force's own version of what should happen.

It is not something that we came up with, even though we were doing our very best to show the best side of our bases, and we were right, our bases were excellent. But it came up from those people.

We know about the BRAC process in my home State of Utah. Utah has had a base closed every round of BRACC. From 1987 to 1993, Utah dropped from 5th to 15th in defense-related expenditures. With the closure of the second largest employer in the State, Twill Army Depot in BRACC 1993, Utah has dropped from 23d to 48th nationally in total defense dollars in the State. And we had to go through that. We cannot selfishly say, yes, hurt you, hurt them and do not hurt me. That was the reason behind BRACC.

And now the question comes up, what did the 1995 BRACC commission decide and why? Would either of my colleagues like to respond?

Mr. CHAMBLISS. Well, what the BRAC commission decided was that it was time to look very closely at the five Air Force depots and make a decision as to whether or not any of them ought to be closed as opposed to the downsizing in place of all five, as was recommended by the Air Force. The Air Force wanted to keep them all five open just in case there was a major outbreak of war. And they had a plan designed where they thought they could keep operating, but the BRAC commission thought that was not the right thing to do.

The BRAC commission took the numbers that the gentleman has on the chart right there and went down the list of each of the eight criteria that the BRAC commission set forth. And they made a decision based on the consideration of all of those eight criteria that it was in the best interest of this country from a taxpayer standpoint and from a national security standpoint that two of those bases be closed, that we could handle all of the depot maintenance capacity at Hill Air Force Base, at Tinker Air Force Base and at Robins Air Force Base. Based upon their decision to do that, they made the recommendation that those two bases be closed.

And it was right interesting what evolved from that decision, which was made back July 1, I believe, is the date that that was done and the President had about 15 days to come back and either accept that recommendation along with the BRAC recommendation with respect to all other bases all across the country, or he could reject it. And then Congress had the same option of either accepting it or rejecting it. And it was interesting that the president started playing politics immediately.

There are 53 electoral votes in California. There is 40 something in Texas. Those two States are very important to any President who wants to get reelected. He knew that this would have a negative, closing of those two bases would have a negative effect on his reelection campaign in 1996. So what did he do? He began immediately playing the role of what can I do to preserve my position with respect to those two huge military facilities and hopefully be able to save the votes that are going to be necessary for me to secure the electoral votes in California and Texas.

And I have in front of me the letter that the President wrote back to the Congress when he reported back on his decision following the BRAC commission's recommendation. I would like to read just a couple of sentences out of there because we want to get both of you gentlemen to talk about what privatization in place is and why we are here tonight talking about it.

The President said as follows:

> In a July 8, 1995 letter to Deputy Secretary of Defense White, Chairman Dixon confirmed that the commission's recommendations permit the Department of Defense to privatize the work loads of the McClellan and Kelly facilities in place or elsewhere in their respective communities. The ability of the Defense Department to do this mitigates the economic impact on those communities while helping the Air Force avoid the disruption in readiness that would result from relocation

as well as preserve the important defense work forces there.

First of all, let me just say, did the gentleman from Oklahoma have any conversation with members of the BRAC commission concerning this issue of privatizing in place that the President has referred to here?

Mr. WATTS of Oklahoma. Yes, I did. It is interesting, before I get into some of the letters I had written, I wrote all of the commissioners of BRAC and they reported back to me. I got responses back from several of them. I will read those here in just a second. But it is quite interesting to me that these commissioners had a very, very difficult job to go into these communities, every one of these communities, these five different communities, Hill, Tinker, Robins, Kelly, and McClellan, go into these communities and look in the eyes of every one of the taxpayers, every one of the people in those communities that were dependent on these jobs and finally conclude that these two have to be closed is what we are going to recommend for closure. That was a very, very difficult job.

I think it is a sad commentary on what the President has done and just kind of, in my opinion, kind of backhanding the commissioners and saying, I am going to ignore all the trials and tribulations and difficulties and burdens you went through and try to be fair and being apolitical and saying we are not going to play politics, Republican or Democrat, and we are not going to consider that one is in Oklahoma City or in Georgia, Utah, California, Texas, that is not important to us. We are after excess capacity. Went in and made some difficult decisions. They recommended two facilities be closed. And they also went on to say that over a 7-year period of time that if these recommendations were implemented or executed, that $19 billion, $19 billion would be saved over a matter of 7 years.

When you talk about the electoral votes in California and Texas, that tells me that if the President is going to ignore saving $19 billion over the next 7 years because of electoral votes, that is a pretty doggone expensive campaign, $19 billion. That is, boy, you are talking about campaign reform. We really need campaign reform from that.

As you said, my friend from Georgia shared that I have written the commissioners and got some responses back from them. I want to share with you, with my colleagues, what I got back from these commissioners, the response that I got back from several of them.

First of all, I had written a letter asking them questions about what their intentions were, did they intend to privatize in place or recommend that or encourage that. And I shared with them a letter that the President had proposed for the privatize-in-place option for McClellan and Kelly air logistics centers. However, I questioned the viability and merit of this plan. Simply put, I have thought through Dr. White's proposal and cannot make sense out of it. A few questions come to mind, and I asked them these questions.

My primary concern results from an apparent contortion of the BRAC recommendations. By any reasonable standard, the winners appear now to be the losers, and I refuse to accept that after the long and hard battle was fought and won by Tinker Air Force Base and the other two facilities, how privatization in place results in reducing excess capacity cited by the BRAC commission without reducing infrastructure at the three other air logistics centers.

I went on to ask, did the BRACC truly intend privatization in place as a viable option for McClellan and Kelly. I know it was recommended at two of the other locations, but why was it not specifically mentioned for McClellan and Kelly if it was intended as a BRACC recommendation? If privatization in place is such a good idea, why was this strategy not brought to light in hearings or at the final vote?

Why was privatization in place not mentioned as part of the Air Force's original proposal? How does privatization in place at McClellan and Kelly provide for and enhance national security position?

I believe, and I shared with the commissioners, I said, I believe in the BRACC and do not want to see a political strategy overtake a responsible and reasonable approach to downsizing our defense structure. I encouraged them to give me an apolitical answer. I shared with them a letter. I seek an apolitical answer to these questions. And these are some of the comments that I got back as I went through the responses.

One of the commissioners said:

> Moreover, not allowing the remaining ALCs, all of which ranked higher in military value, to compete for the additional workload would cause them to become increasingly less cost competitive in the future. Even beyond common sense issues of most effectively utilizing our limited defense resources, I am at a loss to understand why it would be in the Air Force's interest to protect its lowest ranking depots at the expense of its three superior installations.

He went on to say:

> As difficult as it was to vote for the closure of two facilities of this size and quality, the commission voted 6 to 2 to do so because we felt that it was in the best interest of the air force, DOD and the American taxpayers.

This is one I really found interesting:

> If any commissioner had offered a motion to privatize in place as the President proposes, I am 100 percent certain that such a motion would have been defeated handily.

That sounds like to me that this commissioner is pretty confident that this privatization in place or deal was never meant to be by any of the commissioners.

Mr. HANSEN. Is the gentleman saying, from what he has in front of him, that the commissioners said, if that motion had been made by any one of the eight commissioners to privatize in place like the President of the United States is now changing the BRACC law to do, that it would have been soundly defeated? Is that what they said?

Mr. WATTS of Oklahoma. Soundly defeated. As a matter of fact, the words of the commissioner were, ''I am 100 percent certain that it would have been defeated unanimously.'' ''I am at a loss to understand why'' were some of the other comments that I got from the response. I am at a loss to understand why it would be in the Air Force's best interest, as I said, to protect its lowest ranking depots at the expense of its three superior installations. We had one commissioner that said, he did not provide a written response to me but I talked to him on the phone.

□ 2115

He said, ''Privatization in place would not have been approved if offered before the BRACC.'' I said one Commissioner told me they were 100 percent certain it would have been defeated unanimously. Do you stand behind that? He said, ''You bet I do. I, too, am 100 percent certain that it would have been defeated unanimously.'' There is another Commissioner who said, ''The Commission's review clearly documented significant excess capacity in the five Air Force logistics centers. Privatization in place of all of the workload of Sacramento and San Antonio air logistics centers could result in privatizing excess capacity rather than eliminating it.'' That was the objective of the BRACC, to eliminate the excess capacity, not privatize it.

Mr. HANSEN. Mr. Speaker, I think this is fascinating, what the two gentlemen have brought up, absolutely damning evidence, if I may say so. First, the BRAC Commission took the response from the Air Force. We all know the Air Force said, ''Keep all five of them open.'' The BRAC Commission looked at it and said, ''We've got too much excess capacity,'' which is what we are talking about.

The General Accounting Office reviewed that and agreed completely with the BRAC Commission. There were so many. So here are the words that the BRAC Commission came up with in the final report after they had done this exhaustive study, all of this work with all these high-paid staffers. ''The Commission found that significant excess capacity and infrastructure in the Air Force depot system requires closure of McClellan Air Force Base and the San Antonio Air Logistics Center, and the Commission found the closure of the McClellan Air Force Base and San Antonio Logistics Center permits significantly improved utilization of the remaining depots and reduces DOD operating costs.''

So if we go to this next chart, we see if we close those in this capacity, here we are without BRACC, and here we are with BRACC. We are now up to 73 percent. That is about where we ought

to be, considering that contingencies come along. We do not know when it is going to play that peak and valley thing predicated upon conditions in the world, so this is principal, the ultimate place to be, 73 percent.

However, you gentlemen have both brought another factor into this. After the BRACC wisely made this decision, after they had finished their work which they had to do under public law, they then submitted it to the President of the United States. May I ask the gentleman from Georgia [Mr. CHAMBLISS] what were the choices the President had under the law as you understand it by your legal mind?

Mr. CHAMBLISS. The President had the right to either accept the recommendations of BRACC or reject the recommendation of BRACC. There was not option one way or the other.

Mr. HANSEN. I would ask the gentleman, does he have any third alternative to this? Does the law say you could bring an additional thing to it, or does he just have those two options?

Mr. CHAMBLISS. Those are the only two options he had.

Mr. HANSEN. That is the way the gentleman from Oklahoma understands it.

Mr. WATTS of Oklahoma. That was my understanding. The President called a play that was not in the playbook. What he was doing was never an option, it was never intended by the Commissioners of BRACC. I think those charts are very telling of the dilemma that this privatization-in-place plan puts the Air Force in.

Mr. HANSEN. Those of us who were here when that law went through and those of us who argued it thought it was crystal clear. Our attorneys thought it was crystal clear. The Pentagon attorneys thought it was crystal clear. At that time the Reagan and Bush administration thought it was crystal clear, or I guess it was the Bush administration. They thought it was all crystal clear.

Now we come along and, all of a sudden we have a new play that was not in the playbook.

Mr. CHAMBLISS. If it was not crystal clear, why was not the privatization-in-place issue brought up by the White House prior to the time the BRACC decision was made?

Mr. HANSEN. A great question to bring up, is it not?

Mr. CHAMBLISS. Also what if Tinker Air Force Base and/or Robbins Air Force Base and/or Hill Air Force Base had been closed? Did you gentlemen receive any indication that the President would have stepped forward and, said ''Mr. WATTS, we want to privatize in place out at Oklahoma City and keep your employees out there and continue to pay these folks?'' Was that ever mentioned to you?

Mr. WATTS of Oklahoma. That was never mentioned, no.

Mr. CHAMBLISS. No.

Mr. HANSEN. Possibly for this discussion tonight, we should read into the RECORD what the law really says, so people who are listening could see this for themselves. Public law 101–510 states:

> If the President approves all the recommendations of the Commission, the President shall transmit a copy of said recommendation to the Congress, and if the President disapproves the recommendation of the Commission, in whole or in part, the President shall transmit to the Commission and the Congress the reasons for the disapproval. The Commission shall transmit to the President a revised list of recommendations. The law gives the President no authority to forward the list of recommendations to the Congress with any changes or specific guidelines for its implementation.

If that is the case, what happened here? What did we get out of this after the President of the United States looked at the recommendation that the BRAC Commission worked all that time on, all that money, all that effort, all that work of the best heads in America? What did we get?

As the gentleman from Georgia brought up, no one had ever heard of this term ''privatization''. Where did this idea come from? If that is the case, there are 71 bases out there besides the ones we are talking about tonight, and I bet if we send a letter to the folks there, do you know what they would say? ''Privatize me, too. How come I am being discriminated against? Privatize me, defense depot Ogden, Tooele Army depot,'' as I mentioned, in my State, and we can mention in all the States the same thing, ''Privatize us.''

But the gentleman from Georgia and the gentleman from Oklahoma hit upon why that is. It seems abundantly clear, and sadly, too, I may add; 52 electoral votes in one State and 47 in another State. Why would the President make those promises when he knew he would be in violation?

Mr. WATTS of Oklahoma. If the gentleman will continue to yield, I think it is very clear, and I want to reiterate that again, this privatization-in-place plan was not about jobs, it was about one job, the job that allows you to occupy that big white house down there on Pennsylvania Avenue. Again, I just think it is really unfortunate that we have circumvented a very—that a very sound, apolitcal process has been circumvented. I think, too, this hurts the credibility of a system that has been used for some time, the BRACC process, and I think it obviously will hurt the credibility of the BRACC process if we ever go through this again, simply because people just will not have any confidence in it anymore, so we are not just fighting for the facilities that we represent. We are fighting for the integrity of the process, the integrity of those Commissioners that went in and faced those citizens and those taxpayers.

I remember, the day after the recommendation had been made public, seeing the Oklahoma City paper the next day and seeing the faces of some of the people down in San Antonio that had been around for 37, 38 years and had been employed there, and people were talking about what they were going to do now.

To have the Commissioners go through that torture of making some very, very difficult decisions, and any one of the three of us could have been in the same position, going into the process. We did not know who was going to be saved, we did not know who was going to make the cut. We had no idea. All I had ever asked in the process is, judge us on our merits, judge us on our quality, judge us on the standards of the leadership at Tinker and the community of Midwest City and the surrounding communities, and the employees and the contractors of Tinker. Judge us on the standard that they have created for themselves, created of expectancy, judge us on that. We can live with that.

We went through that, we won, and through this process now all three of us become the losers.

Mr. HANSEN. Do you not think that the United States of America and this Congress and the administration owes a great debt to eight very courageous people?

Mr. WATTS of Oklahoma. That is right.

Mr. HANSEN. They did one whale of a job. The others were good. I have lived through those. I think these eight individuals did a super job. They laid politics aside and they did what they thought was the best for America, and no one moved the goalpost on them, no one came up with some new rules. They played by the rules they knew.

I guess the question we have to look at as we wind up our special order here tonight is, does the President have the right—he did not have the right, which is very clear with everybody, and I do not know anyone that disputes that, that he had the right to privatize. That was not even part of it. It was not even a consideration in the entire BRACC hearing. No one even brought it up until he did. Then the question comes up: Would he have the right to privatize under the law of the land as we know and understand the law? Is anybody above the law?

I sat on the Ethics Committee for 12 years and I went through 29 cases. In those 29 cases, from time to time we would find a Member of Congress who thought he could bend it, break it, or get away with something. I remember distinctly being in charge on the Republican side of the check-cashing area, and how many of our colleagues thought that they could bounce checks. A lot of them, they would go to jail if they were in the private sector; but no, they went ahead and did it, and did not think it would ever come home to roost.

I remember one President that we all honor and respect, FDR, who thought he could pack the Court. That blew up in his face. There is no man who is above the law. There is no woman above the law.

Now I would like to put up another chart which shows four specific parts of

the law that privatization would violate. I would like to know if someone could respond as to how anyone thinks they could get around this, or why they should, or why it even should be on the table.

Mr. CHAMBLISS. As the gentleman mentioned, this is a bipartisan issue, too. This has happened to Democratic Presidents, it has happened to Republican Presidents. When they were called and asked, ''Why are you violating the law?'' when they do not have a response to it, that they have to be dealt with accordingly.

Mr. HANSEN. I would like to point out here in this chart, if people could see, we have four specific areas of the law. We give the code number. You are welcome to look it up, debate it, talk about it, and bring it into your legal circuit. This one identifies a requirement for core organic logistic functions. This second one requires studies and reports to Congress prior to transfer of work from DOD civilian to contracted performance. The third one requires no more than 40 percent of depot-level maintenance performed by private contractors. The fourth one requires merit-based competition prior to transfer of any workload valued over $3 million per year.

I do not think any of us do not think that something should be privatized. Of course something should be. But Congress has established the rules of what can and cannot be. I do not think any of us want to turn around and say to the industrial defense complex, ''You have the whole thing. You fly the airplanes. You take care of it. You drive the tanks. You drive the submarines.'' It would not work. We would lose. We know that.

How do you say to a McDonnell Douglas, ''Pack up and go to the Persian Gulf and fight right now?'' They are private people. They do not work for the Government. We have to maintain that. Whether it is right I guess is debated, but we think that we have worked out a good compromise between core maintenance work done at our military installations, our depots, and what goes to the private sector. That is the issue that we are looking at here.

I would hope that the President of the United States, that Mr. White over at the Pentagon, that Secretary Perry in the Pentagon and all those people, and especially their legal heads, would carefully examine these four requirements that we have in front of us at this point, fully knowing the Congress will not back down from this stand, that we fully intend to carry this out to its conclusion, and if they do not like that, they should change the law.

Every one of us in our lives have been at the dinner table or at a meeting with our friends or at a public meeting of the PTA and somebody gets all excited and says, ''Doggone it, something is wrong here.'' The answer is, ''Change it, then.'' I think most of the 435 of us who are in this Chamber are here because we wanted to change the law somewhere. We wanted to see a different direction for America. We wanted to see something happen.

We do not say ''violate it'' when people come up to me and say, ''You do not have to pay your taxes.'' Do you know what is going to happen to you? You are going to be looking out the other side of the bars, because you have to pay your taxes. If you do not like that, run for Congress and get it changed. If Mr. White, Mr. Perry, and Mr. Bill Clinton do not like this, then change it, but right now this is the law of the land, and I expect the President of the United States, the Secretary of Defense, and all of us to uphold the law. What is so wild about that?

Mr. CHAMBLISS. The gentleman makes a good point on the issue of privatization. We happen to all three be Republicans. We believe in privatization. We think we need to get the Federal Government more out of our daily lives and out of our business lives than we have right now. I think all three of us are totally committed to trying to downsize the Federal Government. We think the Federal Government is doing too many things now that we ought not to be doing.

But there is one key difference in privatizing military depots and privatizing other agencies where the Federal Government is involved. That issue is exactly what the gentleman just spoke to. In times such as Desert Storm, times of Korea and times of Vietnam, and going all the way back in every war that we have fought, we have had military personnel going to the scene of the battles, going to the location where wars were fought and making sure that our tanks ran, that they started when we turned the switch, that our airplanes flew, that our ships rode high in the seas to provide the security that this country demands. If we do not have that security, then we will never remain the world's greatest military power. Thus, we will never remain the world's greatest country that we are right now.

□ 2130

I think it is absolutely ludicrous to think that we can go to the private sector and say, okay, you hire folks, train them, and tell them that if war breaks out, they have to go dodge bullets, they have to go stand on the front lines and make repairs to the vehicles and the airplanes and the ships or whatever it may be that the military is going to require, and you have to get those people on line and have them ready to go and dodge those bullets; we know that is not going to happen. We have good, qualified, trained military personnel to carry out those functions now. That is the difference in the privatization that we are talking about right now and the privatization of other agencies that we have in this country.

Mr. Speaker, a good example of privatization is Fannie Mae. Fannie Mae is something that was privatized years ago. It works well. It got the government out of that particular business of financing. The government was losing money in it. We turned it over to the private sector. It works. Let us not do something that is going to make us look back 10 years from now and say gee whiz, why in the world did we ever think that we could turn the maintaining of military equipment over to the private sector and cost the lives of our young men and women who are going to the forefront of the battle.

Mr. WATTS of Oklahoma. Mr. Speaker, I have nothing further to say, except that I think what we have tried to do is state the facts and that is what we have done. The gentleman from Utah [Mr. HANSEN] has four different statutes there before us that all Americans can see. Anyone that would be a proponent of privatization in place can see that you can neither circumvent, nor ignore, what is on the books.

So I think we have spoken the facts this evening. I think we have shared with the American people how the President has just totally ignored the law, and I think it is important that we continue to fight this battle and continue to say to all of those that would support this effort of privatization in place that it will not work.

One more thing, Mr. Speaker, before I yield back to the gentleman from Utah, is that it is interesting how I have been contacted by, and my office has been contacted by people out at Kelly saying that we do not want to privatize in place. We would prefer that these jobs go to Tinker or Utah. We would prefer that they go there and give us the opportunity to follow these jobs.

So the employees, many of the employees at Kelly have said, we are not even supportive of the privatization in place. So again, there are a lot of statutes, a lot of law, a lot of common sense and wisdom surrounding this thing, and those who are proponents of this privatization effort, they are just totally ignoring these laws.

Mr. HANSEN. Mr. Speaker, I think the gentleman makes an excellent point. Those people that have worked long and hard, many of those people have come into being civilian workers for the military, and have been there many, many years, and now privatization in place does not mean any sure bet for them, none whatsoever. But if their job moves, they could move with their job, and that is something that a lot of them would want, to see out their careers, to retire as Federal employees. Can anyone fault them for that? I cannot.

Mr. Speaker, I would like to make one point, and that is, when we stand up and debate in this hall about the authorization of the defense bill, we have people stand up constantly and say, the Cold War is over, we do not need submarines, we do not need bombers, we do not need fighters, we do not need all

of these things. Why do we have them? Let us put it in some social program.

Admittedly, some of the social programs have their genesis in very worthwhile projects, some of them probably do not. But it really amazes me that America today, most of us, the three of us here, those in this room, those people that are listening at this particular time, were able to raise our families, get our education, get to whatever professional thing we wanted to do, build our business, because we were all raised for the last 40 years with a nuclear sword over our heads. But we did that without firing the shot that everyone thought would be.

When I first came to Congress there was a survey done that said, 85 percent of the people in America felt there would be an exchange between the old Soviet Union and the United States by the turn of the century. Well, that did not happen, and it did not happen because Congress, America, basically, had the will and the wisdom to keep a strong core maintenance of people keeping this Nation free.

So a lot of us have gone on criticizing the government, doing what we do in our business, whatever we want to do, and you have done it because there has been a strong military presence in the world today.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, are there any bad guys left out there that we need this for? Well, think about it. I also sit on the Committee on Intelligence. I am not saying anything that should not be said, but we all know there is a lot of bad guys still there. They may be bad guys, but they are not dumb guys, and they know very well what they could do to this country and would very likely like to do if they had the option to do it.

When we had our trips over to the Persian Gulf, does anyone think Saddam Hussein would not mind lobbing two or more in here? Do you think Kim Il-song likes us any better? Do you think some of these other nations are our best friends? No, they are not.

You go to work every morning, you send your kids to school, you have the benefits and beauties and blessings of his country, and a lot of it is because we have fine young men and young women who have the courage to keep this Nation free. The least we can do for them is give them the right and adequate equipment, depots, airplanes, to keep this Nation free. We cannot let down on that promise. We would be betraying our oath of office if we did.

Mr. CHAMBLISS. Mr. Speaker, if the gentleman would yield, the gentleman makes an excellent point that the Cold War certainly is over. The Soviet Union is not a threat to us right now, although they may become a threat again. We do not know where it may be 10 years from now; it is in some uproar over there right now.

As Members of the Committee on National Security, we have been debating a very hot issue in our committee, and that is Bosnia. I bet if you took a vote among the three of us, I think all three of us would be voting the same way of having very grave doubts about whether or not we ought to ever send troops to Bosnia. Unfortunately, the President appears to be headed in that direction.

We have airplanes flying over there right now. We had one airplane shot down over there. That pilot I think took some resolve in the fact that he knew that his rescue team was going to be Americans flying in there in American-made equipment and American-maintained equipment. Those are the type of things that our military personnel right now rely on. They know that their equipment is maintained by the very best that America has to offer, and it always will be, as long as we maintain the depot structure in all of our military branches. But if we ever get outside of it, if we lose control of it, we will never get that control back again.

Let me just say that I thank both of you for participating in this tonight, and I think we are about to wind down, and as the gentleman from Utah said a little earlier, the three of us, and I would venture to say that most everybody in this body, intends to take this issue head-on with the Department of Defense and with the White House and we are going to win it. We are going to ensure that our depots are maintained and that our men and women that wear the uniforms in this country always have equipment that is maintained by military personnel in the best manner possible. Thank you very much.

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

The SPEAKER pro tempore (Mr. BUNN of Oregon). The Chair recognizes the gentleman from Massachusetts [Mr. NEAL].

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. NEAL] is recognized for 5 minutes.

[Mr. NEAL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RECESS

The SPEAKER pro tempore. Without objection, pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2300

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 115, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–326) on the resolution (H. Res. 257) providing for the consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOUR OF MEETING ON TOMORROW

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELDON of Pennsylvania (at the request of Mr. ARMEY), for the week, on account of medical reasons.

Mrs. MYRICK (at the request of Mr. ARMEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. TATE, for 5 minutes, on November 9.

Mrs. SEASTRAND, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. HAYWORTH, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and on November 8.

Mr. TORKILDSEN, for 5 minutes, on November 8.

Mr. BURTON of Indiana, for 5 minutes each day, today and on November 8.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. KENNEDY of Massachusetts.

Mr. TORRES.

Mr. UNDERWOOD.

Mr. MATSUI.

Mr. MANTON.

Mr. HASTINGS of Florida.

Mr. VISCLOSKY.

Mr. LIPINSKI.

Mr. PALLONE in two instances.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. SANFORD.

Mr. SOLOMON.

Mr. DAVIS in two instances.

Mr. MANZULLO.

Mr. CUNNINGHAM.

Mr. SHUSTER.

Mr. FRELINGHUYSEN.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Ms. MCCARTHY.

Mr. FORBES.

Mr. UNDERWOOD.

Mr. ALLARD.

Mr. LATHAM.

Mr. RICHARDSON.

Mr. FRANKS of New Jersey.

Mr. PALLONE.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1715. An act respecting, the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; and

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 8, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1614. A letter from the Director, Defense Finance and Accounting Service; transmitting notification that the Defense Finance and Accounting Service is initiating a cost comparison study of the DFAS vendor pay function supporting the Defense Commissary Agency [DeCA], pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

1615. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

1616. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1617. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–2: Determination and Certification for Fiscal Year 1996 concerning Argentina's and Brazil's Ineligibility Under Section 102(a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa–2; to the Committee on International Relations.

1618. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–1: Determination and Certification Concerning Brazil's Ineligibility Under Section 101 of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa(b); to the Committee on International Relations.

1620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96–3: Determination and Waiver of Argentina's and Brazil's Ineligibility Under Section 129(2)(C) of the Atomic Energy Act of 1954, as Amended, to Receive Certain U.S. Nuclear Exports; to the Committee on International Relations.

1621. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2000 resulting from passage of S. 1254, S. 227, and S. 268, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Reform and Oversight.

1622. A letter from the Chief Financial Officer, Export-Import Bank, transmitting the Bank's 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1623. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled ''Federal Employee Tax Reimbursement Act of 1995''; to the Committee on Government Reform and Oversight.

1624. A letter from the Executive Vice President, United States Institute of Peace, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1625. A letter from the Secretary of the Interior, transmitting the annual report on reasonably identifiable Federal and State expenditures for endangered species in fiscal year 1993, pursuant to 16 U.S.C. 1544; to the Committee on Resources.

1626. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting the Department's biennial report on the implementation of section 1135 of the Water Resources Development Act of 1986, as amended, pursuant to 33 U.S.C. 2294 note; to the Committee on Transportation and Infrastructure.

1627. A letter from the Director, Office of Management and Budget, transmitting the Director's concerns with respect to the House-passed budget reconciliation bill containing language allowing companies to remove pension assets freely and use this money for any purpose whatsoever; to the Committee on Ways and Means.

1628. A letter from the Secretary of Health and Human Services, transmitting the Department's report on data necessary to review and revise the Medicare Geographic practice cost index [GPCI], pursuant to Public Law 103–432, section 122(c) (108 Stat. 4409); jointly, to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 994. A bill to require the periodic review and automatic termination of Federal regulations; with an amendment (Rept. 104–284, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1163. A bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY; with an amendment (Rept. 104–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCINNIS: Committee on Rules. House Resolution 256. Resolution waiving points of order against the conference report to accompany the bill (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 and for other purposes (Rept. 104–314). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 657. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas (Rept. 104–315). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 680. A bill to extend the time for construction of certain FERC licensed hydro

projects (Rept. 104–316). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1011. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio (Rept. 104–317). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1014. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; with an amendment (Rept. 104–318). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1051. A bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia (Rept. 104–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1290. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; with an amendment (Rept. 104–320). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1335. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia (Rept. 104–321). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1366. A bill to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope waterpower project (Rept. 104–322). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2366. A bill to repeal an unnecessary medical device reporting requirement (Rept. 104–323 Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 2366. A bill to repeal an unnecessary medical device reporting requirement (Rept. 104–323 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2494. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of bad debt reserves of savings associations which are required to convert into banks, and for other purposes; with an amendment (Rept. 104–324). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2586. A bill to provide for a temporary increase in the public debt limit, and for other purposes; with an amendment (Rept. 104–325). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 257. Resolution providing for consideration of the joint resolution (H.J. Res. 115) making further continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–326). Referred to the House Calendar.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 2366. A bill to repeal an unnecessary medical device reporting requirement.

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. ARCHER:

H.R. 2586. A bill to provide for a temporary increase in the public debt limit, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES:

H.R. 2587. A bill to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H.R. 2588. A bill to nullify the 25-percent pay increase afforded to Members of Congress by the Ethics Reform Act of 1989, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on House Oversight, Rules, and Ways and Means, 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. GILMAN:

H.R. 2589. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995, and for other purposes; to the Committee on International Relations.

By Mr. ALLARD (for himself and Mr. ROBERTS):

H.R. 2590. A bill to better target loans to family farmers and income-producing activities, to provide for the improved management of the portfolio of loans made under the Consolidated Farm and Rural Development Act, to assure the prompt repayment of such loans, and to consolidate Federal rural development programs into a single program of capitalization grants to States for rural development, and for other purposes; to the Committee on Agriculture.

By Mr. FALEOMAVAEGA:

H.R. 2591. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts:

H.R. 2592. A bill to reduce the fiscal year 1996 budget for intelligence activities by $1 billion; to the Committee on Intelligence (Permanent Select).

By Mr. LATHAM:

H.R. 2593. A bill to enable processors of popcorn to develop, finance, and carry out a nationally coordinated program for popcorn promotion, research, consumer information, and industry information, and for other purposes; to the Committee on Agriculture.

By Mr. LIVINGSTON:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations, and in addition to the Committees on House Oversight, Government Reform and Oversight, Ways and Means, and 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. OBEY:

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

By Mr. WISE:

H.J. Res. 117. Joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. GILMAN:

H. Con. Res. 112. Concurrent resolution honoring the life and legacy of Israeli Prime Minister Yitzhak Rabin; to the Committee on International Relations.

By Mr. SOLOMON:

H. Res. 254. Resolution making technical corrections in the Rules of the House of Representatives; to the Committee on Rules.

By Ms. RIVERS:

H. Res. 255. Resolution to amend the Rules of the House of Representatives to provide that a Member, officer, or employee may not accept a gift or expense reimbursement from any entity which has an interest in actions taken by the Congress; to the Committee on Standards of Official Conduct.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 79: Mr. SHAYS.

H.R. 109: Mr. METCALF, Mr. FRAZER, Mr. CRAMER, Mr. ENGLISH of Pennsylvania, and Mr. MCDERMOTT.

H.R. 119: Mr. REED.

H.R. 123: Mr. UPTON.

H.R. 142: Mr. HEFLEY.

H.R. 359: Mr. TAUZIN.

H.R. 497: Mr. GREENWOOD, Mr. BACHUS, Mr. SISISKY, Mr. WARD, Mr. RIGGS, and Mr. CHRYSLER.

H.R. 559: Ms. FURSE.

H.R. 573: Mrs. THURMAN and Mr. GEJDENSON.

H.R. 580: Mr. MARTINI.

H.R. 783: Mr. BONIOR and Mr. BEREUTER.

H.R. 835; Mr. STUDDS.

H.R. 957: Mr. STUMP.

H.R. 969: Mr. ABERCROMBIE.

H.R. 1003: Mr. NUSSLE.

H.R. 1024: Mr. CHRYSLER and Mr. MANZULLO.

H.R. 1083: Mr. FORBES.

H.R. 1161: Ms. DUNN of Washington.

H.R. 1201: Mr. HALL of Ohio, Mr. BALDACCI, Ms. JACKSON-LEE, and Mr. WAXMAN.

H.R. 1210: Mr. QUINN.

H.R. 1226: Mr. CHRISTENSEN, Mrs. MEYERS of Kansas, and Mr. FUNDERBURK.

H.R. 1499: Mr. SHAW and Mr. RIGGS.

H.R. 1619: Mr. BISHOP and Mr. MARTINI.

H.R. 1627: Mr. ISTOOK and Mr. WATT of North Carolina.

H.R. 1733: Mr. EWING, Mr. SALMON, Mrs. MALONEY, and Mr. GENE GREEN of Texas.

H.R. 1747: Mrs. KELLY and Mr. KILDEE.

H.R. 1776: Mr. UPTON.

H.R. 1856: Mr. LUTHER, Mr. HEFLEY, Mr. ROEMER, MR. JONES, and Mr. TIAHRT.

H.R. 1863: Mr. MCHALE, Mr. FORD, and Mr. FRELINGHUYSEN.

H.R. 1884: Mr. GONZALEZ.

H.R. 2090: Mr. PETERSON of Minnesota.

H.R. 2098: Mr. CLINGER.

H.R. 2190: Mr. GOODLING, Mr. PORTER, Mr. CLINGER, Mr. EMERSON, and Mr. STUMP.

H.R. 2244: Mr. ENSIGN and Mr. GRAHAM.

H.R. 2245: Mr. WATT of North Carolina.

H.R. 2270: Mr. WAMP, Mr. INGLIS of South Carolina, and Mr. ROYCE.

H.R. 2306: Mr. FILNER.

H.R. 2323: Mr. BUYER.

H.R. 2333: Mr. CRANE, Mr. CHAPMAN, and Mr. KILDEE.

H.R. 2335: Mr. KINGSTON, Mr. BROWDER, Mrs. THURMAN, Mr. BEVILL, Mrs. MYRICK, Mr. BAKER of Louisiana, Mr. COOLEY, Mr. MCCRERY, Mrs. SMITH of Washington, Mr. BREWSTER, Mr. LUCAS, and Mr. DICKEY.

H.R. 2337: Mr. WICKER.

H.R. 2341: Mr. SENSENBRENNER and Mr. THORNBERRY.

H.R. 2342: Mr. WATTS of Oklahoma, Mr. HUTCHINSON, and Mrs. LINCOLN.

H.R. 2400: Mr. FOLEY and Mr. MCDERMOTT.

H.R. 2429: Mr. HOUGHTON and Mr. CASTLE.

H.R. 2435: Mr. TAYLOR of North Carolina, Mr. CLINGER, and Mr. JEFFERSON.

H.R. 2447: Mr. HOKE.

H.R. 2463: Ms. JACKSON-LEE.

H.R. 2468: Mrs. ROUKEMA, Mr. FOX, Mr. RICHARDSON, Mr. TORKILDSEN, and Mr. TIAHRT.

H.R. 2509: Mr. JOHNSON of South Dakota.

H.R. 2519: Mr. BREWSTER, Mr. MCDERMOTT, and Mr. RAMSTAD.

H.R. 2525: Mr. SERRANO, Mr. WELLER, Mr. FLANAGAN, Mr. EHLERS, Mr. BREWSTER, Mr. STUMP, and Mr. MCDERMOTT.

H.R. 2528: Mr. COOLEY, Mr. HERGER, and Mr. CALVERT.

H.R. 2550: Mr. CHRYSLER, Mr. HAYWORTH, Mr. EMERSON, Mrs. SMITH of Washington, and Mrs. WALDHOLTZ.

H.R. 2555: Mr. HANSEN.

H.R. 2572: Mr. LAFALCE.

H.R. 2579: Mr. HOUGHTON, Ms. DELAURO, Mr. UNDERWOOD, Mrs. WALDHOLTZ, and Mr. BATEMAN.

H.J. Res. 70: Mr. RICHARDSON, Mr. FOX, Mrs. COLLINS of Illinois, Mr. MATSUI, and Mr. WATT of North Carolina.

H.J. Res. 97: Mr. SANDERS.

H.J. Res. 114: Mr. FROST, Miss COLLINS of Michigan, and Mr. ENGEL.

H. Con. Res. 79: Mr. BORSKI.

H. Con. Res. 91: Mr. KIM.

H. Con. Res. 102: Mr. JOHNSTON of Florida, Mr. ACKERMAN, Mr. STARK, Mr. LEACH, Ms. FURSE, Mr. OWENS, Mr. BORSKI, Mr. BONIOR, Mr. JEFFERSON, Mr. PETRI, Mr. HINCHEY, Mr. GILMAN, and Mr. MANZULLO.

H. Con. Res. 105: Mr. LEVIN, Mr. UPTON, Mr. STUPAK, Mr. COBLE, Mr. FROST, and Mr. BONIOR.

H. Res. 30: Mrs. WALDHOLTZ, Ms. DELAURO, and Mr. DEFAZIO.

H. Res. 220: Mr. OLVER, Mr. ROMERO-BARCELO, Ms. NORTON, and Ms. MCKINNEY.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, NOVEMBER 7, 1995 No. 175

Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Father Paul E. Lavin of St. Joseph's Catholic Church, Washington, DC.

PRAYER

Father Paul E. Lavin, St. Joseph's Catholic Church, Washington, DC, offered the following prayer:

Let us pray:
In Psalm 25, David sings:
I wait for you, O Lord;
I lift up my soul to my God.
In you I trust: do not let me be disgraced;
do not let my enemies gloat over me.
No one is disgraced who waits for you
but only those who lightly break faith.
Make known to me your ways, O Lord;
teach me your paths.
Guide me in your truth and teach me,
for you are my God and Savior.
For you I wait all the long day,
because of your goodness, Lord.
Remember your compassion and love, O Lord
for they are ages old.
Remember no more the sins of my youth,
remember me only in the light of your love.

We praise You O God and we bless You; You have called us to life and given us so many gifts. We have sought and accepted offices of public trust, and now put our trust in Your compassion and love.

Direct now all our actions by Your holy inspiration and carry them on by Your gracious assistance so that every prayer and work of ours may reflect Your will.

May our lives and voices give glory to Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Alaska is recognized.

ORDER TO PROCEED TO H.R. 1833 AT 2:15 P.M. TODAY

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that notwithstanding the previous order, the Senate begin consideration of H.R. 1833 at 2:15 today and that morning business be extended until 12:30.

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

SCHEDULE

Mr. MURKOWSKI. Mr. President, today there will be a period for the transaction of morning business until 12:30 p.m. The Senate will stand in recess between the hours of 12:30 and 2:15 today in order to accommodate the respective party luncheons.

At 2:15, the Senate will begin consideration of H.R. 1833, a bill to ban partial birth abortions. Rollcall votes can, therefore, be expected to occur on amendments to H.R. 1833 or on any other items cleared for action.

Mr. President, I believe I have 20 minutes reserved for morning business?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. With the permission of the Chair, I would like to proceed.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

OPENING THE ARCTIC OIL RESERVE

Mr. MURKOWSKI. Mr. President, for a number of days I have been sharing with my colleagues my observations on the opening of the Arctic oil reserve, or ANWR. Briefly, for those Members who are not familiar with this, let me just do a quick review. In the Congress and in the reconciliation package in both the House and the Senate is the authority to initiate a lease-sale in ANWR. There are many misconceptions relative to the proposal because a number of people believe that the entire area is at risk.

This area in green, including the yellow area, consists of about 19 million acres. That is an area the size of the State of South Carolina. In 1980, Congress withdrew and set in permanent status the green area, consisting of 8 million acres of wilderness, which is shown in green and black here, and another 9½ million acres of refuge, leaving the coastal plain for disposition by the Congress.

This area in red is the area retained by the Eskimo people of the village of Kaktovic. You will notice that they have no access out of that area other than into the coastal plain which is Federal land. The lease-sale we are talking about is a proposal to lease 300,000 acres out of this million and a half acres because the other 17 million acres has already been withdrawn. So we are talking about a very small area.

To suggest that the entire area is at risk clearly is a misinterpretation of the facts. We log our telephone calls in our office, as do most Members of the Senate, because it is important that we have public reaction. It is kind of interesting to note that, as calls come in relative to my speaking on this issue, there is a perception that we in Alaska are initiating an activity that somehow is irregular or a departure from what is happening in other States. I can only respond to that by suggesting that our State has only been a State for 36 years.

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

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As a consequence, we are today establishing our land patterns in this huge area of Alaska, which is one-fifth the size of the United States. It has 33,000 miles of coastline. Other States were established—such as the State of Virginia, nearly 200 years ago, and Washington, Oregon, California, 100 years ago. So as a ''new kid on the block,'' so to speak, as we attempt to develop resources, whether it be timber, fish, oil and gas, or mining, we are trying to take advantage of the science and technology that is available today and learn from the mistakes of others and balance and develop an economy.

I do not think many people have a total understanding or an appreciation of that. They think that the limited development in Alaska is somehow not in keeping with the times. The reality is that we have to have natural resources, develop those natural resources. We have a job base, and those jobs are high-paying jobs in construction, timber, mining, oil and gas. If we do not develop those resources, we simply get the materials from other countries, export our jobs overseas and export our dollars.

The significance of developing this area is that geologists tell us this is where a major discovery might be made. Because Prudhoe Bay is in decline—this area has been producing 25 percent of the total crude oil produced in the United States in the last 18 years. As this area declines, the question is: Can we, or should we, replace it by bringing on line this area, the small footprint here in the coastal plain known as ANWR?

Clearly, we can do it safely. We have been able to develop Prudhoe Bay. We have developed an 800-mile pipeline. We had a bad accident with the *Exxon Valdez* vessel, but that is something that had nothing to do with a pipeline. It was one of those human failures. The ship went aground in a 10½-mile channel.

The point I want to make here this morning, Mr. President, is that we developed a small field adjacent to Prudhoe Bay 10 years ago. That was the 10th largest producing field. History tells us that if the oil is here, they can develop it in about 2,000 acres. To get back to some of the comments which I think have prompted me to try and give a little more explanation as to why Alaska should be attempting to develop its energy resources, there are suggestions that somehow we are beholden to an oil lobby as a delegation, that we should be giving more concern to the environment, that they think we have financial ties to the oil companies.

One woman indicated she felt so strongly about it that she had worked to get a moratorium on elephants in Africa and she was going to go to work to make sure we got a moratorium not to develop oil in Alaska.

I would like to think that these people who are obviously very interested would have a full understanding of the implications and an argument relative to the pros and cons of responsible development.

With that background, let me just proceed briefly, because I think that there is need for some reflection on what Congress intended in 1980. The name of Senator Scoop Jackson of Washington is familiar to all Members of the Congress. He was a beloved and long-time Member of this body. It was at his insistence that this area, the 1002 area, be left out of the wilderness area and the refuge withdrawals to be setup specifically for Congress to address the prospects of oil and gas. That was done in 1980, Mr. President.

As a consequence of that, now is the time for the decision to be made, and since it is in the reconciliation package, we look forward to discussing the merits.

One of the most significant considerations is the reality that this Nation is now 51 percent dependent on imported oil. That oil comes in from the Mideast, and of course we send the dollars and the jobs to the Mideast.

In the last few days we have seen a crisis in the Mideast, a very unfortunate situation, but, nevertheless, it proves the frailty of that part of the world, and our increased dependence on oil eventually will result in some kind of a crisis occurring as we look at Iran, Iraq, Libya and their moves toward nationalism.

It is kind of interesting to reflect on the attitude of some of the opinion-makers that have had a responsibility with regard to our increasing dependence on imported oil.

Former President Carter's Energy Secretary Schlesinger has testified in support of developing this area, stating that we can develop it safely, that we should reduce our dependence on imported oil.

Some of the Orthodox Jewish organizations in the United States are the biggest supporters. They see increased dependence on the Arab States as a threat to Israel's security interests. Union support—the significance of what this activity would generate for America unions; it would be the largest concentration of construction in North America. The Teamsters, the laborers, the IBEW, the maritime unions all support this. This is a significant job issue.

It is estimated that the lease sale would bring about $2.6 billion in revenue. That revenue, half of which would go to the Federal Government, the other half to the State of Alaska, would be raised in the private sector of the United States without one cent of Government funding.

Now, there is a suggestion that some Alaskans do not support ANWR, some of the Native people in Alaska do not support opening.

Mr. President, I want to take that fiction and state it factually. The Alaska Federation of Natives, which is the native organization in our State, voted two to one in favor of opening the area. I think it is unfortunate that the Secretary of the Interior, as he represents and has an obligation to represent all the Native people of our State, has chosen to represent a very small segment, the Gwich'ins, representing about 1 percent of the Native people in Alaska. The Gwich'ins are fearful that the Porcupine caribou will somehow be at stake. The justification for that is not supported by any evidence as I will show in the next chart.

This happens to be a picture taken of Prudhoe Bay which shows the oil pipeline, shows a well being drilled, and it shows a number of caribou, pointing out the reality that the caribou are very adaptable.

To suggest that the porcupine caribou cannot be managed by a joint management team of the Gwich'ins, the U.S. Fish and Wildlife Service and the State department of fish and game is not based on any factual evidence by any means.

That herd is about 165,000. Most of the animals, about 4,000, are taken by the Canadian Gwich'ins on the Canadian side and 400 by the Alaskan Gwich'ins.

The point is, as we look at the development of this area, there are huge areas of wilderness and refuge that will be protected forever, and that the Alaska delegation stands behind them. Again, the footprint is .1 of 1 percent of the area, about 2,000 to 3,000 acres at the maximum.

Let me just talk a little bit more about the caribou because it has a warm and cuddly aspect to it, as it should. The caribou range over vast areas and their range is dependent on basically three factors. One is predators. If there are a number of predators, or the predators are at an all-time high, like the wolf, obviously it will have an effect on the young caribou. The winter kill is a consequence of a tough winter, resulting in a decline of the herd. There is overgrazing, which will also cause a decline in the herd.

As a consequence, it is fair to say of the approximately 34 herds in Alaska, two-thirds of them are on an increase, about 10 percent are on a decline, and the rest of them are stagnant but cyclical, as many of the ranging land animals in the wild.

Now, we also have a presumption by the Secretary of the Interior that he is protecting our future by blocking access to opening up this area. I suggest the Secretary of Interior is actually gambling with our future.

We sent troops to the Persian Gulf. We recall the gas lines in the 1970's. We are exporting our dollars and jobs. We are making less environmentally conscious nations produce oil.

Another fiction is this is a battle between rich and greedy oil companies and poor and saintly environmental groups. I want to talk about some of the environmental groups tomorrow, Mr. President. Environmentalism in the United States is big business. There is nothing wrong with it. We

should recognize it simply for what it is.

Now, the oil industry is big business in the United States. It provides jobs. It provides our Nation with energy security, as well.

We should not kid ourselves. The battle here is in many aspects between the very rich national environmental lobbyists and some of our poor Alaska Native people who want alternative lifestyles. They want to have running water. They want to have sewage disposal rather than honey buckets. They want to have jobs. They want to relieve themselves of the dependence on welfare. They are being deprived of these opportunities by the suggestion that we cannot open up this area safely.

Sometimes we see a double standard, a standard that suggests that this idealistic election of not allowing responsible development—there is no consideration of the human element, there is no consideration of the people that live in the area of what they feel they should have is a right to a job, a right to a good education, a right to have a future for their children, other than welfare.

As a consequence, Mr. President, there is one overwhelming fact in this debate. All Americans stand to benefit from ANWR exploration. Those benefits are: Jobs, as I have already outlined; security, by eliminating the necessity of our increased dependence on imported oil, which is already 51 percent. We can do it without any significant harm to the environment, using our technology, our engineering skills, our can-do capability. And one other item that this body spends a lot of time and effort on, and that is the concern over the deficit, balance of payments. In other words, the fact we are buying more overseas than people are buying from us.

What is that deficit made up of? Nearly $56 billion, half of it, is the price of imported oil. The other half is our trade imbalance with Japan. So, here we have, in this particular issue, responsibly opening up this area in our State with a very small footprint, utilizing our technological capability, an opportunity to address some concerns that we all have—jobs, national security, the ability to develop this in harmony with the environment, and an opportunity to balance the budget.

I was also considering the merits of two articles that appeared in the Wall Street Journal and New York Times on October 27. They both concern themselves with the increase in the price of oil, to show you how fragile the world of oil is relative to any crisis that exists throughout the world. We have seen crises in the Mideast in the last few days, but we are also seeing one in Russia. ''Concerns About Yeltsin's Health Help To Push Oil Prices Higher.'' ''Prices of Oil Futures Jump on Report of Yeltsin Having Health Problems.'' Clearly, the former Soviet Union has a tremendous capability to produce oil. On the other hand, their infrastructure is such it is not a very attractive market.

Finally, let me just comment on one point relative to the people of the area, because the people of the area are so often left out of any equation that affects the environment or the ecology.

The people of Kaktovik, the people of Point Barrow, the Eskimo people, these are people working their way out of Federal dependency. Because of our success, we are now opposed, seemingly at every turn, by, among others, a Secretary for Indian Affairs, Ada Deer. She now has gone on record as opposing successful Native corporations and organizations that are developing the resources in our State. She wants us to go back, and our people to go back, and be dependent on the Bureau of Indian Affairs. But, as we have seen, dependency brings despondence, it brings a dependence, it kills self-initiative, it breeds a welfare society. Alaska's Native and Eskimo people want to follow the American way, the way of independence, the way of self-help, individual responsibility, family values, a sense of community. Yet we are seeing spokespersons, including the Secretary of the Interior and Ada Deer, Assistant Secretary for Indian Affairs, actively opposing this development in the area where these people live.

This is a tragic day, in a sense, for the nearly 8,000 Eskimo people, because this is the first time any Secretary of the Interior has rejected his trust responsibility to pursue the naked political objectives of those opposed to the interests of Native Americans. It seems like the Secretary is almost penalizing hard work and success. On one hand they champion dependency, welfare and allegiance to an incompetent Bureau of Indian Affairs. Then, on the other, they put commercial fundraising interests of environmental organization over those of the Eskimo people who need help, who need this opportunity.

So, we see an administration, now, that opposes opening the coastal plain. Yet they are actively selling OCS oil and gas leases in the Arctic Ocean adjacent to the coastal plain. They say that is OK, that is all right. Secretary Babbitt and the others have their priorities backwards. Oil development on the land is safe. Oil development in the isolated wind-driven reaches of the ocean is risky; it can be hazardous.

Mr. President, I see my time is up. I thank the Chair. I appreciate the indulgence of my colleagues. Tomorrow, or the first opportunity I can get time in morning business, I intend to comment at some length on the issue of environmentalism as big business in the United States, what it consists of, who it involves, what salaries are being paid, and a list of the assets of the various organizations so the public can understand the other side of the issue. On one side we have big business and oil. On the other side we have big business and the environmental community.

I thank the Chair and wish the Chair a good day.

The PRESIDING OFFICER. The Senator from Missouri.

YITZHAK RABIN

Mr. ASHCROFT. Mr. President, I rise to extend my deepest personal sympathies and condolences to Mrs. Rabin, Mr. Rabin's children and grandchildren, to the people of Israel, and to the Jewish community of Missouri and the United States.

Yitzhak Rabin was a warrior. As a young man, he left behind boyhood dreams and assumed the mantle of a soldier for a country that was still a dream to him and many others. He helped liberate 200 of his brothers in a heroic and legendary raid. He fought in the siege of Jerusalem and kept open the vital lines of supply. In 1967, it was General Rabin who was the architect of the determined fury of an Israeli Army that was victorious over three substantial enemies in what would become known as the Six Day War.

Nevertheless, his prowess as a warrior was exceeded only by his courage as a peacemaker. He was an Ambassador to the United States. He made the first visit ever by an Israeli Prime Minister to West Germany. He tried to open peace negotiations with King Hussein of Jordan in the late 1970's. And, in a move that would ultimately cost him his life, he made peace with some of Israel's most substantial enemies.

He need not have been a peacemaker. He could have gone quietly into the annals of history as a warrior, a Prime Minister, a father, and a grandfather. But Yitzhak Rabin was, from his earliest days, a Zionist. His goal, both in war and in peace, was the preservation of a land that God had promised. In the end, he saw in peace and through diplomacy what military victory might never bring—security for his home, for his land, for his nation.

Unfortunately, it was not a journey which he was able to see through to completion. In his life, Yitzhak Rabin defined courage—the courage to fight in war and the courage to fight for peace. His legacy will be judged finally not only by what he started, but also by what Israel and her neighbors will eventually accomplish and achieve.

That is a task which they must pursue and that they must complete. It is a task for which we will all be held accountable. So, when the mourning is completed—and mourn we must and should—may we resolve to do what he started and may the resolve linger in all of us to complete that which he began.

As a boy, Yitzhak Rabin wanted to learn how to make the fertile soil of his land produce crops more abundantly. As a man and as a leader, Prime Minister Rabin plowed and harrowed the rocky ground of peace. It was both his hope and his vision that out of that ground would grow a tree bearing the unknown fruit of peace in a

land and for a people that had seen so little of it.

In his finest hour, 2 years ago, at the White House, Prime Minister Rabin acknowledged this aspiration, as he said:

Let me say to you, the Palestinians, we are destined to live together on the same soil in the same land. . . . We have no desire for revenge. We harbor no hatred towards you. We, like you, are people—people who want to build a home. To plant a tree. To love—live side by side with you. In dignity. In empathy. As human beings. As free men.

It is all of our prayers that his dream will live on.

Mr. President, I thank you.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

PRESIDENT CLINTON AND THE FORGOTTEN MIDDLE CLASS

Mr. GRAMS. Mr. President, if you had been in New Hampshire on Thursday, January 9, 1992, and had been near a television, you might have seen the premiere of a new political advertisement—the first, early ad of the presidential campaign for a candidate who was not yet a familiar face.

The setting is an office. Piano music plays gently in the background, and the candidate speaks to the camera with an American flag as his backdrop.

''In the 80's,'' he begins, ''the rich got richer, the middle class declined, poverty exploded, politicians in Washington raised their pay and pointed fingers, but no one took responsibility.''

The candidate promises a tax cut for the middle class, even offers viewers a copy of his ''Plan for America's Future'' if they call the number on their television screen.

''I hope you'll join us in this crusade for change,'' he says earnestly.

Together we can put government back on the side of the forgotten middle class and restore the American dream.

I'm Bill Clinton, and I believe you deserve more than 30-second ads or vague promises.

Mr. President, Bill Clinton evoked the image of the forgotten middle class throughout his campaign for the White House, tantalizing the voters—while separating himself from the rest of his Democratic opponents—by promising he would cut taxes for working-class Americans.

''I am not in this thing to pander,'' he told Business Week in a June 1992 interview.

The way I came to the across-the-board, middle-class tax cut didn't have a relationship to the polls. . . . I came back to the middle-class tax cut as a down payment on fairness.

As that ''down payment on fairness'' took shape, Bill Clinton reached out to the overtaxed middle class by focusing his tax cut plan on families, advocating ideas that seemed more in line with the Republican vision than the Democrat policies of the past. ''It is very much harder to raise a child for a middle-class family today than it was 40 years ago,'' said candidate Clinton. ''Our country used to take the position that the way to build strong families was to enable the working people to have enough money to raise their families.''

''We're still getting a disproportionate amount of taxes from the middle class,'' he emphasized.

During the Presidential campaign, candidate Clinton promised to reduce the taxes paid by families and shield them from future tax increases.

''Virtually every industrialized nation recognizes the importance of strong families in its tax code; we should too,'' he wrote in ''Putting People First,'' his campaign's economic outline for the country.

''We will lower the tax burden on middle-class Americans.''

Mr. Clinton's plan began to take shape with a focus on tax relief for families with children. ''The main portion of the middle-class tax cut for me in its present form is the children's tax credit,'' he said back in 1992.

He promised that he would cut taxes for average, middle-class families by 10 percent, giving them a choice between a phased-in, $800 per-child tax credit or a ''significant reduction in their income tax rate.''

Those election-year promises helped turn candidate Bill Clinton into President Bill Clinton when frustrated Americans went to the polls that November.

But like so many promises made in the political heat of an election year, Mr. Clinton's tax-cut intentions of 1992 melted like summer snow in 1993.

By then, Republicans in Congress were rallying around the $500 per-child tax credit I had authored as a Member of the House, making it the centerpiece of our budget alternatives in both the House and Senate.

But the Democrats, led by the President, pushed through a package of tax hikes on the middle class—a historic tax increase that affected every segment of American society.

Promises made, promises broken.

Mr. President, in 1995, this Congress has not forgotten our promise to the middle class.

We have passed a budget that recognizes, just as President Clinton did in 1992, that working-class Americans have paid more than their fair share of taxes over the last 40 years.

Families in 1950 sent just $1 of every $50 they earned to Washington, but families today are turning over $1 out of every $4.

That is money they could have spent for a child's education, health insurance, groceries for an elderly parent, or something as simple as birthday presents and Christmas gifts.

But instead, they are handing it over to the Washington bureaucrats, who spend it for them—often recklessly—in ways that often have no benefit at all to the folks who foot the Government's bills.

For more than 40 years, the only economic and fiscal discipline exercised by Congress has come at the expense of the American taxpayers.

The budget plan we will soon be sending to the President is based on our deeply held belief that the weekly paycheck is not the Government's money—that families can spend their own money better than a Government that demands those dollars to spend on their behalf.

We are certain that 250 million Americans, empowered to make their own spending decisions, will make better choices than Congress and the President could ever make for them.

With our budget, Congress is dedicating $245 billion to tax relief, the vast majority of which will go to working-class American families through the $500-per-child tax credit.

The child tax credit means Minnesota families would get to keep $477 million of their own dollars every year, to spend wherever they needed help the most.

The $500-per-child tax credit would return $150 million annually to families in President Clinton's own State of Arkansas. And it would completely erase the tax liability for 38,411 Arkansas residents.

Well, it has been nearly 4 years since that first campaign commercial in New Hampshire promised tax relief for the beleaguered middle class. An election is on the horizon, and once again, like the swallows returning to Capistrano, candidate Clinton is talking about cutting taxes.

He laid out the framework in his most recent State of the Union address. He said: ''I have proposed the middle-class bill of rights * * * It will give needed tax relief and raise incomes in both the short run and the long run, in a way that benefits all of us.''

We say ''welcome back aboard'' to the President. We need President Clinton with us as the budget process continues. He has a critical role as we move forward.

We cannot enact our groundbreaking legislation without his signature. We cannot carry out the people's agenda without the people's President behind us.

And President Clinton needs us, too. So we have prepared a budget that meets the objectives outlined at both ends of Pennsylvania Avenue. Yes, Congress and the President may disagree about some of the specifics, but not our goals.

The budget must balance. It must protect and preserve Medicare. It must restore hope to those who have been trapped in the welfare system. And it must cut taxes for the middle-class, with the same child tax credit President Clinton promised in 1992, and again this year.

President Clinton considered family tax relief such a fundamental concept that he outlined it as a priority in that very first television ad of his Presidential campaign. ''Together we can put government back on the side of the

forgotten middle class and restore the American dream,'' he told New Hampshire television viewers.

The time for vague promises is long past. If he still believes in the words he delivered with such conviction in 1992—and in the child tax credit that will turn those words into action—then the President must sign the budget bill we send him in 1995.

Thank you, Mr. President.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I want to take just 1 minute.

WE SHOULD TALK ABOUT THE ISSUES

Mr. FORD. Mr. President, I have never understood why the Senate should become a political arena. I have never heard so many speeches and so many names called and so many TV spots referred to. I can refer to the TV spots ''read my lips,'' or I can refer to the vote on President Reagan's budget of 425 to 0 in the House.

I think we ought to get down to the issues. I voted for the tax bill in 1993, and 12,500 taxpayers in my State paid additional taxes and 315,000 paid less. Everybody else paid the same. We have less unemployment today in Kentucky than we had 3 years ago.

Let us talk about the issues, and let us not make this Chamber so political.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, if I could yield to the Senator from Minnesota who has a unanimous-consent request.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that following the Senator from Florida I have 10 minutes and the Senator from North Dakota have 10 minutes in succession.

The PRESIDING OFFICER. Is their objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. GRAHAM. Mr. President, I ask unanimous consent that my time, which is currently 20 minutes, be extended to 30 minutes as I wish to make a preliminary statement relative to Prime Minister Rabin.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

THE PEACEMAKER, YITZHAK RABIN

Mr. GRAHAM. Mr. President, it is with deep sadness and great respect that I offer my profound tribute to the memory of Prime Minister Yitzhak Rabin of Israel. Mr. Rabin was a warrior, brave in battle. He was a visionary, with the courage to seek peace. This Nation and this institution will miss him and his leadership. We will mourn with Israel in its time of loss.

Citizens of my State of Florida are honored that Yitzhak Rabin visited our State on many occasions. We were proud to host a man of such dignity, purpose, and resolve. And we join the world in prayer for healing as this great man was buried yesterday near the place of his birth 73 years ago. We extend our deepest sympathy to his family, but we rejoice in the life of this special man, who has earned the biblical truth, ''Blessed are the peacemakers.''

AN AMERICAN SUCCESS STORY

Mr. GRAHAM. Mr. President, on Friday of last week, November 3, I began a series of remarks about America's Medicaid Program. I plan to continue that series throughout this week.

In my opening remarks on Friday, I debunked the myth that Medicaid has been a failure. In fact, Medicaid, the Federal-State partnership for health care for poor children and their mothers, for the disabled and for the elderly, has been an American success story. The Senate should be building upon that success story, not retreating from it.

Thanks to Medicaid, the Nation's infant mortality rate dropped 21 percent during the period 1984 to 1992. In 1985, the infant mortality rate in the United States was 10.6 per thousand live births. In 1992, that had dropped to 8.5. The number of babies who were alive in 1992 who would not have been alive had we continued at the 1985 rate of infant mortality—8,000. That is an American success story.

Thanks to Medicaid, 18 million children have access to hospital, physician care, and to prescriptions as well as immunization and other preventive programs.

Thanks to Medicaid, senior citizens can live in dignity in a nursing home when their own private resources are no longer there and there is no family member to care for them.

Thanks to Medicaid, nearly 5 million low-income Americans receive help through the qualified Medicare Beneficiary Program which pays things like their part B, physician's Medicare monthly premiums, copayments, and deductibles as well as paying for prescription medication for the Medicare population, which is also medically indigent. For these qualified Medicare beneficiaries, Medicaid means the difference between a visit to the doctor's office instead of the use of the emergency room.

Thanks to Medicaid, this Nation has decreased its population of severely handicapped residents living in large State institutions from 194,000 to today's less than 70,000. Today, 6 million disabled Americans are covered under Medicaid.

Thanks to Medicaid, children with catastrophic health problems or other special needs get treatment and care. In Florida alone, $284 million is spent a year through Children's Medical Service, a Medicaid public-private partnership of national renown which last year served 128,000 Florida children. This Federal-State partnership, serving 37 million Americans, has been an American success story.

I have strained my ears to hear the justification, the policy basis, the rationale for the $176 billion that is being cut from the projected needs of the Medicaid Program which, until $11 billion was added back at the last minute, had been a $187 billion cut.

Today I wish to examine why Federal spending on Medicaid has increased. In addition, I wish to look at the basis for the projected needs of those served under Medicaid as America enters the 21st century. Why has Medicaid grown? Why is Medicaid expected to continue to grow? Such an examination will debunk yet another myth. That myth is that you can cut $176 billion from Medicaid without risking the deaths of infants or the neglect of the elderly or the unnecessary institutionalization of the disabled.

Wednesday and Thursday I wish to discuss how the Senate proposes to reward bad, manipulative behavior in the Medicaid Program and how the inappropriate plan to raid Social Security will be used as a means of paying for the reward in the plan that we sent to Congress. And, finally, I wish to suggest a better alternative, an alternative of genuine reform.

The key argument against Medicaid is that they say Medicaid needs to rein in spending because it is growing out of control. That is the principal argument of the critics. Let us look at the overall figures.

In 1988, Medicaid cost $51.3 billion in Federal and State funds. We know the Medicaid Program is a partnership between the Federal Government and the States, each contributing to the total cost. In 1993, Medicaid costs had grown to $125.2 billion. That sounds alarming, and virtually everyone agrees we must restrain the rate of growth of Medicaid. But no one has done a very credible job of explaining the policy basis for cutting $176 billion.

Today I wish to examine why Medicaid has grown. There are two main factors that drive the cost of the health care system. First, how many people are served, and, second, the cost of serving each one of those people. In the case of Medicaid, we should put the second factor, that is, the cost of providing services to individual Americans who are covered under Medicaid, in perspective.

In the private sector, the growth rate and the cost per person served is estimated to be 7.1 percent per year. That is projected from the years 1996

through the year 2002. The source of this projection is the Congressional Budget Office. This is higher than the projected growth rate for Medicaid, says the same Congressional Budget Office, which calculates that the Medicaid annual growth rate is 7 percent.

What is, therefore, causing this alarming growth in Medicaid? The rate of growth per person is commensurate with, even less than, the average of all Americans' health care cost increases, that in spite of the fact that Medicaid is serving one of the most vulnerable populations—the frail elderly, the disabled, poor children, and their mothers.

There are several key factors that explain why Medicaid has grown so rapidly. First, a fundamental reason why Medicaid has grown is because Americans are living longer. This is a positive trend for America. Greater longevity means that more people are not only living longer and more qualitative lives, but it also means that more people are relying on Medicaid for longer periods.

In 1970, life expectancy at birth in the United States was just over 70 years. By the year 2010, the projected life expectancy in the United States will be almost 80 years. In a period of 40 years, the average life expectancy of an American will grow from 70 to 80. The segment of our population 65 years and older is also living longer, much longer. If you had reached age 65 at the beginning of this century, you could have expected to have lived another 11 years.

Those who reached 65 in 1990 could expect to live an average of an additional 17.2 years, according to the U.S. census. Millions of Americans are living longer, and a higher proportion of our population is reaching senior status.

In 1900, about 40 percent of the population could expect to reach the age of 65. By 1990, 8 out of 10 Americans lived to be 65 years or older.

Why is this relevant? It is relevant because Medicaid pays for half of the total nursing home care in the United States. Nationally, Medicaid pays 35 percent of all long-term care services. In Florida, 70 percent of our Medicaid spending goes to benefits for seniors and disabled.

Mr. President, let me just insert one more set of statistics to underscore the fact that a principal reason why Medicaid is expanding in its expenditures is because Americans are extending their life expectancy.

In 1980, 15 years ago, there were 15,000 Americans over the age of 100. By 1990, that population had nearly doubled. Today, in 1995, there are 56,000 Americans of the age of 100 or older. No one can deny this longevity trend, not Democrats, not Republicans. So when we hear claims about the growth of Medicaid, let us remember one of the fundamental reasons for that growth, thankfully, is as a people we are enjoying the benefits of longer life.

In addition to the aging of our population, there is a second main reason for the growth in Medicaid spending, and that is we have asked the Medicaid system to do more. As an example, we have tackled the infant mortality rate, which was unacceptably high. In my State of Florida in 1991, at the urging of Gov. Lawton Chiles, the Florida Legislature enacted Healthy Start to improve access to prenatal and infant care. As I mentioned in my floor statement on Friday, Healthy Start is an example of a Medicaid success story. In 5 years, Florida went from being above the national average in infant mortality, with an infant mortality rate of 9.6 per thousand live births, to below the national average, at a rate of 8.1 per thousand live births, and the most recent Florida statistic shows that rate continues to fall and is now 7.6 infant deaths per thousand live births. Nationally, the infant mortality rate has declined from 10.6 per thousand live births in 1985 to 8.5 in 1992.

By providing prenatal and postnatal care, we are saving lives, and we are confident that costly medical services will be prevented in later years.

Mr. President, I would like to take just a moment to recall one of the giants of this institution who represented senior citizens across America, the late Hon. Claude Pepper, a Member of the U.S. Senate from 1937 to 1951 and later served a distinguished career in the U.S. House of Representatives.

When I was elected Governor of Florida in 1978, Senator Pepper, then serving in the U.S. House of Representatives, made one request of me. He asked me to expand the Medicaid program in Florida to cover an optional two services: eyeglasses and artificial limbs.

I am proud that one of my first acts as Governor was to sign legislation, inspired by Senator Pepper, to achieve these goals. Senator Pepper said there were too many poor seniors without vision and without limbs. So, yes, Senator Pepper, we have expanded Medicaid so frail seniors can read and walk.

I challenge those who would cut $176 billion to tell us if they are ready to dismantle this legacy of Senator Claude Pepper, if they are ready to take away the eyeglasses of poor seniors, if they are ready to deny coverage of artificial limbs or return to the infant mortality rates of yesterday.

There is a third reason, in addition to the aging of the population and the additional demands that we have asked of the Medicaid program, and that is that there have been expansions that we have made legislatively. There are, in addition, more and more children who used to get health coverage through their parents' jobs who have now lost their private sector insurance.

Consider this trend line, Mr. President. In 1977, the Census Bureau says that the proportion of children with private health insurance coverage was 71 percent; 71 percent of American children had health insurance coverage through private coverage primarily through their parents' place of employment. By 1987, that percentage had dropped to 63 percent; by 1993, to 57 percent; and the projection for the year 2002, which happens to be the seventh year of the budget plan upon which we are currently deliberating, is that it will be 47.6 percent. Less than half of the American children will be covered by insurance at the point of their parents' employment.

The cumulative result of these factors—the aging of the population, the increased expectations of Medicaid and the decline of the percentage of children covered by private insurance plans and, therefore, who are now eligible for and are being covered by Medicaid—has contributed to the expansion of the Medicaid program.

In my State of Florida, as an example, in 1970, shortly after Medicaid was available, 4.3 percent of Florida's population received Medicaid, those recipients who are eligible for Medicaid based on those who were eligible for aid to families with dependent children or supplemental security income. You had to be at one of those two classes in order to be eligible for Medicaid. The percentage of Floridians receiving Medicaid was fairly constant, in the range of 4 to 6 percent, from its inception in 1970 until the program began its expansion in the mid-1980's.

By the 1993 fiscal year, 11.6 percent of Floridians were eligible for Medicaid. Today, that has grown to 12 percent, compared to the national figure of 14 percent of Americans being covered by the Medicaid Program.

In sum, the percentage of Floridians eligible for Medicaid has nearly tripled since the program started a quarter of a century ago. It has tripled primarily because of the aging of the population, because of policy decisions, such as the decision to attack infant mortality, and by the dramatic decline in children covered by private insurance programs and, therefore, becoming eligible for Medicaid and receiving benefits through that program.

Before I move on to my next point, I want to underscore that there are also some adverse reasons why Medicaid is growing. First, we must do a better job of suppressing fraud. Our colleague from Maine, Senator COHEN, estimates that Medicare and Medicaid suffer a combined loss of $33 billion a year due to fraud and abuse. At last week's hearing before the Senate Select Committee on Aging, the senior Senator from Maine said something that we all know is true. Senator COHEN said: ''It is appallingly easy to commit health care fraud.''

In Florida, the Florida Supreme Court has just impaneled a grand jury for a year as part of our attack on Medicaid fraud.

In addition to fraud and abuse, there is another adverse reason why Medicaid is expanding. There has been abuse

in the provision known as disproportionate share hospitals, sometimes referred to by the acronym DSH. Today, one out of seven Medicaid dollars is spent on disproportionate share hospitals. The proposal that this Senate adopted 11 days ago will make those payments virtually permanent within our Medicaid system. I will talk more about this phenomenon on Wednesday.

Mr. President, having discussed some of the principal reasons why the Medicaid Program has grown dramatically over the last few years, let us now talk about the basis of projections for Medicaid. We are being asked to cut $176 billion from Medicaid's projection over the next 7 years. What is the medical rationale for the $176 billion cut? What is the policy rationale?

Mr. President, I have been seeking a good answer to those questions, and until I get one, I will have to assume that there is no sound rationale for $176 billion of cuts in Medicaid. I will have to assume that there are other reasons and that those reasons are to fund huge tax breaks, which will go, disproportionately, to the wealthiest Americans.

Mr. President, we are not at a loss because our experts, the Congressional Budget Office, has looked ahead. It has projected an annual rate of increase for Medicaid spending at 10.2 percent through the year 2002.

How did CBO arrive at that figure? The key factors driving the CBO projections were these:

About 45 percent of the CBO-projected increases over the 7-year period are due to additional caseload; 45 percent of the reason why Medicaid is supposed to grow is because it will serve an increasing number of Americans—basically, the same Americans that have led to its growth in the last 10 years, the increasingly elderly population in need of nursing home care, the number of poor children who no longer have health insurance at the point of their parent's employment, and through policy directions to attack the issue of infant mortality.

Do those who want to cut $176 billion from the Medicaid dispute this projection? Do they claim that we will be serving fewer people? If so, who will we not be serving? Shall we say to that frail senior citizen with poor eyesight who needs glasses that their glasses should be taken away? Will their neighbor who needs an artificial limb be denied? Will the preschooler who needs to be immunized tell us who will not be covered so that we can pay for the tax breaks?

Medicaid serves multiple clienteles. One of the most costly groups served by Medicaid is the disabled. The chronically ill cost at least seven times what it costs to provide for nondisabled children per year. It costs the Medicaid Program seven times per person to serve a disabled person than it does the poor child.

CBO says the projected rate of growth in the number of disabled children to be served is expected to rise 4.1 percent a year, which is higher than the growth rate for all other Medicaid categories. The most expensive category of Medicaid service is the category that is growing the most rapidly. Do those who want to cut $176 billion for Medicaid suggest that the needs of the numbers of the disabled will not grow at this rate? If they have some basis for that, we look forward to them presenting that to us.

A second reason for the projection of Medicaid increase is that some 30 percent of the projected increase in Medicaid outlays would be caused by increased costs, including national medical inflation—a factor that no individual State can control.

Mr. President, one of the independent expert groups that has explored these tough questions of the future of Medicaid is the Kaiser Commission on the future of Medicaid. The Kaiser Commission issued a report in May 1995 based on Congressional Budget Office data that indicates what Medicaid will look like in the year 2002. The report assumes that States would first do the following things in order to achieve savings: They would enroll individuals in managed care plans; they would reduce provider payment rates; they would cut optional services. The States would do all of those before they would take the next step, which is to reduce enrollment in the program.

Based on these assumptions—enrolling individuals in managed care, reducing provider payment rates, and cutting optional services—Kaiser has projected the changes in covered beneficiaries. Under the most optimistic scenario, States would somehow reduce growth in spending per beneficiary to the rate of overall inflation.

Under another slightly less optimistic scenario, States would reduce real spending to the rate of inflation plus 1.9 percent per year per beneficiary. That number happens to be half the historical rate of growth for Medicaid. Either way, cost control would be more successful than that achieved by the private sector or by any public program, Mr. President, including the program that we have adopted for Federal employees. We are asking Medicaid, under these two scenarios, to be significantly more efficient than either the private sector or the public sector, including the judgment that we have made about our own health insurance program.

Even with such a faith in State government's ability to cut health care costs, let us look at what we can expect in just one State—California. What will the Medicaid landscape look like in the year 2002 in the largest of America's States? California is currently projected to receive $95.7 billion in Medicaid funds from the Federal Government between the years 1996 and the year 2002.

The Senate reconciliation bill would limit California to $77.7 billion, which is an $18 billion reduction over that 7-year period. In the year 2002 alone, California would have been expected to have received $18 billion. The Senate bill would limit California to $13.1 billion, a $4.9 billion reduction from current projections of need in the 1 year of 2002.

Now, let us make some assumptions. Assume that California holds expenditure growth to inflation—a remarkable achievement. Having done so, and having also met the other assumptions, including moving all of those potentially into managed care and reducing the rates to providers, California would have to remove 320,548 people from the expected 6½ million Medicaid beneficiaries; 320,000 people would be removed from the Medicaid rolls.

Suppose California was not quite as successful, and instead of being able to hold health care costs to the rate of inflation, California was able to hold health care costs to the rate of inflation plus 1.9 percent. In that event, California would have to remove 1,065,823 of its 6½ million Medicaid beneficiaries.

Are we saying that in the year 2002, assuming that California has done a better job of reducing costs than the private sector, the public sector, including the Federal Government, that we are willing to allow between a third of a million to over 1 million people to lose their health care coverage in the year 2002 in the State of California? What happens if California is not able to reduce its costs? Is the Governor of California ready to accept responsibility for allowing perhaps millions of our country's most needy people to go without health care coverage?

Mr. President, my comments this morning boil down to some simple mathematics. Take the projected need in the Medicaid Program to the year 2002, which is $954 billion, and then subtract the amount of the proposed cuts, $176 billion; that amount of money that is left, $778 billion is now going to pay for $954 billion in projected needs.

Mr. President, the simple math tells us that the block grants will come up short, that they do not add up, that States will not have a sufficient amount of resources in order to meet the projected needs of the frail elderly, the disabled, poor children, and their mothers.

This brings me, perhaps, to the most repugnant feature of the Medicaid block grant proposal—the unmitigated cowardice of Congress for failing to admit, on the record, that these cuts will mean real suffering in the lives of real Americans.

It is as if the U.S. Senate has adopted a policy of ''Don't ask, don't care.''

The fact is, Mr. President, that the designers of these massive Medicaid cuts do not want to know who is really going to have to pay for the tax breaks that this $176 billion will, in part, fund. Leave those messy details to the States. Take the high road. Take the cake and ice cream of doling out $245 billion in tax breaks.

The truth is that the price for these tax breaks for the wealthy will be paid

for in the currency of suffering, preventable illness, inadequate or unavailable care, and, yes, even the death of infants.

What we saw orchestrated on the Senate floor 11 days ago was an elaborate ritual of plausible deniability. No hearings or debate on how many infants could die because of slackened prenatal care efforts. No hearings or debate on how many elderly will languish in nursing home warehouses because of deregulation and lower provider payments.

Mr. President, that is precisely what happened when the 20 hours of debate ran out on a 1,500-page bill with no discussion, no accountability, no honest admission that cutting $176 billion from the projected needs of human beings that millions of Americans would suffer.

In effect, the Senate sent to the States and county governments the dirty work, the painful decisions. That is what we do when we embrace the don't-ask, don't-care standard for the formulation of public policy.

Mr. President, I ask unanimous consent for an additional 2 minutes.

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

Mr. GRAHAM. Mr. President, the standard for formulation of public policy seems to be ''let the States and counties figure out who gets care and who does not. Their fingerprints will be on those decisions, not ours.''

Make no mistake about it, these Medicaid cuts will cost infants and frail elderly and the disabled. Congress cannot wash its hands so easily with the pathetic refrain that ''We didn't know.'' Congress did not know because it did not ask. It did not ask because it did not want to know. That is cowardice.

I never cease to be amazed how quickly the hands of Congress reach out to give tax breaks and favors and how quickly the same hands hide when it comes time to assume responsibility.

The record, Mr. President, is clear. The majority of both Houses of Congress, with callous aforethought, siphoned $176 billion in health and long-term care of needy Americans without even a cursory concern for the human consequences.

Mr. President, I am sure that no Member wants to leave that kind of mark on America. There is still time to reform Medicaid without hurting people. There is still time to deliberate the actual effects of cutting $176 billion in health and long-term care services for millions of Americans.

Such a deliberation will bring us face to face with the families, with the children, with the frail elderly, and with the disabled who will pay the price of this tax break.

Up to this point, Mr. President, the Senate has denied accountability and responsibility. That denial is not plausible.

The PRESIDING OFFICER. The Senator from Minnesota, under the order, will have 10 minutes.

Mr. McCONNELL. Will the Senator yield for a unanimous-consent request?

Mr. WELLSTONE. Of course.

Mr. McCONNELL. I ask unanimous consent I be allowed to proceed after the Senator from Minnesota.

The PRESIDING OFFICER. Under the order the Senator from North Dakota follows the Senator from Minnesota.

Mr. McCONNELL. After the Senator from North Dakota, I ask unanimous consent that I may proceed.

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

DEDICATION TO THE PEACE PROCESS

Mr. WELLSTONE. Thank you, Mr. President.

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

Mr. President, words of Noa Ben-Artzi Philosof, 17, granddaughter of Prime Minister Rabin, at yesterday's service in Israel.

I ask unanimous consent that her statement at the service be printed as part of the RECORD of the U.S. Senate and therefore the record of our country.

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

[From the New York Times, Nov. 7, 1995]

GOODBYE TO A GRANDFATHER: WE ARE SO COLD AND SO SAD

(The granddaughter of Yitzhak Rabin, Noa Ben-Artzi Philosof, 17, spoke at his funeral. Her remarks were translated and transcribed by the New York Times)

Please excuse me for not wanting to talk about the peace. I want to talk about my grandfather.

You always awake from a nightmare, but since yesterday I was continually awakening to a nightmare. It is not possible to get used to the nightmare of life without you. The television never ceases to broadcast pictures of you, and you are so alive that I can almost touch you—but only almost, and I won't be able to anymore.

Grandfather, you were the pillar of fire in front of the camp and now we are left in the camp alone, in the dark; and we are so cold and so sad.

I know that people talk in terms of a national tragedy, and of comforting an entire nation, but we feel the huge void that remains in your absence when grandmother doesn't stop crying.

Few people really knew you. Now they will talk about you for quite some time, but I feel that they really don't know just how great the pain is, how great the tragedy is; something has been destroyed.

Grandfather, you were and still are our hero. I wanted you to know that every time I did anything, I saw you in front of me.

Your appreciation and your love accompanied us every step down the road, and our lives were always shaped after your values. You, who never abandoned anything, are now abandoned. And here you are, my ever-present hero, cold, alone, and I cannot do anything to save you. You are missed so much.

Others greater than I have already eulogized you, but none of them ever had the pleasure I had to feel the caresses of your warm, soft hands, to merit your warm embrace that was reserved only for us, to see your half-smile that always told me so much, that same smile which is no longer, frozen in the grave with you.

I have no feelings of revenge because my pain and feelings of loss are so large, too large. The ground has been swept out from below us, and we are groping now, trying to wander about in this empty void, without any success so far.

I am not able to finish this; left with no alternative. I say goodbye to you, hero, and ask you to rest in peace, and think about us, and miss us, as down here we love you so very much. I imagine angels are accompanying you now and I ask them to take care of you, because you deserve their protection.

Mr. WELLSTONE. Mr. President, I said to my wife, Sheila, this morning that there is nowhere on Earth I would have rather been than in Jerusalem yesterday for this service to honor a very courageous man, Yitzhak Rabin.

Mr. President, I will never forget the long lines of the people in Jerusalem in Israel as we drove to the service, as I drove to the service with my colleagues—Democrats and Republicans—to look out of the window and to see the sadness of the people, to see the sadness of the people.

Mr. President, I will never forget the words at the service, the words of our President, President Clinton, the words of the Prime Minister's granddaughter. Her words were heard and felt by people all over the world. Nor will I forget the words of King Hussein of Jordan who said, ''I remember my grandfather being assassinated''—the King as a little boy was next to his grandfather—''and now my brother''—my brother; he called Prime Minister Rabin his brother. He said, ''I am not afraid. I am not afraid. If I have to meet that fate,'' the King said, ''so be it, but I am committed to this peace process.''

Mr. President, I just would like to say on the floor of the U.S. Senate that I owe a tremendous debt of gratitude to my State of Minnesota for giving me an opportunity to be a U.S. Senator and giving me an opportunity to be invited to be able to go and to be at that service.

I believe that the way that I can honor Prime Minister Rabin—I believe the way that all of us can honor Prime Minister Rabin—whether we are Democrats or Republicans, as leaders in the U.S. Congress, is to dedicate our services to this peace process.

Mr. President, the Prime Minister knew that the status quo was unacceptable. He knew that the status quo extended to the future would only mean that Israeli children and Palestinian children would be killing each other for generations to come.

He gave his life for peace. He was a general. He defended his country. He was a military hero. But in the last analysis, at the very end, he gave his life for security for his country and for peace for the peoples of the Middle East.

His loss is not only the loss of Israel, his loss is the loss of the peoples of the Middle East, and his loss is the loss to all of us—all of us—who live in this world.

So, colleagues, I think that the way that we honor this man, Prime Minister Rabin, is by dedicating ourselves to the peace process. Whenever our country can facilitate negotiations, we should do so. Whenever our country can continue the work of Dennis Roth and others who have been so skillful in helping to mediate and keep these negotiations going, we should do so.

When there are terms of the agreement that we are asked to follow through on such as financial aid, economic development, aid to Palestinian people, that the Prime Minister was so much for, we should support that.

Mr. President, I hope this does not lead to a period of darkness. Certainly, it feels that way now. This is a nightmare of the world. Let us dedicate ourselves to the peace process. Let us do as public servants what the Prime Minister was able to do. He took the moral position. He did not know how the elections would turn out, but he did what he thought was the right thing.

His example of leadership was an example of leadership not just for Israel but for all us that are in public service in all countries throughout the world.

As a Senator from Minnesota, as the son of a Jewish immigrant from the Ukraine and Russia, LEON WELLSTONE, as the son of a daughter of Ukrainian immigrants, Mincha Daneshevsky, as a father, grandfather, a Senator from Minnesota, and an American Jew, I was so proud to be there yesterday.

I hope I can live my life, with my family and in my community, and as a Senator, in such a way that I honor this man.

I yield the floor.

The PRESIDING OFFICER. Under the order, the Senator from North Dakota has 10 minutes.

YITZHAK RABIN

Mr. DORGAN. Mr. President, I did not hear the entire statement of the Senator from Minnesota, but I visited with him on the way to the Chamber today about his trip to Israel to the funeral. I commend him for what I did hear him say.

I think all of us join in offering our prayers and condolences to the people of Israel and the family of Yitzhak Rabin.

I have had on my desk for slightly over a year, a printed copy of the remarks Yitzhak Rabin gave to a joint meeting of Congress in 1994. The reason the remarks have been on my desk for a year is I was so moved when I heard him speak, in the House Chamber, in such eloquent terms about his search for peace in the Middle East, that I thought I had not in many, many years heard anything quite so beautiful or so profound or so powerful as those words. I have kept them near for some long while. All of us grieve for what has happened to Yitzhak Rabin and for the people of Israel in these days of tragedy.

A HOUSING PROGRAM FOR MIDDLE-AGED RICH MEN

Mr. DORGAN. Mr. President, in these days of government spending cutbacks there is one notable exception: public housing programs for middle-aged rich owners of professional sports teams.

Yesterday's announcement that the Cleveland Browns will move to Baltimore demonstrates once again that these rich folks who play monopoly games with their football, baseball, and basketball team franchises can play city off against city to hammerlock officials and fans to pay for expensive, new taxpayer financed sports stadiums in which they can house their privately owned teams.

There is insufficient money for public housing for poor people in America, but the sky is the limit for public housing for those rich folks who own professional sports teams and who insist the taxpayers build them a place to play.

No owner of a professional football, baseball, basketball, or hockey team will ever be homeless. Governments—local, State, and Federal—will see to it that there are enough public resources available to build stadiums worth hundreds of millions of dollars with sky boxes for the affluent. Governments will virtually guarantee that money from parking, concessions, and sky boxes will make rich owners richer and overpaid athletes financially fat and happy.

The thing about this that irritates me is that taxpayers in our part of the country: North Dakota, South Dakota, Montana, and Wyoming—help in both direct and indirect ways to pay for this housing program for rich sports owners.

But there will never be a press conference in which a major sports team owner announces he is moving his team to Bismarck or Cheyenne or Helena.

This little monopoly game that bestows enormous economic awards on certain regions of the country is a private domain played between the wealthy sports owners and the largest cities of America. The rest of us are required, through lost tax revenue, to help pay the bills.

Yesterday's announcement about the Cleveland Browns moving to Baltimore is apparently a result of a promise of a new $200 million stadium in Baltimore to be used rent-free for 7 years by the Browns' owner. Skybox, parking, and concession revenues go to the owner as well. In addition, the owner apparently received $75 million as a bonus for moving the team.

I do not know the owner of the Cleveland Browns from a cord of wood so I am not judging him. And he is not alone in moving a sports team in search of more money. And team owners are no different than athletes: they are two peas in a pod. They jump ship and leave town in search of more money. It is all about money—money for the owners and money for the athletes.

Fans are the pawns who end up paying the bills through ticket prices and taxes. Fans are reduced to rooting for uniforms rather than people. The star athlete in one city one week may well end up playing against that city the next week as a result of trades or moves by athletes and owners in search of the highest dollar.

In circumstances where monopolies rule the day—and they do in professional sports—you cannot start an NBA team in Bismarck, or you cannot start an NFL team in Sioux Falls. Money and control replace the benefits of competition, and everyone pays except the owners and the athletes.

I would not take the time to comment on this issue, except that what is happening in professional sports is a perversion. This is about big guys and big money, and the little guy be damned. And guess who ends up paying for the sports stadiums and who ends up paying for those lucrative salaries for the athletes and handsome profits for the owners? The little guy. The fact is, professional sports is sticking its finger in the fan's eye.

A story last week pointed out the cost of taking a family of four to a National Basketball Association professional game this season has risen to $192, up 10 percent from last year. It costs about $130 for four tickets, an average of $32 per ticket, and you have to add some hot dogs, a program and a cap so the cost for four people adds up to nearly $200 to attend a game. Something is wrong; something is terribly wrong in professional sports when we have come to that. And ticket prices for hockey and football are even higher.

I think that Congress ought to hold some hearings on the subject of professional sports: where it has been; where it is going; who profits, by how much, and at whose expense.

Why is it in 1995 that the only healthy public housing program is one to build sports stadiums for rich, middle-aged sports owners? Why, when so many cities would like to host a professional sports team, do the leagues restrict expansion unreasonably, so that existing teams can extract outrageous ticket prices from citizens who have no alternatives?

I think it is reasonable for our country to ask whether these monopolies,

where a few rich owners can make judgments about where to bestow hundreds of millions of dollars of economic benefits to one region or another or one city or another, are in concert with the interests of our economy and our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I will take a moment to bid farewell to my friend Yitzhak Rabin. I was unable to attend the funeral due to some family responsibilities, but had an opportunity to get to know the Prime Minister well in his visits to the United States. And to speak to him three or four times a year about the foreign aid program for Israel and other issues related to the Middle East.

Not only has Israel lost a great statesman but the world has lost one of the premier figures of this century.

CAMPAIGN FINANCE REFORM

Mr. McCONNELL. Mr. President, I noted with interest last week the testimony of the Speaker of the House before the House Oversight Committee on the subject of campaign finance reform and the reaction to the Speaker's speech here in the Senate last Friday by two of our colleagues.

Let me say, we are back into it again. The biennial assault on the first amendment has begun anew.

The Speaker of the House last week, in addressing this issue in some of the most skillful and brilliant testimony I have seen or been privileged to hear, pointed out that this debate is about the first amendment. We are talking about free speech and the doling out of the ability to communicate in a free society.

Some of my colleagues here on Friday ridiculed the Speaker for stating what is perfectly obvious—that we do not spend enough on campaigns in this country, not nearly enough.

As a matter of fact, it is interesting to note that in the 1993–94 cycle, the most recent 2-year cycle of congressional elections, congressional campaigns spent about what the American public spent in 1 year on bubble gum. I repeat, Mr. President, in the last congressional cycle, we spent on congressional campaigns what Americans spend in 1 year on bubble gum. And about half of what they spend on yogurt, and about half what they spend on potato chips.

So where did this notion get going that we were spending too much in campaigns? Compared to what? Compared to what? When you look at any sensible comparison, we are spending a pittance communicating with voters and expressing ourselves in the American political system.

Commercial advertising in 1992 was $44 billion. The cost of democracy, if you will, in the 1993–94 cycle was $724 million—as I said, roughly what Americans spent on bubble gum that year. Another way of looking at it, Mr. President, per eligible voter spending was about $3.74. That would get you an extra-value meal at McDonald's. The equivalent of a burger, fries, and a Coke is not too much to spend to communicate with the American voter.

Prof. Bradley Smith, in a work released by the Cato Institute, recently observed that Sony is spending more to promote Michael Jackson's latest album than the 1994 Republican Senate nominee in California spent. That is a race that a lot of people like to focus on, even though on a per capita basis there was less spending in California than in a number of other States.

Newsweek columnist Robert Samuelson noted in an August 1995 column that campaign spending is tiny—five or six one-hundredths of 1 percent of the gross domestic product. This is up from three one-hundredths of one percent in the 1960's. As Samuelson put it, it hardly seems a high price to pay for democracy.

David Broder in the Washington Post in June of 1993 said:

> Communication is the heart of campaign politics, and candidates are competing, not just with each other, but with all the other messages being beamed at the American public. The added cost of the 1992 campaign was the direct byproduct of a very desirable change—a marked increase in competition. There were 1,200 more congressional candidates in 1992 than in 1990—a 63 percent increase.

So Broder pointed out that:

> It is illogical to welcome the infusion of energy and ideas represented by the largest freshman class in 44 years and condemn the cost of their campaigns.

He is talking about the 1992 class.

Broder concluded in that article:

> Few politicians in today's cynical climate want to tell the voters the truth. If you want competitive politics, make up your mind that it is going to be relatively expensive. Democracy, like other good things, is not cost-free.

But expensive compared to what? It is said time after time on the floor of the Senate that campaign spending is out of control. It is just not true. There is no basis for that. And it is repeated as if it were fact.

We spend a pittance on politics in this country. And, as the Speaker pointed out last week, we really ought to be spending more. To the extent that our speech is restrained by some artificial Government-imposed effort to restrict it, others will fill the void. As the Speaker pointed out, the void left by the limits—if we had limits on our speech—would be further filled by the media, in addition to other powerful entities.

A Member of this body on this floor last Friday blasted as ''ludicrous'' the Speaker's observation that over half the money he raises is to offset the Atlanta Journal and Constitution. The Senator further noted that his opponent is not the newspaper. Maybe this colleague of ours who was lambasting the Speaker enjoys a great relationship with his newspaper, but he ought to try to be on this side of the aisle doing battle with the liberal newspapers across America. To conservatives, the undeniably and repeatedly proven liberal slant of the media is an opponent. Of course, all those newspapers would love to restrain our speech so their speech would be enhanced.

I have ruminated at some length on this over the years, including a 1994 piece for the New York Times entitled ''The Press as Power Broker,'' and another for USA Today, also last year.

Mr. President, I ask unanimous consent that both of those articles be printed in the RECORD at this point.

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

[From the New York Times, June 18, 1994]

THE PRESS AS POWER BROKER

(By Mitch McConnell)

WASHINGTON.—In political campaigns, paid advertisements are speech amplifiers—the only practical way for candidates to speak directly to large numbers of voters. That is why the Supreme Court ruled, in Buckley v. Valeo (1976), that involuntary spending limits are an unconstitutional infringement of free speech.

Now, in the name of campaign reform, the Senate and House have both passed ''voluntary'' spending limits for Congressional campaigns. But while they aim to equalize spending between candidates, these limits would distort the political process, creating a whole new set of power brokers—including, perhaps not coincidentally, some of the loudest cheerleaders for the new spending limits: America's largest newspapers.

To get around the Supreme Court ruling, the bills would not explicitly require spending limits. Instead, candidates would be bludgeoned into compliance by a panoply of heavy penalties. These schemes, which have the enthusiastic support of the New York Times, among other papers, are voluntary in name only.

Under the Senate bill, candidates who refused to abide by the limits would have their campaign receipts taxed at the full corporate rate, currently 35 percent. They would be required to include self-incriminating disclaimers in their ads and their campaigns would be saddled with extra reporting requirements. That is just for starters.

When noncomplying candidates went even a penny over the ''voluntary'' limit, their opponents would receive a Government grant equal to one-third of the limit. The more that noncomplying candidates spent above the limit, the more tax dollars their complying opponents would get.

The Senate bill also provides for Government grants to counteract independent expenditures by private citizens or groups for or against any complying candidate. If David Duke decided to run for the Senate and the N.A.A.C.P. or B'nai B'rith decided to spend money in opposition to his candidacy, he would be eligible for dollar-for-dollar matching funds to fight back. And ask yourself this: if an independently financed ad urged people to ''Support Senator X—she voted 50 times to raise your taxes,'' which candidate would get the money to counteract it?

The more a candidate's campaign was hamstrung by a limit on spending (and speech), the more powerful other players would become—labor unions, religious groups, anyone with an agenda to promote. In particular, newspapers would emerge unscathed from this ''reform,'' perfectly situated to fill the communications void created by the spending limits. Their power to make or break

candidates would increase as the candidates' ability to communicate through paid advertisements was severely limited.

Most campaign spending goes toward getting an unfiltered message to voters. This requires expensive television, mail and newspaper advertisements. Simply speaking from the courthouse steps, as in days gone by, would be cheaper; but it is impossible to reach most voters that way.

The ''reform'' effort based on spending limits is obviously unconstitutional, yet the nation's largest newspapers proceed full steam ahead in their promotion of it. Perhaps they do not fully appreciate that newspapers could be but a loophole away from having their election-related editorials regarded as ''independent expenditures'' under Federal election law. Or perhaps their true campaign finance goal is to tilt the political playing field in their own favor.

[From the USA Today, Oct. 24, 1994]

DON'T LIMIT SPENDING

(By Mitch McConnell)

In 1992, congressional campaigns spent about $3.63 per eligible voter—comparable to a McDonald's ''extra value meal.'' The truth is campaign spending is paltry compared to expenditures for commercial advertising. Yet advertising is the only practical—and most cost-efficient—means of communicating to large electorates. That is why the Supreme Court has said that in political campaigns, spending is speech, and therefore involuntary spending limits are unconstitutional.

Had the Senate not mercifully killed it, this year's version of USA TODAY's beloved ''reform'' scheme would have self-destructed in the courts. It was a blatantly unconstitutional attack on citizens' freedom to participate in elections. And, its spending/speech limits were not ''voluntary.''

For example, if the NAACP had the audacity to oppose a Senate candidacy by David Duke, this ''reform'' would direct tax dollars to Duke to ''counteract'' the NAACP! Candidates who didn't ''voluntarily'' limit spending would have their campaign funds taxed, lose broadcast and mail discounts, be forced to run self-incriminating ad disclaimers, be choked with extra red tape and trigger matching funds for their opponents if they exceeded the speech/spending limits. That's why the American Civil Liberties Union opposed the bill.

The National Taxpayers Union opposed what amounted to an entitlement program for politicians, providing communication vouchers (''food stamps for politicians'') to House candidates and a host of benefits to Senate candidates. Political scientists opposed the spending/speech limits because they advantage incumbents over challengers, celebrities over unknowns—the political haves over the have-nots.

Republicans opposed the scheme for all these reasons and more. USA TODAY misdiagnoses the problem and prescribes a constitutionally toxic cure. Perhaps USA TODAY would consider a dose of its own medicine: tax dollars to candidates to ''counteract'' hostile newspaper editorials and an aggregate word limit for articles. This would help ''level the playing field,'' alleviate the political ''headline chase'' and lessen the annoying din of media coverage.

The premier political reform is the First Amendment. If those freedoms were protected only for the press, newspapers would be omnipotent. Perhaps that is why USA TODAY so casually dismisses the First Amendment concerns of others.

Mr. MCCONNELL. Mr. President, in the New York Times piece I referred to the fact that the media factor is codified in law in which they are specifically exempted from the definition of campaign expenditure. The reason that they need to be exempted is because the assumption is that media activities would be a political expenditure. Right here in the Federal election campaign laws compiled by the Federal Election Commission on page 6, it is pointed out that the term ''expenditure'' does not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station, and so on.

The point this makes is that you could assume that is an expenditure in a campaign. So there is a need to specifically exempt it. The Speaker is absolutely correct. To the extent that the speech of an individual campaign is artificially restrained by some Government-imposed speech limit, the speech of others will be enhanced. Most particularly the liberal media of this country who love to limit anybody else's speech so their speech will be louder and more penetrating.

An objective observer unconcerned or unfamiliar with the Constitution might call that media exemption a loophole. But the point fundamentally, Mr. President, is that we are not, as the Speaker indicated, spending too much on politics in this country. We ought to be spending more. Any effort to restrain the speech of campaigns, to shut up the campaigns, will enhance the speech of others. To rearrange speech in this democracy is not a desirable goal.

So we begin again the seemingly endless debate that has certainly dominated the Senate during my period here about the desirability of clamping down on American campaigns and shutting up candidates so they will not speak too much and providing some kind of subsidy—a bribe, if you will—to get them to shut up.

The Supreme Court has said that spending is speech and cannot be limited. But it did say that you could offer a public subsidy to candidates if you wanted to sort of pay them to shut up. That is the Presidential system, and the reason even candidates like Ronald Reagan, who stated that he would take taxpayer funding and said, ''I will take it. I cannot afford not to. The subsidy is so generous.''

The various schemes we discussed here in the Congress do not have as generous a subsidy. It has been proposed that we have the broadcasters pay for our campaigns, or that we have the Post Office customers pay for our campaigns through broadcast discounts and postal subsidies, as if this somehow was not real money. Well, it is real money. And make no mistake about it, the goal of all of these schemes is to clamp down on political speech, which, of course, will in turn limit the participation of Americans in the political system. There is much more to be said, and I expect we will have an opportunity next year to say it.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Minnesota.

RELEASE OF PRISONERS FROM VIETNAM

Mr. GRAMS. Mr. President, I was very pleased to learn of the release today of two American prisoners in Vietnam. They are Mr. Nguyen Tan Tri and Mr. Tran Quang Liem. Both Mr. Tri and Mr. Liem will arrive in the United States today.

The American citizens were detained 2 years ago, along with Steven Young, a constituent of mine and a well-known promoter of democracy in Vietnam. The three Americans were in Vietnam organizing a conference on democracy with Vietnamese activists.

Unfortunately, the right to free speech is not yet recognized in Vietnam, and the three Americans were detained without charge. Steve Young was released within a few days, but Tri and Liem languished in poor health in a Vietnamese prison for nearly 2 years before they were charged, tried, and convicted of treason in mid-August. Sentences of 7 years for Tri and 4 years for Liem were then issued.

As a member of the Foreign Relations Subcommittee on Eastern Asia and Pacific Affairs, I made this matter a top priority. On September 19, I passed Senate Resolution 174, which was cosponsored by my colleagues Mr. DOLE, Mr. HELMS, and Mr. THOMAS. The resolution called for U.S. Government intervention at the highest levels to secure freedom for these Americans. At the time it did not appear that Secretary-level contact had been made in this matter, something that I believed was essential after the normalization with Vietnam. Suitable contacts were subsequently made, allowing us to communicate how important the release of these two Americans was to our Government and to the relationship between our two countries.

On October 12, I met with family members of Mr. Tri and Mr. Liem, who had traveled to Washington from Texas and California to urge the Government to give this matter the same priority that it gave to the release of Harry Wu. The families were concerned about the health of the American prisoners, as well as the poor prison conditions to which they were subjected. They were informed by the State Department officials that release had become a top priority for the administration.

Mr. President, shortly after this meeting, it appeared that the Vietnamese were becoming more interested in resolving this matter. The rumors out of Vietnam were rampant. Several times we heard that there would be a retrial. We heard that there would be a release about the same time of President Le's visit to the United States to attend the U.N. anniversary celebration. We then heard the retrial would

occur the weekend of October 28, followed by conviction and expulsion from the country. Finally, a commitment was made that the release would occur this past weekend in Vietnam.

While all of this goes to show that freedom of speech and due process are still scarce in Vietnam, I am pleased that normalization has apparently given us more tools to pursue issues of dispute with the Vietnamese Government. The two Americans have now been released, but many political prisoners, whose only crime has been to address issues of religious and political freedom, remain locked away in Vietnamese prisons.

I am encouraged as well that the Vietnamese have been more forthcoming with the release of information about MIA's and POW's after normalization. We must continue our efforts with Vietnam to pursue a full accounting, as my resolution also has requested.

Again, I applaud the personal intervention of Secretary Warren Christopher and Secretary Lord on this important matter, and I also look forward to working with them to pursue our mutual goals now that we have normalized our relationships with Vietnam.

To Mr. Tri and to Mr. Liem I say, Welcome home.

Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

HOLD THE LINE—NO COMPROMISE

Mr. GORTON. Mr. President, recently I received a letter from a constituent named Sue Magruder, who lives in Snohomish, WA. This is what she wrote:

> DEAR SENATOR GORTON: Hold the line. If the President decides to veto and the Government shuts down, so be it. We don't need all this Government, and compromise is out of the question.
>
> Please pass this sentiment on to the rest of your colleagues. We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mrs. Magruder and her husband are small business people in the town of Snohomish, WA. They feel—and I think they feel justly—that they are overburdened with regulation and with taxes, with attempting to support themselves, with attempting to make both their own family and their community a better place in which to live. And they, together with millions of other Americans like them, want us to continue on the course that we set out at the beginning of this year—the course that will bring the budget into balance, a course that will remove at least some of the duplicative and unnecessary regulations from their backs, a course which will lessen the burden of taxation, which governments at all levels impose on them.

They, unlike many Members of Congress, believe that the money that they earn is their own, and that they can be asked to give some of that to support common purposes. They disagree, however, that somehow or another everything they earn belongs to the Government, which, in its generosity, will allow them to keep some of it. That is a fundamental disagreement that they have with many Members of this body and many others who live and work in this Capital of the United States. They know that every penny the Government gets comes out of the pocket of some hard-working American citizen or some other person who lives and works at some point or another in this country.

Sue Magruder wrote that there is no more to give. In that line, she was concentrating on herself and her family and her community. But at least an equally undesirable—no, immoral element in the way in which this Government has been run during the course of the last 20, 30, or 40 years is that we spend money by the hundreds of billions of dollars that we are not taking directly from our citizens in the form of taxes, but are borrowing, at interest, and sending the bill not to the citizens who live and work in the United States now, but to their children and our children and grandchildren. That, Mr. President, is a greater imposition, a greater wrong done to them than can possibly be done by any control over the increase in spending policies, by the cancellation of any marginal Government spending program.

We simply do not have the right to spend the money on consumption today and ask our children and their children and their children to pay the bill. That is the central issue; that is the central question which separates us from a White House that believes in the status quo and believes that there really is nothing wrong with the continuation of multibillion-dollar deficits year after year, as far as the eye can see. And it is on that proposition, Mr. President, that I do not believe that constructive compromise is possible. Once the White House, once the administration realizes the depth of our feeling on this issue, once it comes to its senses and is willing to join us in the goal of balancing the budget in 7 long years, on the basis of realistic projections, then, Mr. President, I think many things are said to be compromised. Many elements of the spending program can go up while others go down. I do not believe that there is any absolute bottom line after we have reached that conclusion. Under those circumstances, compromise will be a constructive activity. But to compromise away the proposition that we must stop spending more than we take in would be essentially wrong, would be a repudiation of the commitments that those in the majority made to our voters last year. Mr. President, I am convinced it cannot and will not be done.

So, if I may, I will end these comments by repeating one part of Sue Magruder's letter:

> We want you to hold the line. Don't compromise with my tax dollars because there is no more to give.

Mr. President, that is correct and that is the line that we are going to continue to hold.

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.

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

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

APPOINTMENT OF CONFEREES—H.R. 2546

The PRESIDING OFFICER. Under the order of November 2, 1995, the Chair is authorized to appoint conferees on the bill, H.R. 2546.

The Presiding Officer appointed Mr. JEFFORDS, Mr. CAMPBELL, Mr. HATFIELD, Mr. KOHL, and Mr. INOUYE conferees on the part of the Senate.

THE DEATH OF ISRAEL PRIME MINISTER YITZHAK RABIN

Mr. ROBB. Mr. President, it is with a sad heart that I offer a few final words today on behalf of Yitzhak Rabin—statesman, military war hero, peacemaker, and friend.

His burial in Jerusalem on Monday casts a pall over Israel and the Middle East. The resilient people of Israel will overcome this tragedy, but his assassination reminds us of the extremist poisons that continue to threaten Yitzhak Rabin's dream—peace between Israel and the Arab world.

I first met Yitzhak Rabin when he served as Ambassador to the United States beginning in 1968. It was one of many leadership posts he held in a long and distinguished career. From brigade commander in the 1948 war of independence to Army Chief of Staff during the historic 6-day success in the 1967 war to Ambassador and then Prime Minister on two different occasions, Yitzhak Rabin embodied the fighting, and now peacemaking, Jewish spirit.

I had the good fortune of visiting with him many times over a period of three decades. Following the raid on Entebbe, he honored my mother-in-law, my wife, and me with a state dinner in Jerusalem in 1973. During visits to Israel since then, and on his trips to Washington, I continued to learn from Yitzhak Rabin's political wisdom and insights, as well as appreciate the difficulty of living in a world surrounded by declared adversaries. His was a

voice of reason, forged by the fires of war and tempered these last few years by yearnings for peace.

Because of my own military background, Yitzhak Rabin shared additional insights with me on the strength and force of Israeli defense forces and difficult combat environment they faced. I respected him enormously for the military prowess he demonstrated during his years of service and afterwards. His fighting skills in 1948 and 1967 earned him accolades as an authentic war hero. Most would agree that his military leadership was invaluable in securing the birth, and continuing security, of the Jewish State.

But Yitzhak Rabin left the battlefield for the political trenches in the 1970's, initially implementing iron fist policies during his first term as Prime Minister that brooked no dissent from the enemies of Israel. Hostile states, terrorist organizations committed to the destruction of the Jewish State, and other inimical forces would not push Israel into the sea.

After a stint as Defense Minister in the 1980's and then a Labor-Likud powersharing arrangement, Yitzhak Rabin returned to the Prime Minister's Office and began to lay the groundwork for comprehensive peace with the Palestinians and Arab Nations. It was not an easy decision to make, trading land for peace, but no one was more respected or qualified to lead Israel away from the bloodshed of its past to a more secure future.

The 1993 Declaration of Principles has started us down that road. I will not forget the Prime Minister's words that sunny September morning 2 years ago on the White House lawn when the accord was signed. ''The time for peace has come,'' he said. ''We, the soldiers who have returned from battles stained with blood * * * say in a loud and clear voice: Enough of blood and tears. Enough.''

King Hussein appropriately eulogized Yitzhak Rabin as one who ''died as a soldier of peace.'' We can only hope that his assassination imbues the peace process, pushing implementation of the Oslo II agreement forward. In earlier times Shimon Peres and Yitzhak Rabin espoused different views and styles within the same Labor Party tent, but in an ironic twist the two forged a personal alliance these last few years in the name of peace. I have high hopes for the Acting Prime Minister carrying forward with Rabin's good work.

For if he were with us today, I think Yitzhak Rabin would urge us to finish the job he has begun. It only saddens me that this courageous leader did not live to enjoy the fruits of his own labor to create a better future for Israel.

THE DEATH OF YITZHAK RABIN

Mr. ROTH. Mr. President I, rise today to express my profound grief over the death of Israeli Prime Minister Yitzhak Rabin—a man who was brave in the conduct of war and courageous in the pursuit of peace.

Yitzhak Rabin's life embodied the very concept of leadership. He was a warrior of great skill, an accomplished diplomat, and, in the fullest sense of the term, a statesman. His leadership was a catalyst of reconciliation and peace in a region long torn by animosity and war. The dramatic progress we have witnessed over the last 2 years in the Middle East peace process would not have occurred without the leadership of Yitzhak Rabin.

One of his key strengths as a leader was his ability to bond realism with optimism. It is a trait that is all too rare and all too necessary in regions beset by conflict.

Rabin combined his acute understanding of the obstacles to peace in the Middle East with his recognition that peace was essential to security of his nation. The product is the historic roadmap in the Middle East we must now follow. It has not, nor will not, be an easy path. It will be all the more difficult in his absence.

In such endeavors, leaders matter. Rabin's tenure as Prime Minister demonstrated this clearly. Despite setbacks and ever present dangers, Rabin never allowed himself to become disillusioned with prospects for peace. He forged ahead. He marshalled support for what were initially unpopular, but nonetheless necessary, steps toward Arab-Israeli reconciliation. Rabin kept the process on track.

The death of Yitzhak Rabin is clearly a blow to the peace process. However, Mr. President, his assassination is not a reflection of the fragility of peace he has helped bring to the Middle East. It is a reflection of the urgency with which we must work to consolidate that peace.

We must remember that while leaders matter, it is their visions that are enduring. Yitzhak Rabin left to Israel and the Middle East, indeed to the world, a vision of reconciliation that will be his lasting legacy. Our greatest contribution to the memory of Yitzhak Rabin must not be our grief over his departure, but determination to ensure that his vision of peace and reconciliation becomes an enduring reality in the Middle East.

REMEMBERING YITZHAK RABIN: WARRIOR FOR PEACE

Mr. HOLLINGS. Mr. President, I rise today with a heavy heart to remember one of America's greatest friends—my friend Yitzhak Rabin—who was tragically murdered Saturday in Israel. His sudden death is even more shocking because he was assassinated just after making an impassioned speech for peace in the Mideast.

Mr. President, Yitzhak Rabin was the strongest leader in today's world. Period. As he guided the ship of Israel through a sea of hostility, he forcefully led the troubled Mideast toward peace. We can only hope that we continue to seek the Prime Minister's goal—peace among Moslem, Christian, and Jew—and continue to turn away from the violence that always bubbles just under the surface in that part of the world.

Yitzhak Rabin trained to be a farmer. Like one of our greatest Presidents, Harry S. Truman, Prime Minister Rabin had the plain-speaking, straightforward, blunt common sense of farmers. But also like Truman, Rabin's destiny led him to the army and to becoming a world leader whose strategic intellect was respected all over.

Just 6 years ago, Senators DANIEL INOUYE, Jake Garn, and I spent several hours with Rabin when he was Israel's Defense Minister. To this day, I will not forget the time that Mr. Rabin spent showing us the intricate desert defense preparations made by Israel. His courtesy, combined with his intense attention to detail, made our mission a learning success.

Mr. President, if there is one thing that I have realized in recent years, it is that Yitzhak Rabin was a warrior for peace in the Mideast. When Israel's security was in grave danger, he fought and led military battles, notably the Six-Day War in 1967. But over time, he came to embrace peace as the only way for Mideast stability.

Just 90 minutes before he was gunned down in Tel Aviv, Prime Minister Rabin stood before more than 100,000 people at a rally to implore them to harvest the fruits of peace. He said, ''I waged war as long as there was no chance for peace. I believe there is now a chance for peace, a great chance, and we must take advantage of it for those standing here, and for those who are not here.'' A few moments later, he added, ''The people truly want peace and oppose violence. Violence erodes the basis of Israeli democracy.''

Mr. President, today, in our grief, as we remember our friend Yitzhak Rabin, let us all look to his last words for the guidance to achieve the greatest legacy we can give our friend—a lasting peace.

Mr. President, an editorial in today's edition of the State of Columbia is a fitting tribute to Prime Minister Rabin. I ask unanimous consent that it be printed in the RECORD.

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

RABIN: ''BEST IN WAR, BUT * * * GREATEST IN PEACE''

Among the thousands who will experience the funeral of Yitzhak Rabin in front of an international audience today, the thoughts should be on the peace process the Israeli prime minister was setting up when an assassin struck him.

As Foreign Minister Shimon Peres said, Mr. Rabin was ''at his best in war, but at his greatest in peace.''

There was more truth than hyperbole in this. The man was a warrior who served as chief of staff of the Israel Defense Forces, overseeing the dramatic victory over Arab armies in the Six-Day War of 1967. He had risen to this position after more than 20 years as a soldier, a career that began in the Jewish underground before independence, as a commando in Haganah.

That victory gave Israel territory in the Sinai that was released when Egypt's Anwar Sadat made peace with the Jewish state. And it also brought Israel captured land that his country is giving back now in negotiations with the once-hated Palestinians.

Mr. Rabin's superb marks as a warrior helped position him as a man of steel, one who could be depended upon to hold the security of Israel foremost as he slipped into his role as statesman.

He became ambassador to the United States after the Six-Day War. By 1973 he was back in Israel as a Labor Party member, becoming prime minister in 1974 in the wake of the difficult Yom Kippur War. He became the first sabra—native-born Israeli—to serve as prime minister.

A minor scandal helped send Mr. Rabin packing in 1977 when the Likud conservative party took over for some years. Then in 1984, he returned to government as defense minister in a coalition regime headed by Likud leaders. His political rehabilitation was kindled by the Palestinian intifada (uprising) that began in 1987 and caused the defense minister to order the breaking of limbs instead of shooting. Ultimately, he lost faith in that policy, and came to believe that territorial concessions to the Palestinians were a requirement for peace.

The election of 1992 restored Labor and made Mr. Rabin prime minister again. An old Labor rival, Mr. Peres, became foreign minister and soon started the Olso talks that set up the first meeting between the PLO's Yasser Arafat and the Rabin-Peres team at the White House. That was the beginning of the current West Bank talks.

Those discussions enraged the Israeli right. Right-wing Israelis paraded effigies of Mr. Rabin as a Nazi officer or portrayed him wearing a kafflyeh (Arab head dress). And so it was that on Saturday, after a peace rally with 100,000 Israelis, a Jew broke a commandant never to shoot a Jew. Like Egypt's Anwar Sadat, Yitzhak Rabin was killed by one of his own people. In the assassin-filled Mideast, he is the first Israeli prime minister to die at a terrorist's hand.

Despite a seven-day period of mourning, the Labor Party has already reestablished itself under Mr. Peres. Likud leader Benjamin Netanyahu has lamented, ''We debate, we shout, we don't shoot.'' But it does not appear that Netanyahu will seek another election soon, although about half the populance seems to be on his side. Among them are the zealots who must be restrained.

As the architect of peace, Mr. Peres knows the process and the principal players. He can lead if he's not considered too dovish. Maybe a Rabin is necessary to act firmly. Let's hope not.

Let peace, not war, be Yitzhak Rabin's legacy. His own countrymen, more so than the 40 heads of state at his funeral today, hold the key to this.

GORDON ELDREDGE

Mr. BAUCUS. Mr. President, I rise today to honor a man who has made a substantial investment in the future of my State of Montana. Gordon Eldredge is retiring as executive director of the Boys and Girls Club of Billings after 25 years.

I believe it is important for people to know about someone like Gordon. Many children already do. They know and trust him as a man who understands them, their families, their problems, their hopes and dreams. He gives them a safe haven and a sense of belonging. We should all take heed of his example.

Gordon will give credit for his success to his father, his family, his board and the families he serves before taking any for himself. His background is steeped in the Boys and Girls Club tradition, with his father and two brothers serving as executive directors for clubs and his own career encompassing 37 years.

Gordon has established the club's reputation for being one of the best-equipped clubs in the Nation. The club, which has about 1,000 members, has built its soccer program into one of the premier youth sports activities in Billings. The inviting new building serves not only club members, but any child who cares to participate.

This is all due to the vision and compassion of one man, the man I am so proud to recognize today. To quote from the play, ''The Fantasticks,'' ''a man who plants a garden is a very happy man.'' Gordon, enjoy your retirement. You have tended your garden well.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the skyrocketing Federal debt, now slightly in excess of $15 billion shy of $5 trillion, has been fueled for a generation by bureaucratic hot air—sort of like a hot air balloon whirling out of control—which everybody has talked about, but almost nobody even tried to fix. That attitude began to change, however, immediately after the November 1994 elections.

The 104th Congress promised to hold true to the Founding Fathers' decree that the executive branch of the U.S. Government should never be able to spend a dime unless and until it had been authorized and appropriated by the U.S. Congress.

So, when the new 104th Congress convened this past January, the House of Representatives quickly approved a balanced budget amendment to the U.S. Constitution. On the Senate side, all but 1 of the 54 Republican Senators supported the balanced budget amendment.

That was the good news. The bad news was that only 13 Democrat Senators supported it, and that killed the balanced budget amendment for the time being. Since a two-thirds vote—67 Senators, if all Senators are present—is necessary to approve a constitutional amendment, the proposed Senate amendment failed by one vote. There will be another vote during the 104th Congress.

Here's today's bad debt boxscore:

As of the close of business Monday, November 7, the Federal debt—down to the penny—stood at exactly $4,984,737,460,958.92.

That amounts to $18,922.15—on a per capita basis—for every man, woman, and child in America.

A TRAGEDY FOR ISRAEL AND THE WORLD

Mr. MACK. Mr. President, the death of Yitzhak Rabin was many things—the loss of a hero, a blow to the momentum of the peace process, a vile act of political terror. Israel, whose people are accustomed to tragedy and unspeakable inhumanity, has been confronted with something unexpectedly sinister. An attack from within. While Israel has taught the rest of the free world to bear the burden of terrorism and fight back, it has never had to cope with the assassination of a leader by a fellow citizen. Something has changed forever with the death of Yitzhak Rabin. But much more remains the same.

In the aftermath of the tragedy, Israelis poured out into the streets, lighting candles and keeping an all night vigil of prayer. The next day, as Yitzhak Rabin lay in state at the Knesset, a million mourners—a quarter of Israel's population—paid their respects. Israelis of all political viewpoints united to mourn their prime minister. In a unique and historic tribute, leaders of Arab countries, including King Hussein of Jordan and President Mubarak of Egypt, and a Palestinian delegation, attended the funeral alongside mourners from all over the world. Finally, Israel's leader in war and peace was laid to rest at Mount Herzl, Jerusalem's military cemetery, near graves of other soldiers who died defending Israel.

Just before the funeral began, a siren sounded across Israel, signaling Israelis everywhere to observe a moment of silence. Every year, on Israel's Memorial Day, this siren signals Israelis to stop whatever they are doing to honor the nation's fallen soldiers. On Monday, heads of state and royalty from all over the world paid tribute to Yitzhak Rabin. Yet it is the image of Israel's people, making pilgrimages to his home in Jerusalem, lining the route of the funeral procession, and standing silently during the siren that epitomizes for me the death of a hero.

Time and time again, Israel has endured crises and tragedies. Time and time again the Israeli people have grown stronger and more committed to their Zionist mission. The people of Israel have, in a short time, accomplished many dramatic successes. They have farmed the desert. They have welcomed hundreds of thousands of Jewish immigrants from diverse backgrounds, not to mention refugees from Vietnam, and Bosnia. They have fought wars, and repelled terrorist attacks, while establishing a democratic Jewish state, based on the rule of law. I have been to Israel and met with its leaders and ordinary citizens. Now, as Israel faces yet another difficult challenge, I have faith that the Israeli people will come together in their grief to carry on Israel's role as the strongest democracy and United States ally in the Middle East.

It is very difficult to imagine Israel without Yitzhak Rabin. His life and career tracked the dramatic events of Israel's founding. He oversaw the development of its army, commanding it at one of its most perilous moments, the 1967 Six-Day War, and overseeing Israel's defense during the difficult period of the Intifada. He worked to strengthen the United States-Israel alliance as Israel's Ambassador to Washington. As Prime Minister, he worked for peace while safeguarding Israel's security. Finally, let no one forget, he gave his life for peace. There is a Hebrew saying invoked in times of mourning, ''May his memory be a blessing.'' Yitzhak Rabin's life was a blessing to Israel, and to the world. His memory will serve as an inspiration to all of us in the difficult days ahead.

OSCAR DYSON, A FRIEND OF FISHERIES

Mr. MURKOWSKI. Mr. President, I rise today to note with great regret the passing of one of Alaska's most prominent citizens, Oscar Dyson, on Saturday, October 28.

Oscar Dyson was a true pioneer and an authentic Alaskan sourdough who epitomized the can-do spirit of the Last Frontier.

Born in Rhode Island, he first came to Alaska in 1940, after working his way across the country. When World War II began, he went to work building airstrips for the Army Corps of Engineers. When Japanese airplanes attacked Dutch Harbor and invaded the Aleutian Islands, Oscar Dyson was there.

After the war, Oscar truly came into his own. He started commercial fishing in 1946, beginning a career that would span generations and would make him one of the most well-known and admired figures in the U.S. fishing industry.

Over the years, Oscar pioneered fishery after fishery. Starting as a salmon and halibut fisherman after the war, he branched out into shrimp, king crab, and ultimately, in groundfish. In 1971, he made the first-ever delivery of Alaska pollock to a shore-based U.S. processor, starting an industry that now has an annual harvest of over 3 billion pounds—the largest single fishery in the United States and the fourth in value—which now represents a full 30 percent of the United States commercial harvest.

In the 1970's, while remaining an active fisherman, Oscar also diversified, joining with several other fishermen to purchase what became a highly successful and innovative seafood processing company.

Oscar thought of himself—first, last, and always—as a fisherman. But to those of us who knew him, he was far more. He knew that good citizens must be ready to give something back to this great Republic, and he was as good as his word. He served 13 years on Alaska's Board of Fisheries, and three terms on the Federal North Pacific Fishery Management Council. He also served his country as an advisory and representative in international fishery negotiations with Japan and Russia.

He did not stop there. He was a founding member of the United Fishermen's Marketing Association and the Alaska Draggers Association. He gave his time to the Kodiak City Council, the Kodiak Community College, the Alaska Seafood Marketing Institute, and the Alaska Governor's Fishery Task Force, to name a few of many. And he worked tirelessly toward the goals of the Alaska Fisheries Development Foundation, and Kodiak's Fishery Industrial Technology Center. Always, he helped lead his fellow fishermen toward a stronger, sustainable future.

In 1985, Oscar was chosen by National Fisherman magazine to receive its prestigious Highliner of the Year awards. And this year, just days before the fatal accident that took his life, he was made the National Fisheries Institute's Person of the Year, the institute's highest honor.

Finally, Oscar believed strongly in our Nation's youth. Both by example and by application, his kindness, humor, understanding, and sage advice guided generations of young people. He helped them ''learn the ropes,'' and they gained the confidence to go out into the world and—like Oscar himself—to make it better. There can be no greater memorial.

ISRAELI PRIME MINISTER YITZHAK RABIN

Mr. D'AMATO. Mr. President, I rise today to pay tribute to the late Yitzhak Rabin who served his people in war and in peace and did both with great bravery. The Government of Israel and the people of Israel have suffered a deep wound that will take a great deal of time to heal.

Just 2 weeks ago, I along with many of my colleagues, stood with him in the rotunda of the Capitol to present to him, a copy of the bill which would move the American Embassy in Israel from Tel Aviv to Jerusalem, the Holy City. I was most proud then and most proud now to have been there. One could not, of course, guess that only 2 weeks later, this horrible, cowardly act would occur.

The Prime Minister's goal of peace for Israel, after so very many years of blood and tears, is one that cannot be abandoned. I am sure that Israel will find the strength to move forward. Peace, like Israel's security, is of vital importance to Israel and the United States alike. Yet, one cannot argue the point that Israel will not be the same without him. He was a hero and a towering figure of his time.

My heart goes out to the Rabin family at this most unfortunate time. They can take solace in the fact that Yitzhak Rabin will forever be remembered as a peacemaker for his people—a peacemaker for Israel.

FAREWELL TO PRIME MINISTER YITZHAK RABIN

Mr. PELL. Mr. President, today I wish to pay my respects to a man who will be remembered as one of history's giants.

I know that all of us in the Senate—indeed, throughout the Nation—were shocked and saddened by the news of the assassination of Israeli Prime Minister Yitzhak Rabin. Having just returned from accompanying President Clinton to the Prime Minister's funeral, I can also bear witness to the devastating, emotional impact of the assassination on the fabric—indeed, on every fiber—of Israel's society.

Yesterday, the Senate passed a resolution paying tribute to Prime Minister Rabin's legacy and expressing support for the people of Israel and the government of acting-Prime Minister Shimon Peres. Those are fine and appropriate sentiments, and I was pleased to cosponsor the resolution. It is indeed proper for the Senate to act quickly to reaffirm its unique and unwavering commitment to the State of Israel.

Yet in a certain sense, the words in the resolution we passed yesterday could never do justice to the rich, complicated, and ultimately heroic life of Yitzhak Rabin.

Prime Minister Rabin did not inspire love as much as confidence. Even if they disagreed with him, his countrymen could be assured of his commitment to their safety and security. To me, the grieving Israelis, whose pictures we have seen on television and in the papers, are probably not moved entirely by sentiments and emotions—although that is surely part of it. But I think the real reason they seem so fragile is because they have lost their anchor, and as a result are uncertain of their world. It is a measure of Rabin's greatness that his passing could have so profound an impact.

Prime Minister Rabin was the quintessential soldier—his thinking strategic, his analysis solid and calculating, his style terse, and his authority unquestioned. These qualities, which served him so well on the battlefield, were also the distinguishing characteristics of his political career. Although the ends he pursued seemed contradictory—decisive military victory on the one hand, peaceful coexistence on the other—the means by which he pursued them never changed. He brought to the peace table the same dogged determination, the same self-confidence that he possessed in the war room.

One of the quirks of world politics is that revolutionary change often springs from the most unexpected sources. The political pundits of the 1970's, for instance, would never have guessed that President Nixon would be the first to visit China. A decade later,

no one could have predicted that President Reagan would be the one to sign far-reaching arms control agreements with the Evil Empire, the Soviet Union. By the same token, it was equally improbable that Rabin, who arguably was more concerned with the security of Israel than many of his compatriots, would take such unprecedented risks for peace. It defies expectation even more that this gruff soldier-turned-statesman could speak so ardently and passionately in defense of his decisions.

I think that many amongst us will always associate Prime Minister Rabin with his historic appearance on the White House lawn in September 1993, when he shook Yasir Arafat's hand in full view of the world. I well remember that sun-spilled morning, a day full of hope and promise. Some moments in history are so dramatic, so full of vitality, that they will never fade. Such was that day. For me, the defining moment came when Prime Minister Rabin uttered the unforgettable words I now shall quote:

> We are destined to live together on the same soil in the same land. We, the soldiers who have returned from battles stained with blood; we who have seen our relatives and friends killed before our eyes; we who have attended their funerals and cannot look into the eyes of their parents; we who have come from a land where parents bury their children; we who have fought against you, the Palestinians, we say to you today in a loud and a clear voice: Enough of blood and tears. Enough!

Those, Mr. President, are not the words of a warrior, but of a poet. I do not know if there is more unlikely an author for such stirring prose than Prime Minister Rabin, but it serves to remind us of the depth of his character, the multifaceted nature of his personality.

The complexities that so were evident in Rabin go to the very heart of leadership. In every democracy, there often emerges a struggle between the will of the people and the best instincts of their representatives. Prime Minister Rabin's decisions on the peace process were not always popular or well-received, but he was able to move his country in a new direction because of the strength and courage of his convictions. He came to believe as relentlessly in peace as he did in military strength, and brought a reluctant nation along with him. That, Mr. President, is the essence of leadership.

The United States has lost a trusted and valued friend, and Israel has lost one of its fiercest, and most noble lions. While nothing has changed that is fundamental between us, our two countries will never look at each other quite the same. That will be the result of having lost, in such a sudden and unthinkable way, one such as Prime Minister Rabin. Our Nation mourns his loss, and grieves with his family and friends.

Soldier, diplomat, leader, a peacemaker, Nobel laureate—to be successful at any one of these is more than enough for a rich and fulfilling life. Prime Minister Rabin excelled at all of them, and for that, history will forever remember and revere him.

THE DEATH OF MARTHA MOLONEY

Mr. FORD. Mr. President, I rise to speak today on a matter that brings me great personal sadness. A loyal and trusted member of my staff, Martha Moloney, passed away over the weekend, after a long battle with cancer.

I know that many of my colleagues will understand when I say that my staff is like a second family to me. And perhaps, it is even more pronounced for me, because of the length of time my staff has continued to serve me with such loyalty and dedication. Martha was one of those staffers, working with me for 18 years, nearly my entire service in the Senate.

Over the years, I had the privilege to see her develop her legislative acumen, having a hand in numerous historic legislative achievements and working on airport projects all across my State.

I depended immensely on her political sense and her knowledge of aviation and telecommunications issues. Her work certainly did not go unnoticed in Kentucky. Because of her commitment of time and energy, officials at one of our largest airports named a street after her. I will be forever grateful for the countless times that her advice and counsel helped me make the best decisions for Kentucky and the Nation. I know that many Kentuckians will share my belief that she will be impossible to replace.

I also saw her confront a terrible illness and turn it into a series of personal triumphs. Because of her bravery and commitment, last year's National Race for the Cure on behalf of breast cancer, had over 200 participants who ran, walked, and said, ''Doing it for Martha.'' As a result of the personal outpouring of support on her behalf, the entire race will be dedicated in Martha's honor next year. It is the largest 5 kilometer race in the world.

If you look simply at her 25 years of public service, first in her native Kentucky and then in Washington, you cannot help but be impressed by her commitment to a State and its people. But, that really does not begin to define a woman whose gifts and talents were many.

I know my fellow Kentuckians will agree when I say she was a true southern woman in the best of that tradition. She was intelligent and articulate, not a bit afraid to speak her mind, a gracious hostess and talented artist creating beautiful quilts and needlework, and to the end, compassionate and giving.

She was the accomplished cook who was as proud of the meal she cooked at Christ House or Carpenter's homeless shelter as she was of the gourmet spread you were guaranteed when invited to dinner.

She was the woman who faced death much too early, yet was determined in the last months of needlepoint the Christmas ornaments her friends and colleagues had come to expect each year, before it was too late.

Not long ago, I read the words of a pastor who said that ''If you look hard enough, you can see God's image even in someone whose life is foreign to yours, and you can have compassion for him.'' In the end, I believe that is the life Martha had come to live, turning the skills that led to an accomplished career, into the large and small acts of kindness and generosity that touched all those who knew her and many who did not. My thoughts and prayers go out to her friends and family.

PRIME MINISTER YITZHAK RABIN

Mr. SANTORUM. Mr. President, the hills of Jerusalem were quiet yesterday as world leaders gathered to pay tribute to Prime Minister Yitzhak Rabin, a man who served and led Israel for more than 50 years both in war and in peace. Yitzhak Rabin was a true leader in every sense of the word. A man who, after having led his nation in war battling for freedom, turned to his own countrymen to seek peace for the long-term security of Israel.

In the days since his tragic death, much has been said of Yitzhak Rabin's unique role in brokering peace in the Middle East. Friends and former foes agree Mr. Rabin achieved progress where perhaps no other Israeli leader was capable. Because of his strong military record, Yitzhak Rabin brought legitimacy to his quest to stop the bloodshed of Israelis. Only a man who led his country to great victories in war could argue effectively against concerns that Israel was giving up its security in negotiating peace with her neighbors.

From Yitzhak Rabin's early days as a young soldier in the Palmach, to his meteoric rise to Chief of Staff of the Israeli Army, he was credited worldwide as having one of the most insightful military minds of his time. He was primarily responsible for creating the army which led Israel to victory over Egypt, Jordan, and Syria and included the capture of the Old City of Jerusalem in the Six-Day war. Yet it may have been his close contact with war that led him to eventually realize that the only true prospect to ending the Palestinian question was negotiation, and not a military solution.

One of the most tangible examples of what his efforts for peace have garnered was the presence of King Hussein and President Hosni Mubarak at the funeral services at Mount Herzl Cemetery. These men, once enemies, joined over 30 other world leaders to honor a man they had faced on the battlefield and then again at the equally difficult peace table.

Yitzhak Rabin inspired in most Israeli citizens a sense of confidence that in these troubled times he was acting in the interest of Israel's long-term

prosperity. He viewed peace negotiation as a necessity to secure Israel's future in the Middle East, putting aside whatever personal remembrances he may have carried from his days as a soldier. The pinnacle of his career was witnessed by millions of people on September 13, 1993, when he and Yasir Arafat shook hands on the White House lawn after the signing of the Declaration of Principles. On that day, he spoke words meant for Israel's Arab enemies but now tragically apply to fellow Israelis, ''We are today giving peace a chance—and saying to you and saying again to you: enough. Let us pray that a day will come when we all will say farewell to the arms.''

TRIBUTE TO PRIME MINISTER YITZHAK RABIN

Mrs. MURRAY. Mr. President, like so many of my colleagues, I want to rise today and pay tribute to the late Israeli Prime Minister Yitzhak Rabin, who lost his life in the name of peace this past Saturday in Tel Aviv.

Many of us have spent the last several days mourning the loss of a great man—not only for Israel but also for the world. On Monday, Kings, Presidents and Princes gathered in Jerusalem to pay tribute to this finest of leaders—the late Israeli Prime Minister Yitzhak Rabin. But as I listened to the statements of praise and honor, I was struck most by the words of his granddaughter, who spoke of his place in Heaven more than his place in history. ''Grandfather,'' she said, ''may the God of Israel that keeps over all of us keep you in Heaven, as you merit.''

Heaven now cradles the man who spent his life fighting wars and waging peace on behalf of the great nation of Israel. And so it is left to those of us still living to carry his torch—that ''pillar of fire'' described by his granddaughter, that lit a path toward peace few thought possible. Yitzhak Rabin, we will miss your vision and courage. But we will not let the message of your life be lost. Today it falls to each of us, citizens and leaders of all nations, to guarantee that your legacy of peace is fully realized.

Yitzhak Rabin was trusted by Israelis first for his military knowledge, and later for his political leadership. He has been a central actor in his nation's history since its founding in 1948, leading his country through times of war and peace. His was truly a remarkable life, held together by a singular, unwavering commitment to the security of Israel.

Yitzhak Rabin once said that he worked to end the hostilities in the region so that his children and his children's children would no longer ''experience the painful cost of war.'' Today, on behalf of Yitzhak Rabin's granddaughter and all the children of Israel, we must not ask if the Middle East peace process can survive, but rather, how. We must devote ourselves to that goal with unity and courage.

For my part, my commitment to ensuring a strong and secure Israel remains steadfast. As always, Israel has a true and lasting friend in the United States. Since its founding, the American people have stood by Israel in the search for peace and stability. Today, as Israeli citizens mourn, we stand by our friend. In the months ahead, we will stand by Israel's side as that nation heals, and as it finds the courage to take the next step toward peace.

Shalom, Yitzhak Rabin. We praise your life and the gifts you gave to Israel and the world community.

CONDOLENCES TO ISRAEL

Mrs. HUTCHISON. Mr. President, I take this opportunity to add my voice to those that have been raised all over the world to say how sad we are today to have lost a great leader in the peace process in the Middle East. I, as a member of the Armed Services Committee, have met with Prime Minister Rabin, and I, like so many others who have spoken for the last few days, had great respect for him.

I want to say at a time like this, you look to your friendships for support and comfort. Clearly, America is there for the support and comfort of our friend, our ally, and our strong, strong compatriot, the State of Israel. We are there to make sure that we get through this testing period strong in body together.

Mr. President, I think as I look back on the events of the last few days, what struck me the most is how far the leadership of Prime Minister Rabin, along with his predecessors, brought us. The funeral itself would never have happened in our dreams. We would never have seen the President of Egypt, the King of Jordan, and even the good wishes of the PLO chief, coming together to say we are able to speak in one voice that this should not have happened, that we want to seek peace. I think now everyone believes that peace is achievable in the Middle East. That could not have happened 10 years ago.

Just seeing what we saw at the funeral yesterday makes us realize how far we have come. It makes us miss all the more the leadership that Prime Minister Rabin has given in this country for so long, first as a military spokesman, a military strategist, a hard-liner, if you will.

The Prime Minister saw how the strength of Israel was one and how the strength of Israel could be made to continue and endure into the future generations. I think he saw that peace was the answer that they had come to where they were by sheer grit and sheer determination. But he saw that it took more to have a lasting place in the Middle East, and he was coming around to bringing the people of Israel with him.

So I add my voice and say that my condolences go to the people of Israel, to Prime Minister Rabin's widow, and just say that the comfort that is there in seeing the funeral for the fallen leader of Israel and the diversity of people from around the world, leaders of country, who came to pay their respects, said more than anything else, that we are at the cusp of a time when we will see peace in the Middle East.

I just want to reiterate this Senator's strong position, that America will be there, hand-in-hand with our friends, to make sure that Prime Minister Rabin's dreams will not die. They will be carried on by his successors in office and by the future generations of leaders of Israel.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Chair will inform the Senator we are scheduled, under previous consent, to be in recess at 12:30.

Mr. EXON. Mr. President, I ask unanimous consent I be yielded 5 minutes or a short period of time thereafter, and under that unanimous-consent request the 12:30 hour for recess be set aside temporarily, so that I might finish my remarks.

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

The Senator from Nebraska.

THE ASSASSINATION OF PRIME MINISTER RABIN

Mr. EXON. Mr. President, I would like to briefly address the shocking loss to the world caused by the assassination of Prime Minister Rabin, the beloved Prime Minister of our friend, the State of Israel. I have heard several of my colleagues' remarks on the sadness of this moment, the terrible loss that we feel here in the United States and the terrible situation that is going on inside the State of Israel today; people obviously in dismay and disbelief. This is a very, very sad event.

I have listened with great interest this morning to my friend and colleague, the Senator from Minnesota. I simply say he said everything so well, I think it will suffice to say that I wish to associate myself with the remarks by Senator WELLSTONE on the floor of the Senate earlier today. He summed it up so very, very well that I cannot add to it.

Those of us who had our lives touched by Prime Minister Rabin, those of us who knew him, those of us who were with him, those of us who listened to his sound advice with regard to world leadership for peace over the years, feel a terrible loss. Our hearts go out to his family, to his constituents in the State of Israel, where he led so courageously and so bravely.

A true warrior of peace has been struck down. We all should recognize

and realize this is a time, possibly, to have this terrible loss solidify the drive for peace in the Middle East.

THE BALANCED BUDGET

Mr. EXON. Mr. President, there is a great deal of rhetoric going on today about where the Nation is going with regard to the balanced budget that this Senator supported for a long, long time. I remind the Senate it was this Senator who voted with the near majority to reach the required number of votes for setting a constitutional amendment for a balanced budget. I have been known as a conservative Democrat for a long, long time, who has been against the wild-eyed spending that has engulfed our Nation for far too long. I stand ready with Senators on both sides of the aisle to march forward if we can, in a bipartisan fashion, not dictated by the budget resolution that was passed in the Senate.

The first thing I would like to do is address some of the talk that is going on today, talk I am very fearful is impinging upon the basic tenets of our Government. It seems to me the majority of Republicans in the Senate and the majority of Republicans in the House, at least their leadership, are now, unfortunately, working their way to try and thwart the rightful duties guaranteed under the Constitution to the President with regard to the veto process.

This is all centered now around the extension of the debt ceiling. I think it is time, now, we strip aside the facade that the Republicans have fashioned about their objections to raising the debt limit.

If you examine the Republican bill and reasonably add up the numbers, you discover the necessity by the Republicans to raise the debt ceiling by $1.8 trillion, from its present $4.9 trillion to $6.7 trillion by the year 2002. This is the best kept secret in Washington.

It is necessary for them to raise the debt ceiling to help accommodate their $245 billion tax break for the wealthy and cover the ever-increasing interest costs resulting therefrom. It is significant to note that in the Republican bill, they are increasing in the short term the National debt by $600 billion in the years 1996 to 1997.

Since this is the Republican's clearly needed goal, why do they refuse to do it now—to avert the threat of a train wreck? Such action, if it were taken by the Republicans, would avert playing Russian roulette with the economy and would avert the cloud on the economy that would be caused. Clearly, if we do not raise the debt ceiling, it would result possibly in closing down Government and defaulting on Uncle Sam's obligations for the first time in its history in not issuing Social Security checks.

Mr. President, this is wrong. The process that the Republican leadership in the House and Senate are on right now in this regard is wrong from every standpoint, as I see it.

I am sure that the Republican majorities in both the House and the Senate will pass the conference report. I am just as sure that President Clinton will veto that bill, and he would be right to do so.

The Republicans do not have the votes to override a Presidential veto. And I am glad they do not. We will eventually have to sit down and start crafting a workable budget together.

I pledge cooperation, but not capitulation. To that end, all should know where this Senator stands and where many other Senators stand who want a balanced budget. Playing games with the debt ceiling is not a yearly casino night at the local men's club. The Republicans should not be gambling with the full faith and credit of the United States.

These budget negotiations are delicate, and they will take time. At the very least, we should extend the debt ceiling into early next year.

The same is true with the next continuing resolution. We should not be taking hostages in these negotiations.

Second, we cannot, and will not, accept the Republican's current level of reductions in projected Medicare and Medicaid requirements. These are extreme, and they are excessive. They must be pared back if there is any hope of winning Democratic approval.

The same is true with tax breaks for the rich and the tax increases for working families eligible for the earned-income tax credit. Deny it as much as you want, but there is a relationship between the size of the tax breaks for the wealthy and the Medicare expenditures. The tax breaks have to be scaled back and targeted more toward middle-income Americans.

There are, of course, many others areas that will be on my list, particularly with regard to rural America which has been mauled in this budget. But I wanted to give you at least what I believe is the starting point for a balanced budget that will win bipartisan congressional support and the signature of the President of the United States.

I say to my colleagues on the other side, instead of trying to see who will blink first, why do not we try to see eye to eye on a few of these issues? That is what the American people want. That is what they deserve.

I stand ready to be of assistance to anyone on either side of the aisle in coming together where both sides are going to have to give, and give on issues that they feel very strongly about. It is in the interest of the United States of America, though, to get away from this Russian roulette that we are now headed toward, obviously with regard to the debt ceiling extension.

Mr. President, I say again, come, let us reason together.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Helms).

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT

Mr. DOLE. Madam President, we have agreed to take this bill up at 2 o'clock to accommodate a lot of our colleagues who were on a plane all night. I thank the Senator from New Hampshire for not objecting to that process.

We are going to take up H.R. 1833, which is a bill to ban partial-birth abortions, and I think it is worth noting this bill passed by an overwhelming majority in the House. I know there will be efforts to amend the House bill and refer the bill to committee. I urge my colleagues to reject those efforts, because it is a straightforward bill. This isolates one procedure, one used up to the ninth month of pregnancy, and one procedure alone. It is not calling into question some of the larger abortion issues that so often divide us.

The American Medical Association's Council on Legislation voted unanimously to enforce H.R. 1833. A member of that council described it as not ''a recognized medical technique.''

The overwhelming majority vote in the House—including both those who consider themselves pro-choice and pro-life—underscores that this bill deserves immediate passage. After hearings and committee work in the House, nothing will be served by further delay. Those who seek to amend it are in effect trying to deprive this bill of any real meaning or significance.

The only people in America trying to defeat this bill are abortion extremists who believe that no compassion, no common sense, should ever get in the way of an anything-goes approach. I do not think reasonable people, whatever their views on abortion, agree with that position.

Opponents of this bill know that. As a result, we will instead hear soothing claims that opponents only want to amend the bill. There are those, for example, who argue that this bill needs to be amended to provide for an exception in cases where the life of the mother is at stake.

However, the bill already provides an affirmative defense in such cases. More to the point is the fact that arguments about life or health of the mother are designed to scare people and ignore the facts. The facts are these: This procedure is a 3-day procedure—that is right, 3 days. This is not something where a quick medical decision is called for in a life-and-death situation and opponents know it.

Doctor Pamela Smith, director of medical education in the department of obstetrics and gynecology at Mount Sinai Hospital in Chicago, IL, put it best:

Doctor Smith states unequivocally:

> There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

This is a straightforward and balanced bill that allows the Congress to do something it rarely has a chance to do: Step past divisive abortion arguments of the past, stand up for those who cannot defend themselves and do it in a bipartisan way.

I urge my colleagues not to allow those who have a very different agenda to defeat or delay this bill's passage.

I hope as we get into the debate that we can debate this bill and not get into unrelated matters that have no possible reference to this bill. This is an important issue.

So, hopefully, we can complete action on it or do whatever the opponents wish to do, if they are going to send it back to committee. I think there are a couple Members absent who support that approach and a couple absent who support another approach. Perhaps we can have that vote tomorrow. This is worthy of debate, and I thank my colleagues for letting us proceed to it.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

> A bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortion.

The Senate proceeded to consider the bill.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I rise today to support very strongly H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. I might also point out that this is identical legislation to legislation I introduced on the Senate side. It was originally cosponsored by Senator GRAMM of Texas and had some dozen or so cosponsors, including the distinguished majority leader. But I decided that it would be just as easy to take the bill from the House side rather than to encumber the process with another piece of legislation.

So I am delighted to be here, frankly, on behalf of small children who really do not have the opportunity to be here to speak for themselves.

Last Wednesday, Madam President, was an extraordinary day in the history of the Nation's ongoing debate about abortion. There was a coalition of Members of the House from both political parties, from all across the philosophical spectrum. They were pro-choice. They were pro-life. They had different degrees of what their pro-choice or pro-life positions were—Democrats, Republicans, liberals, conservatives, pro-choice, pro-life. But they came together to form a supermajority, a two-thirds majority to pass this bill in the House, H.R. 1833.

Two of the highest ranking Members of the House minority leadership, Congressman GEPHARDT and Congressman BONIOR, joined together with the two highest ranking leaders of the majority leadership, NEWT GINGRICH and DICK ARMEY, in voting to pass this bill. I point this out, Madam President, because this is quite different from the debates that we have had here in the past on the issue of abortion. I think it goes right to the heart of how different this particular bill is to some of the other debates. Perhaps even more significant, the House's two-thirds majority for this bill, again, transcended the usual voting patterns of abortion-related issues.

It is interesting some of the names that came out of this debate: Pro-choice Democrats PATRICK KENNEDY of Rhode Island and JIM MORAN of Virginia joined with pro-choice Republicans like Susan Molinari of New York and CHARLIE BASS and BILL ZELIFF of my own State of New Hampshire to pass this bill to ban partial-birth abortions.

This does not mean that anybody compromises their views to do that. What it means is people looked at this issue very carefully with an open mind and realized what a bad, disgusting process this really is and decided that America, in no way, should be a participant or in any way add the weight of this great country in this issue to this horrible, horrible process and procedure.

So, Madam President, this great coalition, this supermajority—Democrats, Republicans, pro-choice, pro-life, liberal, conservative—came together. That does not very often happen around this place, and I think that says something about this issue and the seriousness of it.

They came together because they came to see this bill as presenting a fundamental question, a very fundamental question, and that question is a question of human rights.

The question of whether the very youngest, tiniest, most innocent of Americans, those babies whose living, moving bodies have been brought into the birth canal—into the birth canal—who, indeed are in the very process—the very process—of being born are deserving of the protection of the law of the United States of America, because that is the fundamental question we are going to face today when we vote on this issue: Is this baby, moving 90 percent through the birth canal, except for the head, is this little baby in the birth canal 3 inches from full birth—3 inches from full birth—is this baby deserving of the protection of the law as depicted in the Constitution of the United States? That is the issue we face today. No other issue. No other issue. No other issue do we face today other than that one.

The House of Representatives, to their great credit, Madam President, answered that fundamental question, and they answered it with a very resounding yes, by a supermajority of 288 to 139. When you look at the numbers, you know that was not all Democrats on one side or all Republicans on one side or all pro-life people on one side or all pro-choice people on one side, it was a mix. They answered emphatically yes, yes, yes. These little children deserve the protection of the Constitution of the United States.

I was never prouder, in the 11 years I have spent here in Congress between the House and the Senate, than I was that day when people on both sides of that issue came together. It was a magnificent day for the House and a great day for this Nation. It was a great victory for the cause of human rights, a great victory for the protection of an innocent child in the birth canal, three inches away from birth.

It is hard for me to believe that it is necessary for me, or anyone else, to stand here on the floor of the Senate today and have to fight for that protection. It is hard for me to believe that. It has always been hard for me to believe that, but it is difficult for me to accept the fact that is necessary, that there are those who would deny that protection, as if somehow this was some generic process that did not impact young children.

But beginning today, Madam President, the U.S. Senate, too, is going to face that same question. They are going to face the same question that the House faced: Will we vote to extend the protection of the law to the youngest of our fellow Americans, those whose little bodies have emerged from womb into the birth canal and are in the process of being born? That is the question we have to ask ourselves, and that is the question we are going to have to answer today.

As we start this debate, I just want to say a word to my pro-choice colleagues. I do not agree with their positions on some matters of abortion, but I respect their right to have that position. This is America. This is not a pro-choice/pro-life debate as we know it under the other circumstances of the debate. It is certainly a life or death debate.

As you listen to this debate, I say to my pro-choice colleagues, ask yourselves, why did DICK GEPHARDT, PATRICK KENNEDY, SUSAN MOLINARI, or any others, vote for this bill? You all know them. You are their pro-choice colleagues. You know them and respect them, and you understand their views. Why did they do this? Why did 73 House

Democrats vote for this bill? I believe that if my pro-choice friends will keep an open mind and try to listen to this debate, as I try to honestly lay that debate out before you today, they will come to understand how and why that magnificent supermajority in the House came together to pass this bill.

Madam President, the one and only purpose of H.R. 1833 is to ban a single method of abortion that is first performed—not last, but first—at 19 to 20 weeks of gestation. That is a 5-month-old baby in the womb. That is the beginning. It then goes beyond that. It goes to the 21st, 22d, 23d, 24th, right on up to birth, right on up to 9 months—any particular time in this period. It is often later than 19 or 20 weeks that this process can be performed. These are late-term babies, the youngest of whom may have a fighting chance to live on their own outside of the womb, and the older of whom unquestionably could live outside womb.

Those of you who are parents, or have been parents, have gone through the process of feeling the heartbeat of your child—if you are a woman, inside your womb, and if you are a man, feeling that heartbeat inside womb of your wife.

Mr. HELMS. Madam President, will the distinguished Senator yield for just a moment?

Mr. SMITH. I am happy to yield to the Senator from North Carolina.

Mr. HELMS. First of all, this is not a question; it is a statement of fact for the RECORD. I admire my friend from New Hampshire for taking this responsibility on the Senate floor. I have been here many times on the abortion issue along with others, and I am very, very proud of BOB SMITH. I hope the people of New Hampshire understand that he is making a gallant fight.

Now, my question: Has the distinguished Senator from New Hampshire seen the Chicago Tribune editorial of November 5?

Mr. SMITH. I answer that yes, and I have it right here.

Mr. HELMS. I wonder if he would read the first paragraph for me.

Mr. SMITH. Yes, this is the Chicago Tribune editorial of November 5 of this year, entitled ''Method and Madness on Abortion.'' It starts:

> In the national debate on abortion, the activists on both sides invariably stake out absolutist positions. In so doing, they often harm their respective causes by distancing themselves from the people who make up the vast, ambivalent middle ground of America.
>
> Those who champion the pro-choice position fell into that trap last week.

Mr. HELMS. If the Senator will hesitate a moment, now we get to the meat of the coconut. When the subject of abortion comes up and questions are asked of me, I have a ready question of my own to ask before we begin the discussion. I have asked it of young people, individuals who border on militancy on the abortion issue, and many others. It is a rather compelling question and it is this: What is an abortion?

Now, I hope the people of America understand the question, and I hope they understand the answer. I ask the Senator from New Hampshire to answer that question.

Mr. SMITH. Well, the answer to that question, from the perspective of the Senator from New Hampshire, is, I say to the Senator from North Carolina, that it is the process which interrupts the life of an unborn child.

Mr. HELMS. I ask the Senator, it does not just interrupt the life, it concludes the life, does it not?

Mr. SMITH. That is correct.

Mr. HELMS. Would it be fair to say that an abortion is a deliberate intent to destroy the most innocent, most helpless of human life? Is that reasonably correct?

Mr. SMITH. That is certainly my position. I think that if there were not to be any life there, there would not be any need to perform the action of abortion because there would not be anything to abort. So I draw from that conclusion that it is a life and, therefore, somebody had to take action to terminate that life.

Mr. HELMS. I wonder if the Senator is familiar with the quotation so often attributed to the late Douglas MacArthur. General MacArthur said: ''In all of recorded history, there is no nation that survived in prosperity that lost its moral and spiritual motivation.''

Is the Senator familiar with that statement by Douglas MacArthur?

Mr. SMITH. I have heard that statement, yes, sir.

Mr. HELMS. The point is—and I ask the Senator further—Douglas MacArthur was talking about a whole range of things, was he not?

Mr. SMITH. Yes.

Mr. HELMS. MacArthur was speaking in terms of how a nation can self-destruct by losing its sense of personal responsibility, its diligence, its willingness to work and to be constructive. I think the Senator is doing a great job on this issue, and I am not going to take up much more of his time.

Again I ask the Senator to please read the fourth paragraph of the Chicago Tribune editorial, if he will.

Mr. SMITH. ''One can support abortion rights and still be horrified at such a procedure. The argument that this particular method could be essential to save the woman's life was unconvincing.''

Mr. HELMS. Now move back to the immediately preceding paragraph.

Mr. SMITH. ''The House, by more than a 2–1 ratio, voted to outlaw a gruesome form of late-term abortion. It involves the pulling the fetus, feet first, through the birth canal and suctioning out the brains so the skull collapses and the entire fetus is more easily removed.''

Mr. HELMS. Will the Senator read the sentence again beginning with ''It involves''? Read it slowly so that everybody watching on television or sitting in this Chamber can understand exactly what is being discussed here today.

Mr. SMITH. It involves the pulling of the fetus feet first through the birth canal and suctioning out the brain so the skull collapses and the entire fetus is more easily removed.

Mr. HELMS. Now, let me clarify one more point with the Senator, and then I will conclude this particular line of questioning.

One person said this procedure, in addition to being gruesome and cruel, is just 3 inches away from being totally unlawful.

Mr. SMITH. That is correct.

Mr. HELMS. What does the Senator think he meant by that?

Mr. SMITH. I think that my interpretation, were it 3 inches further, if it were 3 inches further, the head would be delivered through the birth canal and it would be a living child under the full protection of the law.

Mr. HELMS. And the law, until fairly recently, took one position with respect to the deliberate, intentional destruction of innocent human life.

What did the law say the penalty was to a doctor who did that?

Mr. SMITH. Well——

Mr. HELMS. It was murder. And why murder? Because it was intentional?

Mr. SMITH. If it was intentional, that is correct.

Mr. HELMS. I will be back with some more questions but I want to compliment the Senator, and I thank him for yielding.

Mr. SMITH. I thank the Senator from North Carolina for his comments and remarks. He has been a long-time supporter of the right to life.

Since the Senator from North Carolina brought up the Chicago Tribune editorial, I will read a couple of other lines from it because I think it makes the point very, very well. ''While the majority in the Nation may support a woman's right to choose an abortion, most of the people who make up that majority do not take an absolutist view. Reasonable restrictions, such as parental notification requirements in the case of teen pregnancy, have significant national support. Public support for abortion also becomes much more tenuous in the case of fetuses that are near the point of viability outside of the womb.''

These are not my positions, but I believe a life is a life. I also believe that there are many in America who do not go to the extreme that this particular procedure does.

In conclusion, the editorial writer says, ''Indeed this may cause moderates who generally support abortion rights to rethink their comfort level with other forms of late-term abortion, particularly when they see in this last week's debate there was a method to the madness.''

Madam President, a few weeks ago I took to the floor of the Senate and I used a series of medical drawings and a photograph of a child that was prematurely delivered. That is all I showed in terms of charts or graphs.

From that particular presentation that I made I was amazed at the irresponsibility of the press in terms of how they reported that. Now, I assume that the media that reported on it either watched the tape from C–SPAN, saw the debate from the galleries, or took somebody else's word for it.

Unfortunately, those who took somebody else's word for it did not get the truth. It was reported that I had shown graphic photographs of aborted fetuses—wrong. It was reported that I had somehow violated a woman's right to privacy by showing photographs of a woman with a child in the birth canal—wrong. Also photographs of an aborted child. It went on and on and on to the point of the ridiculous.

Today I am going to try again to see if the press can get it right. I hope they can.

These are medical drawings, medical drawings accepted by the American Medical Association. They are not photographs of women. They are medical drawings. They are straightforward depictions of the procedure as described in an 8-page paper written in 1992 by Dr. Martin Haskell who has performed over 1,000 of these abortions. In a tape recorded interview with the American Medical News on July 5, 1993, Haskell himself said ''The drawings were accurate from a technical point of view.''

During a June 15, 1995, public hearing before the House Judiciary Constitution subcommittee, Prof. J. Courtland Robinson, M.D., testifying on behalf of the National Abortion Federation, was questioned by Congressman KENNEDY about the same line drawings displayed in poster size next to the witness table. Dr. Robinson agreed they were technologically accurate, and also added ''This is exactly probably what is occurring at the hands of the two physicians involved,'' just as we see this.

Also Prof. Watson Bowes of the University of North Carolina at Chapel Hill, who is an internationally recognized authority on fetal and maternal medicine, coeditor of the obstetrical and gynecological survey wrote a letter to Senator KENNEDY: ''Having read Dr. Haskell's paper, I can assure you these drawings accurately represent the procedure described therein.''

I hope the media this time would get it right so I do not have to read editorials about me showing photographs of aborted fetuses and photographs of women in the birth position and all this other nonsense that people have been reporting. Get it right this time, please, those of you in the media.

I will show my colleague with these charts what is done to these late-term babies in the partial birth abortion procedure, because you need to know. You are going to be voting on whether or not to stop this practice, so therefore you should know what you are voting on.

Many, if not most of you, have already seen the illustrations. They have appeared in advertisements in Roll Call, Congressional Quarterly, the Hill, and other publications as well as medical journals all over the country.

Now, some have tried to say that they are inaccurate and you will probably hear that, but they have been published in the American Medical Association's own publication, which did not question their medical accuracy.

Moreover, medical witnesses before the House Judiciary Committee hearing on this bill, even those who opposed the bill, conceded the illustrations are accurate from a technical point of view. So remember that.

Now, in this first chart, with the aid of ultrasound, the abortion doctor or the abortionist, the aid of ultrasound, finds out what the position of the baby is. Then using forceps—remember now, these children, these babies, this is 20-week minimum, 19 to 20 week, 5-month fetus and beyond; it could be 6 months, 7 months, 8 months; that is the beginning—reaches into the womb with the forceps, takes the child by the foot, as you can see in this picture here and pulls the leg around.

Why do they do that? To turn the baby around so that the baby is delivered by the feet first. Why? Because if the child comes through the birth canal feet first, the child is not breathing. If it is head first, that is a birth—a live birth, my colleagues, and we have a living baby under the protection of the law.

So we have to turn it around and do it feet first. That is what the abortionist does. Put the forceps on the tiny leg of this little child, turn it around in the womb so that it can be delivered feet first.

In the third chart, Madam President, we see that the abortionist here is pulling the child all the way out of the womb and into the birth canal with the exception of the child's head. That is what is happening in this particular chart.

Now, I want to pause for a moment. I hope that everyone will think very seriously. I want everyone to think very seriously about what is happening here.

I have witnessed the birth of my three children. It was the most beautiful thing I have ever witnessed in my life, and I am proud to say I was there. I am glad I was and I will never forget it; three children born into the world. It happens every day. Many will be born while I am speaking. Many will be aborted while I am speaking.

But here we have the hand of what could be a doctor but it is not a doctor. It is a doctor, but his goal or her goal is not to save a life; it is to take one. Picture, if you can, those of you who have witnessed a birth or can imagine what it might be like, these hands taking this child—little feet, little legs, little torso, little behind—the arms, the fingers moving as they do move. Oh, yes, there are fingers and toes at 5 months and beyond. You bet. And there is a heartbeat. It is a living, breathing child. That little body 90 percent through the birth canal, everything but the head, is 3 inches from the protection of the Constitution of the United States, in the hands of this doctor or abortionist; totally at their mercy.

Were it to be a doctor who was trying to deliver this child, it would be a beautiful thing. If it were a premature baby, we would rush that baby to what is called the preemie ward, hook it up to whatever tubes and essentials were necessary for life support to try to bring that child to where they can come home with their mother.

But that is not the case here. That is not the case here. You see there is a different objective. The next part is the worst part. It is very difficult for me, frankly, to talk about it. That I have to stand here on the floor of the Senate and talk about it is necessary because by standing here on the floor of the Senate and talking about it, I might save one or more of these children from this horrible procedure. Let us look at what happens, my fellow Americans. Let us look at what happens.

In the hands of the abortionist, the feet, the legs, the torso, the arms right to the neck—in the hands of the abortionist—moving feet, moving hands, beating heart—you can feel it. The abortionist takes a pair of scissors, no anesthetic—takes a pair of scissors, inserts the scissors into the back of the skull, pulls the scissors apart, opens up a hole in the back of the skull, inserts a catheter and sucks out the brains of the child so that the skull compresses and then he removes this dangling lifeless form from the womb. Think about it.

Yes, I have to stand here and defend this life, and I am proud to do it. I am proud to do it, because this child cannot do it. We can get off into the generic concept of abortion and talk about the generalities of abortion, a woman's right to choose and all that. That is not the issue here, folks. That is not the issue here. This is not the way to do it—a lifeless form.

I had occasion, a couple of occasions, frankly—many of you have—to take a pet that was old—it was very difficult. I had a dog one time, most recently, that I had to do this to, named Muffin; 12 years old. You know how close you get to pets. They are like—only they are not—children. But they are like children. I took that dog, who was so old that she could not get around anymore, to the vet and I said, ''I have to do this. I don't know if I can handle it.''

He said, ''You know, you ought to come in and watch me do it rather than leave her here, because you will feel better when you see it because it is peaceful. It is not painful. We give this dog a needle and she goes to sleep. No pain.''

So I did. I am glad I did, really, because I feel better about it.

Can you imagine—could you possibly imagine the pain of this child, without any anesthetic, having scissors put in the back of its neck and having its brains sucked out? Can you imagine

the pain? This is the United States of America. Why are we doing this to our children? Could somebody please tell me why we are doing this? Why are we doing this? Give me a reason. I cannot wait until I hear the other side. For what? Why are we doing this?

At the beginning of this process we had an unborn child, an unborn child safe in her mother's womb. And yes, it could be a her, I say to my colleagues, pro-choice women of the Senate, it could be a her. We tend to use the word ''him'' but it could be her. We had an unborn child safe in her mother's womb.

Mrs. BOXER. Will the Senator yield? I just want to ask a parliamentary question.

Mr. SMITH. I am not going to yield.

Mrs. BOXER. I would inquire if the Senator is going to finish his statement or answer in debate?

Mr. SMITH. I am not going to yield. I want to finish my remarks.

Mrs. BOXER. If he will answer, could the Senator give me a sense of how long that will be? I need to know so I can plan my response.

Mr. SMITH. I do not know. I honestly do not know.

Mrs. BOXER. Could be an hour?

Mr. SMITH. I do not know.

Mrs. BOXER. The Senator can expect me to take an equal time.

Mr. SMITH. We had an unborn child safe in the womb of her mother, in that little protected area. A watery mass, if you will—safe. Safe.

You know, late-term babies have sleep cycles and wake cycles. They hear their parents. They hear their mother. You can feel them kick when they are excited, when they are awake. Any expectant mother knows that. They are moving. They are kicking. They are happy. They suck their thumb. Their little hearts are beating. Their little brains are working. It is a living thing.

Many experts will testify that newborn babies hear their mother's voice. Not only do they hear it, they recognize it. It soothes them. It calms them down.

Suddenly, however, Madam President—suddenly the baby's safe, warm, watery world is invaded by the forceps of an abortionist.

The journey from the womb through the birth canal to birth, the miraculous journey, the so beautiful journey which so many of us have witnessed—especially women who give birth to those children, and those of us husbands who have been lucky enough to witness it—this miraculous journey that every one of us, every single one of us, we have all taken this journey on our birthday.

(Mr. COATS assumed the chair.)

Mr. SMITH. The Senator from Indiana, in the chair, took that journey. The Senator from California took that journey. We all took that journey down that birth canal. And in most cases we needed a little help, we needed a little help.

But, when I look at that fourth picture—I am 54 years old. Maybe I do not look it but I am. I have seen a lot of rough things. I served in the Vietnam war. I have seen people die. I have seen people in agony, in near-death situations, with horrible diseases. I have seen quite a lot.

But I cannot imagine a country as great as this one is where a people would sanction—I do not care what you call yourselves, pro-choice or pro-life. I do not care. How could you sanction this? How could you sanction that? Did those of us who are veterans fight to defend that? I did not.

Mr. President, if this baby, if the head of this little baby, comes through the uterus, the child would slide right out of the mother's body and straight into the protection of law, just so easy—not so easy for the woman. But that little child comes out and is born kicking, hands and fingers and feet moving—you can picture that little baby—straight into the protection of law.

But, you know, that is a problem in this procedure for the abortionist. Do you know what they call it when the baby manages to come out? The dreaded complication. That is what they call it. That is the term that the abortionists use, the ''dreaded complication.'' That is a live birth, a live birth—the dreaded complication. That is the last thing an abortionist wants. So what do they have to do? They stop the child's head from coming through the birth canal. They have to. Otherwise it is a live birth and then they have a problem—the dreaded complication.

I just want to remind my colleagues that when this procedure is taking place with the scissors and with the catheter, this child is alive. This is a child that moments before was happily kicking, moving its fingers and hands, listening to the sounds in the womb.

In the final illustration, Mr. President, the scissors are then removed from the baby's head, and the abortionist inserts the suction catheter, completing the partial-birth abortion procedure—sucks the child's brains out, the skull compresses, collapses, and the baby's small lifeless body is then removed from the birth canal, and it is over. The work is done. Is it not interesting—the contrast? Is it not interesting?

What could have been, but for somebody's decision? God knows it was not the baby's decision. It could have been a beautiful birth. We could have had nurses scrambling running to get the baby into the incubator, into the preemie ward. No. That was not to be. What we have seen that could have been a beautiful birth is now an unspeakable, brutal, ugly death, more brutal and more ugly than the way you would put any pet. Even livestock today that we eat are killed more humanely than that.

A doctor who took the Hippocratic oath to do no harm—to do no harm—has done the worst possible harm to the most innocent and defenseless little person, little patient, that he could possibly have. Here in America—700, 400, 500 times a year. Who knows? It happens.

Mr. President, we know all about the partial-birth abortion procedure in all of its sickening and grotesque detail because two doctors who have performed it hundreds of times, Dr. Martin Haskell and Dr. James McMahon, have spoken and written frankly about it in the past several months. But the most moving testimony of all comes from a registered nurse, a beautiful lady. Her name is Brenda Pratt Shafer. This is her picture. She is here today for this debate, and I had the privilege of meeting her just an hour or so ago. She assisted Dr. Haskell in performing a partial-birth abortion. She was a nurse, pro-choice, and assisted Haskell in performing a partial-birth abortion.

Brenda Shafer described what she saw in a letter to her Congressman, Representative TONY HALL, Democrat of Ohio. This is what she said. I hope the cameras can pick this up. Listen. These are not my words. These are the words of a nurse who took basically the same pledge to save lives as doctors to. But this is what she said:

> The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks that he might fall.

If you can think of your child in that situation.

That is what she described the procedure as. She further states that:

> I am a registered nurse with 13 years of experience. But one day in September 1993 my nursing agency assigned me to work at a Dayton, Ohio, abortion clinic, and I had often expressed strong pro-choice views to my two teenage daughters. So I thought this assignment would be no problem for me.
>
> But I was wrong. I stood at a doctor's side as he performed the partial-birth abortion procedure—and what I saw is branded forever in my mind. The mother was 6 months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor went in with the forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the baby's head just inside the uterus.
>
> The baby's little fingers were clasping and unclasping. And his feet were kicking. Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall.
>
> The doctor opened up the scissors, stuck a high-powered suction tube into the opening and sucked the baby's brains out. Now the baby was completely limp. I never went back to that clinic. But I am still haunted by the face of that little boy—it was the most perfect, angelic face I have ever seen.

America, Mr. President, America this is happening in—6 month child.

God bless Brenda Pratt Shafer for having the courage to come forward

with her testimony and her story because, without people like her, we would not know it happened.

I have been in the Congress for 11 years, Mr. President, and until just a few months ago—I must confess my ignorance—I did not know that this procedure was performed in America.

A registered nurse, very moving testimony, self-described pro-choice, who witnessed this procedure at the hands of Dr. Haskell. Thankfully, Nurse Shafer did tell Congressman HALL what she saw.

I might just say to my colleagues, Nurse Shafer is here today. If you would like to talk with her, she is off the floor. You can talk with her. I think my colleagues now may have some understanding as to why the House voted to ban this barbaric, brutal, gruesome, inhumane procedure.

By the 19th or 20th week of gestation, the point at which this unspeakably brutal method of abortion is used, the child is clearly capable of feeling what is happening to her. This is a living human being, one who, as I said before, if it had been born alive, would be called a preemie. If you read the commentary from neurologists, they would tell you that premature babies born at this stage of pregnancy actually may be more sensitive to pain stimulation than others.

Earlier this year, I attended a press conference at which a neurologist spoke to that effect. He later so testified before the House Judiciary Committee's hearings on this bill. He does surgery on babies all the time, and he indicated there is really no doubt—no doubt, he said—that the unborn child who is attacked and killed in the partial-birth procedure suffers not just pain but horrible, intense, excruciating pain.

I would ask you, all of us, as human beings, a few seconds, a few inches, and you are a living being, human being protected not only from pain but protected by the Constitution of the United States, and yet for a few inches, a few moments, you are the victim of the abortionist procedure, how could you not be appalled at this procedure? How could you possibly justify this procedure?

As I said, I did not even know this took place 6 months ago, but I know it now. And if it takes the last breath in my body, I am going to stop it. I am going to stop it.

Do you know why I am going to stop it, Mr. President? Because I believe in my heart that the American people will no longer tolerate this. I believe in my heart that people of good faith who differ on this issue, who listen to this debate, listen to this procedure, are going to make a decision. They are going to take the heat from the militant pro-choice people, and they are going to vote with us. We are going to stop this horrible procedure, as the House did. We are going to put it on the President's desk.

President Clinton, I hope that you will pick up that pen and put your signature on that bill to stop it.

It is very interesting; President Clinton was at one time an unborn child, like the rest of us, and his mother was in a very difficult situation, and his mother chose life. It is very interesting.

I just say to my colleagues, this is the greatest country in the world, founded with a Declaration of Independence that speaks of a God-given and ''unalienable'' right to life, liberty, and the pursuit of happiness. What happened to the right to life of this child? What happened to it? Why cannot she be given the opportunity to enjoy the blessings of liberty? Why cannot she be given the chance to laugh, to cry, to get married, to have children, to go to college, to be in a high school play? Why? Why does she not have that right?

The tragedy of accidents in life are bad enough. You lose a child to an accident because of alcohol; some alcoholic runs over a child. Those kinds of things happen every day in America, and they are terrible. But this is a deliberate act that stops this child from ever having the opportunity to do these things.

This is the land of the free and the home of the brave. If freedom has come to this, if freedom has come to meaning the freedom of abortionists to execute children—because that is exactly what they are doing. Let us call it exactly what it is. That is exactly what they are doing in this case. They are executing little children just as they emerge in the birth canal, inches away from birth. If that is what freedom means, then we ought to be brave enough to do what the House of Representatives did last Wednesday and pass this bill and stop this horrible, horrible procedure.

Defenders of this partial-birth abortion, whom you will hear from shortly, have a big job to do. They really do. It is almost an impossible job in trying to rationalize how you can be in favor of this process, because you will hear it all: We are getting in the way between a woman and a doctor. They will do everything they can to talk about something else other than this. They are not going to talk about this because they cannot talk about it. So they have to go use some other issue. They try to get you on to something else. As you listen to the debate, they will be off on something else because they cannot be on this.

One of the ways is to say partial-birth abortions are rare; they are obscure; they are almost never used. Well, Dr. Martin Haskell, the abortionist whose brutal handiwork Nurse Shafer witnessed, had claimed personally that he did 700 of them as of 1993. So I do not know what ''rare'' means—700 babies by one doctor.

As I look at that depiction of that little baby in the womb, hanging there limp, you know what I say to myself? How many U.S. Senators are in that 700? How many doctors, lawyers, Nobel Peace Prize winners, teachers? How many? I do not know. We will never know. We will never know. The first black President, is he or she in there? We will never know. First Hispanic President? We will never know. First woman President? We will never know. Cure for cancer? It may be 1 of those 700. We will never know. They will never have had a chance to be that little human being, to develop from that little human being to the ultimate that they are allowed under the Constitution of the United States. We will never know that that little life could have been a life like this. We all grow up to be our own personal beings. We are all different—a lot of life but very different little personalities. We will never know. We will never know.

They are gone. Gone. Not by accident, not in an automobile accident, not in war. No. Stabbed in the back of the neck with a pair of scissors with their brains sucked out by a catheter.

There was another abortionist by the name of James McMahon who died a few days ago. He made late-term abortions his specialty. He was profiled in a 1990 article in the Los Angeles Times. In that article, McMahon coldly claimed credit for having developed the partial-birth method, and this is very interesting. He did not call it partial-birth abortion. He called it ''intrauterine cranial decompression.'' In English, that means crushing the skull while it is inside of the womb. That is a nice clinical description, is it not? But you see, we have to use terms like that because we cannot talk about this, because this is so obnoxious and so sickening and so disgusting and so outrageous that we have to talk about something else. So we use terms like ''intrauterine cranial decompression.'' I like plain English. Killing a child in the womb that is 90 percent born, that is what it is.

Dr. McMahon continued, saying ''I want to deal with the head last because that's the biggest problem.''

That is what he said. Those are the feelings he had. When I read that, I thought to myself, ''That little baby in the womb who happens to have Dr. McMahon, if it had been Dr. FRIST or Dr. anybody else, they would have been allowed to be born, they would have been allowed to grow, to become a President, to become a lawyer, to become a father, a mother, but through no choice of their own, it was Dr. McMahon who was there, not with gentle loving caring hands but with the hands of destruction,'' this physician who took the Hippocratic oath to do no harm.

Sadly and perversely, he came to see it as his role as a doctor to deal with the problem of the head of a little baby in the manner that I described here today—a problem. According to the American Medical News, Dr. McMahon performed abortions through all 40 weeks of pregnancy. Think about that. It made no difference to him—8½

months, 9 months, a couple days overdue, call Dr. McMahon, he will take care of it. He said he would only do elective abortions through the first 26 weeks. How thoughtful of him.

Mr. President, you see, when you hear this discussion, and my colleagues, about how rare this is, it is not rare. It is not rare. It is rare if you want to compare it to the number of births in America. A few hundred versus several million who are born in America. That I suppose you could call rare, but it is not rare to the 700 or so babies who have had that procedure, is it?

After last week's House vote, an article in the New York Times, relying on data from the pro-choice National Abortion Federation, among others, estimated that the partial-birth abortion procedure is performed more than 400 times a year. In other words, on the average, more than once a day, and that is a conservative number. Those are the ones we know about. That is 400, more than 1 a day. I do not think that is rare. That is 400 babies. It is certainly not insignificant.

Yesterday, the New York Times ran another article that indicates that the number of partial-birth abortions performed each year may, in fact, be much higher. The New York Times quotes a physician who it identifies as a gynecologist at a New York teaching hospital who spoke on the condition of anonymity.

Mr. President, I ask unanimous consent to have printed in the RECORD this article from the New York Times.

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

[From the New York Times, Nov. 6, 1995]

WIDER IMPACT IS FORESEEN FOR BILL TO BAN TYPE OF ABORTION

(By Tamar Lewin)

Public health officials and doctors who perform abortions say the bill passed by the House of Representatives last week that would ban a type of later-term abortion is so broadly written and ill defined that it could affect many more doctors than originally thought.

Indeed, they say, it could criminalize almost any doctor who performs abortions in the second trimester, or after 12 weeks of gestation, and might force doctors to turn to less-safe methods to avoid the possibility of prosecution. Some also say that it would shrink the pool of doctors who perform second-trimester abortions.

The sponsors of the bill, and the anti-abortion groups they worked with, said their goal was to ban what they call ''partial-birth abortions,'' in which a fetus at 20 weeks of gestation or more is partly delivered, feet first, and then to make it easier for the fetus to pass through the birth canal, the skull is collapsed.

But the House bill approved on Wednesday, the Partial-Birth Abortion Ban Act, provides a far looser definition, with no reference to fetal age or to the specifics of inserting scissors into the neck to create a hole through which the brains can be suctioned out to collapse the skull.

The legislation, which will be considered in the Senate this week, says only that ''the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.''

That language is so broad—and the term ''partial-birth abortion'' so unfamiliar in the medical community—that many doctors who perform only earlier abortions, by the most common methods, say they have done procedures that would probably be prosecutable under the law.

''I'm sure I've had a situation, with a 14- or 16-week pregnancy, when the fetus presented feet first, where I did something that a Federal prosecutor might take to court under this language,'' said Dr. Lewis Koplik, who performs abortions up to 20 weeks in Albuquerque, N.M., and El Paso. ''The decision about what method to use is made in an individual setting based on an individual woman's situation. It's not one-size-fits-all, and it shouldn't be. I don't want to make medical decisions based on Congressional language. I don't want to be that vulnerable. And it's not what I want for my patients.''

Those who drafted the legislation said they did not believe it would interfere with second-trimester abortions performed by the standard method of dilation and evacuation, or D&E.

''An element of the crime is that the prosecution has to prove beyond a reasonable doubt that the baby was living,'' said an assistant counsel to the Constitution subcommittee of the House Judiciary Committee, Keri Harrison, who helped draft the bill. ''In a D&E, there's not a living fetus being delivered. They're in there suctioning and cutting, and what they deliver is body parts. This would not cover that.''

Ms. Harrison said that in drafting the legislation, she and others had rejected specifying the gestational age or abortion technique it would cover. ''This isn't about a viable baby or a nonviable one,'' she said. ''And we did not want anything about inserting scissors into the base of the skull, because we didn't want them to come up with a slightly different technique and avoid the statute. What we want to make a crime is the abortionist starting to deliver a baby and then killing it.''

About 13,000 of the nation's 1.5 million abortions a year are performed after 20 weeks' gestation. And only two doctors, who perform a total of about 450 of these abortions a year, have said publicly that this method is the safest and best. So most discussion of the proposed ban has been based on the assumption that the method is rarely used, and only by a small number of doctors.

But the National Abortion Federation, which represents several hundred abortion providers, says that more doctors have recently reported that they sometimes use the method, which they call ''intact D&E.'' And since the House vote, some gynecologists at prominent hospitals have acknowledged that they often use the method in late-term abortions.

''Of course I use it, and I've taught it for the last 10 years,'' said a gynecologist at a New York teaching hospital, who spoke on the condition of anonymity. ''So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's better and safer.

''Even in earlier abortions,'' the doctor continued, ''it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law.''

''This legislation would be a disaster for women's health,'' the doctor said.

Most of the doctors interviewed said they saw no moral difference between dismembering the fetus within the uterus or partially delivering it, intact, before killing it.

Several said they saw the bill as an opening wedge to outlawing all second-trimester abortions—and conceded that anti-abortion groups had won an important public-relations victory by focusing so much attention on late-term abortions, which are the least common but most emotionally fraught procedures.

According to the Alan Guttmacher Institute, a private group that studies reproductive health issues, almost nine out of 10 abortions are performed in the first trimester, when the procedure is relatively simple. About 164,000 abortions a year are performed during the second trimester, that is, at 13 to 26 weeks of gestation, but more than 9 out of 10 of these are before the 20th week.

Although second-trimester abortions are legal throughout the nation for any reason, few doctors perform abortions after 20 weeks, and while third-trimester abortions are legal in some states only a few hundred take place each year. Third-trimester abortions are performed almost exclusively by a handful of doctors who get referrals from obstetricians whose patients have serious health problems or are carrying fetuses with profound abnormalities.

Dr. Allan Rosenfield, dean of the Columbia University School of Public Health and a professor of obstetrics, said that he and a group of other doctors discussing the legislation had been unable to agree on what the law would cover—but did agree that it posed a threat to anyone who did second-trimester abortions.

''In a standard D&E, the fetus generally doesn't come out intact,'' Dr. Rosenfield said. ''But you might very well bring down a leg at the start of the procedure, and if the definition is a beating heart, potentially any second-trimester abortion could fit this bill. My big worry is that if this becomes law, doctors will feel they have to go back to the less-safe second-trimester abortion methods we did until the 1980's, the installation procedures, in which the uterus is flooded with saline or urea.''

Many of the doctors interviewed expressed concern that the legislation would shrink the pool of doctors willing to perform late-term abortions, especially since many of these doctors already face demonstrations and threats, and may not be willing to take on an additional worry about criminal prosecution.

''It really is such nonspecific and bizarre legislation that it's hard to tell what exactly they're trying to ban,'' and Dr. Mary Campbell, medical director of Planned Parenthood of Metro Washington. ''Clearly they're anxious to prosecute anybody who's doing second- or third-trimester abortions. I know people who have said that this would be the end of their third-trimester practice, and probably their second.''

Mr. SMITH. Mr. President, here is what this doctor said on the condition of anonymity: ''Of course I use it''—partial-birth abortion procedure—''and I've taught it for the last 10 years.''

''I've taught it,'' said a gynecologist at a New York teaching hospital who spoke on the condition of anonymity.

''So do doctors in other cities. At around 20 weeks, the fetus is usually in a breech position. If you don't have to insert sharp instruments blindly into the uterus, that's better and safer.

''Even in earlier abortions,'' the doctor continued, ''it can happen that after you prepare the patient by dilating the cervix, the feet move down, and the procedure might be covered by this law. This legislation would be a disaster for women's health. . . .''

Not a word about the baby. And by the way, we cannot find much evidence of any concern at all about women's health in this particular issue.

It is clear that the doctors that we referred to, McMahon and Haskell, respectively, are not the only abortionists who employ the partial-birth abortion procedure. You see, we do not know. People are not going to come out and admit this. So we do not know how prevalent it really is. In fact, given that Times story yesterday, we may be sitting on the tip of an iceberg we do not even know about.

Besides trying to rationalize the opposition to this bill by claiming that partial-birth abortions are rare and insignificant, although I find it difficult to understand how insignificant that would be for the child, you are also going to hear on the floor of this Senate opponents that are going to try to rationalize their position by saying that the bill interferes with the doctor's professional discretion and invades the doctor-patient relationship. You are going to hear that because, again, we have to talk about things like that because we cannot talk about this. That is why I am talking about it.

Mr. President, the American Medical Association's council on legislation did not see it that way. They voted not once but twice to endorse this bill, to stop this practice. Twelve doctors on that board, practicing physicians, AMA members all, leaders of their profession voted unanimously to endorse H.R. 1833—unanimously.

A member of the AMA council later publicly commented that the partial-birth abortion procedure used by Drs. Haskell and McMahon is simply not even recognized as a medical procedure. Think about that, it is not recognized as a medical procedure. They got it right. You know why? Do you know why it is right? Because medicine is supposed to heal people, that is why they got it right. Thank God they had the courage to vote the way they did. Even though they could not get the rest of the AMA to do it, the council did. They got it right. A doctor is supposed to heal. A doctor who does a partial-birth abortion is not practicing medicine. Can any reasonable person take the floor of the Senate and tell me this doctor who does this is practicing medicine, healing? He is playing executioner, that is what he is doing.

I ask my colleagues to keep the AMA legislative council's action in mind as the opponents of this bill try to argue, and they will, that this bill interferes with the practice of medicine. You are going to hear it. The American Medical Association council on legislation carefully and thoughtfully considered it and they said it does not. They endorse this bill, because they recognize that partial-birth abortions simply do not constitute the practice of medicine. It is not a medical procedure that they do not agree with, they do not even think it is medicine at all. And yet you are going to hear all about it, how this interferes with the doctor and his patient and this is a medical process. They will tell you it is not even necessary.

Mr. President, the opponents of this legislation try to rationalize their opposition by claiming that the grotesque and inhumane partial-birth abortion procedure is only used in the most extreme circumstances. This is where we get right down to the nitty-gritty and hear a lot about this, such as when the mother's life is in danger or her health is at serious risk or when the unborn child has what they call "severe congenital abnormalities incompatible with life." I do not know what that means. We will talk about that in a few minutes.

Once again, the facts belie their claims. McMahon and Haskell, doctors—I hesitate to use that term—are the only two abortionists with the brazen temerity to go public. They went public because they were proud of it. That is why they went public. They had no problem with it. They were not trying to hide it. They went public about their use of this procedure and to identify themselves personally with it. They advocate this partial-birth abortion method as the "preferred method for elected late-term abortions."

Haskell advocates the partial-birth abortion method for 20 to 26 weeks of pregnancy and Haskell told the American Medical News that most of the partial-birth abortions he performs are, in fact, elective. Speaking with what I would call chilling candor, Haskell told the AMA News, "I'll be quite frank, most of my abortions are elective in that 20- to 24-week range and probably 20 percent are for genetic reasons and the other 80 percent are purely elective."

For genetic, 20 percent and the other 80 percent are purely elective.

So there you have it, I say to my colleagues. You will hear it all. You will hear some of our colleagues claim this hideous and cruel procedure is only reserved for the hard cases, the tough cases.

Now we know the truth. Now we know that is not true. So when you hear it, I just gave you the facts. You have it straight from the horses mouth, from the people who do it. We heard from Martin Haskell—the proud practitioner of partial-birth abortions, the one Nurse Shafer witnessed in his grisly work—who told the American Medical Association's own newspaper that 80 percent of the partial-birth abortions that he performs are "purely elective." He does them. It would be interesting to see where the other facts come from when we hear the other side of the argument.

The National Abortion Federation—the official national organization of the Nation's abortion industry—has publicly acknowledged that partial-birth abortions are routinely done for purely elective reasons. Here is what they say. They told their members this in this memorandum. In anticipation of this debate, this was sent out to their members:

> Don't apologize. There are many reasons why women have late abortions . . . lack of money or health insurance, social [or] psychological crisis, lack of knowledge of human reproduction . . ."

That does not sound like dire emergency to me, Mr. President. Maybe I am missing something. What is the emergency about that? I told you what a partial-birth abortion is. I have read you Nurse Shafer's haunting eyewitness account. I have told you what the abortionists who have done partial-birth abortions have said about them. I have given you all that.

Let me tell you what H.R. 1833—the bill in question—actually does because you are going to hear that distorted, too. They are going to have all kinds of lines on what this bill does and does not do. What it does do: The barbaric and brutal partial-birth abortion procedure that I have described and illustrated on the floor of the Senate today can, should, must and will be outlawed. It will be because I am not going to leave this Senate until it is outlawed. If we lose the vote today, it is going to come back. I am going to bring it back until we win it.

Simply stated, H.R. 1833 does that. It outlaws that procedure. If you did not like what you saw on those charts, that is your vote. There is nothing else. Do not be swayed by the other arguments because they are not relevant. If you think what we saw in the charts is appropriate, then you should vote against me and this bill. If you think that process is OK, vote against me. I would not want you to vote otherwise. If you agree with me that this is wrong, then vote with me for H.R. 1833.

It amends title VIII of the United States Code and provides that "whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both." The abortionist, not the woman. The abortionist is fined. That is the punishment for killing the child in this manner.

You will probably hear that the woman is going to be punished. Not true. Read the law.

H.R. 1833 defines a "partial-birth abortion" as "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

That is what they do. Can anybody who sat here and listened to this debate honestly tell me that inserting scissors in the back of the head and sucking the brains out of a living, breathing child is not killing it? Beats me. But you will probably hear that it is not.

H.R. 1833 would ban not only the brain suction, partial-birth abortion that I have described, but any other abortion that involves the partial delivery of the child into the birth canal

before he or she is killed. So the abortionist who commits this horrible act will not be able to escape culpability under the law by pulling the baby into the birth canal and stabbing her through the heart rather than sucking her brains out through a hole. There are any number of ways. Would that be any more barbaric? They could have stabbed her in the heart with the scissors.

Let me say it again. H.R. 1833 authorizes the prosecution only of the abortionist. When you hear otherwise, not true. Not the mother of the child upon whom the partial-birth abortion is performed. That woman is the innocent victim because she was advised to do something that was barbaric or to agree to do something that was barbaric. This bill is aimed at the abortionists; it is aimed at the brutality of this act; it is aimed at the gross violation of just basic human rights that are protected under the Constitution of the United States of America, for everybody, including a baby who comes out of that birth canal.

Finally, Mr. President, even though you are going to hear otherwise, H.R. 1833 provides a life of the mother exception. Absolutely, it provides a life of the mother exception.

Frankly, my jaw has dropped every time I heard one of the opponents of this bill try to say with a straight face that there is no life of the mother exception in this bill. They are going to say there is no life of the mother exception, and they will say it with a straight face, and they will give you all kinds of documentary evidence. There has always been such an exception since the day the bill was first introduced. I introduced it on this side. I know what it says, and it is in there.

The life of the mother exception is in the form of what we would call an ''affirmative defense.'' You will find it in section ''e'' of H.R. 1833. Look at it. You will see it. So when you are told it is not in there, read it, and it is there. Look it up. The next time somebody says it is not there, read it. It is right there.

That is the way this situation is dealt with in the United States Code. There are 31 affirmative defenses in the United States Code. Under H.R. 1833, if a doctor reasonably believes a mother's life is in danger and that a partial-birth abortion is the only procedure he can employ to save her life, he has an affirmative defense—written right into the statute. In other words, if what the doctor faced truly was a life-of-the-mother circumstance, he cannot be convicted of violating the law.

I might also say there are very few, if any, opportunities where the life of the mother would be threatened here. Let me say it again. No doctor who reasonably believes that a mother's life is in danger and a partial-birth procedure is the only way to save it can be convicted of a crime, period.

The key word in subsection ''e,'' Mr. President, is ''reasonably.'' No doctor who reasonably believes that the mother's life is in danger and that no other procedure could have saved her life can be successfully prosecuted under this bill. The word ''reasonably'' provides protection against an abortionists like Dr. Haskell or Dr. McMahon, who may otherwise try to abuse the life of the mother exception by claiming that every partial-birth abortion they do involves a threat to the life of the mother. We are not going to let them get away with that.

Doctors have a way of projecting themselves as absolute. The doctor says it, so it must be true. The doctor says you have to have an abortion this way; it must be true. No. Doctors are human like everybody else. They are not God, and they are wrong sometimes. They are wrong when they say this is necessary procedure to save the life of the mother in all cases. A doctor against whom charges were brought under the new law would be required to demonstrate that his judgments were ''reasonable.'' He can have other medical doctors who are in the area, who are there, who can testify to that effect, that it was an emergency that had to be done.

A doctor who abused the life of the mother exception in this bill obviously could not meet that burden. By the same token, a doctor acting in good faith to save the life of the mother obviously could and would meet that burden.

To those who try to argue that this specific, carefully drafted life of the mother exception—in the form of an affirmative defense—somehow does not adequately protect doctors who act to save the life of the mother, I say that the American Medical Association's Council on Legislation formally voted on whether to endorse this bill twice. They endorsed it, flat out, with the affirmative defense as it is written in the bill before us, H.R. 1833. They did not qualify their endorsement by saying that the life of the mother provision should be changed or modified. They endorsed it. The life of the mother affirmative defense was fine with them.

Again, all 12 doctors, the AMA legislative panel, voted unanimously, voted twice to endorse H.R. 1833—every last word. Every last provision. No exceptions.

Why would they endorse the bill if they thought the life of the mother—affirmative defense does not adequately protect doctors who try to save the life of the mother? Why would they do it? They are in the business of protecting doctors. They did not do it. They said the bill was OK.

This is a historic piece of legislation Mr. President, that originated, was voted on in the people's House, from Representative CANADY. It is the most representative body of our Nation's democracy, and as the House considered this bill as I indicated in my earlier remarks, a magnificent majority, a supermajority, a two-thirds supermajority came together—liberals, conservatives, Democrats, Republicans, pro-choice, pro-life—many voted for this bill. SUSAN MOLINARI to PATRICK KENNEDY to DICK ARMEY and NEWT GINGRICH.

We can do the same here in the Senate, Mr. President. We can look at this for the brutal act that it is and end it—never mind getting off into the generic discussion of abortion.

Look at the facts—a baby about to enter from the birth canal into the world, denied that opportunity. Put aside the other differences; put aside where a life begins. I happen to believe it begins at conception. Others of my colleagues do not agree with me. That is not the issue today. Or whether there are fetal brain waves at such-and-such a month. That is not the issue today.

Some say abortion should be legal for sex selection. That is not the issue today. They may think a couple who have a girl unborn child and prefer a boy can go ahead and abort the girl. That is not the issue today.

The partial birth ban will protect girl and boy babies alike. That is the issue today. We can all agree that a 19- or 20-week fetus in gestation at the onset of viability outside the womb is a human being. I would be interested to hear why it is not. I would like to know what it is if it is not a human being.

We should put aside the other differences. I had debates here with the Senator from California and others on the abortion issue. That is not the issue here today. The issue is this process. The bill is about abortion in the late second and into the third trimester of pregnancy—a brutal, horrible way.

Poll after poll consistently shows that the divisions among Americans over a abortion narrow and narrow as the pregnancy progresses into the second and third trimester. Even the most pro-choice Americans become pro-life at some point in the process. That is not the issue today.

This bill is about basic human rights, fundamental human rights, Mr. President. The right of a little baby to be born, grow up, to have a life. They do not depend on the polls. Do we really have to take a poll to find out whether a little baby should have the right to proceed and develop his little personality? They do not depend on politics. What do they know about politics? What do they know about polls?

Do you know what they know? They know that they hear sounds outside their mother's womb and they have sensed that protection. They are in that little fluid sac where they have protection, but they invade that. The abortionist invades that—pulls them feet first to their death.

Even the Supreme Court in the Roe versus Wade decision recognized that a born child—a born child—is a person entitled to the equal protection of the laws under our Constitution.

Now we are starting to talk a little bit differently. Now we have a problem

with the semantics. What is a partially-born child? Feet out? Nothing else? Feet-knees? Feet-knees-behind? Torso? All the way to the neck? What is a partially born child? What is it?

What makes it a nonchild while it is inside, while its inside is inside the womb or its shoulders or its torso? A few inches? A few moments. Does that make it something else?

Is not a partially born child one whose entire body, except for her little head, is already in the birth canal, just as much a human being? Is she no less a human being? Is the line of a baby a nonentity who can be brutally slaughtered really just a matter of a few inches? A few moments?

This is the world's greatest deliberative body, Mr. President. I am proud to be a Member. I hope and I believe that because we are the world's greatest deliberative body that we will rise to the challenge that the House has given us.

That is the reason why I did not touch that bill. I did not use my own. I wanted that bill to come right over here and bring it right up without amendment. I want to pass it today if I can, tomorrow if necessary, whatever it takes, whatever time it takes, I want to pass it and I want to put it on the President's desk.

Once it gets there, I hope that President Clinton will sign it into law. I hope that he will look at this brutal act and put an end to it because after all, his pen, William Jefferson Clinton—will stop the process. One signature, done. No more partial-birth abortions. Hundreds of innocent children saved.

President Clinton, you were an unborn child once. The President's father died, you know, while his mother was pregnant. Is that not interesting? She faced a very tough decision. Do I raise a child alone without a father? Bill Clinton's mother chose life.

Regardless of party, regardless of ideology, I think we could say we are thankful. He became a President of the United States. He could have been a victim. Bill Clinton could have been a partial-birth abortion. We never would have known. We never would have known.

Think about it, my colleagues, because this is a very personal matter. Each and every one of us—each and every one of us—started out in life as an unborn child. Just like the one depicted in the first illustration that I showed earlier today.

When you were born as you came through that birth canal your little fingers moved, your little feet moved, you kicked your legs, you moved your arms, and when you finally came into the world with a little slap on the behind, you started to cry.

Every one of us came down that birth canal the same way—little bit differently sometimes but we came down the birth canal. We slept, we woke, we felt pain, we were happy, we were sad, our quarters were close, but we always heard our mother's voice. Our mother's voice was always there to soothe us.

As I close, I am reminded of a great maxim. Do unto others as you would have them do unto you. Do unto others as you would have them do unto you.

You and I deserved to be protected by law from a partial-birth abortion when you and I lived in our mother's womb.

There are two reasons why we are here today. Either/or: one, because our mothers chose life and had no concern about aborting us; second, because there was no abortionist there to end our lives. We had value. We had worth. We had rights. We became U.S. Senators. And those little babies have the same rights that we have under the Constitution.

As the Old Testament tells us, Almighty God knew us even then, and He loved us. Our fellow human beings, these youngest of Americans, deserve no less.

My colleagues, I implore you for the sake of God, for the sake of life, for the sake of innocent children, pass this bill.

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

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, first I thank my colleague from New Hampshire for agreeing to begin this debate at a little later hour than originally scheduled. Many of us, who are on both sides of this debate, went to the Middle East with the President and a bipartisan delegation, and we literally have not had any rest for many hours. So, it really gave us a chance this morning to get that first bit of rest. This is a difficult debate and I think we all needed to have that rest. I thank my colleague from New Hampshire and I thank the majority leader and minority leader for agreeing to bring this up at 2 o'clock rather than 11 a.m.

I stand here in favor of committing H.R. 1833 to the Judiciary Committee for at least one hearing on this bill, and to report back with any amendments, if they so deem, within a 45-day period.

There are many reasons that I believe are quite rational for doing this, which I will get into in the course of the debate. But I want to say the motion that will be made to send this bill to committee will be a Republican motion offered by Senator SPECTER and supported by six other Republicans.

This is a bipartisan issue. This is the first time, in my knowledge, that a particular procedure has been criminalized. And I agree with my colleague from New Hampshire when he says—and he has said it many times—the Senate is the greatest deliberative body. Therefore, let us make sure before we do this for the first time in history that we have held a hearing that brings all sides to the table where there can be a discussion with medical experts.

We have one physician in the U.S. Senate. He was never an OB/GYN. We do not have anyone in the U.S. Senate who truly can understand the ramifications of criminalizing what has been a life-saving procedure. So I think the course of sending this bill to Judiciary is the proper course.

I will cover a lot of ground. My colleague took almost a couple of hours. I do not think I will take as much time, but my presentations are usually quite brief. This will not be as brief because I think we have heard my colleague without possibility to, if you will, correct the RECORD or insert differing opinions. We have not had that chance. I would like to take this time to cover a good deal of ground.

I think it is important to debate this bill, every word of this bill, the ramifications of this bill, the justifications for this bill and the tragedy that is addressed by this bill. But the one thing I hope I do not have to be lectured about is the joys of childbirth. Unlike my colleague from New Hampshire, I have had it. I have had it. I have had the joy of childbirth. I have had the joy of bringing two of the most wonderful people into this world, and now I have the joy of grandparenting. So I really do not need to be lectured about the joys of the travel down the birth canal because I have experienced it in my own body.

I had two premature babies who were not safe in my womb. They were not safe in my womb toward the end of the pregnancy, and they had to struggle for their lives, and we won that struggle. They were difficult births, and very unpredictable as to what would happen.

Now I am a grandmother, and we had complications in that one. This baby is our joy—my joy, his other grandmother's joy, his grandpa's joy, his uncle's and aunt's. So I know about the joy of children very personally, the joy of grandparenting.

But do talk to me about the bill. Do talk to me about, for the first time that we can find in history, why we at the national level should outlaw a particular procedure that is sometimes the only way to save a woman's life or to avoid the most serious, long-lasting consequences to her health. Talk to me about that. Talk to me about that.

Do not tell me that you speak for all the little children who cannot speak for themselves when you talk about this bill, because I want to talk to you about little children. Let us take a little child that is happy and alive, living in a wonderful family environment, and his mom gets pregnant and everything is wonderful and everything is joyful and they have a name picked out for the baby—if it a girl or a boy—and they think everything is right, and suddenly they learn that it is not right. I would tell you if that little child could talk—let us say he is just 2 or 3—he would say, ''Don't let my mommy die.'' So don't tell me you are talking for all children. We cannot speak for all children.

I am going to give you a few cases. Viki Wilson, a registered nurse, a practicing Catholic, and her husband Bill, a

physician, they were the parents of two children and planning for a third. In the 8th month of pregnancy, an ultrasound showed the baby's brain was growing outside of the baby's skull. The brain was twice the size of her actual head and lodged in Viki's pelvis, causing pressure on what little brain the baby had.

This was a wanted baby. They picked out a name for the baby. If Viki had carried the baby to term, Viki's cervix could not have expelled the baby. Viki's cervix would likely have torn or ruptured, causing massive hemorrhage and infection.

I do not have a chart that shows what it looks like when there is a massive hemorrhage. I do not have a chart to show you what it looks like when the cervix is torn and ruptured. I do not have a chart that shows you what your wife would look like if she had to go through this circumstance, or your daughter. I do not have a chart that shows what the baby's skull would have looked like as it was crushed by passage through the birth canal. I do not have a chart that shows that. But we do know this. If the baby had survived somehow, at most she would have lived a few short agonizing moments gasping for air. Most likely she would have suffocated the moment the umbilical cord was cut, unable to breathe through her mouth.

I do not have a chart. Viki Wilson is a practicing Catholic. If you want to meet her, you can meet her. If you want to talk to her, you can talk to her. She came forward in her grief because she could not stand to see what was happening here. She said, ''My daughter's death was with dignity instead of subjecting her to a process that would have taken away all her dignity.''

I have other stories. I am going to share them with my colleagues. But let me tell you of a little child who thought his mother was going through that. He would say, ''Save my mother and do not allow my sister to go through this agonizing procedure.''

The Senator from New Hampshire said, ''Do not listen to what opponents say. They will distort this bill.''

I have a copy of the bill. I have read this bill over and over again. In every case when we have voted to restrict a woman's right to choose, there have been exceptions in the bill for the life of the mother, at least in every single case. Not here, not here. Oh, yes. When the doctor is thrown in jail, he can say in his defense, ''I had to do it.'' That is not the same as making exceptions to the life and the health of the mother.

My colleague said, Look at the numbers of votes in the House. Well, the far-right forces in the House will not allow a vote on a moderating amendment for the life of the mother, for the health of the mother. They will not allow a vote on any of this. So there was no choice for people.

I am so pleased that in the Senate we have the ability to get a vote, to stop the extremism, to stop the danger. We have a chance to do that. No. The House did not allow an amendment. That is why you had the vote that you had. I know because I did speak to some of the people over there. They said, ''Barbara, we did not have a chance to vote on any moderating language we wanted so desperately. We tried to, and the Rules Committee shut us down.''

So we know what this is about. It is about politics. It is about politics because if it was about substance they would have allowed a vote.

I have to say that I am not a doctor—and I am not God—and there are none in the Senate, except for one doctor who is not an OB–GYN, nor is anyone else. And no one is God.

And people invoke the name of God. And I am glad that they do that because they feel it deeply, and I feel it deeply. And if one believes in God, one believes that God has made sure that there are medical procedures in place to help save lives.

There were so many misstatements made on this Senate floor regarding this issue, and I am not going to take them on here because I am not a doctor. But I know about giving birth, and when babies are born, except in rare cases, the head comes first. The way this is described is it is described as if the woman is having a baby, and suddenly people say, ''We do not want this baby.'' The mother is given anesthetic, large doses of it—this is a serious, complicated situation—large doses that go right to the fetus.

That is just one example of the misstatement here. That is why we need hearings on this—to find out the facts.

Even the name of this, ''partial-birth abortion''—there is no such terminology. That is not a medical term. And, yet, it is outlawing ''partial-birth abortion'' when there is no such medical term. It is a term being used for political reasons, in my view. There is not a birth here. This is a late-term abortion, and it is tragic. It is tragic. And that is what we are talking about.

There is talk here on the floor by men who never had the experience about what it is like for the baby to flow in the water, as it was said. That is the ambiotic fluid. Sometimes something happens in a woman, and the baby is not safe in the womb. And the ambiotic fluid is not there. We hope everything goes just right. We want everything to be just right. When we get to that stage of our pregnancy—I never got to those stages; I had two preemie babies. By then we were so excited about this event.

And to make it sound like women are brutal, that doctors who take a Hippocratic oath are brutal, and that is their goal in life—is to be brutal. And they wake up every day saying, ''I am going to wait until the end of my pregnancy, and I am not going to have it, and I am going to be brutal.'' If you listen to this, calling doctors abortionists—abortion is a legal procedure in this country. They are not without laws. They try to change it on the floor of the Senate all the time. They do not have the votes to do that. Do not call a doctor an abortionist. And do not try to be a doctor. You cannot be a doctor. You are not a doctor. You do not know the truth.

We need a hearing in the Judiciary Committee. We have people on both sides of this issue on the Judiciary Committee. And, therefore, it will have a hearing in the Judiciary Committee, and both sides will be brought out. And they will have panels on one side and another.

And when the word ''elective'' is used, let us straighten that out right here and now. Elective means anything but for the life. It can be the health. It can be the most severe health consequence which is given the term ''elective.''

Let me talk about the organizations that are cited. The AMA my colleague from New Hampshire cited. The council he talked about—12 or 13 people are on the council—voted to endorse the bill. There was not one OB–GYN on the council. The only testimony heard in the AMA was of the staff of the person who wrote the bill, and the AMA Board of Trustees unanimously rejected the recommendation of the committee. And they did not take it. So let us get that straight.

The AMA does not support this bill. There are some organizations that oppose it—that oppose it: the American Medical Women's Association, the California Medical Association, which is the largest State organization in the country, the American College of Obstetricians and Gynecologists. They oppose this legislation.

Now, we believe, those of us who believe we should commit this to the Judiciary Committee for a report back in 45 days on the bill, that before Senators are asked to cast a vote on a measure that would criminalize a legal medical procedure, which is used under rare and tragic circumstances, the Judiciary Committee should have an opportunity to review it.

I have raised some of the questions here today, and I am going to raise them again. This is what I think the committee ought to look at, whatever your view on this issue. They ought to look at the fact that there is no such term as partial-birth abortion, in any medical text, and that it was invented by the authors. And let us get down to what we are talking about here. They should also look at the fact that a doctor is threatened with criminal prosecution for trying to save a woman's life. They should look at that.

What kind of chilling effect would it have on a physician? Oh, sure, there is an affirmative defense. That is like saying, ''I will arrest you if you disagree with me, but once you are in court you can have your chance to explain why you disagree with me.'' It is an affirmative defense. You put it in

the bill. You have a right to go to court and affirmatively say, ''Save the life of a mother.'' Let us look at what that means: Doctors threatened with criminal prosecution for trying to save the life of a woman. Let us look at that.

Let us look at the fact that there are medical problems that compel women to seek late-term abortions that range from the extremely serious to the potentially fatal, including severe heart disease, kidney failure, and cancer in need of immediate treatment. Let us have those women who have had this tragedy befall them and their husbands and their families and their children, who some here said they speak for, come forward and say how they felt when they heard unless their mother could go through an emergency medical procedure, they would lose that mother forever. Let us hear from those people. The greatest deliberative body in the world, my colleague from New Hampshire says—and I agree—let us deliberate.

The procedure that this bill would outlaw is often considered considerably safer than other alternatives. Let us look at that from a doctor's perspective. I think it is inappropriate that the Senate vote on this bill without fully exploring these questions and others.

I also have to address another issue, the issue of late-term abortion. The author of this bill—and there is a similar bill in the Senate—now the proponent of this House bill, in many ways by implication says that horrific things are going on in the country; let us stop it now; it is immediate; it is a crisis; does not tell you that under Roe versus Wade, which is the law of the land, the landmark decision in 1973, which has not been overturned by this Court, which has not been overturned by this Congress, says that in the late term of a pregnancy the States have the full and absolute right to make the rules governing these abortions. Now we have for colleagues to see the rules and regulations in every single State, and I urge my colleagues to look at that.

What you will see is that in all States of the Union there are controls. In many States of the Union, there are stringent controls which require not only the attending physician but other physicians to sign on, and this is not considered likely in the States.

What really interests me is that the party that controls this Congress—and, in particular, the people offering this legislation—always are on this floor saying let the States decide. They are closer to the problem. They are closer to the people. Let them decide. And yet they would overstep all the States, outlaw a specific procedure which we believe is the first time in the history of the country it has ever been done, and trample on all the States that have very serious regulations on this. And we will go into what some of those regulations are.

I ask unanimous consent to place in the RECORD a number of editorials.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

OUTLAWING AN ABORTION METHOD

The House of Representatives succumbed to emotional blackmail this week when it approved a bill that would ban a specific abortion procedure and impose criminal penalties on doctors who use it. The House action would undermine a woman's constitutionally protected right to choose to terminate a pregnancy and a doctor's right to determine what is best for his patient. The Senate would be wise to exercise more restraint.

The procedure to be banned, known as intact dilation and evacuation, is used only in late-term abortions, after 20 weeks of gestation, and even then its use appears modest. About 13,000 of the nation's 1.5 million abortions each year take place after 20 weeks, usually because of special circumstances, such as a threat to the mother's health or severe fetal abnormalities.

While there are no reliable statistics, most late-term abortions involve a procedure that breaks the fetus apart before it is suctioned out of the uterus. But some doctors, those who would be affected by the House bill, use a procedure that involves partially extracting the fetus into the birth canal and collapsing the skull in order to let it be extracted. Anti-abortion groups call this a ''partial birth'' abortion. They circulated graphic drawings in their inflammatory campaign to impose a ban.

The House majority allowed its distaste for the particular procedure to start it down a course that could undermine the constitutional right to abortion as outlined in Roe v. Wade. Roe recognized a woman's right to end a pregnancy, in consultation with her doctor, during the first trimester. I also recognized the state's interest in imposing some restrictions on abortions as a pregnancy progresses through the second and third trimesters. But it did not try to dictate the methods that could be used.

The House bill would erode the judgment in Roe and subsequent cases that while abortion's after fetal viability can be forbidden, exceptions must be allowed to preserve the mother's life or health. True, the bill would allow a doctor, if criminally charged, to argue that the procedure was needed to save the life of the mother and that no other procedure would suffice. But that leaves scant room for a doctor to exercise sound medical judgment as to the safest procedure in a particular abortion.

The House bill is harsh and intrusive. The Senate should have more respect for women, and responsible doctors and for Roe.

[From the Los Angeles Times, Nov. 3, 1995]

A GRUESOME PIECE OF LEGISLATION

THE HOUSE—SHOWN BLOODY PHOTOS—VOTES TO OUTLAW A FORM OF ABORTION

There is no question that the ''partial-birth abortion'' procedure that the House voted Wednesday to outlaw is gruesome. No woman undergoes this late-in pregnancy procedure without great psychological and physical pain. Few physicians perform it, and those who do may experience deeply conflicting emotions.

The procedure is done typically only to avert an outcome as gruesome as the operation itself—the death of the woman—or to remove a severely deformed fetus that would not survive after birth.

One measure of the pain and conflict surrounding the partial-birth abortion is its extreme rarity. It accounts for only about 200 of the 1.5 million abortions done annually in this country.

The nature of the procedure should have been beside the point; many medical procedures are bloody and hard to witness. Nevertheless, supporters of the bill displayed photographs of partial-birth abortions in the House chamber to manipulate the emotions of Congress members.

In banning this form of abortion, the House has set a precedent with dangerous ramifications.

Wednesday's vote is the first time a house of Congress has asserted federal authority to ban a specific, established medical procedure. As such, the action represents an important legal and political step for anti-abortion forces.

Under the House bill, doctors who perform this abortion could face up to two years in prison or monetary fines or both. A doctor must prove that no other procedure would have sufficed. In effect, Congress is telling physicians that the government will now supersede the medical judgment of a woman's physician.

Will Congress members, few of whom are physicians, now outlaw other lifesaving procedures because they are difficult to watch? Will this Congress, despite its promise to reduce the intrusion of government into private life, increasingly assert its authority at the medical bedside?

The Senate should stop this perilous slide when the legislation comes its way. And the President should be prepared to veto.

[From the Des Moines Register]

MEAN AND MEANINGLESS

PHYSICIANS, NOT MEMBERS OF CONGRESS, SHOULD DECIDE ON ABORTION METHODS

The House vote Wednesday to ban one method of late-term abortion and send doctors who perform it to prison is mean and meaningless.

It is mean because late-term abortions often are done to preserve the health of the mother or because the fetus is terribly deformed and not expected to live. About 13,000 of 1.5 million abortions performed in the United States are at 20 weeks or later. The bill puts an absurd burden on the doctor being prosecuted to prove that this particular method was necessary to save the life of the woman and that ''no other procedure would suffice for that purpose.''

It is meaningless because the legislation does not address alternative ways of terminating a pregnancy at late stages, among them Caesarean section and induced labor.

The method the House would criminalize is intact dilation and evacuation. The doctor pulls the fetus from the womb feet first, through the birth canal, leaving only its head inside. Surgical scissors pierce the skull, and the brain is suctioned out, the skull collapses, and the fetus is taken out.

It is hideous. It may also be the best procedure under certain circumstances. The New York Times reported that Colorado physician Warren Hern, author of the standard textbook on abortion practice, said: ''The medical community has not determined the very best way to do late-term abortions, which are uncommon anyway. This method is a minor variation on what I've done for 20 years and could be absolutely necessary under some medical circumstances. But what's important is that the decision be left to the doctor.''

Certainly, it should not be left to Congress, with medical issues so complex and personal issues so wrenching, when a mother's health is in danger or the fetus is severely damaged.

Of course, when the mother is well and the fetus is potentially viable but merely unwanted, a late-term abortion is unacceptable by any method.

''Yet this Congress is determined to interfere unthinkingly in any way it can, regardless of circumstances. This is the first time since Roe vs. Wade that it has acted to ban a specific abortion method, but numerous other efforts to stop abortion are under way, such as keeping funding from international groups involved in abortion overseas. The Supreme Court's landmark 1973 decision said states could not limit the right to abortion in the first trimester of pregnancy, but could regulate it in the second trimester to protect a woman's health, and could limit or prohibit it in the third trimester when the fetus is potentially viable. Today, 41 states, including Iowa, have laws prohibiting late abortions under most circumstances.

The House vote Wednesday to ban one method of late-term abortion, and a similar bill introduced in the Senate, mark the determination of politicians to pander to anti-abortion forces.

[From USA Today, Nov. 3, 1995]

ATTACK ON RARE ABORTION PROCEDURE INVITES MISERY

OUR VIEW: THESE CASES ARE TRAGIC, THESE CASES ARE PERSONAL, LEGISLATION IS A CLUMSY AND PAINFUL RESPONSE

Abortion is a wrenching decision under any circumstance. In the later stages of a pregnancy, it's a nightmare.

So it doubly painful to find the House of Representatives voting to make the nightmare worse. It did so Wednesday, voting to outlaw a last-report procedure to terminate some late-term pregnancies.

The procedure is one that would make anyone cringe. The fetus dies from an overdoes of anesthesia given to its mother. Sometimes, its skull is then drained so the fetus can be aborted intact without risk to the mother (not to cause death as critics of the procedure often claim).

It's a process undertaken in desperate circumstances. Just ask Viki Wilson, a 39-year-old registered nurse, doctor's wife, and mother of two in Frenso, Calif. She was eagerly awaiting the birth of her baby when the bad news arrived. Just four weeks before her delivery date, she learned what previous tests had failed to detect: two-thirds of her unborn daughter's brain was in a sac outside the skull. The fetus was suffering seizures and Viki Wilson's life was in danger. The baby was doomed to die outside the womb no matter what was done.

After consulting with specialists, the Wilsons opted for ''intact dilation and evacuation,'' the procedure banned by the House. The anesthesia was administered and a needle used to draw fluid from the baby's enlarged head so it could pass through the birth canal without damaging her mother.

''This wasn't about choice, this was about medical necessity,'' Wilson says.

That's the case for most late-term abortions. A mother's pregnancy is complicated by health problems such as cancer or heart disease, so that continuing the pregnancy endangers her life. Or an unborn baby is found to have unthinkable deformities.

If the Senate agrees with the House, other families won't get the option available to the Wilsons. Or other choices. The House language is so vague it can be read as outlawing all late-term abortions. It bans ''partial-birth abortions,'' a term not found in medical dictionaries. Doctors, facing jail terms, may refuse to perform any late-term pregnancy terminations.

And that is the real story of this legislation. Its backers say it is a wedge to challenge abortion rights broadly.

The idea of aborting a healthy, late-term fetus for mere convenience is reprehensible to all sides. And rare is the doctor who would participate in such an abortion. Only a handful will even perform late-term abortions for the more compelling reasons.

The legislation just isn't needed. And the broader assault will do nothing to alter the national division on abortion.

After 20-plus years of debate, there's no sign of national consensus to ban abortion. And absent such social agreement, the choice must be a personal one.

Abortion's dilemmas are indeed painful. But they are best resolved by appeals to hearts and minds, not dictates of law like this one.

Mrs. BOXER. I thank the Chair. One is from the Los Angeles Times. It says in part:

In banning this form of an abortion, the House has set a precedent with dangerous ramifications. Wednesday's vote is the first time a House of Congress has asserted Federal authority to ban a specific established medical procedure. Under the House bill, doctors who perform this abortion could face up to 2 years in prison or monetary fines, or both. A doctor must prove that no other procedure would have sufficed. In effect, Congress is telling physicians that the Government will now supersede the medical judgment of a woman's physician.

''Government will supersede the medical judgment of a woman's physician.''

Wonderful, just what we were elected to do, decide what medical procedures should be used under what circumstances. We have never done that in history as far as I can tell. And this is a procedure that is used in most tragic, rare circumstances involving a woman's very life, and we are going to decide, without a hearing, unless we support the Specter amendment for a hearing—and I hope we do—this should be banned.

I think this editorial raises another interesting point.

Will Congress Members, few of whom are physicians, now outlaw other lifesaving procedures because they are difficult to watch? Will this Congress, despite its promise to reduce the intrusion of Government into private life, increasingly assert its authority at the medical bedside?

What is next, I ask? Then the editorial concludes.

The Senate should stop this perilous slide. When the legislation comes its way, the President should be prepared to veto it.

And the President has clearly stated that abortion should be legal and rare, and his standard is life and health of the mother. This bill makes no such exception.

Then the New York Times says:

The House bill is harsh and intrusive. The Senate should have more respect for women and for doctors and for Roe—

Meaning Roe versus Wade,

the Supreme Court decision that gives the right to the States in the last trimester to set the rules and the standards.

USA Today: ''Attack on rare abortion procedure invites misery.''

They say:

These cases are tragic. These cases are personal. Legislation is a clumsy and painful response.

And then the Baltimore Sun, and I see my colleague from Maryland is here, I think gets right to the heart of it:

When a late-term abortion is necessary, usually to protect the health or life of the mother, a physician should not have to base his decision on how to proceed on the politics of the issue.

So under the House bill, we are not only putting physicians in peril for doing what they think is right, according to their medical training and their experience, to save a woman's life, we are putting them in peril, putting them in jail but we are bringing politics into the operating room as well, because make no mistake about it, this is about the agenda of the far right in this country, who put together a contract. They want to do away with the woman's right to choose, and even though late-term abortions are regulated by the States, this is high on their agenda.

I know the phones are ringing off the hook. That is OK, that is fine, because they are ringing off the hook on both sides. Then we see the Des Moines Register, and they talk about this legislation as mean and meaningless. They say:

Physicians, not Members of Congress, should decide on abortion methods.

Look, what procedure are we going to get into next? What are we going to ban next? What are we going to outlaw next? I mean, the sky's the limit if we go down this slippery slope, and that is why having a hearing is so important.

I got a call today, they just sent it over to me: ''Please, Senator BOXER, tell these people that the women they are talking about are someone's baby.''

And they talk about babies. The woman who is in peril was somebody's baby and now she is somebody's daughter and somebody's granddaughter. Let us talk about that baby, because, yes, my baby may be 27 years old and have her own baby, but she is still my baby, and she will be my baby until the day that I am not here.

So this woman puts it into perspective. She wants me to put her name out. I do not know this woman. Dorothy Fox, from Santa Barbara, thank you for calling my office. ''Please, Senator BOXER, tell these people that the women they are talking about are someone's baby. My daughter had this procedure, and I would have done anything to save my baby, my 36-year-old daughter who had to endure this horrible procedure to save her life and her reproductive health so that she could have healthy children in the future. Please tell them''—meaning the supporters of this bill—''that the fetus isn't the only baby involved. Those women were once somebody's baby.''

I want to talk about the nurse that the Senator from New Hampshire points out, her emotional testimony about being in the room and seeing this procedure. And she is here to take questions, and that is good. I am glad

she is here, because I have a lot of people here, too, whose stories you are going to hear.

Here is a letter from the Women's MedPlus Center in Cincinnati, OH, where this nurse worked.

I want to point out that the nurse worked at the clinic for 3 days; she worked at the clinic for 3 days. This is the woman who now comes here as an expert on this procedure. So you should ask her about that experience.

The letter we have here is from Cristy Galvin, RN, and here is what she says:

I am a registered nurse and have worked since July 1993 in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton.

As you know, we initially conducted a search of our employment records under the name ''Brenda Shafer,'' as this was the name she signed to the letter which was given to us.

When provided with the correct last name, we did, in fact, find the record of her 3-day employment at our Dayton facility.

The information provided by Ms. Pratt as to our practices at the Women's Medical Center at Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered to throughout the time I have worked for him.

So let us not be fast and loose with a doctor's lifetime commitment to health.

Second, Dr. Haskell does not use the ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing the second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.

Finally, at no point during a D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second trimester dilation and extraction since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the room at any point during a D&E procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

I ask unanimous consent to have this letter printed in the RECORD.

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

THE WOMEN'S MEDICAL CENTER,
Dayton, July 17, 1995.

DEAR CONGRESSWOMAN SCHROEDER: I am a registered nurse and have worked since July, 1993, in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton. As you know, we initially conducted a search of our employment records under the name ''Brenda Shafer,'' as this was the name she signed to the letter which was given to us. When provided with the correct last name, we did in fact find the record of her three-day employment at our Dayton facility.

The information provided by Ms. Pratt as to our practices at the Women's Medical Center of Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion procedure. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered throughout the time I have worked for him.

Second, Dr. Haskell does not use ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing a second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.

Finally, at no point during a dilatation and extraction or intact D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second trimester dilatation and extraction, since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the operating room at any point during D&X procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

If you have any further questions, please feel free to contact our office.

Sincerely,

CHRISTIE GALLIVAN, RN.

Mrs. BOXER. Mr. President, I need just about another 10 minutes to finish my response, and I know that my colleagues here will participate.

We are talking about pain and suffering. We are talking about tragedy, and I am going to read a couple of other stories of women who have had to face this. If you notice on the chart, when the chart is shown, there is no face of a woman shown. There is no face of a woman shown. There is no talk of the woman and the peril to her health and the horrible consequences of what could happen to her if she carried the fetus to term.

I want you to hear about Coreen Costello. Coreen was 7 months pregnant with her third child when she discovered through ultrasound there was something seriously wrong with her baby. The baby, named Katherine Grace, had a severe neurological disorder. The movements Coreen had been feeling were not the healthy kicking of a baby. They were nothing more than bubbles and amniotic fluid which puddled in Coreen's uterus rather than flowing through the baby.

The baby had not been able to move for months. Not move her eyelids, not move her tongue, nothing. The baby's chest cavity was unable to rise and fall to stretch her lungs to prepare them for air. Her lungs and chest were left severely underdeveloped, almost to the point of nonexistence.

The doctors told Coreen and her husband the baby was not going to survive. They considered all the options, but all brought severe risks to the mother. If Coreen waited to go into labor naturally, there was concern her uterus would rupture. I am not going to go into all the detail of what that looks like. I am not going to show a chart. They considered inducing labor, but were told it would be impossible due to the transverse position of the baby, and the fact that the baby's head was so swollen with fluid, while the baby's body was stiff.

Coreen and her husband faced a tragedy that most people never even have to face, thank God. In the end, they made a decision to save the mother's life, to save Coreen's life. She underwent a late-term abortion, and because of this procedure, she is alive today caring for her husband and her remaining two children.

Michele Brydon was 23 weeks pregnant with her third child when she went for a routine ultrasound to ensure that her baby was doing OK. The result of this ultrasound turned Michele's family life upside down. The doctors informed them that the baby—a girl—was suffering from a diaphragmatic hernia. The diaphragm protects and separates the heart and lungs from the stomach and intestines. A diaphragmatic hernia is a hole in the diaphragm, which leaves the baby's heart unprotected and pushes abdominal organs, such as her stomach and intestines, into the chest. Because of the intrusion of the abdominal organs, there was no lung growth. Michelle sought answers from specialists and a pediatric surgeon, who might try to fix the hernia. She was told the baby would not live; the baby was not compatible with life. She chose, in this particular case, to have this procedure.

In October 1992, Claudia Crown Ades was 6 months pregnant with her first child. Everything was perfect. At age 33, she was told there was no need for an amniocentesis. But, for some reason, she began to get anxious, and her doctor sent her to an ultrasound specialist to ease her mind. Three days and four doctors later, Claudia and her husband Richard were informed their baby was plagued with severe anomalies, including brain damage, heart complications, extra digits, and more. The abnormality is known as trisomy-13.

Claudia and Richard were told their baby would likely not survive the pregnancy, and would have little or no chance of living through the first year. They were devastated. They were devastated. I do not have a chart to show you that they were devastated. They wanted this pregnancy, and they were faced with the most agonizing of decisions.

After Tammy Watts and her husband found out she was pregnant in October 1994, they did everything prospective parents do—they discussed names, what kind of baby's room they wanted, whether it would be a boy or a girl. Everything looked fine.

Then in a routine 7-month ultrasound, after a few minutes, the doctor said, ''There is something I did

not expect to see.'' A mass appeared outside the fetus' stomach.

Tammy was sent to several specialists for more tests to determine if something was indeed wrong with the fetus, or whether the ultrasound machine was wrong. The doctors and the genetic counselor gave Tammy the worst possible news—the fetus, which was a girl, had no eyes, six fingers, six toes, and enlarged kidneys which were already failing. The mass on the outside of the stomach involved her bowel and bladder, and her heart and other major organs were affected.

This condition is known as trisomy-13, where on the 13th gene there is an extra chromosome. The trisomy-13 was causing the slow death of their daughter in utero. If Tammy's baby had died in utero, it would have begun to breakdown, releasing fatal toxins into the woman's bloodstream.

Tammy and her family made the hardest decision of their lives, but one that saved Tammy's life. These people are here to talk to you. Listen to them, look in their eyes, and look at how they love their families and their children.

Women in their late-term pregnancies do not desire, do not anticipate, want, or even think about abortion. Women in the late term of their pregnancies are anticipating the joy of child birth, the fulfillment of motherhood and family.

Doctors know late-term abortions are dangerous and difficult. They are emergency medical procedures done in the most tragic and painful circumstances. Yet, this bill would outlaw an emergency medical procedure. It will put a doctor in jail because he tried to save a woman's life. It is going to happen without a hearing in the Judiciary Committee, unless the Republican motion to commit, which will be offered by Senator SPECTER, passes. We were not elected to be doctors, and we were not elected to be God. And the States control late-term abortions. We have the list.

I ask unanimous consent to have printed in the RECORD this list of the States with the postviability restrictions. Every single State has restrictions.

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

STATES WITH POST-VIABILITY RESTRICTIONS

ALABAMA

No abortion may be performed after viability at an abortion or reproductive health center unless immediately necessary to preserve the woman's life or physical health. Admin. Code r. 420–5–1–.03(2)(c) (Supp. 1990).

ARIZONA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §36–2301.01 (1993).

ARKANSAS

No abortion may be performed after viability unless necessary to preserve the woman's life or health or the pregnancy is the result of rape or incest perpetrated on a minor. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§20–16–705, –707 (Michie 1991).

CALIFORNIA

No abortion may be performed after the 20th week of pregnancy. Health & Safety §25953 (West 1984). The Attorney General has issued an opinion stating that this provision is unconstitutional as applied to pre-viability abortions and abortions necessary to preserve the woman's life or health. 65 Op. Att'y Gen. 261 (1982).

CONNECTICUT

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §19a-602(b) (West Supp. 1993).

DELAWARE

No abortion may be performed after the 20th week of gestation unless continuation of the pregnancy is likely to result in the woman's death. Tit. 24, §1790 (1987 & Supp. 1992). The Attorney General has issued an opinion stating that this provision is invalid and inconsistent with *Roe* v. *Wade,* 410 U.S. 113 (1973).

FLORIDA

No abortion may be performed in the last trimester of pregnancy unless two physicians certify in writing that the abortion is necessary to preserve the woman's life or health. §390.001(2) (West 1993). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point which varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti* v. *Franklin,* 439 U.S. 379, 388–89 (1979).

GEORGIA

No abortion may be performed after the second trimester unless three physicians certify that an abortion is necessary to preserve the woman's life or health. §16–12–141(c) (Michie 1992). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti* v. *Franklin,* 439 U.S. 379, 388–89 (1979).

IDAHO

No abortion may be performed after viability unless necessary to preserve the woman's life or unless the fetus, if born, would be unable to survive. §§18–608(3), 18–604(6) (1987). This law unconstitutionally prohibits post-viability abortions in cases in which an abortion is necessary to preserve the woman's health. *See Roe* v. *Wade*, 410 U.S. 113, 165 (1973).

ILLINOIS

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Ch. 720, act 510 §§5,6 (Michie 1993).

INDIANA

No abortion may be performed after viability unless necessary to prevent a substantial permanent impairment of the life or physical health of the woman. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§16–34–2–1(3), 16–34–2–3(b) (West Supp. 1993). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe* v. *Wade,* 410 U.S. 113, 164–165 (1973).

IOWA

No abortion may be performed after the end of the second trimester unless necessary to preserve the woman's life or health. §707.7 (West 1979). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point which varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti* v. *Franklin,* 439 U.S. 379, 388–89 (1979).

KANSAS

No abortion may be performed after viability unless the attending physician and another, financially independent physician determine that an abortion is necessary to preserve the woman's life or the fetus is affected by a severe or life-threatening deformity or abnormality. §65–6703 (1992 & Supp. 1993). The Attorney General has issued an opinion stating that abortion cannot be prohibited at any time when a woman's health is at risk, and has filed a lawsuit requesting a court order stating that this law is unconstitutional and enjoining its enforcement. Op. Att'y Gen. No. 91–130 (Oct. 15, 1991); *Stephan* v. *Finney*, No. 93–CV–912 (Kan. D. Ct. filed Aug. 4, 1993).

KENTUCKY

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §311.780 (Michie/Bobbs–Merrill 1990).

LOUISIANA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §40:1299.35.4 (West 1992).

MAINE

No abortion may be performed after viability unless necessary to preserve the woman's life or health. Tit. 22, §1598 (West 1992 & Supp. 1993).

MARYLAND

Abortion may be prohibited after viability unless necessary to preserve the woman's life or health or unless the fetus is affected by genetic defect or serious deformity or abnormality. Health-Gen. §20–209 (Supp. 1993).

MASSACHUSETTS

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life or to prevent a substantial risk of grave impairment to her physical or mental health. Ch. 112, §12M (West 1983). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin*, 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade*, 410 U.S. 113, 165 (1973).

MICHIGAN

Any person who intentionally causes an abortion that is not necessary to preserve the woman's life is guilty of manslaughter if the abortion occurs after quickening. §750.323 (West 1991) (enacted 1931). A court has ruled that this law is not unconstitutional as applied to viable fetuses. *Larkin v. Cahalan,* 208 N.W.2d 176 (Mich. 1973). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortions prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *See Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979). This law is also unconstitutional as applied to post-viability abortions necessary to preserve the woman's health. *See Rose v. Wade,* 410 U.S. 113, 165 (1973).

MINNESOTA

No abortion may be performed after the second half of the gestation period (20 weeks) unless necessary to preserve the woman's life or health. A second physician must be immediately accessible at a post-viability abortion to take all reasonable measures to preserve the life and health of the fetus. §§145.412(sub. 3), 145.411(sub. 2), 145.423(sub. 2) (West 1989). A court has ruled that the provision restricting abortion after 20 weeks is unconstitutional.

MISSOURI

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §188.030 (Vernon 1983).

MONTANA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §50–20–109(1)(c) (1993).

NEBRASKA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §28–329 (1989).

NEVADA

No abortion may be performed after the 24th week of pregnancy unless that is a substantial risk that continuance of the pregnancy would endanger the woman's life or gravely impair her physical or mental health. §442.250 (1991). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortions prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *See Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979). This law is also unconstitutional as applied to some post-viability abortions necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

NEW HAMPSHIRE

No abortion may be performed after quickening, unless necessary to preserve the woman's life. §585:13 (1986). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and which may not be declared to occur at a particular gestational age. *Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

NEW YORK

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life. When an abortion is performed after the 20th week of pregnancy, a second physician must be in attendance to provide medical attention to the fetus. Penal Law §125.05(3) (McKinney 1987); Pub. Health §4164 (McKinney 1985). These provisions are unconstitutional to the extent that they prohibit pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and which may not be declared to occur at a particular gestational age. *Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. See *Roe v. Wade,* 410 U.S. 113, 165 (1973).

NORTH CAROLINA

No abortion may be performed after 20 weeks of pregnancy unless there is a substantial risk that continuance of the pregnancy would threaten the woman's life or gravely impair her health. §14–45.1(b) (1986). These provisions are unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin,* 439 U.S.C. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve a woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

NORTH DAKOTA

No abortion may be performed after viability unless the attending physician and two other licensed physicians who have examined the woman concur that the procedure is necessary to preserve the woman's life or continuation of the pregnancy would impose on her a substantial risk of grave impairment to her physical or mental health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. §§14–02.1–04, 14–02.1–05 (1991). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113,165 (1973).

OHIO

No abortion may be performed after viability unless two physicians certify in writing that it is necessary to preserve a woman's life or to prevent a serious risk or substantial and irreversible impairment of a major bodily function. The physician must use the abortion method most likely to result in fetal survival, a second physician must be in attendance to provide medical attention to the fetus, and the abortion must be performed in a health care facility with access to neonatal services for premature infants. This law is scheduled to become effective on November 15, 1995. A lawsuit has been filed challenging the constitutionality of these provisions. *Women's Medical Professional Corp. v. Voinovich,* (S.D. Ohio filed Oct. 27, 1995).

OKLAHOMA

No abortion may be performed after viability unless necessary to preserve the woman's life or health. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Tit. 63, §1–732 (West 1984).

PENNSYLVANIA

No abortion may be performed after the 24th week of pregnancy unless the attending physician and another physician who has examined the woman concur that the procedure is necessary to preserve the woman's life or to prevent a substantial and irreversible impairment of a major bodily function. A second physician must be in attendance at a post-viability abortion to provide medical attention to the fetus. Tit. 18, §3211 (Supp. 1994). This law is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

RHODE ISLAND

No abortion may be performed after viability unless necessary to preserve the woman's life. §11–23–5 (1981). This law unconstitutionally prohibits post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

SOUTH CAROLINA

No abortion may be performed after the 24th week unless the attending physician and another independent physician certify that the abortion is necessary to preserve the woman's life or health. §§44–41–20(c), -10(k), (l) (Law. Co-op. 1985 & Supp. 1990). A court has ruled that this provision is unconstitutional as applied to pre-viability abortions. *Floyd v. Anders,* 440 F. Supp. 535 (D.S.C. 1977), *vacated without opinion on other grounds,* 440 U.S. 445 (1979).

SOUTH DAKOTA

No abortion may be performed after the 24th week of pregnancy unless necessary to preserve the woman's life or health. §34–23A–5 (1986). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979).

TENNESSEE

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §39–15–201(c)(3) (1991).

TEXAS

No abortion may be performed after viability unless necessary to prevent the death or a substantial risk of serious impairment to the physical or mental health of the woman or if the fetus has a severe and irreversible abnormality. Art. 4495b, §4.011(b), (d) (West Supp. 1994). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

UTAH

No abortion may be performed after 20 weeks unless necessary to preserve the woman's life, to prevent grave damage to the woman's medical health, or to prevent the birth of a child that would be born with grave defects. §§76–7–302(3) (1990 & Supp. 1993). A court has ruled that this provision is unconstitutional. *Jane L. v. Bangerter,* 61 F. 3d 1493 (10th Cir. 1995).

VIRGINIA

No abortion may be performed subsequent to the second trimester unless the attending physician and two other physicians certify that continuation of the pregnancy is likely to result in the woman's death or substantially and irremediably impair the woman's physical or mental health. §18.2–74 (Michie 1988). This provision is unconstitutional as applied to pre-viability abortions. A state may not prohibit abortion prior to viability, a point that varies with each pregnancy and may not be declared to occur at a particular gestational age. *Colautti v. Franklin,* 439 U.S. 379, 388–89 (1979). This law also unconstitutionally prohibits some post-viability abortions that are necessary to preserve the pregnant woman's health. *See Roe v. Wade,* 410 U.S. 113, 165 (1973).

WASHINGTON

No abortion may be performed after viability unless necessary to protect the woman's life or health. §§9.02.110, 9.02.120 (Supp. 1994).

WISCONSIN

No abortion may be performed after viability unless necessary to preserve the woman's life or health. §940.15 (West Supp. 1993).

WYOMING

No abortion may be performed after viability unless necessary to protect the woman from imminent peril that substantially endangers her life or health. §35–6–102 (1988). This law unconstitutionally prohibits some post-viability abortions that are necessary to preserve the woman's health. *See Roe v. Wade,* 410 U.S. 113,165 (1973).

Mrs. BOXER. So this is about politics. I can only conclude that it is

about a zeal to outlaw all abortion. We had that. I lived through that. Others lived through that. Women died because they could not get access. That is what this is about.

I can only conclude that it is about a commitment to the extreme right, who has made this a litmus test issue. I can only conclude that their commitment to State rights which, by the way, when they repealed nursing home standards, they said let the States set those standards. We said, wait a minute, we need to have Federal nursing home standards because our seniors will go back to the days when they were scalded in the bathtubs, sexually abused, and worse. They said, no, no, no, we believe in States rights. Well, here they are overstepping the States. The States control this in the late term of a pregnancy.

It is their desire to take the most painful and difficult and tragic circumstances and turn them into a political win. Without any hesitation, I can state that if it passes—and I know the President will not sign it because he already said he will not because it makes no exception to preserving the life and health of the mother—but if something happened that and President was not there and it was another President and that President signed the bill, women will die, and they will be our babies that we raised. Those are the babies that will die.

What kind of country do we want to be? I say to my friend, we have to look at that. Is this going to be a country which outlaws a medical procedure that is used to save a woman's life? Are we going to put women to their death? What is next, the Government deciding when people should die? Maybe we will withhold life procedures that Senators do not think are nice, and they will have charts and say withhold that procedure from your grandmother. Well, not on my watch, not on my watch.

I want to close by asking every male Senator to picture this: Your 32-year-old daughter or your 28-year-old daughter comes home to you—or, more likely, you get a call from the emergency room at the hospital, and the doctor says, ''I do not know how to tell you this, but if I am going to save your child's life, your baby's life, I have to act now because she is in danger and in jeopardy''—I beg my colleagues to put themselves in that position and be honest about this issue because you know what you would say. You would ask questions; you would find out if there is any way to save this pregnancy, if there is any way to save her life or the baby's. But if it came down to that, after you checked and double checked and found out that this one emergency procedure, and only that, could save her life, you would say, ''Doctor, with the help of God, do what you were trained to do and save my baby's life.'' I think if Senators are really honest, they will vote to send this bill to the Judiciary Committee, where it will be in front of the committee that is sharply divided on the issue of abortion, where doctors can come forward, where nurses can come forward, where women can come forward, where they can be questioned, where a nurse who said she saw this can be questioned, where a doctor who performs this can be questioned, so that we can have all the information that we need.

I ask my colleague from Maryland if she would like me to yield to her because I know she has been waiting here for hours.

Ms. MIKULSKI. I appreciate that, but I also note there is another Senator here. I have a very short statement. But I know the Senator has been waiting for some time, as well.

Mr. DEWINE. Either way. It does not matter.

Ms. MIKULSKI. Is the Senator's statement long?

Mr. DEWINE. Mine is probably about 10 minutes.

Ms. MIKULSKI. Why do we not stick to the tradition of alternating. If I might respond to the Senator from California, I think the most important thing in a debate like this is for us to maintain civility and the traditions of the Senate. I will be happy to wait my turn. I thank the Senator for her concern.

Mrs. BOXER. I say to my friends, I really appreciate the spirit with which we entered this debate. I hope it will be the spirit that we have throughout this debate. It surely is difficult.

I think I have made the case for why I think it is important to send this bill to the committee. I think I have made the point that when we talk about babies we have to talk about all of the life involved in this: My daughter and your daughter, your baby, the fetus in a late term which is so desperately wanted by the family, and why this is such a tragic decision for families.

And why for the first time in history, for Congress to ban a medical procedure that sometimes is the only way to save the woman's life is getting us down a slippery slope, and why it is very important to have a closer look at this, to be the greatest deliberative body in the world.

I thank my colleagues. I yield the floor.

Mr. DEWINE. Let me thank my colleague from Maryland for her graciousness in regard to alternating back and forth on the two sides of the aisle regarding this bill.

I rise today in strong support for the partial-birth abortion bill. I think everyone knows, in this Chamber at least, that I am pro-life. But the comments I make today are not really directed directly at those in the Chamber who are pro-life, but at those who would consider themselves to be pro-choice.

I will address some of the concerns that might be raised in regard to this bill by people who do consider themselves pro-choice.

As my colleague has so eloquently pointed out, when the House of Representatives took this bill up and ultimately voted on it, there were a number of people who I am sure still today describe themselves as pro-choice, who voted for this bill: Representative BONIOR, Representative GEPHARDT, Representative SUSAN MOLINARI, Representative PATRICK KENNEDY. So I think it is clear that people who consider themselves pro-choice can, in fact, vote for this piece of legislation.

I think it is important as we debate today, Mr. President, that we narrow the focus of the debate to the specific bill in front of us, to the language contained in that bill. I believe that, if Members of this Chamber will do that, they will find that the legislation does deserve the support, not just of those of us who consider ourselves pro-life, but also of those who consider themselves pro-choice.

I have seen it quoted in the paper that there are those who argue that this particular piece of legislation will rollback Roe versus Wade. I do not think that is true. In fact, I know it is not true.

It is perfectly possible, Mr. President, and intellectually coherent and intellectually consistent, to endorse this legislation and at the same time support the decision in Roe versus Wade. I do not happen to support Roe versus Wade, but I do believe that by narrowly focusing on this piece of legislation—what it will do, what it will prevent—a person would come to the conclusion that it is not inconsistent with Roe versus Wade.

This bill, Mr. President, is not a ban on abortions. It is not even a restriction on when an abortion may be performed. Let me repeat that. It is not a restriction on when an abortion may be performed.

Restrictions of that kind were actually envisioned by Roe versus Wade. If you carefully read Roe versus Wade, it is clear that was envisioned by the Court. Roe versus Wade did make the distinction between the different trimesters.

Even though Roe versus Wade allowed for that kind of restriction, this bill does not restrict the timeframe for a woman contemplating an abortion. All this bill does is abolish one particular procedure. All this bill does is abolish one particular procedure.

My friend and colleague from New Hampshire has described this procedure in great detail. It was unpleasant to listen. At one point I literally walked off the floor. But I compliment him for having the courage to come to this floor and to talk about the facts and to lay out before this Senate and before the American people what, exactly, we are talking about.

Stripping away the pleasant rhetoric that is usually used in describing in great detail exactly what this single procedure and what this bill is about, and what it actually does. I think we all can agree that this procedure is especially cruel, unusual and inhumane.

Prof. Robert White is the director of the Division of Neurosurgery and Brain

Research Laboratory at Case Western Reserve University. He testified before the House Judiciary Subcommittee on the Constitution.

Let me just stop at this point in response to my colleague from California, her comment that this bill should be sent back, sent back to the Judiciary Committee of the Senate for hearings. There were significant hearings held in the Judiciary Committee in the House of Representatives that covered both sides of this particular issue.

I think in this case, at least, any additional hearings would be redundant. The facts are basically here in front of us.

Let me go back to the quote from Professor White when he testified before the House Judiciary subcommittee on the discussion. He said that fetuses that are subjected to this procedure are ''fully capable of experiencing pain;'' ''fully capable of experiencing pain.''

Mr. President, they endure that terrible procedure that we have heard described, and they are fully capable during that time of experiencing this pain.

We should, Mr. President, take some comfort in the fact that the procedure is not performed very frequently. It is rare. The fact is it should not be performed at all. It is an unnecessary procedure. Even from the perspective of the pro-choice community.

Mr. President, some Senators have expressed concern about whether the mother will be adequately protected without the availability of this procedure. If you talk to the medical community about this they will tell you that if a mother's life is in danger they certainly have more humane ways of terminating the pregnancy to save her.

Let me turn, if I could, Mr. President, to a matter that has been raised already on this floor and that I know will be raised again. That is, the exception for the life of the mother. In this bill, there is such an exception. It is called an affirmative defense.

Let me read from the statute of the proposed bill.

> It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was before a physician who reasonably believed, one, the partial-birth abortion was necessary to save the life of the mother and, two, no other procedure would suffice for that purpose.

This is the only way, I submit, that as a practical matter such an exception can be included in this type of legislation.

Affirmative defenses are not new. Affirmative defenses, as the occupant of the chair, the Presiding Officer knows very well, go back throughout history. They include things that we all know about: insanity, for example, or self-defense. In fact, they are contained in the Federal Code in 30 or 31 different statutes.

For those who have prosecuted at the State level, we all know about affirmative defenses, as well. Affirmative defenses are usually written into the statute when the knowledge about the fact is uniquely in the hands or control of the defendant.

I submit that is true in this particular case. To not have it included as an affirmative defense, but rather to write it directly into the statute, would pose a situation that would be virtually impossible to deal with in court, as the prosecutor would have to basically prove a negative in every single case and then would, in fact, have to get inside the mind of the defendant. This is the type of situation where affirmative defenses are historically used. In the Federal Code, 30 or 35 times affirmative defenses are mentioned and are, in fact, built into the statute.

The legal test, guilt beyond a reasonable doubt, never changes. Every element has to be proven. It has to be proven beyond a reasonable doubt. The question of the affirmative defense comes in as raised by the defendant and there, when it is raised by the defendant, the legal standard is a very, very low standard; that standard is preponderance of the evidence, evidence which is of greater weight, more convincing than the evidence which is offered in opposition to it. It is a balancing test. That is all the defendant has to do.

To summarize, to those who are especially concerned about the life of the mother in this regard, as we all should be, this bill does contain an affirmative defense for doctors who act with a reasonable belief that this procedure is necessary to save the mother's life. As a former prosecutor, I can state it is relatively common in criminal law, both at the Federal level and State level, to provide this exception, to provide exceptions to general rules. Among the most common examples are self-defense and the insanity defense. There are more than 30 of these affirmative defenses in the current Federal law.

For example, to a charge of witness tampering, there is an affirmative defense that the intent of the defendant was to encourage truthful testimony. In cases of failure to appear, there is an affirmative defense of uncontrollable circumstances. In cases of knowing endangerment, there is an affirmative defense that the endangered person consented to a professionally approved medical treatment.

These protections for defendants are relatively common, and the Federal courts know how to deal with them. The affirmative defense in this bill is a sensible and rational provision to protect doctors and patients.

We should not lose sight of the real health issue involved here. According to Dr. Pamela Smith of the department of ob-gyn at Mount Sinai Hospital in Chicago, the procedure of partial abortion itself poses risks to the health of the mother. She cites several examples, and then she concludes:

> There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother.

This is a pretty clear medical conclusion. Frankly, as I examine the facts, I see no reason why this Senate—those who consider themselves pro-life and those who consider themselves pro-choice—should not approve overwhelmingly this bill. This debate will continue, I am sure, into the night tonight and into tomorrow.

I ask, again, that my colleagues listen to the narrow focus of the debate. Look at the language in the bill. Recall the basic facts that we have in front of us in regard to what this medical—medical procedure—actually entails.

I think, after Members do this, there is only one logical conclusion that they can come to, and that is, whether pro-life or pro-choice, they have to vote to ban this horrible, brutal operation.

I thank my colleague from Maryland, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in opposition to the pending business before the U.S. Senate. Let me say at the outset, I believe that good people can differ on the matter of abortion. I believe this is an issue so profound that it requires the utmost thoughtfulness and the utmost dignity, even as we debate this.

I would also like to state what pro-choice means. We often use the phrase pro-choice or pro-life. We pro-choice people happen to think we, too, are pro-life. We are not anti-life. For us, the question is not what is decided; the question is who decides. For the pro-choice community, we believe that decisions related to abortion should not be made on the floor of the U.S. Congress but should be left in the doctor's consultation room.

So our position, when we say pro-choice, is that we believe it is a decision not to be made by Congress, not to be made by a conference committee, not to be determined through a Presidential veto, but should be determined between a physician and the patient. That is why we say we are pro-choice.

There are any number of circumstances why an abortion is either medically necessary or medically appropriate. There is no way the U.S. Congress can look at these issues or even anticipate what a variety of these medical circumstances are. Within this great institution, there is only one physician, and I know there are no nurses. Some have strong scientific background, but we are not capable of that. These are decisions that need to be made on a case-by-case basis, based on the medical circumstances and the religious convictions of the individual families that are involved, not the collective wisdom or lack of it by the U.S. Congress.

This is why, when we say we are pro-choice, I say we are not anti-life. We are for appropriate decisions to be made based on what is medically appropriate and what is the individual

family circumstances and their own religious convictions. So that is a general statement. But on this bill, I would like to say, too, that this bill requires very careful study. It is far reaching. It strikes, too, at that very core of the doctor-patient relationship that I have just commented upon.

I bring to everyone's attention, there have been no hearings on this bill in the U.S. Senate. Yes, there was a hearing in the House. But this is the U.S. Senate. If a House hearing counted, we would not hold hearings on anything. We would have not held hearings on the tax bill, we would not hold hearings on the budget, we would not hold hearings on welfare reform. We, the U.S. Senate, must act as our own body, and I believe it is up to the Senate to conduct its own hearing on this most sensitive, most difficult issue.

The ban that is being proposed would have an effect far beyond the issue of abortion. For the first time, the Congress would be directly regulating what medical procedures a doctor can and cannot provide. It is a tremendous intrusion into medical practices.

I know tomorrow morning, the Senator from Pennsylvania, Senator SPECTER, will be offering a motion to send the bill back to the committee for a hearing, with a time certain for reporting it back. I will support the motion, and I want everyone to understand that the motion to recommit for a hearing is not dodge ball, where we, by referring it back, we avoid the vote. It is to be sure that when we do vote, we will have heard from all who have an interest in this legislation.

Under this legislation, I want to bring out that Congress could make criminals out of doctors who perform a procedure which, in their expert opinion, is medically necessary to save a woman's life or to prevent serious adverse risk to her health. Supporters of the legislation like to point out that the bill contains a so-called affirmative defense which allows for procedures performed to save a woman's life. But what does that mean? If you read the bill carefully, you see that this is not a life exception. It means that after a doctor has suffered the humiliation of arrest, being handcuffed, forced to hire an attorney, and posted bond and a trial is underway, the doctor can testify that he or she believed the procedure was the only method that would have saved the woman's life. This completely shifts the burden of proof to the doctor after an arrest has been made. We criminalize this. The doctor has to prove that the procedure was the only procedure that could have saved the woman's life.

What is more, there is no such affirmative defense for cases where the woman and her doctor have decided the procedure is necessary to preserve the woman's health and future fertility.

The bill before us is a tremendous assault on Roe versus Wade. Under Roe, the Supreme Court has consistently upheld the constitutional right of women to seek an abortion, and has rejected as unconstitutional those laws that do not allow for late-term abortions necessary to preserve the life or health of the mother. The Court has repeatedly affirmed the right of the physician to make that decision, along with the woman, as to what is in the best interest. The Court has rejected laws that would require the physician to put the health of the fetus before the health of the woman. In decision after decision, the Court has affirmed that the woman's health must remain the doctor's paramount concern. This bill would overturn that premise.

So this bill is carefully crafted to directly attack the underpinnings of Roe versus Wade, and the bill's sponsors, particularly in the House, have already served notice that their intention is to completely outlaw abortion, one procedure at a time.

Mr. President, I believe this bill is radical and far reaching. This bill has not been the subject of a single day of hearings in the Senate. We have not heard from one witness, especially the medical community. No committee has deliberated on the language of the bill and understands the full consequences of this. This is simply unacceptable.

The abortion issue is a sensitive and controversial one. Emotions run high whenever we debate this issue. That is why it is so crucial that, before we vote on this bill, it should be subject to the careful study that committee hearings and deliberation would provide. I would support a limit on the time being referred to the committee, a 30- to 40-day limit. We could vote before this Congress adjourns for the holiday recess.

For myself, I would like to hear the testimony from the proponents of the bill about why they believe Members of Congress are better able than physicians to decide what medical procedures are appropriate for women facing the tragedy of a late-term abortion. I think the Senate should hear from women who face the painful decision of terminating a wanted pregnancy, and whose doctors have selected this method.

I think the Senate should hear from the physicians who perform this procedure so that we can understand why it is sometimes necessary, and what would happen to these women if this procedure were banned. I want to hear from the American College of ob-gyn's. They are the experts in this field. The Senate should hear their testimony about what they think about this bill. I have been informed that they think it is misguided. Let them present the testimony. Let us have a discussion with that.

There are 13,000 physicians of the American Medical Woman's Association who oppose this bill. We should hear why. Is it the procedure, or is it the Federal intrusion? We hear so much about the Federal intrusion into people's lives. This is the most profound of Federal intrusions. But again, let us hear from the doctors. Let us hear from the doctors about this issue.

This issue is too complex, and its implications too profound to let it come to the floor for debate without due consideration through the committee process. Regardless of any Senator's views on abortion, I believe that every Senator should support the motion that will be offered by the Senator from Pennsylvania to send the bill to the committee. This is not an undue delay. It is a responsible thing to do. The Senate is known as the world's greatest deliberative body. On something so sensitive, and so complex, I do believe that we should hear from the American medical community who can give us guiding advice on this, and also for those women who face this issue, many of whom will tell us their story, and others who have faced this issue and chose another path.

I believe the Senate should be open-minded, listen to advice, and then in a rational and deliberative way which is characteristic of both this body and I believe those in the House who even differ on the abortion—that our decisions be based on a rational set of information going through the traditional committee process in which there can be the questioning back and forth of the witnesses.

So, Mr. President, I urge my colleagues to support the motion that will be offered by the Senator from Pennsylvania tomorrow and urge, if that does not pass, the defeat of this amendment.

Mr. President, I thank you for your attention. I yield the floor.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Hampshire.

Mr. SMITH. Mr. President, I believe Senator ASHCROFT will speak momentarily, and I will be happy to yield to the Senator when he gets here.

Mrs. BOXER. Will the Senator yield?

Mr. SMITH. Certainly.

Mrs. BOXER. I understand Senator KENNEDY will be here momentarily.

Mr. SMITH. If Senator KENNEDY gets down, or Senator ASHCROFT, I would be happy to yield.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the motion that will be offered by several of our Republican colleagues to refer this bill to the Judiciary Committee.

Many of us oppose this legislation and believe it should not pass in any form. This measure is the latest attack by some of our colleagues in their continuing all-out assault against a woman's constitutional right to choose whether to continue her pregnancy. The proponents of this misguided legislation make no secret that their goal is to ban all abortions.

The procedure involved in this case is extremely rare. It involves tragic and

traumatic circumstances late in pregnancy in cases where the mother's life or health is in danger. These cases should not be dealt with by the criminal law, and our colleagues are wrong to try to criminalize them.

Who in this Chamber would second-guess the medical judgment of a physician if such a case arose affecting a member of a Senator's own family?

Who in this Chamber would sacrifice a wife or daughter by rejecting the medical procedure needed to save her life?

Surely, the debate by the Senate on the serious issues raised by this bill should take place after, not before, the Senate Judiciary Committee has had a reasonable opportunity to consider it fairly and hear testimony on both sides.

It is sad to see the leadership of the Senate so bent on meeting the right-wing's antiabortion litmus tests that they are willing to trample the integrity of the Senate legislative process.

Clearly, this legislation is not ready for final action by the full Senate at this time. It is a travesty of responsible deliberation for some Senators to pretend that it is. It is irresponsible for supporters of this measure to insist on such action without benefit of regular committee consideration.

Extremely important issues are at stake, and the Senate should not be stampeded by the shock tactics of the shock troops of the extremists who oppose all abortions at any stage of pregnancy.

The Senate has a duty to act responsibly, and to hear from both sides in this controversy, especially the views of the medical profession. Let us reject this Alice in Wonderland approach to serious legislation—sentence first, verdict afterward.

Clearly, in light of the far-reaching questions raised by the purpose of this bill and the confusing details of its provisions, it would be premature for the Senate to act.

Enactment of this legislation would represent the first time in American history that Congress has outlawed a specific medical procedure.

It would represent the first time in American history that Congress has threatened doctors with prison terms for practicing their profession.

It would threaten the life or health of hundreds of American women each year.

It would undermine the Supreme Court's landmark 1973 decision in Roe versus Wade, which guarantees a woman's right to choose whether or not to continue a pregnancy. In fact, the legislation is so poorly drafted that it is likely to be ruled unconstitutional by the Supreme Court under Roe and subsequent decisions.

This issue raises fundamental questions about the Federal Government's proper role, if any, in the doctor-patient relationship. Few aspects of the lives of ordinary citizens are as sensitive and as deserving of privacy as the relationship between patients and their physician. Yet this bill puts the Federal Government directly into the doctor's office in the most intrusive way, by attempting to substitute Congress' political judgment for a doctor's medical judgment.

Despite the importance and complexity of these issues, this bill has received no consideration whatever by any Senate committee. The bill was passed by the House of Representatives last week. It had only 1 day of hearings in the House, and that day could hardly be called fair or balanced or objective.

A Senate bill similar to the House bill was introduced earlier this year by Senator SMITH.

But it was placed directly on the Senate Calendar—in an obvious effort to avoid the kind of committee consideration it clearly needs.

This bill is not a resolution to establish National Ice Cream Week, or to honor a sports championship team. This is a bill that would criminalize a particular medical procedure and send doctors who use it to prison.

The bill purports to ban a procedure that the bill's proponents refer to as ''partial-birth abortion.'' The term was invented by politicians, not doctors. It appears in no medical textbook and has no well-understood meaning in the medical or scientific community.

Medical experts should have an opportunity to testify about any bill that presumes to rewrite medical procedures and ban them, especially when Congress is defining and naming a medical procedure that the medical profession does not recognize. If Congress wants to play doctor, it should hear from doctors first.

The Judiciary Committee should also hear from constitutional scholars about the constitutionality of this bill under Roe versus Wade and subsequent Supreme Court decisions.

In addition, the committee should hear from constitutional scholars about its constitutionality under the void-for-vagueness doctrine. As recent press reports make clear, this bill's terminology is so vague that doctors will not know what it means or which medical procedures are actually being criminalized.

Obviously, the proponents of this legislation are making a political statement with this bill.

One purpose of their vague language is to intimidate as many physicians as possible by threatening them with possible prosecution if they perform medical procedures that could be covered by the vague nonmedical language of this bill in its present form. Those who want to ban all abortions do not mind this kind of vagueness in a criminal statute—but the Constitution does.

The Supreme Court is likely, therefore, to rule that this bill is unconstitutional twice—once under Roe versus Wade, and once under the void-for-vagueness doctrine.

When this bill was debated in the House, its proponents actually boasted that it was the first step in an effort to reverse Roe versus Wade and deny women the constitutional right to choose whether or not to bear a child.

I believe that a solid bipartisan majority of the Senate supports Roe versus Wade and a woman's right to choose, and that this legislation will ultimately be defeated.

But that is not the issue here. The motion to send this bill to the Judiciary Committee protects all sides in this controversy. It directs the Judiciary Committee to hold hearings on the bill and report it back to the full Senate with amendments, if any, in 45 days.

Surely, legislation so far-reaching and unprecedented deserves at least that degree of responsible consideration. What are its proponents trying to hide?

I urge the Senate to refer the bill to the Judiciary Committee.

Mr. SHELBY. Mr. President, I rise in strong support H.R. 1833, the Partial-Birth Abortion Ban Act. When the Founding Fathers drafted the Constitution of the United States, they made it abundantly clear that one of the most crucial roles of government is to ''secure the Blessings of Liberty to ourselves and our Posterity.''

Yet, over the past few decades, the value of life in America has been substantially cheapened, and the opportunity for liberty diminished. The rise in drive-by shootings, gang warfare, and abandoned babies, all point to the fact that life in America is not considered as precious as it used to be.

One of the most gruesome indicators of the decline in the value of life is the practice of partial-birth abortions. A partial-birth abortion is an abortion in which the person performing the abortion partially delivers a living baby before killing the baby and completing the delivery.

H.R. 1833 will bring an end to this grisly procedure. Opponents of this bill try to disguise partial-birth abortions as reproductive health services, but a close examination of the procedure shows it is no such thing. When performing a partial-birth abortion, the individual first grabs the live baby's leg with forceps and pulls the baby's legs into the birth canal. He then delivers the baby's entire body, except for the head; jams scissors into the baby's skull and opens them to enlarge the hole. Finally, the scissors are removed and a suction catheter is inserted to suck the baby's brains out. This causes the skull to collapse, at which point the dead baby is delivered and discarded.

Mr. President, this procedure is cruel and indefensible, and it is an assault to the common values of the American people. Listen to what nurse Brenda Pratt Shafer, who witnessed one of these abortions, had to say in her letter to Congressman TONY HALL:

The baby's body was moving. His little fingers were clasping together. He was kicking his feet. All the while his little head was still

stuck inside. Dr. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. I almost threw up as I watched him do these things.

Mr. President, several medical experts have recently stated that this is not a medically necessary procedure. The American Medical Association's Council on Legislation—which unanimously supports banning this procedure—also stated that partial-birth abortions are ''not a recognized medical technique'' and concurred that the ''procedure is basically repulsive.''

I agree this procedure is repulsive; it is the grotesque killing of a new-born baby. Its feet are out, its hands are out, its legs are kicking, its arms are reaching. It is a new-born baby. Think of what kind of society we live in when we fine and arrest people for affecting the habitat of an endangered kangaroo rat but explicitly allow the abhorrent practice of sucking out the brains of a new-born baby.

Moreover, most partial-birth abortions are performed for purely elective reasons. Martin Haskell, who is one of the chief advocates of this procedure, stated to AMA News in a July 1993 interview that, ''I'll be quite frank: most of my abortions are elective in that 20–24 week range. In my particular case, probably 20 percent are performed for genetic reasons. And the other 80 percent are purely elective. * * *''

Despite the consensus in the medical community that these procedures are not used to save the life of the mother, H.R. 1833 contains a safeguard for any practitioner who reasonably believes this procedure is necessary to save the life of the mother. This legislation is balanced and well-reasoned, and it merits our support.

Mr. President, we need to return to the premise that life in America is precious and sacred. Our Nation's children are our hope and our future, and government at all levels has an incumbent responsibility to protect these children who cannot protect themselves. I support this legislation and urge my colleagues to support it as well.

Mr. SMITH. 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. SMITH. 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. SMITH. Mr. President, I ask unanimous consent that there be debate only during the remainder of today's consideration of H.R. 1833, and at 9:30 a.m. tomorrow Senator SPECTER be recognized to make a motion to commit the bill to the Judiciary Committee, and that a vote occur on the motion at a time to be determined by the majority leader after consultation with the Democratic leader, with no amendments in order during the pendency of the motion to commit; and further, that the time between 9:30 and 12:30 tomorrow morning be equally divided between Senator SMITH and Senator SPECTER.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, and I shall not object—as a matter of fact, I think this is an excellent request—I just want to clarify with my friend that we are looking at a vote around the 12:30 hour. In other words, it is our intention certainly by 1:30 to have disposed of the motion. Is that his understanding of it?

Mr. SMITH. That is correct. We anticipate a vote sometime in the vicinity of 12:30, not before 12:30. It could be 12:45 or 1:30. But there is no intention to delay matters beyond that. It is our intention to have any speakers who may wish to speak this evening or tomorrow morning on the bill on either side, and we would divide that time equally.

Mrs. BOXER. Clearly, I say to my friend, if we do decide to go over another 45 minutes, we could equally divide it in the same fashion. I know that is not in the request, but I am sure that is the way we would work together.

Mr. SMITH. I have no objection to that.

Mrs. BOXER. I have no objection.

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

Mr. SMITH. Mr. President, in light of this agreement, on behalf of the majority leader, I will announce that there will be no more votes during the remainder of today's session.

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

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

Mr. ASHCROFT. Mr. President, I want to begin by thanking the senior Senator from New Hampshire for his work on this legislation. Few have done more for the unborn than has Senator SMITH, I am pleased to join him as an original cosponsor of the bill before us today.

In just the past several months our work has been witness to acts of terror in Oklahoma City and again over the weekend in Israel. Each of these cases has been surrounded by voices of concern for the harsh rhetoric many feel provoked the atrocities. While I do not know how thoroughly I agree with that analysis, it does point out the need for our national debate on even the most divisive issues to be civil, to be reasoned—to win, arguments must not merely move the heart, they must persuade the mind.

And so today, that is what I want to accomplish—to speak with civility and reason about the horror of partial-birth abortions which literally rip a child from its mother's womb.

As I mentioned earlier, abortion is the divisive moral issue of our day. It hits at our deepest notions of liberty and questions our most fundamental assumptions about life.

For more than 20 years now, abortion-on-demand has been the law of the land. I think it a poor law and I think it an immoral one. But for now it is the law and it must be observed.

The bitter fruits of this law have been the death of over 30 million human begins who will never know what it means to learn and live and laugh among us. The inhumanity of this loss can never be gauged, never be measured, never fully be felt. We saw yesterday humanity's grief at the funeral of Yitzhak Rabin. A great man was mourned by a grateful world. How much greater the grief of 30 million lives that will never know peace, never know love, never know the warmth of a father's embrace or the strength of a mother's love?

Mr. SMITH. Mr. President, I want to thank the Senator from Missouri for his comments on the bill and on the procedure and for his comments with regard to my involvement in this issue. I appreciate it. No one in the Senate is more committed to this issue and a more honorable man. I appreciate very much his friendship and support on this bill.

Mr. President, I would like to make a couple of comments on this motion to refer back to the Judiciary Committee. As a recap here, bear in mind that the House Judiciary Committee held a number of hearings. The Judiciary Committee held a hearing. They had a subcommittee markup, a committee markup, they had a committee report. The House had a full debate. It passed after that full debate by a vote of 288–139. And so to say that somehow we need to refer this bill back to committee, back to the Judiciary Committee, is nothing more than a dilatory process. And really the reason for it is quite simple. It is an effort not to have to make this vote. It is a reason to avoid the tough question. It is a reason for those who basically want abortion on demand to not have an opportunity to vote on this procedure, which we have all heard is the most outrageous procedure.

In addition, the AMA Legislative Council voted twice to endorse it. They did not need further study. They are the experts. We are having a full debate here on the Senate floor.

I just want to point out to my colleagues, if you do not approve of this process, this motion to refer is a hostile motion to that issue. If you refer this matter to the Judiciary Committee, you are saying that you want this process to continue. That is really what you are saying. Some will say that is not true, we want to study it more and have more hearings. How much more study do you have to have

than what we have already had with the process that we see? Why do we have to study something as obvious as this is? We have all the medical experts, we have all the testimony from people who worked in abortion clinics, who have observed Dr. Haskell and others. We have the nurse's testimony. We have the testimony of the abortion doctors. We have the testimony of other medical doctors. It is an effort to make sure that the full Senate does not have to face this matter.

This is one of the things about politics and politicians that just turns the American people off. Whatever your position is, if you feel that taking the life of a child with only its head in the womb is right, then vote that way. Go ahead and vote that way. That is your right. You have the right. That is your vote and I respect that.

But to delay it further and send it back to the Judiciary Committee—the chairman of the Judiciary Committee does not want the bill sent back. Yet, apparently, Senator SPECTER is going to try to send it back there against the wishes of the chairman. I hope that we will respect the wishes of the chairman of the Judiciary Committee, not some member of the committee, who simply supports this process, who wants this bill to be delayed. This is the reason for it. It is not to have hearings. We can have hearings until hell freezes over. It is not going to change anything. How many more hearings do you have to have? How many more people do you have to have testifying saying that we are killing babies this way? How many more times do you have to hear it? How many more times do you have to see these charts? How many more times?

So I want my colleagues to understand when you come in here tomorrow and we deal with this issue between the hours of 9:30 and 12:30, that there will be an effort here to send this bill back to Judiciary Committee—not to have hearings. That is just a facade. It is to delay the bill and eventually kill it so that we do not have to vote on it.

You are killing more than a bill if you do this, you are killing hundreds of children. On average, remember, there is at least one partial-birth abortion per day. So every day we delay it, there is one more child. We are not talking about the debate. I happen to believe that, after conception, it is a living child. That is not what we are talking about. We have been through this before. I will not repeat it all. But we are talking about a child in the birth canal, and one a day is killed.

So I just say to my colleagues, is there really anything that you are going to hear or see in the Judiciary Committee hearings that is going to change your mind? You either support this procedure or you do not. If you do not support it, do not delay it by sending the thing back to the Judiciary Committee.

So I encourage my colleagues, if you have something to say on this, to be here tomorrow and be prepared to express yourself. Please bear in mind that delaying this accomplishes nothing except delay. That is what the American people get so upset with us about—that we do not make decisions. We just debate and talk.

Let me tell you, if debate and words could solve the world's problems and America's problems, we would sure do it here on the floor of the Senate because we are all good at debating. But that does not get the job done. Do you support this process of taking the life of an unborn child—partially-born child—or do you not? If you do not, then do not vote to delay further the vote to stop it. That is the issue, pure and simple.

The American people, I think, are up to here, Mr. President, with everybody dodging issues. I really think they are up to here with it. Why do we not just face up to it? I would respect that. Let us face up to it and just say that we are going to have an up-or-down vote, we are not going to have these phony issues of sending it to the Judiciary Committee or maintaining that there is not a life of the mother exception when there is one, or that there is deformity, or that somehow it is right to take a child that is deformed from the womb. Let us deal with the issue at hand, which is this process, this procedure. Let us have an honest up-or-down vote on it, tomorrow hopefully, and get it to the President's desk. That is what the issue is about.

Mr. President, at this time, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I think we are winding down debate this evening and we will have an opportunity tomorrow to cast a very important vote on a motion by Senator SPECTER, a Republican Member of the Senate, cosponsored by six other Republican Members of the Senate, to take an issue that is precedent-setting, precedent-breaking, and refer it to a committee that needs to look at it. Why do I say that? I say that because if this House bill passes the Senate as it is, this would be the first time, that anyone around here can verify, that a medical procedure has been banned by the Congress of the United States of America—a medical procedure that is used in the most tragic, most difficult circumstances, where a life is at stake, a life of the mother, with serious health implications for the mother.

As one of my constituents who called during the debate said, there is more than one baby involved here, because the mother was somebody's baby at one time.

As I said, I ask Senators not to dodge this at all, but before they vote, close their eyes and think it was their daughter—their daughter—who they adore, where there was an emergency call and the doctor they respected and admired who had brought other children into the world said, ''Your daughter is facing a tragic situation. If I do not perform a particular medical procedure, she could be dead. I cannot guarantee that she would live if I use any other procedure.''

You would say, I believe—believe me, I am not putting words in your mouth, this is what I think you would have said—''Have you double checked? Have you triple checked? Have you tried another idea? Have you tried another approach? How do you know? Have you done all the tests?''

If the doctor answered those questions to your satisfaction, you would say, ''With the help of God, save my child.''

I think that is what we are coming down to here—not somebody's contract, not somebody's ideology, but with a human decision that must be made, tragically, by too many American families.

So we have never before banned a medical procedure as far as we can verify. This is one where it is used in these tragic circumstances—and I went through some of those circumstances—we have people here willing and ready to talk to colleagues, people who have gone through this procedure, who have made gone through this tragic choice, who are happy to talk about it.

They are not political. I do not know what party they are in. I can just tell you they are human beings, they suffered, they struggled, and they want to spare other people, frankly, not only the pain, but the loss of life that will ensue if a lifesaving procedure is, in fact, outlawed by this Congress.

It is not about ducking issues; it is about making informed choices here for us.

How can we make an informed choice, I say to my friends and colleagues, if the committee that writes the laws about criminalization does not even have a look at this, and this would criminalize a procedure that is used by a doctor in tragic and terrible circumstances. We are going to put that doctor in jail. This greatest deliberative body in the world is not even going to hold a hearing.

I am very pleased to see seven Republican colleagues put this motion forward. It is common sense. It is highly appropriate.

I happen to believe if we did this willy-nilly and President Clinton was not there and there was another President who did not believe that it is important to save the life of the mother or protect her health and another President signed this, women would die.

Why do I say that? Not to be sensationalist. I do not have charts. I do not have pictures. But we know this is used in tragic circumstances. I think we should come together as a Senate, regardless of our view on this issue, and send this to the Judiciary Committee.

There is a time certain. It is 45 days. It could be sooner. It could be sooner. That is an outside date.

I just hope colleagues will consider this, recognize the precedent-setting nature of this House bill, and vote to send it to the Judiciary Committee, which is a very, very fair committee to send it to in terms of its membership. We get a fair hearing. Hear from the doctors.

Do not have Senators come on the floor who never spent a day in medical school describe a procedure, tell you how it feels when a baby comes down the birth canal. I know how that feels. I can talk about that. But I am not a doctor. We are not doctors. We are certainly not God.

I believe that we need to do the prudent thing here: Send this to the Judiciary Committee. They will look at some amendments. Yes, there is an affirmative defense for a physician. If he uses this procedure because he thinks under the Hippocratic oath, this is the only way he can save the life of this mother, he has committed a criminal act—he or she, as the case may be. That physician—in the bill—yes, can go to the court and defend himself or herself and explain why he did this.

What kind of society is this where we will haul a doctor into a courtroom for saving a woman's life? That is not a society that is a good society. That is not a society that looks after its people.

We are not doctors here. We are not God. We have to do the best we can to make wise and sound decisions.

It always strikes me as being very strange when we hear States' rights advocated on this floor of the Senate day in and day out. We even voted in this Senate, the Republicans did, with a couple of exceptions—not many—to completely abolish nursing home standards, and when we won a vote to restore them, that was overturned by the Roth amendment, which says there is a waiver in the process so States could have no Federal standards for nursing homes. Why? They said, ''Oh, we trust the States.''

Well, my friends, under Roe versus Wade the States control abortion after the first trimester. That is clear. I have printed in the RECORD a list of every State and all the restrictions in those States. This would wipe out all those restrictions.

I find it amazing that some of my Republican friends, and certainly not all—some—would argue States rights in repealing Federal standards for nursing homes, but then come right around and say, ''We do not trust the States when it comes to late-term abortion.''

This is about a whole other agenda. That is why I hope we can rise above a political agenda—this is a political agenda—and do what is right for the American people.

Let me say this. We do not put people in jail for political crimes in this country. This is what is so great and unique in America. We do not put people in jail for political crimes.

But I honest to God believe this, that if we outlaw a procedure which might be the only procedure to save a woman's life, and a doctor uses it and the doctor does wind up in jail because there is no exception for the life of the mother in this radical legislation, he would be serving time for a political crime. He would be in there for a political reason—somebody's agenda. I just hope that we can come together.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE MINERALS ISSUE

Mr. REID. Mr. President, I have been here many times discussing a very important issue for the State of Nevada, and that is mining. This statement today is a follow up of the conference which was completed with the House in recent days. It was during that conference that I was reminded of the old ''Dragnet'' program where Jack Webb, who was Joe Friday on the program, when interviewing the witnesses, would say, ''Just the facts ma'am,'' or ''Just the facts, sir.'' Many times we need this as we debate mining.

As the Chair knows, the debate on this issue has centered in recent years between the Senator from Nevada and my good friend, the senior Senator from the State of Arkansas. And during the course of that debate, and the conversations and the discussion we had during the conference, my friend from Arkansas on a number of occasions referred to one of the big employers in Nevada, the Newmont Mining Co., as a foreign corporation. I wanted to make sure that I was right. I on a number of occasions questioned my friend from Arkansas.

I think it is important that we understand the motives for raising this issue are clear—the desire of some to arouse fear that somehow the minerals industry has been taken over by people from outside the United States. The fact of the matter is that the vast, vast majority of investors in the mineral industry are American citizens.

Mr. President, Newmont Mining Co., as I have indicated in recent weeks, in recent years, recent months, has been the target of some very negative statements and rhetoric by the Secretary of the Interior, Bruce Babbitt, and the senior Senator from Arkansas.

The latest tirade that was offered against this company was the fact that they had been issued a patent by the Interior Department of some 118 acres in the State of Nevada.

Now, in the State of Nevada, keep in mind, we are a State of approximately 72 million acres, and this was a patent of a little over 100 acres.

Both the Secretary and my friend from Arkansas continue, as I have indicated, to refer to Newmont as a foreign company taking title to U.S. land and resources. First of all, understand, Newmont Mining Co., was formed in the United States, in the State of Delaware, in 1921. The name Newmont comes from the two areas where the company at that time was operating—New York and Montana. Therefore, the name Newmont.

Putting aside, Mr. President, the larger debate that foreign ownership should not, I believe should not even be an issue, when you understand that Newmont Mining Co. has invested over $1.5 billion, now approaching $2 billion in its Nevada operations, and has paid about $700 million in wages and about $600 million in payroll, property, sales and net proceeds taxes, including Federal income taxes since they have been there—not bad—Newmont Mining Co. is not now and never has been a foreign company.

Newmont Mining Co. stock has been publicly traded on the New York Stock Exchange since 1925. If anyone in this room decided they wanted to go buy some Newmont stock, they could walk into any stock dealer in the United States and purchase shares of Newmont stock. No one is asked for proof of U.S. citizenship or should they be, when purchasing stock in U.S. companies.

At the present time, records show that about 95 percent of Newmont's stockholders are U.S. citizens or institutions or U.S. residents. The largest single stockholder in Newmont Mining Co., owning some 13 percent of the stock, is a man by the name of Mr. George Soros, who has a very interesting background—a man who escaped from Communist Hungary in 1956, came to America, settled in New York where he made a fortune.

Mr. Soros owns not only 13 percent of Newmont Mining Co. but various pieces and sometimes the whole of various U.S. companies. No shareholder owns more than 13 percent of the stock that Mr. Soros owns in Newmont Mining Co.

The next largest shareholders are very important institutions in the United States: the Ohio Public Employees Retirement System; the State of Wisconsin Investment Board, which manages pensions for Wisconsin State government retirees, is a large holder of Newmont stock; the State of New York Employees Retirement Fund holds a very large block of Newmont stock; Fidelity Investment Management of Boston, the largest mutual fund organization in the United States, owns a large block of Newmont stock; Ark Assessment Management, a New York City pension management firm, owns a large block of Newmont stock.

Mr. President, this information is readily available to be obtained either by the Secretary of Interior or my good friend from the State of Arkansas. I think the time has come that we should stop attempting to degrade, in

any way belittle this fine mining company that has invested almost $2 billion in the State of Nevada.

I think it is time, as I stated at the start of this discussion, we deal just with the facts. Let us deal just with the facts. As Jack Webb, I repeat, the Joe Friday of the ''Dragnet'' series, said, we need to deal with the facts, have this discussion on the facts, not rhetoric that has no bearing on the issues.

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

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 457. An act to authorize the Secretary of the Army to provide technical assistance to local interests for planning the establishment of a regional water authority in northeastern Ohio.

H.R. 1715. An act respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

H.R. 1905. An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

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–1577. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95-03; to the Committee on Appropriations.

EC–1578. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-17; to the Committee on Appropriations.

EC–1579. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation and the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting jointly, pursuant to law, the report of unaudited financial statements for the six-month period ending September 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1580. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on transportation security; to the Committee on Commerce, Science, and Transportation.

EC–1581. A communication from the Administrator of the Energy Information Administration, the Department of Energy, transmitting, pursuant to law, the report entitled, ''Emissions of Greenhouse Gases in the United States, 1987-1994''; to the Committee on Energy and Natural Resources.

EC–1582. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1583. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report for fiscal years 1994-1995; to the Committee on Energy and Natural Resources.

EC–1584. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the report for fiscal years 1994 and 1995; to the Committee on Energy and Natural Resources.

EC–1585. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on reasonably identifiable Federal and State expenditures for endangered species in fiscal year 1993; to the Committee on the Environment and Public Works.

EC–1586. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, notice of a Presidential determination relative to disaster relief assistance to Ecuador; to the Committee on Foreign Relations.

EC–1587. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on oil pollution prevention training; to the Committee on the Environment and Public Works.

EC–1588. A communication from the Chief Financial Officer of the National Aeronautics and Space Administration (NASA), transmitting, pursuant to law, the report on mixed waste activities; to the Committee on the Environment and Public Works.

EC–1589. A communication from the Chairperson of the Department of the Navy Retirement Trust, transmitting, pursuant to law, reports relative to the 1993 annual pension report; to the Committee on Governmental Affairs.

EC–1590. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-114 adopted by the Council on October 10, 1995; to the Committee on Governmental Affairs.

EC–1591. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a revised report entitled ''Audit of the District of Columbia's Recycling Program''; to the Committee on Governmental Affairs.

EC–1592. A communication from the Special Counsel of the United States, transmitting, pursuant to law, a report relative to the fiscal year 1995 audit and investigative activities of the Office of Special Counsel; to the Committee on Governmental Affairs.

EC–1593. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the annual audit for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1594. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to law, the annual report on audits and investigations during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1595. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC–1596. A communication from the President and Chief Executive Officer of the United States Enrichment Corporation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 1316. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act''), and for other purposes (Rept. No. 104–169).

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. KYL (for himself and Mr. FAIRCLOTH):

S. 1397. A bill to provide for State control over fair housing matters, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 1398. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. EXON, Mr. ROCKEFELLER, Mr. KERREY, and Mr. CONRAD):

S. 1399. A bill to amend title 49, United States Code, to ensure funding for essential

air service program and rural air safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. DODD, and Mr. JEFFORDS):

S. 1400. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. FAIRCLOTH):

S. 1397. A bill to provide for State control over fair housing matters, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE KYL-FAIRCLOTH STATE FAIR HOUSING LAWS RECOGNITION ACT OF 1995

Mr. KYL. Mr. President, I rise to introduce the Kyl-Faircloth State Fair Housing Laws Recognition Act of 1995. I thank Senator FAIRCLOTH for his cosponsorship of this bill, and his leadership in States rights issues. I am pleased to introduce this amendment which will prohibit the Department of Housing and Urban Development [HUD] from enforcing a complaint of discrimination on the basis of a housing provider's occupancy standard, and thereby transferring from HUD to the States and localities the authority to set occupancy standards.

Mr. President, an occupancy standard specifies the number of people who may live in a residential rental unit. In July of this year, HUD general counsel Nelson Diaz issued a memorandum which, in effect, supplants the traditional two-per-bedroom occupancy standard, and may force housing owners to accept six, seven, eight, or even nine people in a two-bedroom apartment. HUD should not be establishing national occupancy standards.

HUD was created in 1965 with the best of intentions: To build and fund housing for the poor. But the agency's regulations have gone far beyond the scope of that intent. Housing is first and foremost a local issue. The Federal Government should play a limited role in it. State officials are closer to the situation and can tailor standards to meet the needs of their communities.

HUD has accepted a two-per-bedroom standard as reasonable in enforcing fair housing discrimination laws under the Fair Housing Act. Most public housing units subscribe to that standard. That is, until Henry Cisneros became Secretary of HUD. Secretary Cisneros and his then Deputy, Roberta Achtenberg, disagreed with the traditional occupancy standard, arguing that it discriminates against larger families.

The new HUD standard is without factual foundation. Mr. Diaz has used the Building Officials and Code Administrators [BOCA] Property Maintenance Code as a foundation for his occupancy standard. The BOCA code, however, is a health and safely code specifically drafted by engineers and architects to provide guidance to municipalities on the maximum number of individuals who may safety occupy any building. It was never intended to alter the minimum number of family members HUD could require owners to accept under fair housing law.

The code was adopted without any consultation, public hearings, or analysis of its impact on the Nation's rental housing industries. That is wrong. Secretary Cisneros, through HUD's general counsel, has circumvented the Federal Government's rulemaking process by imposing this standard through an advisory without public hearings.

Mr. President, the Manufactured Housing Institute, Arizona Association of Homes and Housing for the Aging, and the Arizona Multihousing Association endorse the bill. Arizona Gov. Fife Symington, speaker of the Arizona House of Representatives Mark Killian, and president of the Arizona Senate John Greene have sent me a letter in support of this bill. I ask unanimous consent that their letter be printed in the RECORD.

States and localities should establish occupancy standards, not a Federal bureaucracy. Several States have an occupancy standard including my own home State, Arizona. And it has worked well. It is time we begin returning a certain amount of authority back to the States. Public housing laws are a good place to start. That is why I introduce this bill which blocks HUD's attempt to set a national occupancy standard, and transfers that authority to the States and cities. I urge my colleagues to cosponsor this bill. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1379

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

SECTION 1. RECOGNITION OF STATE FAIR HOUSING LAWS.

(a) AMENDMENT OF FAIR HOUSING ACT.—Section 807(b)(1) of the Fair Housing Act (42 U.S.C. 3607(b)(1)) is amended—

(1) by striking ''(b)(1) Nothing'' and inserting ''(b)(1)(A) Nothing''; and

(2) by adding at the end the following:

''(B) A State law regarding the number of occupants permitted to occupy a dwelling—

''(i) shall be presumptively reasonable for the purposes of determining familial status discrimination in residential rental housing; and

''(ii) shall not form the basis of any action by the Secretary to withdraw equivalency status from any State, locality, or agency.

''(C) The Secretary shall not establish a de jure or de facto national occupancy code.

''(D) Each State, locality, or agency with HUD equivalency status shall have complete and final control over fair housing cases involving occupancy standards within its jurisdiction without the intervention of the Secretary.''.

(b) ENFORCEMENT.—Notwithstanding any other provision of this Act, no funds shall be available to the Department of Housing and Urban Development under this Act to carry out the Fair Housing Act unless the Department complies with the amendment made by subsection (a).

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to cases filed on or after December 31, 1995.

ARIZONA STATE LEGISLATURE,
Phoenix, AZ, October 16, 1995.

Hon. JOHN KYL,
U.S. Senate,
Russell Building,
Washington, DC.

DEAR SENATOR KYL: Thank you for your prompt and decisive action regarding the issue of federal intervention in the area of occupancy standards as outlined in our joint letter of August 15, 1995. As you know, the issue has been a very divisive one in Arizona, and has now spread to other states nationwide.

We believe that your proposed legislation will resolve the issue by reaffirming the right of each state to set standards that it deems most appropriate. We especially applaud your requirement that HUD shall not establish a national occupancy standard, but defer to authorized state agencies in the administration of cases involving occupancy standards.

We fully support your legislation and by this letter have notified other Members of the Arizona delegation of our support. We appreciate your leadership on this issue and compliment your excellent staff for their work on the bill. If we may assist you in any way to promote the passage of this legislation, please let us know.

Sincerely,

FIFE SYMINGTON,
Governor, State of Arizona.

JOHN GREENE,
President, Arizona Senate.

MARK W. KILLIAN,
Speaker, Arizona House of Representatives.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 1398. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

FEDERAL CRIME PENALTIES LEGISLATION

• Mr. BREAUX. Mr. President, I was honestly shocked to learn of the huge difference that exists between the Federal penalties for trafficking powder cocaine and for trafficking the exact same amount of crack cocaine.

Right now, selling 5 grams of crack cocaine results in the same 5-year mandatory minimum prison term as selling 500 grams of powder cocaine. Selling 50 grams of crack cocaine gets you a 10-year minimum sentence, while you'd have to sell 5,000 grams of powder cocaine to get the same 10 years in prison.

While these penalties are vastly different—100 times greater if you sell crack cocaine—the damage caused by these criminal acts are the same. Lives are lost, families are destroyed, careers are ruined, and our Nation itself is seriously threatened.

Tough penalties are necessary to send a clear signal that the United States will not tolerate selling illegal drugs. The answer to the problem presented by this wide difference in penalties is not to lower penalties for selling crack cocaine but to increase the penalties for selling powder cocaine.

Therefore, my legislation is very simple and very clear. Trafficking—that is the manufacture, distribution or sale—of 50 grams of powder cocaine will result in a 10-year minimum sentence—the same as dealing in crack cocaine.

Manufacture, distribution or sale of 5 grams of powder cocaine will result in a 5-year minimum sentence—the same as dealing in crack cocaine.

I'm pleased that Senator HANK BROWN of Colorado has joined me as a principle cosponsor of this important legislation.●

By Mr. DORGAN (for himself, Mr. EXON, Mr. ROCKEFELLER, Mr. KERREY, and Mr. CONRAD):

S. 1399. A bill to amend title 49, United States Code, to ensure funding for essential air service program and rural air safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RURAL AIR SERVICE SURVIVAL ACT

● Mr. DORGAN. Mr. President, today I am introducing legislation that will help preserve air service in rural areas and save the Essential Air Service [EAS] Program for the future. I am pleased that my colleagues Senator EXON and Senator ROCKEFELLER are joining me as original cosponsors of the Rural Air Service Survival Act.

Last week, the Senate passed the conference report for the Transportation appropriations bill which cut the EAS Program by one-third, reducing appropriations from $33 million in fiscal year 1995 to $22 million in fiscal year 1996. Under these reductions, dozens of communities will experience reductions in air service. As my colleagues understand, the EAS Program provides support to maintain air service in remote rural communities that would have no air service at all. EAS is a critical program that plays an essential role in the economic viability for many rural communities. It is also an indispensable component to our national transportation system, connecting remote rural areas with hub airports. If the EAS Program is terminated—as some in the Congress and in the administration have proposed—then dozens of rural communities will lose the only air service available to them. In the grand scheme of things, the EAS Program does not amount to a lot of money, but to the over 60 rural communities dependent upon EAS, it determines the very survival of air service.

When the airline industry was deregulated, the EAS Program was established as a means to ensure rural areas continue to have air service. In several rural communities in North Dakota, EAS support is the only means to maintaining some kind of air service. These communities are at least 100 miles from the nearest airport which offers jet service.

Over the past few years, the only constant in the EAS Program has been funding cuts. Each year, the administration proposes to eliminate EAS and those of us who understand the critical importance of this program are forced to fight for funding. The dramatic cuts for fiscal year 1996 should be a sign that the current budget process is not working for EAS and without the establishment of a permanent financing mechanism, the future is too uncertain for the rural communities that rely upon EAS support.

This legislation that would provide a permanent financing mechanism for the EAS Program. It seems to me that the EAS Program ought to be removed from annual appropriations battles and be given more secure financing. Looking at the trend over the past few year, it is unrealistic for anyone to expect the EAS Program to last very long unless we develop a new financing mechanism to sustain the program.

Under this legislation, a 10-cent fee would be imposed on every enplanement. The revenue raised would fund the EAS Program. The legislation would ensure that any administrative cost to carriers in collecting this small fee would be reimbursed. Any unobligated funds would be used to enhance the airport improvement program, directing that any excess funds be made available for small community airports for maintenance projects.

This legislation would assure passengers and the industry that this financing mechanism will only be used for its intended purpose. The price of a dime will ensure that all areas of our country are accessible by air travel. It seems to me that we need to work to restructure the EAS Program and save air service in rural areas and this approach would provide a solution protected from annual Washington budget battles.

I realize that given the present budget situation, those of us who really care about programs like EAS have to think of new solutions. We cannot continue to put new wine into old wineskins. We need to develop new financing mechanisms and make the most of limited Federal funding.

Our transportation system in this country is vital to our economic health and national security. It is of critical importance that, despite tight budgets, we finds ways to maintain a truly national transportation system that links every region and State in the union. That is why we need to save the EAS Program and establish its own financing mechanism.

It seems to me that we need to make some changes in aviation policy in this country and stop ignoring the fact that rural regions are suffering a serious decline in air service. The airline industry has undergone many changes since deregulation in the early 1980's. The invisible hand of competition replaced the assuring hand of Government in the aviation market place. As a result, some areas of the country have seen lower prices and more choices in service. In other parts of the country, namely in rural areas, we have seen dramatic losses in air service and higher prices.

It is my view that our Nation's small communities, especially in rural areas, have not fared well under deregulation: One hundred sixty-seven nonhub communities have lost all air service since 1978 while only 26 have gained new services. Several hundred more have had jet service replaced by high-cost turboprop or piston aircraft. The result for small communities has been a deterioration of the quality of service an increase in prices.

The legislation will secure a reliable source of financing for the EAS Program. The EAS Program is essential to our Nation's national transportation system and this legislation will ensure that this program continues. The legislation has been endorsed by Communicating for Agriculture.

I urge my colleagues to support this legislation and I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1399

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 ''Rural Air Service Survival Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) air service in rural areas is essential to a national transportation network;

(2) the rural air service infrastructure supports the safe operation of all air travel;

(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

(4) rural air service has suffered since deregulation;

(5) the essential air service program under the Department of Transportation—

(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

(B) is necessary for the economic growth and development of rural communities;

(C) is a critical component of the national transportation system of the United States; and

(E) has endured serious funding cuts in recent years; and

(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

SEC. 3. FUNDING FOR SMALL COMMUNITY AIR SERVICE.

Section 40117 of title 49, United States Code, is amended by adding at the end thereof the following:

''(j) ADDITIONAL FEE.—

''(1) IMPOSITION OF FEE.—Each eligible agency that may impose a passenger facility fee under this section shall impose a 10-cent fee under this subsection for each enplanement to provide funds to support a

national aviation system, rural airspace safety, and rural air service.

''(2) FEE TO BE SEPARATELY ACCOUNTED FOR.—The proceeds of fees imposed under this subsection shall be accounted for separately from the proceeds of any fee imposed under subsection (b).

''(3) FEES TO BE USED FOR SMALL COMMUNITY AIR SERVICE.—

''(A) IN GENERAL.—Fees collected under this subsection shall be immediately made available to the Secretary for use in carrying out the essential air service program under subchapter II of chapter 417 of this title.

''(B) DISPOSITION OF EXCESS FUNDS.—Any funds that are not obligated or expended at the end of the fund's fiscal year for the purpose of funding the essential air service program under such subchapter shall be made available to the Federal Aviation Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under subchapter II of chapter 417 of this title.

''(C) COMPENSATION OF AIR CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Secretary shall prescribe regulations under which any air carrier or its agent required to collect fees imposed under this section is permitted to retain, out of the amounts collected, an amount equal to the necessary and reasonable expenses (reduced by any interest earned on the deposit of such amounts during the period between collection and remittance) incurred in collecting and handling the fees.''.

SEC. 4. SECRETARY MAY REQUIRE MATCHING LOCAL FUNDS.

Section 41737 of title 49, United States Code, is amended by adding at the end thereof the following:

''(f) MATCHING FUNDS.—No earlier than 2 years after the date of enactment of the Rural Air Service Survival Act, the Secretary may require an eligible agency, as defined in section 40117(a)(2) of this title, to provide matching funds of up to 10 percent for any payments it receives under this subchapter.''.

SEC. 5. EFFECTIVE DATE.

The amendments made by this section shall take effect on the first day of October next occurring after the date of enactment of this Act.●

By Mrs. KASSEBAUM (for herself, Mr. DODD, and Mr. JEFFORDS):

S. 1400. A bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts; to the Committee on Labor and Human Resources.

THE ERISA CLARIFICATION ACT OF 1995

● Mrs. KASSEBAUM. Mr. President, I rise today along with Senator DODD and Senator JEFFORDS, to introduce the ERISA Clarification Act of 1995.

This legislation is designed to protect pension plan participants and beneficiaries by removing the threat of retroactive liability based on the way life insurance companies have historically organized and managed pension assets. Importantly, the legislation would not affect any ongoing civil action.

For nearly 20 years, the insurance industry relied on an interpretive bulletin issued by the Department of Labor, as well as an Internal Revenue Service ruling, which stated that assets held in an insurance company's general account were not considered plan assets under the Employee Retirement Income Security Act [ERISA]. In December 1993, however, the Supreme Court ruled in John Hancock versus Harris Trust that this long-standing practice of including pension assets as part of a general account could violate certain provisions of ERISA. The Court recognized that its decision created the possibility of serious disruptions in the way pension assets were managed. As such, it commented that problems arising from the decision should be addressed legislatively or administratively.

The Department of Labor is working closely with all parties to develop rules, consistent with Harris Trust, for dealing with prospective insurance company activities. However, without additional legislative authority, the Department of Labor may be unable to grant protection for retroactive activities which might expose insurance companies to significant liability and threaten the security of pension assets.

Mr. President, in the nearly 20 years before the Supreme Court's decision in Harris Trust—and in the 2 years since that decision—there has been little evidence that plan participants have been harmed by the insurance industry's long-standing practice of managing benefits, or that the insurance industry is especially prone to the problems of asset mismanagement that gave rise to ERISA. In fact, there were no enforcement proceedings initiated by the Department of Labor against insurers resulting from the mismanagement of pension assets prior to the Harris Trust decision.

I believe, however, that our failure to address this issue could threaten the safety and security of pension assets by exposing the insurance industry to millions of dollars of retroactive liability. Therefore, I believe we should consider, and enact, this important legislation as quickly as possible. I look forward to working with my cosponsors, and with other Members of this body, to do so.●

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. PRYOR, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1181

At the request of Mr. STEVENS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1181, a bill to provide cost savings in the medicare program through cost-effective coverage of positron emission tomography (PET).

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1340

At the request of Mr. DASCHLE, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1340, a bill to require the President to appoint a Commission on Concentration in the Livestock Industry.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy and Natural Resources Committee to review the decision-making process of the Department of the Interior in preparing and releasing the U.S. Geological Survey [USGS] 1995 estimates for the 1002 areas of the Arctic National Wildlife Refuge [ANWR].

The hearing will take place on Tuesday, November 14 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Joe Meuse at (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, November 7, at 2:30 p.m., hearing room (SD–406), to receive testimony from Dr. Phillip A. Singerman, nominated by the President to be Assistant Secretary of Commerce for Economic Development, Department of Commerce; and Rear Adm. John C. Albright, National Oceanic and Atmospheric Administration, nominated by the President to be a member of the Mississippi River Commission.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 10 a.m., in room 485 of the Russell Senate Building to mark up S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, a bill to transfer certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, AZ, and immediately following the mark up to conduct a hearing on S. 1159, a bill to authorize a National American Indian Policy Information Center.

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

COMMITTEE ON THE JUDICIARY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 10 a.m. to hold a hearing on contingency fee abuses.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, at 2:30 p.m. to hold a closed briefing on intelligence matters.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SMITH. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, November 7, 1995, to conduct a hearing pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SMITH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, November 7, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1371, the Snowbasin land exchange bill, to exchange certain lands in Utah; S. 590, a land exchange for the relief of Matt Clawson; S. 985, to exchange certain lands in Gilpin County, CO; and S. 1196, to transfer certain National Forest System lands adjacent to the townsite of Cuprum, ID.

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

ADDITIONAL STATEMENTS

CASINO GAMBLING SURGES IN THE UNITED STATES, TEMPTING MORE TEENAGERS

• Mr. LUGAR. Mr. President, I ask that the attached article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, Feb. 17, 1994]

CASINO GAMBLING SURGES IN UNITED STATES, TEMPTING MORE TEENAGERS

(By David Holmstrom)

A new gambling industry survey indicates that casino gambling has grown explosively in the United States.

Four years ago, only two states—New Jersey and Nevada—offered casino-style gambling. Now, 23 states offer the roll of dice and spinning roulette wheels. Another dozen states are considering legislation approving casinos.

According to the survey by Harrah's Casinos and the polling firm Yankelovich Partners, the number of ''household'' visits to casinos has almost doubled since 1990. In 1993, the number of visits was 92 million, up from 46 million visits in 1990. (A ''household'' visit, as defined in the survey, averages out to 1½ persons from the same family.)

Spokesman in the industry now define gambling as ''entertainment'' and refer to it as the ''new American pastime'' because the number of people visiting casinos last year outnumbered total attendance at major league baseball games. ''The experience we want guests to have at a casino is enjoyment in an atmosphere that is not intimidating but memorable,'' says Bala Subramanian, corporate director for marketing information and planning for the Memphis-based Promus Company, the parent company of Harrah's.

Casino gambling, for years legal only in Nevada, has grown rapidly as states, cities, and Indian tribes have turned to gambling to try to generate economic development and jobs. Dozens of tribal reservations across the US now offer casino gambling, and riverboat casino gambling is legal in six states along the Mississippi.

Estimated casino revenue for 1993 is $12.9 billion, up from $8.3 billion in 1990. The Harrah's survey compiled results from a questionnaire developed by Home Testing Institute on Long Island, N.Y., and mailed to 100,000 households. From that mailing, 18,600 casino players were identified. Their responses were then combined with responses from 2,500 adults in an annual national survey of American values and attitudes by Yankelovich Partners.

Even though 51 percent of the adults in the survey said casino gambling is ''acceptable for anyone,'' the acceptance percentage declined by 4 percentage points from Harrah's 1992 survey. The 1993 survey attributes this decline to casino referendums in southern states that caused heated public debate about gambling.

Critics of gambling say its rapid growth in the US has a dark side, particularly among youngsters and teenagers. ''Kids today have grown up in an atmosphere where gambling is promoted by the state, churches, and synagogues, and the availability of it is everywhere,'' says Tom Cummings, director of the Massachusetts Council on Compulsive Gambling.

''We are getting more and more calls from desperate high schools asking us to put on programs to help kids deal with gambling.'' A council study of the effects of illegal gambling on 3,000 students found that 32 percent of students who do not gamble said they felt their refusal to partake in it was not normal. ''There was tremendous peer pressure on them to gamble,'' Mr. Cummings says.

In 1992, some 280,000 teenagers were denied entrance to Atlantic City casinos, and another 29,000 were led out of the casinos. Harrah's Casinos has implemented ''Project 21'' to keep underage gamblers out of casinos by stopping them at the doors or ejecting them once inside.

A second program, ''Operation Bet Smart,'' includes posters around casino floors saying: ''Know when to stop before you start.''

Harrah's president, Phil Satre, told the National Press Club in Washington recently: ''Just like car manufacturers build safety devices into new automobiles, responsible casino operators must take action on the issue of problem gambling . . .. We are not in business to capitalize on compulsive behavior. We are in the business to entertain our customers.''

The problem is that gamblers lose money, Cummings says, ''and that is millions and millions of dollars diverted out of the mainstream economy. Somebody has to lose all that money.''•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

THE ASSASSINATION OF YITZHAK RABIN

• Mr. BIDEN. Mr. President, I rise today to express my deep sorrow, my shock, and my anger over the cowardly assassination of Prime Minister Yitzhak Rabin.

Yitzhak Rabin will be remembered as a man of extraordinary courage and unusual vision who lived in a time when both of these traits were scarce.

I first met Yitzhak Rabin when I called on Prime Minister Golda Meir during my first visit to Israel in 1973. As two individuals who shared a commitment to Israel's well-being, our paths crossed on numerous occasions over the course of the next 23 years. I saw him for the last time in October when he came to Washington to commemorate the 3,000th anniversary of King David's entry into Jerusalem.

Yitzhak Rabin was a man who did not mince words—a quality which earned him the respect and trust of a country which has a reputation for toughness. To anyone who encountered

him, it was immediately evident that his overriding concern was for the security of his fellow countrymen.

He was born into the small community of Jews in Palestine, which later formed the core of the nascent State of Israel. He went on to play a key role in the war of independence; commanded the army that unified the city of his birth; served in key Government posts; and, in perhaps his finest hour, he drew upon the lessons of half a century of defending his people to pursue the path of peace which promises to secure the future of the nation he helped create.

Yitzhak Rabin's ability to distill the fundamental choices facing his nation was a quality born of his unique experience as a soldier and a statesman. He articulated in stark terms the reasons why Israel's long-term security hinged on the success of the peace process. He viewed the status quo as unacceptable, because it meant continued violence into the indefinite future and possibly the eventual loss of Israel's Jewish character. He saw that possibility clearly and he believed Israel had to reject it in favor of a path of enlightened self-interest—pursuing an agreement on the basis of land for peace, preserving Israel's Jewish character, achieving normalcy with long-hostile neighbors, and securing Israel's long-term survivability.

Mr. President, many are now suggesting that this terrible assassination was the isolated act of a madman. I wish it were true. But I think that all of us know better.

This act was not perpetrated in a vacuum. It occurred against a backdrop in which a culture of hate and violence was being promoted actively by people who should have known better and behaved more responsibly. The extreme rhetoric was not confined to Israel. Unfortunately, some in this country added their voices to the alarmist cries.

There is a lesson in this for all of us. For while words alone do not kill, they can encourage others to do so. Those who employed hyperbolic rhetoric for the sake of political gain must bear some measure of responsibility for creating a climate in which a cold-blooded assassination could be contemplated as a patriotic and pious act.

I hope that those who irresponsibly stoke the fires of hatred will use this slaying of a great man to look deeply within themselves and change their ways.

Mr. President, this is in many ways Israel's most difficult and emotionally wrenching hour since here creation 47 years ago, because the assassin's bullet was aimed not only at Yitzhak Rabin but also directly at the very heart of the democratic process in Israel. It is a commitment to democracy that has distinguished the Israeli nation from its neighbors in the Middle East and has been the enduring foundation of the long, traditional friendship between Israel and the United States.

As one of the founders and defenders of the independent State of Israel, as its Prime Minister, and most of all as a devotee of democracy, Yitzhak Rabin personified the process that made possible the progress toward peace in the Middle East. He also understood how violence could threaten both the process and the peace—just moments before he was shot he spoke against violence, which he said had recently taken, in his words, ''* * * A shape which damages the framework of fundamental values of Israeli democracy.''

It was that framework of democratic values the assassin was out to destroy—and it is designs of just such antidemocratic violence which Israel and the friends of Israel must deny in memory of Yitzhak Rabin.

I believe that we have already begun to erect that memorial. I believe that this assassination, as deeply as it has shaken us personally, will serve to reinforce the bonds of friendship between Israel and the United States. I believe that we will summon the resolve to successfully complete the unfinished journey on the path of peace embarked upon by Yitzhak Rabin. I believe that his last and greatest gift to his people, to all the peoples of the Middle East, and to the entire world will come to pass, and he will not have died in vain.

And I will remember him as a friend, as a great soldier and statesman—and not as a man who lost his life to violence, but as a man of peace who renewed the life of his Nation.●

AMENDING THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Mr. CRAIG. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 1103 and the Senate proceed to its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1103) to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act.

The Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 1103) was deemed read three times and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 8, 1995

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, November 8; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of H.R. 1833, with Senator SPECTER to be recognized as under the previous order.

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

PROGRAM

Mr. CRAIG. Mr. President, under a previous consent agreement, at 9:30 a.m. tomorrow, Senator SPECTER will make a motion to commit the bill, H.R. 1833, an act to ban partial-birth abortions. The majority leader has announced that the vote on the motion to commit will not occur prior to 12:30 tomorrow. Senators can therefore expect rollcall votes during Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, November 8, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 7, 1995:

PANAMA CANAL COMMISSION

MARKOS K. MARINAKIS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION, VICE JOHN J. DANILOVICH.

IN THE ARMY

THE FOLLOWING U.S. ARMY NATIONAL GUARD OFFICER FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3385, 3392, AND 12203(A):

To be major general

BRIG. GEN. STANHOPE S. SPEARS, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

MONKIA K. BOTSSCHNER, 000–00–0000
DAVID R. FINK, 000–00–0000
GARRY T. HICKS, 000–00–0000
RICHARD D. KING, 000–00–0000
PAUL J. MADSON, 000–00–0000
DELILAH R. MORGAN, 000–00–0000
PAUL T. PEROVICH, 000–00–0000
DENNIS S. SARKISIAN, 000–00–0000
KARL E. SCHRICKER, 000–00–0000
GEOGE R. SKUODAS, 000–00–0000
TIMOTHY B. WOJESKI, 000–00–0000

MEDICAL SERVICE CORPS

To be lieutenant colonel

SANDRA L. DARULA, 000–00–0000

BIOMEDICAL SCIENCE CORPS

To be lieutenant colonel

DAVID B. MORRISON, 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

ANTHONY B. BASILE, 000–00–0000
MARSA L. MITCHELL, 000–00–0000
JOSEPH M. PASCUZZO, 000–00–0000

NURSE CORPS

To be lieutenant colonel

SALLY A. JONES, 000–00–0000
PHILLIP W. UNDERWOOD, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

NORA E. TOWNSEND, 000–00–0000

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant, line, USN, permanent

BRIAN G. BUCK, 000–00–0000
JOHN M. COONEY, 000–00–0000
GREGORY S. KASHOUTY, 000–00–0000
KENDALL O. SMITH, 000–00–0000
PRESTON H. SPAHR III, 000–00–0000
ERIC M. VAN METER, 000–00–0000

EXTENSIONS OF REMARKS

TRIBUTE TO VETERANS OF SOUTH CAROLINA

HON. MARSHALL ''MARK'' SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. SANFORD. Mr. Speaker, I rise to pay tribute to the men and women of our armed services from South Carolina who have a long tradition of valor in times of national crisis. From the large communities of Charleston, Georgetown, Myrtle Beach or small towns like Ridgeville, Goose Creek, Aynor, or Awendaw—soldiers, sailors, airmen, and marines have served our Nation well in war. There is no greater service than to fight for the safety of one's nation and the security of the world. From the Marne to the Philippines, and from the Chosen Reservoir to Khe Sahn, South Carolina has sent its best and its brightest to defend freedom and democracy.

As Veteran's Day approaches, I find my self reflecting upon the sacrifices that these men and women made for these United States. Hundreds of South Carolina servicemen in World War I, World War II, Korea, and Vietnam paid the ultimate price through the sacrifice of their lives and lie buried in cemeteries and watery graves around the globe. But for many, the possibility of a simple military grave marker, the return of their remains to their families and loved ones, or even an accounting of their whereabouts still eludes them. South Carolina's First District has no less than 15 POW/MIA's still unaccounted for from Korea and 9 POW/MIA's from Vietnam. To those families and friends who have lost a loved one, and those today who still seek a final determination as to the fates of their loved ones, I pay tribute for the sacrifice of these brave men.

Recently, I have worked with organizations such as the Veterans of Foreign Wars, the Vietnam Veterans Association, AMVETS, the American Legion, Jewish War Veterans, Catholic War Veterans, and other groups to determine how our country might best care for our veterans. People like Tom Burch and Bonny Stilwell of the Vietnam Veterans Coalition who take up the cause of veterans from every era, especially Vietnam veterans, are to be commended for their tireless efforts. As a member of the International Relations Committee's Subcommittee on Asia, I have heard their pleas for an absolute accounting of all servicemen in Southeast Asia. As a member of that committee I voted for language which would mandate a complete accounting of all of our servicemen in Southeast Asia and give immigration preference to those who help identify U.S. servicemen remains or clarify their status as MIA/POW. For all of the veterans' groups, especially to Anne and ''Tank'' Lanford of the South Carolina Vietnam Era Veterans Association I pledge my continued support to bring all of our boys home and put an end to the uncertainty that their families face day in and day out.

I would like to leave you all with a story I once heard about our Nation and its veterans. I think that it might act as a reminder to us all of our veterans' sacrifices and our country's duty to them.

While camped on the plain at West Point, NY, on a cold winter's night General Washington met with his officers who had gathered in a small hut to discuss the possibility of the Continental Army seizing control of the Congress because of their lack of pay and land grants to the soldiers. After listening to eloquent and inspired speeches from many of the officers who urged their brothers to declare the Government dissolved, General Washington, who had previously sat quietly in the back of the room, rose to his feet. Suddenly, the lively and spirited debate ceased and still fell over the room. General Washington slowly, and deliberately unfolded a letter from a Member of Congress who had written him to urge his soldiers to keep their posts until spring when the Government might be more secure. After unfolding the letter Washington stared at the page for a moment then, for the first time ever in front of his troops, Washington reached into his tunic and unfolded a pair of spectacles, gently placing them on his nose saying, ''Gentlemen, please forgive me for my trouble in reading this letter. For you see, I have not only grown gray, but almost blind in the service of my country.''

That night General Washington read that letter but no one heard it. It was drowned out with the soft sobs and cries of the officers present who had served the country in its struggle for independence. After Washington left the building the officers voted unanimously to continue to serve without pay and our Nation survives today. Years later, on the only occasion when then President Washington spoke of the incident, he simply said, ''A nation can only ensure its longevity and its security by assuring its care of its veterans. Otherwise it cannot hope to muster any army for its defense in the future.'' Mr. Speaker, I cannot agree more.

Now, over 200 years, later, it is time for us to renew our commitment to our veterans. I plan to begin by remembering their contributions and sacrifices and continuing the fight for a full accounting of all of our men. As citizens we owe every veteran at least that much. The patriot, John Adams once said, ''I study war so that my son may study politics, so that his son might study philosophy and art.'' This is a dream that I know all veterans share.

CELEBRATING THE 35TH ANNIVERSARY OF RIO HONDO COMMUNITY COLLEGE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. TORRES. Mr. Speaker, I rise today in recognition of Rio Hondo Community College in Whittier CA, which is celebrating its 35th anniversary and the appointment of its 8th superintendent/president, Dr. Jesus ''Jess'' Carreon.

Rio Hondo Community College District encompasses a 65.5-square-mile area which includes the cities of Whittier, Pico Rivera, Santa Fe Springs, South El Monte, and portions of Norwalk, La Mirada, Downey, La Puente, Industry, and El Monte. According to the 1990 census, the population of the district is approximately 318,000 with nearly 107,000 households.

As part of the great growth in community colleges in the late 1950's early 1960's period, the district was established by election in 1960, with the first independent board of trustees elected in 1962. In 1963, classes were offered for the first time at a local elementary school, Little Lake. The present campus opened in the fall of 1966 with an enrollment of 3,363 day students and 2,682 evening students. The site of the present campus was part of the former Pellissier dairy estate.

The combination of a convenient urban location with a scenic rural setting enhances the college's well deserved reputation for dedication to excellence in teaching, student services, and innovative programs. Rio Hondo annually draws approximately 15,000 culturally diverse students to its hillside campus.

Dr. Jesus ''Jess'' Carreon, superintendent/president, was named at the board of trustees meeting in April, 1995, and assumed leadership of the college on July 1. Throughout my tenure in Congress, I have visited the college countless times and have held numerous seminars and conferences at its facilities. I have always been impressed with the college's staff and appreciate the strong professional support they have provided me.

Mr. Speaker, it is with pride that I rise to celebrate the Rio Hondo Community College District's 35th anniversary and I ask my colleagues in the House of Representatives to join me in extending our best wishes and congratulations to the college's President Carreon, and the board's members, President Maria Elena Martinez, Vice President David Siegrist, clerk Don L. Jenkins, and members, Dr. Barbara Stone and Alex Morales.

TRIBUTE TO THE SHERIDAN HIGH SCHOOL BAND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to take a moment to pay tribute to a great high school band in my district. The Sheridan High School Band, from Sheridan, IN, recently won the annual class D, Indiana State Band Championship.

All too often, Mr. Speaker, we pay homage to athletic teams, and fail to recognize the other accomplishments to which our young

people aspire. Unfortunately, in our culture, sports seems to dominate the fascination of our minds. As many of our young people will learn as they get older, athletics is not everything. Many of them will gain an appreciation for other things as well. Whether its learning and playing an instrument, expanding their knowledge by reading books and other literature, or writing creatively, there are many other positive things our young people can participate in and enjoy for the rest of their lives in addition to athletic competition.

It is in that spirit that I would like this House to recognize the hard work and long hours of practice that the Sheridan High School Band has put in over the years in order to be the best. Mr. Speaker, I ask that you and my other colleagues now join me in saluting the extraordinary efforts of band director Jim Haskell and the Sheridan High School Band by extending to them well-deserved congratulations.

THE 75TH ANNIVERSARY OF THE ASSOCIATION NOTRE DAME DE CAMBRIDGE

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to congratulate the association Notre Dame de Cambridge on the occasion of their 75th anniversary.

The association, also known as the French Club, was founded in 1920 by a group of French-Canadian men of the parish of Notre Dame de Pitie in North Cambridge. They established the club to foster, encourage, and promote unity, benevolence, charity, and sociability among its members.

The French Club was initially a home to French-Canadians who spent their summers working at the New England Brick Co. and their winters in Quebec. Gradually, these members found permanent work and sent for their families, establishing a French-Canadian community in North Cambridge.

Following, the end of World War II, bylaws were amended to allow guest members to join. Association Notre Dame became a place to come together for all. Although it is still affectionately called the French Club, it is truly a melting pot with a combined membership of over 200.

Over the years, this club has been instrumental in promoting community spirit. Through the efforts of members, North Cambridge Little League baseball is now a reality. They also sponsor a Christmas party for children in the community, award annual scholarships, and contribute to a variety of charitable causes, such as the Jimmy Fund.

On the celebration of their diamond jubilee, I would like to commend the Association Notre Dame for their community involvement, and wish them continued success.

TRIBUTE TO SIGMUND SADOWSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. VISCLOSKY. Mr. Speaker, I am proud to rise today to honor Mr. Sigmund Sadowski, of Indiana's 1st Congressional District, who will celebrate his 80th birthday on November 19, 1995.

According to one of his biggest fans—his sister, Ms. Wanda Boris—Sigmund continues to live a full and giving life. When Sigmund was just 26 and married for 1 year, he lost his father. This left his mother to care for six unmarried children, and, at that time, Sigmund took over as the patriarch of the family. Wanda says that Sigmund has always been viewed as a father-figure and a selfless, gentle man.

Beginning his career in retail as a stock boy and a key registrar in the Hammond store, Sigmund dedicated 48 years of service to Goldblatts Department Store. After just 2, short years, he was promoted to manager of the fabric and knitting department of the Gary store. Between 1941 and 1945, he and his wife, Michalene, worked for the Government as civilians for the Navy in Hawaii. After the war, he returned to the region and resumed working for Goldblatts as supervisor of the textile department. In 1960, he was voted boss of the year at Goldblatts. Sigmund was also the first to initiate a program with Roosevelt High School for underprivileged students to work part time at Goldblatts and receive school credit with pay. This is where he stayed until Goldblatts closed in 1980. Since then, Sigmund has remained in the retail business.

Sigmund also found time to give to some area charities. He served on the board of directors for the Goodwill Industries and was a member of the Downtown Gary Merchants Association, the Gary Chamber of Commerce, and the Better Business Bureau. He was also a member of the Knights of Columbus and the Junedale Little League.

Mr. Speaker, Sigmund's wife of 55 years, Michalene, and his two sons, Gregory and Mark, as well as his grandchild, Jefferey, should be very proud of this selfless man. Sigmund has truly made Indiana's First Congressional District a better place to live. I ask you, and my other congressional colleagues, to join me in wishing Sigmund a very happy birthday, with hopes for many more.

REV. DR. CAESAR ARTHUR WALTER CLARK: NOTING MILESTONES IN RELIGIOUS HISTORY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the many accomplishments of the Reverend Doctor Caesar Arthur Walter Clark, pastor of the Good Street Missionary Baptist Church in Dallas, TX.

There are many milestones in our lives by which we can mark the significance of our works. Most are directly influenced by the people with whom we come in contact. Rarely are we privileged to have someone like the Reverend Doctor Caesar A.W. Clark influence our lives so richly and so deeply.

Dr. Clark this year celebrates 65 years in the pulpit. He has led the Good Street Baptist Church congregation for 45 of those years. Those years were enhanced by a wealth of religious, academic, civic, and community service involvement. He has mentored hundreds of younger preachers. He is a much-in-demand evangelist who is constantly called upon to preach the gospel across this Nation and beyond. His ageless wisdom expands the globe.

Twice Dr. Clark has been cited by Ebony Magazine as one of the Nation's 15 greatest black preachers. He is considered the dean of preachers by many pastors, ministers, and laity as well, who marvel continually at the power of his messages and the depth of his theology.

Pastor Clark is a quiet, generous, and warm-spirited person whose keen insight serves to bring sharp focus to many of the perplexing issues of our times. The Louisiana native credits his mother with giving him the tenacity to stay in school and the fortitude to continue in the church through the many difficult early years out of Shreveport.

Born December 15, 1914, Reverend Clark is an only child who began preaching at age 13. Reverend Clark left school prior to graduation to work full time on his family's farm. With his mother's strong determination deeply instilled in him, he returned to school and earned a bachelor's degree from Bishop College, then in Marshall. TX. Along with an honorary degree from Bishop, he has received numerous other earned and honorary degrees.

Dr. Clark's ability as a mediator is without parallel. He brings moderation and even-mindedness to the most hotly contested situations. When he speaks, others really do listen.

Dr. Caesar Clark is indeed one of the Nation's most outstanding religious scholars. His reputation as a theologian when combined with his oratorical abilities make him a continually sought-after speaker and teacher. His keen talent, special skills, and generous nature have caused him to excel at his craft and have taken him many miles from his birthplace in Clarence, a town in Natchitoches Parish, LA.

Reverend Clark's awards and accolades from officials, organizations, and citizen groups large and small fill walls and volumes. He has been cited by communities and elected bodies across America. In his honor, a portion of the street where the Good Street Church is located has been named Dr. C.A.W. Clark Plaza by the Dallas City Council. He is respected and loved.

Currently, he is president of the Baptist Missionary and Education Convention of Texas. Previously, he has served in many elected and appointed positions with the National Baptist Convention USA, Inc., the 115-year-old organization that is home for more than 8 million African-American Baptists.

Reverend Clark preached his first sermon on the fourth Sunday in April 1928. He was first called to serve as pastor of the Little Union Baptist Church in Shreveport. Today, as shepherd of the Good Street Church, Dr. Clark leads a congregation known for its generosity and service to the community. The more than 2,000-member church operates a variety of programs for young people, families, and the elderly including a 332-unit low-income housing complex, a social service center, and two child care facilities. The church has a credit union with assets of nearly $2 million. Its enthusiastic and longtime support of foreign missions has led the Good Street Church to build a sister Good Street Church in Vrede, South Africa.

Dr. Clark's rich and productive history make him an integral and valuable part of Texas and

national religious life. In the days ahead, his value as a leader becomes all the more important to the religious community as it must be capable of meeting the increasing challenges presented by generations of African-Americans who are seeking to revitalize their spiritual resources.

Dr. Clark is a visionary and a quintessential leader whose rare blend of innate biblical knowledge and scholarship makes him well suited for the many challenges that are routine occurrences in our society. Although he has a lengthy list of awards and accomplishments, Dr. Clark is most proud of the young people who have come to Christ because of his inspiration and teaching.

We are pleased that the Reverend Doctor Caesar Arthur Walter Clark resides in Texas's 30th Congressional District. Furthermore, I am proud of his many deeds and milestones as a pastor, an evangelist, a leader, and a citizen. I wholeheartedly offer commendations in recognition of his 65 years as an outstanding preacher and pastor. Today, I join members of the clergy, church members, Dallas citizens, and others to show appreciation and to acknowledge the many contributions and achievements by Dr. Clark, a man well worthy of praise.

HONORING BERNADETTE A. BUDDE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. DAVIS. Mr. Speaker, I rise today to honor Bernadette A. Budde, a woman who is legendary in Washington and across the Nation for her political acuity and her forthright personal style.

Bernadette A. Budde came to BIPAC in 1970 as a research analyst. In 1974, she was promoted to director of political education, and vice president, political education in 1984. She was named vice president in 1993.

She is responsible for the development and implementation of all BIPAC's political analysis programs that guide executives and business owners in effective political participation. These include the organization's conferences, briefings, and publications.

She edits Election In*Sight, a comprehensive monthly report on congressional campaigns, politics, and election regulation. Known as the bible for politically active business managers, Elections In*Sight is BIPAC's flagship production. Ms. Budde also is responsible for editorial direction of other BIPAC publications, including two quarterly newsletters, Politics and Action Report.

Her guidance on political campaigns, election law, and campaign finance is widely sought by congressional candidates and incumbents. She has authored a number of published articles, and speaks frequently to business and educational audiences.

Ms. Budde holds degrees from Marquette University and the University of Maryland.

Mr. Speaker, I know my colleagues join me in honoring Ms. Bernadette A. Budde for all of her accomplishments not only to BIPAC, but to national politics as a whole.

TRIBUTE TO PRIME MINISTER YITZHAK RABIN

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to express my sincere grief over the tragic and unexpected death of Prime Minister Yitzhak Rabin. Mr. Rabin was a great peacemaker, a great leader, and a great man, one who will be remembered for generations to come. To the entire world community, his death is a great loss.

Yesterday, at the funeral ceremony, the President said that Yitzhak Rabin was not only a martyr for peace, but also a victim of hate. Mr. Speaker, in the 1990's this kind of hate has plagued the world with its destruction. We saw it in the refugee camps of death in Rwanda; in the embattled streets of East Timor; and in the mass graves of Bosnia.

Now, on the verge of a lasting peace in the volatile Middle East, we see this hatred in Israel. We see it in the bus bombings and in the gun shots in the Gaza Strip. And most recently we see it in the assassination of Yitzhak Rabin, a man who helped to bring about an agreement between Israel and Palestine on the White House lawn that in years past, people had only seen in their dreams.

It is said that you can kill a man, but not an idea. Mr. Speaker, I challenge those who yearn for a new era of peace and an end to the hatred that fuels conflict throughout this world to join Israel, the Palestine Liberation Organization, the United States, and all other parties to help find a path to peace, so that Mr. Rabin's death will not be in vain.

A TRIBUTE TO PRIME MINISTER YITZAHK RABIN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FORBES. Mr. Speaker, reflecting on Rabin's life, I realize that he has much in common with the prophets of the Bible. Like Abraham and Moses, Rabin pursued a vision amidst tremendous adversity. Rabin sought to fulfill the dream of establishing a Jewish state, of making his people a nation among the nations. In pursuing this vision, he demonstrated tremendous courage and leadership.

Rabin was the pragmatic general who understood that one cannot rely on diplomacy alone, but must also be prepared to defend oneself. To that end, he built up Israel's Defense Forces and led troops to victory against tremendous odds in Israel's numerous wars. In Israel's war of independence in 1948, Rabin played an integral role by serving as the commander of the Palmach's Harel Brigade and by repelling Egyptian forces from the Negev desert. In the 1967 six day war, as chief of staff of the Israel Defense Forces, Rabin brilliantly commanded Israel's defense forces in taking the West Bank, the Gaza Strip, and the Golan Heights. As Prime Minister in 1976, Rabin authorized the legendary Entebbe military operation, in which Israel rescued 103 airline passengers held hostage by the PLO.

Rabin's chief concern was always the security of the state of Israel. As Ambassador to the United States from 1968 to 1972, Rabin strengthened relations between the United States and Israel, persuading the United States to supply Israel with arms essential to its survival. As Defense Minister from 1984 to 1990, Rabin continued to strengthen Israel's military establishment. Rabin's focus on security is also apparent in his joint service as both Prime Minister and Minister of Defense from 1992 until his assassination.

Rabin was not just a superb strategist and war hero, but also a peacemaker. Although he witnessed thousands of soldiers die in the six day war and possessed a profound understanding of the strategic importance of the territories, Rabin pursued the dream of peace by signing an interim peace agreement with the Palestinians. In pursuing peace, Rabin hoped that Israel would become a normal state, a state no longer at war with its neighbors and a state that would no longer have to constantly sacrifice its young men to wars.

Rabin's leadership on the battlefield and at the peace table provides great lessons to us all. Unlike so many of our political leaders of our time, Rabin did not consult the polls to determine his policies. Instead, he followed a bold vision and refused to allow extremists to prevent him from realizing his vision of peace. No matter how low his public approval ratings were and no matter how many funerals he attended of Israeli victims of suicide bombings, Rabin remained steadfast in his commitment to implementing the Oslo agreement. Rabin was willing to make the ultimate sacrifice for peace and was justly rewarded for doing so when he was awarded the Nobel Peace Prize.

The legacy of Rabin's life is tremendous. Nearly 100 years after the First Zionist Congress, convened in Switzerland in 1897, Rabin brought his country closer than ever before to peace with its neighbors. Those who came to pay their respects yesterday were a testament to the tremendous changes he brought about in the region. The attendance of 40 world leaders, including Jordan's King Hussein and Egypt's Hosni Mubarak, demonstrates the respect he instilled in so many people for his leadership, including his former enemies.

The assassination demonstrates that the peace process is a fragile process and therefore, the United States must remain unequivocally committed to our close ally Israel.

Rabin served Israel as both a warrior and a peacemaker, continually pursuing the dream of political normalcy for Israel. May his memory be a blessing to us all and may we learn from his extraordinary example of leadership, vision, and courage. Our thoughts and prayers are with his wife Leah, his loving family, and all the people of Israel during this sad and difficult time.

TRIBUTE TO TAMARAC VICE MAYOR IRVING KATZ

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. HASTINGS of Florida. Mr. Speaker, today I'd like to pay tribute to Irving Katz, a dedicated community leader in Tamarac, FL. Irving lead a life filled with community involvement which was exemplified by his service as

vice mayor until he passed away earlier this month of leukemia. Yet, despite his illness, Irving stayed very active, working up to 2 days before his death.

Indeed, Irving loved city government and spent years trying to develop his community. And develop it he did. A retired building contractor, Irving spent years advocating on behalf of economic development projects that would revitalize the community. When the Tamarac Commerce Park project came to fruition this year, Irv's hard work, expertise in construction, planning, and community development were recognized, and, more importantly, appreciated.

Not only was Irv a builder of community centers, but he was also a builder of community. Each year, Irv could be found walking for the March-of-Dimes and participation in Tamarac Elementary School events. Irv gave back to his community and for this we are grateful. He was also a loyal friend to me for many, many years. Irv, you will be missed.

THE 100TH ANNIVERSARY OF CALVARY BAPTIST CHURCH RED BANK, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. PALLONE. Mr. Speaker, this week marks a very special occasion for all of the people of the Calvary Baptist Church in Red Bank, NJ. For the week beginning on November 6, and culminating next Sunday, November 12, the church will mark its 100th anniversary. On Saturday, November 11, an anniversary banquet at Lane Hall at Fort Monmouth will be held to commemorate this joyous occasion.

Mr. Speaker, throughout its long and illustrious history, Calvary Baptist Church has been an important institution—not only for its members, but for the entire community. The church has played a central role in both the spiritual and secular lives of its members. While many changes have confronted the church, the Red Bank community, and indeed, our entire society over the past century, the church has stood as an anchor of stability, strength, hope, and sustenance for its members.

Mr. Speaker, on this occasion, it gives me great pride to offer my congratulations to Rev. Dr. Dwight Crist Northington, pastor, John C. Dixon, Jr., and Donald Cameron, cochairpersons of the board of trustees, Ann Byron, church clerk and publicity cochairperson, and Peggy Allgood, publicity cochairperson, and all of the members of Calvary Baptist Church as they celebrate the 100th anniversary of the Calvary Baptist Church.

WINNING THE COLD WAR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. SOLOMON. Mr. Speaker, the revisionist drumbeat has been deafening lately, this time in an attempt to belittle the accomplishment of President Ronald Reagan in winning the cold war through his policy of peace through strength.

We are being told that the Soviet Union fed us tainted information, causing us to overspend wildly on defense. The best response to this disinformation campaign came in today's Washington Times editorial, which points out that it is dubious, at best, that the former Soviet Union would want us to overspend on the defense buildup which contributed to winning the cold war.

Mr. Speaker, I suspect that this entire campaign is inspired by those who want to unilaterally disarm this country and transfer Pentagon funds to their favorite social programs. Beyond that, I will be glad to let the times editorial speak for itself, and proudly place it in today's RECORD.

[From the Washington Times, Nov. 7, 1995]

FIGHTING THE COLD WAR (WITH SOME SUCCESS)

''[T]he tainted reports tended to overstate Soviet military and economic strength, perhaps to deter America from confrontation, perhaps to encourage excessive defense spending.''—New York Times editorial, Nov. 2, 1995.

''Just as Ronald Reagan undertook (with some success) to challenge the Soviets to a bankrupting economic and technological competition, did the Kremlin then try to make Americans waste their assets and energies too?'')—Washington Post editorial, Nov. 3, 1995.

Well, now we know. The revitalization of national defense during the Reagan presidency, which led directly to victory in the Cold War and contributed to the collapse of the Soviet Union's Evil Empire, not only was a waste of money. But it was a commie plot, too.

The New York Times vigorously opposed both the Strategic Defense Initiative (SDI) and President Reagan's indomitable determination to rebuild U.S. national defenses in order to avoid negotiating strategic and conventional arms reductions from a position of weakness. History has confirmed the wisdom of Mr. Reagan's policies. But with the perfect vision of hindsight, the Times wants to nitpick about a fighter program here or a radar system, there, even as defense spending is plunging toward 2.9 percent of gross domestic product (GDP) by 2000.

Considering that the Soviets were keenly aware (even if the CIA wasn't) of their growing economic weakness relative to the economically reinvigorated United States, their double agents might understandably have sought to deter confrontation by providing tainted information. After all, not only was the Soviet economy on the verge of collapsing under the unsustainable weight of peacetime military spending approaching 25 percent of GDP. But the entire world witnessed the indisputable inferiority of Soviet conventional arms (fighter aircraft, surface-to-air missiles and tanks) during the 1982 Middle East war as the U.S.-equipped Israeli air force destroyed the Soviet-supplied Syrian forces.

What's harder to make sense of is the notion that the gremlins of the Kremlin were providing tainted information ''to encourage excessive defense spending'' or to ''try to make Americans waste their assets and energies''? The Times argues that these Soviet-supplied tainted assessments, which the CIA forwarded to U.S. policymakers, ''may have contributed to billions in misdirected [defense] spending.''

But which weapons systems, exactly, was the Kremlin seeking to promote? Why on earth would Moscow want us to develop a new generation of stealth aircraft, from the strategic B–2 bomber to the Air Force's F–22 fighter or the Navy's carrier-deployed (since canceled) A–12 bomber? Stealth cruise missiles? Indeed, as the F–117A stealth fighter-bomber demonstrated over Baghdad in 1991, stealth technology essentially rendered worthless the massive surface-to-air-missile defense systems that the Soviets had invested hundreds of billions of dollars to deploy. Yet the Times complained about this year's outlay for the F–22, and The Post reported about possibly unnecessary expenditures for aircraft radar systems. The Soviets tricked us into buying weapons that would exploit their vulnerabilities? Very clever.

Despite the incessant catcalling of his opponents—including Bill Clinton's Oxford roommate and deputy secretary of state, Strobe Talbott—Mr. Reagan relentlessly pursued his ''peace through strength'' policy, eventually proving all the naysayers wrong. Take another look, for example, at Mr. Talbott's then widely acclaimed 1984 book, ''Deadly Gambits,'' which attacked Mr. Reagan's strategy on intermediate nuclear forces. In 1987, no less a personage than Mikhail Gorbachev completely vindicated Mr. Reagan's policies by agreeing to eliminate the SS–20 missiles—the so-called ''zero option'' that Mr. Talbott derided.

Forced to acknowledge that Mr. Reagan met the Soviet challenge—note the begrudging parentheses ''(with some success)''—The Post and other revisionists still insist on portraying his brilliant defense buildup strategy as extreme, overblown and partly unnecessary. Here's some unsolicited advice for them: Ronald Reagan won the Cold War. Deal with it. Get over it. Get on with life.

IN SUPPORT OF SELLING A CONGRESSIONAL HOUSE OFFICE BUILDING

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, in January, the House Republican Conference passed a resolution calling for:

> The sale of a congressional building to the private sector as a clear statement to the American people of our commitment to shrink the size of the Federal Government.

In order to meet that commitment, a task force of interested Members was created in order to develop a proposal that would allow the Republican Conference to meet its commitment to ''sell a congressional building.''

As a member of that task force, I am here to voice my support of the plan to sell 501 1st Street, SE, in order to fulfill the House Republican Conference resolution. According to the Architect of the Capitol, it is my understanding that this property could bring an estimated sale price of over $2 million. I can't think of a better way to show the American people Congress' intention to shrink the size of the Federal Government than by divesting itself of this property.

Upon the sale of 501 1st Street, the task force proposes the relocation of the Architect of the Capitol engineering and related support activities to the Ford House Office Building and the transfer of the House Child Care Center also to the Ford House Office Building.

Considering that Congress abolished three standing committees, a quarter of all committee staff, and eliminated all the legislative

service organizations, the Architect's office estimates that there is enough room available in Ford for the Architect's employees and the House Child Care Center.

Mr. Speaker, the sale of 501 1st Street would prove to the American people that the new majority in Congress is committed to shrinking the size of the Federal Government by downsizing itself and using that space that it owns more efficiently. I urge my colleagues to support the task force's plan to sell 501 1st Street, SE, and keep our promise to the American people.

THIRD ANNUAL CALIFORNIA AVOCADO DAY

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of California Avocado Day and wish to share the significance of this special event with my colleagues. As some of you may know, November 7 marks the most important day of the year for avocado growers—California Avocado Day.

For the third consecutive year, California Grower magazine has organized a full day of events devoted to the California avocado industry. The events will feature important panels and presentations, the California Avocado Commission's annual meeting, as well as the industry's largest trade show. ''The Road Ahead'' is this year's theme for California Avocado Day. In light of the recent events in the avocado industry, I believe the theme to be quite fitting. It is obvious that the avocado industry is at a crossroads, and the future for avocado growers is uncertain.

I an honored that today's ceremonies are taking place within my district at the Escondido Center for the Arts. Two months ago, the U.S. Department of Agriculture [USDA] Animal Plant Health Inspection Service [APHIS] held hearings at the same site to discuss the proposed rule to modify the 81-year-old quarantine on the importation of fresh Mexican Hass avocados. I joined with the thousands of members of the avocado industry to voice my concerns to any change in the United States policy with regard to Mexican Hass avocados that is not based on sound science.

It is apparent that certain species of fruit flies and seed weevils are known to attack and destroy avocados. For years, Mexican avocado growers have been unable to eradicate pests from their crops despite the use of chemical methods unavailable in the United States. With the 1994 avocado harvest in excess of 550 million pounds, I believe the proposal to allow Mexican Hass avocados into the United States would put the crop at risk. In fact, these insects could very well devastate U.S. avocado production, altogether.

Mexico is currently requesting access to United States markets for fresh Hass avocados based on conclusions from a research study and pest survey data. However, I believe that the scientific data submitted by Mexico to support its request is weak, lacking integrity, and does not justify any change to the current quarantine policy. I am also concerned with the conclusions of the risk analysis performed by APHIS. The USDA must rely on a sufficient amount of credible, hard data before a change is to be made. Never before has the USDA been responsible in designing a system of this type or scale. Therefore, before such an undertaking is to occur, I believe that the science must be sound; the model used to estimate insect outbreak must be as accurate as possible; control mechanisms must be in place; and adequate resources must be available to allow for proper monitoring of the complex system.

The USDA's proposed changes would allow for the importation of avocados into the 19 designated States in Northeastern United States. As one might guess, transshipment of the avocados is inevitable. However, I am not confident that APHIS has established a reliable control system to prevent the transport of avocados into States vulnerable to pest infestation, such as Florida and California. It is quite likely that the United States and Mexico avocados will come into contact with one another. If the pests are present in the Mexican avocados, you can be sure that the United States avocados will be susceptible to infestation. Therefore, I believe this poses a great threat to U.S. crop. The United States should deny, or at least postpone, the importation of Hass avocados until we are convinced that no threat is apparent. This issue is of critical importance to the future of our country's avocado crop.

Again, I wish to congratulate the industry for joining me in sending a clear message to the Department of Agriculture regarding their views on the proposed rule. An overwhelming 1,800 public comments were filed, with a majority of the comments in opposition to the proposed rule. Surely, the sentiments of such a united front cannot be ignored. I agree with the members of the avocado industry who are demanding that the avocado industry not be put in jeopardy as a result of such a dramatic policy change. The avocado growers' request that credible and sound science be employed with the decisionmaking process should be granted.

SALUTE TO GUAM'S VETERANS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. UNDERWOOD. Mr. Speaker, on November 11, our Nation will observe Veterans Day, a day dedicated in honor of the people who have, in times of war and peace, willingly and unselfishly offered their services to the American people. We, on Guam, appreciate the important contributions of our veterans. We recognize the sacrifices they have made in order to preserve for us the blessings of liberty.

In the same respect, we also commend the importance of veterans and their personal commitment to our communities. Most veterans return to their hometowns to actively participate in community affairs. On Guam, their unsolicited contributions have made the island a better place to live in. By virtue of their outstanding achievements and numerous contributions, they serve as effective role models to all members of the community, especially the young people. They are vital forces of development and growth.

In recognition of this, island leaders have made it a point to acknowledge the contributions of Guam's distinguished veterans. Village mayors and veterans organizations all over the island submit names on an annual basis to be included in an elite list of the top veterans of the island.

This year the village mayors have each selected the following people as their awardees: Vicente Tuncap of Agana, Jose P. Javier of Agana Heights, Carmen J. Balajadia of Agat, Fidel L.G. Jesus of Asan-Maina, Joseph L. Aguon of Barrigada, Nicolas F. Borja of Chalan Pago-Ordot, Juan P. San Nicolas of Dededo, Joaquin L. Paulino of Inarajan, Manuel U. Fejeran of Mangilao, Richard Barcinas of Merizo, Alfred M. Cruz of Mongmong-Toto-Maite, Roque M. Mendiola of Piti, Joseph B. Chargualaf of Santa Rita, Joseph C. Gogo of Sinajana, Antonio T. Pablo of Talofofo, Felix E. Edelo of Tamuning-Tumon, Francisco Q. Sanchez of Umatac, William A. Burger of Yigo, and Jose Mabayag of Yona.

The island's veteran's organizations also included to the list the following names: Clyde Blackie Barnes of the American Legion Post 53, Jesus M. Camacho of the Army Retirees Association, Juan M. Taijito of the Chamorro Military Society, Antonio Deligreen of the Fleet Reserve Association Branch 73, Juan C. Wusstig of the Guam Combat Patrol, Adrian C. Sanchez of the Guam Navy Club, Alejandro B. Toves of the Korean War Veterans, Vicente (Ben) Gumataotao of the National Association for Uniformed Services, Alfredo Somera of the Philippine Scouts Association, Don Kimmel of the V.F.W. Hafa Adai Post 1509, Cris N. Quintanilla of the V.F.W. Ga'an Memorial Post 2917, Jesus H. Aguon of the Vietnam Veterans of America Guam Chapter No. 668, Antonio Peredo of the Wake Island Defenders, Celestin Babauta of the Air Force Retirees Association, Jose S. Reyes of the Guam Civilian Scouts, and Peter C. Siguenza of the Third Marine Division Association.

On this year's Veteran's Day commemoration, I would like to once again commend all the men and women who have truly been instrumental to the great success of this Nation. On behalf of the people of Guam, I offer all of our Nation's veterans my sincerest thanks and appreciation for their contributions and sacrifices.

A special commendation is also in order for the top veterans of Guam for the year 1995. They have truly distinguished themselves as vital contributors to the growth of the island. I commend and congratulate this year's selectees for all their accomplishments and contributions to the community.

HONORING PRIME MINISTER YITZHAK RABIN

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the late Prime Minister of Israel, Yitzhak Rabin. Of the many tributes paid him, during the memorial service at Congregation Olam Tikvah of Fairfax, VA, on November 6, 1995, in my opinion Rabbi Melvin J. Glazer's was most poignant and moving.

Mr. Speaker, I believe that my colleagues will appreciate hearing the words of Rabbi

Glazer, and I am pleased to have Rabbi Glazer's tribute to Prime Minister Rabin entered into the RECORD.

STATEMENT BY RABBI MELVIN J. GLAZER

YITZHAK RABIN, MEMORIAL SERVICE, OLAM TIKVAH NOV. 6, 1995

This morning on the radio, one of those who visited the Israel Embassy to pay his respects to Prime Minister Rabin, was asked the question, ''why are you here?'' to which he answered, with tears in his eyes and a lump in his throat, ''because I care.'' And that is why we are here as well, because we care. We care about the State of Israel, and we care about the peace process. We care about a human life being snuffed out like a candle, and we care about a grieving wife and a family who have lost their husband, their father, their grandfather. We care about an entire nation of men and women who have lost their leader, their guide, their beacon.

Yitzhak Rabin was not killed by one man, even though only one man pulled the trigger. Yitzhak Rabin was killed by a group of fundamentalist Jews who simply could not accept the reality of the new world in which they lived. A little less than 2 weeks ago, Yitzhak Rabin was protrayed as a Nazi; several months ago a group of Orthodox rabbis said it was God's will not to obey the orders of Israel's military if you did not agree with them. In this week's issue of the Jerusalem Report, there is an article which tells of a Kabbalistic curse placed on the Prime Minister. He was cursed with ''pulsa denura,'' lashes of fire, for his heretical policies. And so, say these mystics, he must die. As the Aramaic text stated, ''we have permission to demand from the angels of destruction that they take a sword to this wicked man, to kill him, for handing over the Land of Israel to our enemies, the sons of Ishmael.'' This curse was issued on Yom Kippur, Oct. 4, and it was to take place with 30 days. Mr. Rabin was killed Nov. 4.

The stage had been ably set for the tragedy that was soon to become a reality. Violence, physical violence, was talked about openly, even encouraged, and the Prime Minister of the State of Israel was shot and killed.

How do we make sense out of this act which makes no sense at all? How could it happen? Our Tradition says plainly, Thou Shall Not Murder. Our Tradition says plainly, ''Love thy neighbor as thyself.'' Our Tradition says plainly, ''these and these are the words of the living God. ''But not everyone hears these words the same way. There are those who arrogate to themselves the truth, those who believe that theirs is the only way, the only interpretation, the only truth. There are those who forget that GOD is the only truth, and when we take on that role, life, all of life, is in jeopardy. Jewish fundamentalists, especially those who live in the State of Israel and who do not serve in the Israeli army or pay taxes to the state of Israel but who insist on proclaiming that the Messiah will come only when Israel gives in to their demands, perhaps should not be allowed to remain in the state of Israel. If these right-wing fanatics were non-Jews, we would rightfully, call them anti-Semites and demand they be banished.

Those Jews who kill, they are not our people, and they deserve none of our respect, only our contempt. I believe they should be expelled from decent society, they have no place among humanity. First we had Baruch Goldstein killing Moslems at prayer and now we have Yigal Amir killing our Prime Minister at a peace rally, both of them taking life into their own hands. Why should they and their supporters be allowed to remain? We do not need our own Jewish Hamas, they are a shame and a disgrace to every decent Jew and non-Jew on the face of this earth. And even worse, they are shame and a disgrace to God, who surely cries at their narcissism even as he deplores their violence. Yitzhak Rabin stood for peace, they stand for taking human life. Yitzhak Rabin preached reconciliation, they take the law into their own hands. Yitzhak Rabin reached out his hand to his and our former enemies, they would live in a world of hatred forever. These are not our people, my friends. These Jews are to be rejected and expelled and shamed by the rest of us. We must not let ourselves ever become like them, otherwise they will win, and we can never, ever let that happen.

That is why the peace process will go on. Rabin was a warrior for peace, and now there will be others who will take his place. But he was the first. He was the man who liberated the Kotel, the Western Wall of the Temple in 1967, and he is the man who shook Arafat's hand and began the search for peace in earnest. He will be remembered not as a martyr, but as a peacemaker, as a head of state, as a loving husband, a caring father and a doting grandfather.

One or two concluding thoughts. I remember where I was the day President Kennedy was shot, as I suspect you do as well. I look back upon the past 32 years since that terrible day, and I see here in the United States the steady rise of violence, political, racial and marital. Kennedy's assassination made the unthinkable suddenly thinkable. I am sacred, no, I am terrified that that same tolerance and acceptance for violence will now come to the Jewish state as it came to America. If anything could possibly be worse than the death of Yitzhak Rabin, that would be it. I pray that sanity will prevail, that Israelis will stop and reflect, and let Yitzhak Rabin the peacemaker be their teacher in death even as he was in life. He stood for peace, we can do no less.

Finally, I am touched by so many expressions of mourning and sympathy shown the Jewish people and the State of Israel from around the world. In Israel itself, more than 1 million people came to the Knesset in Jerusalem to say goodbye to their leader. That is ⅕ the population of the entire nation. I see them, and I am proud. I see them and I am hopeful. Perhaps there is hope. Perhaps the good people of Israel will yet rise up to support the hard choices of peace rather than the easy way of killing and death. Perhaps we will yet see peace in our lifetime between the children of Israel and the children of Ishmael. If so, and I pray for that peace daily, as I am sure you do, then once again God's Chosen People will have been a light unto the nations, showing the world that hatred need not last forever, that peace is the handiwork of God and the gift to our children and their children after them. What a fitting memorial that would be for our beloved Yitzhak Rabin, to know that his efforts brought the world closer to God's gift of shalom. I pray that it come to pass soon.

TRIBUTE TO LOUISE PEREZ

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. MATSUI. Mr. Speaker, I rise to give recognition to an individual that has demonstrated strong commitment to the improvement of education in California. In December, Ms. Louise Perez will be completing a year as president of the California School Boards Association [CSBA], after several years in leadership positions with that organization. She is the first Hispanic woman to serve as the CSBA president. I know that through her work with CSBA, Ms. Perez has had a very positive impact on California's education system.

In addition to this statewide leadership role, Ms. Perez has been a trustee of the Sacramento City Unified School District since 1982. She is also the executive director of Sacramento's Community Resource Project, Inc., a nonprofit organization involved in housing and education issues. Previously, she worked as a program developer for the California Department of Aging and as a work experience coordinator for the Washington Unified School District in Yolo County, CA. She has also served on the State House Conference on Aging and the State House Conference on Children and Youth.

Although these professional roles represent a very significant contribution to the community, Ms. Perez has not been satisfied with this work alone. She has taken on a variety of other community service projects including involvement with the Education Committee of the Cal-Neva Community Action Association, the Private Industry Council, the Sacramento County Affirmative Action Committee, the Junior Women's League, the Child Abuse Task Force of Sacramento County, the Mayor's Committee on Hispanic Affairs, and the Mayor's Committee on Child Care.

Ms. Perez' achievements have been recognized by a variety of organizations. She has been honored as the Sacramento YWCA's Woman of the Year and Mujer Inc.'s Hispanic Woman of the Year. She has also received the Outstanding Contribution in the Field of Education Award from the California Department of Justice, the Community Service Award from the Hispanic Chamber of Commerce, and the Outstanding Contribution to Head Start from Sacramento Employment and Training.

As we approach the 21st century, California and the Nation face serious challenges in the area of education. The dedication of individuals like Louise Perez will be absolutely essential if we are to achieve our goals in this area, which is so vital to our future well-being. In her role as CSBA president, she has called on all of us to recommit ourselves and take responsibility for the education of all of our Nation's children. I thank Ms. Perez for her efforts in delivering this vitally important message and deeply hope that her call will be answered.

COL. DAVID A. NAPOLIELLO, HONORABLE SOLDIER AND PUBLIC SERVANT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. FRELINGHUYSEN. Mr. Speaker, today, I rise to pay tribute to a fellow Vietnam War veteran and a dedicated member of the U.S. Army upon his retirement after more than 27 years of dedicated service to his country. Colonel Napoliello is most deserving of our tribute. His career accomplishments reflect the type of military leader this Nation has depended upon for over 20 years in both war and peace. I would like to take a few minutes to highlight Dave's career milestones.

After graduating as a distinguished military graduate from the University of Nebraska with a bachelor of science degree in business administration and the field artillery officer basic course in 1968, Colonel Napoliello served with a 175/8″ battery in Vietnam. Upon completion of his tour of duty in Vietnam, he was assigned to Germany where he commanded a sergeant missile battery.

Upon his return to the United States, he was assigned as an assistant professor of military science at Creighton University and then served with the U.N. Truce Commission on the Golan Heights and in the Sinai.

In 1979, he was assigned to Fort Lewis, Washington and served as operations officer and executive officer for a 155/8″ artillery battalion and subsequently as division artillery executive officer. After a tour at the Pentagon with the Department of the Army, he commanded a 155/8″ artillery battalion at Fort Ord, CA.

In recent years he has served as director of resource management at the U.S. Army Quartermaster School, special assistant to the commanding general, Training and Doctrine Command, and as the first project manager for the Army's Advanced Field Artillery System at Picatinny Arsenal, which resides in New Jersey's 11th Congressional District. For the past 20 months he has served as the senior military assistant to the Under Secretary of Defense (Comptroller).

Colonel Napoliello holds a masters of business degree from the University of Utah and a master of arts in international relations. Additionally, he is a graduate of the Army Command and Staff College, the Armed Forces Staff College, the Army War College, and the Naval War College.

He has received, the Defense Superior Service Medal, two awards of the Legion of Merit, five Meritorious Service Medals, five awards of the Air Medal, the Army Commendation Medal, the Army Achievement Medal, the U.N. Observer Medal, the Army and Department of Defense Staff Identification Badges, and the Air Crewman's Badge.

Colonel Napoliello is married to the former Sharon Holmquist and they have two children.

Mr. Speaker, it is a great honor for me to present the distinguished personal and professional credentials of Col. David A. Napoliello before the Congress today. It is clear, through his stated accomplishments for his country, that he has been a man who daily dedicates himself to the peace and freedom we enjoy as a Nation. All his actions reflect a true leader with a clear sense of purpose, conviction, and conscience of service to his country. We wish him continued success in all his future endeavors.

NEW MEXICO'S ATOMIC MUSEUMS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. RICHARDSON. Mr. Speaker, as our great Nation celebrates the 50th anniversary of the end of World War II, many of our citizens are visiting my home State of New Mexico, the birthplace of the atomic weapons which made the war's ending possible.

It was in 1942 when scientists first arrived in Los Alamos, NM, to work on a super secret program called the Manhattan project. The few inhabitants of this remote mesa were relocated and by 1945 some 7,000 scientists, engineers, construction workers, and their families lived in Los Alamos and worked on a project no one could talk about.

Today, of course, many are talking about the atomic bomb developed at Los Alamos, the first test at the Trinity site in southern New Mexico, and of course the two bombs dropped at Hiroshima and Nagasaki.

While we in New Mexico couldn't say much about the project 50 years ago, we are doing plenty of talking today. There are several museums devoted to our State's atomic role and all worth a visit. In Los Alamos, the Bradbury Science Museum has interactive exhibits, photographs, models, and a film called, ''The Town That Never Was.'' The Los Alamos Historical Museum has geological and anthropological exhibitions and re-creations of wartime life in Los Alamos. The National Atomic Museum at Kirtland Air Force Base in Albuquerque is also a must-see for those interested in understanding our Nation's atomic history and New Mexico's proud role.

The incredible story of the development of atomic energy is also the story of incredible people. These wonderful museums are not only a legacy to the defense of our Nation, but a fitting tribute to the endeavors of thousands of New Mexicans united in common cause over 50 years.

I urge my colleagues to join me in recognizing New Mexico's contribution to the atomic age, praising our outstanding museums which have recorded our achievements, and saluting the thousands of men and women who played a critical role in the development of atomic energy.

ARMENIAN PRESIDENT TER-PETROSIAN WORKS TO BUILD DEMOCRACY, STABILITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. PALLONE. Mr. Speaker, on October 25, 1995, the Armenian Assembly of America presented a tribute in honor of Levon Ter-Petrosian, President of the Republic of Armenia. Along with distinguished colleagues from both houses of Congress and both parties, representatives of the administration and the diplomatic corps, and hundreds of Armenian-Americans, I had the great honor of welcoming the Armenian President on his visit to our Nation's capital.

As the founder and, along with the gentleman from Illinois [Mr. PORTER], Co-Chairman of the Congressional Caucus on Armenian Issues, I consider United States-Armenia relations to be one of our key foreign policy objectives. The Armenian people, having survived the genocide perpetrated against them by the Ottoman Turkish Empire, and seven decades of Soviet-oppression, have struggled valiantly to rebuild their country as a democracy while establishing good relations with the world community. It has not always been easy, given the blockades imposed upon Armenia by her neighbors Turkey and Azerbaijan. But with the strong support of the United States and the solidarity of the Armenian-American community, I believe that this very young country—yet very ancient nation—will prevail.

Mr. Speaker, the following is the text of President Ter-Petrosian's speech from October 25. I urge my colleagues to read this statement to gain a greater insight into the challenges facing the people of Armenia and the prospects for the entire Caucasus region.

STATEMENT OF ARMENIAN PRESIDENT LEVON TER-PETROSIAN

Dear compatriots, your eminencies, senators, members of the House of Representatives, representatives from the Clinton administration, ambassadors—I hope I have this in correct protocol order. In this hall there are so many members of Congress, I suppose we could hold a session of Congress and resolve all of our differences right here.

In the speeches given here today, Armenia was presented in such a wonderful way that I have very little left to say myself. In any case the people who are here in this hall have been with us from day one; they have participated in the building of the country, and they are very well informed about the goings on in Armenia. For that reason, I am not going to speak about Armenia's problems and Armenia's economic situation. Instead, I am going to speak about our principles and about the ideology of our state.

You consider the elections that took place this summer to be a new step toward democracy in our country. I agree. But, it must be noted that there has been a more important development. With the election of July 5, Armenia got rid of Communism once and for all. The Communists now have only seven seats in Parliament. This is not the case in any other former Soviet republic, or even in any other former socialist republic. Communism is buried once and for all in Armenia.

This means that Armenia has selected its path in a very clear manner. That path is democracy and the free-market system. This is our state ideology today, and we are going to follow this path until the end. I cannot promise that, during the time of my administration, we will succeed in creating a complete democracy and a complete free-market economy—I cannot promise this, and I do not promise this. But I do promise that our administration will do everything in its power to make democracy and the free market irrevocable. This is the issue we face, and in this matter, we cannot take steps backward—we will not waver. We will continue until the end.

The next important principle of our ideology is the matter of national security. Here, too,we are not trying to implement some sort of a very complicated philosophy. Rather, we see resolution of this as a very simple issue. We find that no security system and no superpower—be it the United States or Russia—can guarantee our security.

We believe that the key to our national security is our friendship with our neighbors. Armenia does not want to have any enemies. Nor does Armenia consider any country to be its enemy—not even Azerbaijan. We do not consider Azerbaijan to be our enemy. Azerbaijan is a country with which we have serious political problems. And we must resolve the problems. We must resolve our political problems with Azerbaijan—not be deepening enmity—but through peaceful negotiations as a serious political process. And that resolution must guarantee the dignified and secure existence of Nagorno Karbagh.

Even though Armenia is starting to stand up on its feet in an economic sense today—and that is thanks, not only to our efforts in the area of the economy, but also to the efforts and assistance of the international

community, and especially the United States of America—but, nonetheless, we are still in a very difficult economic situation. We have complex issues in the area of energy. We are hopeful that this winter will be less severe than last winter. We are better prepared for the winter than we were last year and in years past. Soon our atomic energy plant will also be supplying electricity, certainly by winter.

But, I believe that there is a more important precondition than energy for Armenia's economic future. That is the means of communication between Armenia and the outside world. This is more important, in economic terms, than all other issues. Until we are able to have open access to the outside world through all our neighbors—Azerbaijan, Iran, Turkey and Georgia—we cannot have a normal economy. Our economic destiny depends on two things: the pace of economic reforms in Armenia, and how fast Armenia can become integrated into the international economic system. This is the issue that we must resolve together with you.

I want to express my deep gratitude to all of you for the great efforts which you have made on behalf of Armenia—efforts which are already showing fruition. And through the people who are gathered here, I consider it my duty to express my gratitude to the people and the government of the United States of America. The aid that the United States has given to Armenia over the past four years has been vital to Armenia.

I have several aspects in mind: first, the great humanitarian assistance that has been given to Armenia; second, the role of the United States in the huge assistance that the International Monetary Fund and the World Bank have given Armenia starting last year; and, third, the great role that the United States has played in maintaining peace and stability in our region, and in developing a political resolution to the issue of Nagorno Karabagh. This is such an important contribution toward putting our country on its feet, that we can consider the United States to be a participant in the establishment of Armenian statehood.

A few moments ago, Senator McConnell pointed out that aid to Armenia not only emanates from the interests of Armenia, but also from the interests of the United States. This is true. It is true because Armenia has the opportunity—of course, with your help—to become a model—a model in terms of democracy, a model in terms of the free market, and this is the realization of the faith of the United States.

In conclusion, I want to express my deep gratitude to each and everyone of you. First, from day one, you have stood by our government unconditionally, and I hope that we have not let you down. I am sure that, hereafter in the same manner, you will show the same faith and the same unconditional spirit in standing by us—both in our difficult days and in our bright future, which I am sure is going to come.

I also want to emphasize the role of the Armenian Assembly—headed by my friend, Hirair Hovnanian—in these years of our independence. This is an opportunity to say that you are the organization which has proven that it is possible—without political ambitions—to help Armenia in a much greater way than otherwise. And I think this should be a model for the diaspora.

In conclusion, I want to put aside this official mask for a moment—I am a human being, after all—and say a few words of appreciation to a man who, as a friend in our most difficult times—in our coldest and darkest days—was with us, and was also a key person in creating close relations between Armenia and America. That was Harry Gilmore. Ambassador Gilmore set such a serious foundation for relations between our countries that, on the base of this foundation, Amb. Tomsen, who is now in Yerevan, is continuing.

I also want to express special thanks to the man who worked the hardest and suffered most this evening, Amb. Edward Djerejian.

I feel an obligation to say that the honor you are giving me this evening is your way of expressing your debt of honor to our heroic people's patience and stamina. I would like to see us all, together, keep the honor of our people high.

Thank you.

RECOGNITION OF AMSA ON THE OCCASION OF ITS 25TH ANNIVERSARY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. SHUSTER. Mr. Speaker, on behalf of myself and JIM OBERSTAR, the ranking Democrat of the Transportation and Infrastructure Committee, I wish to take this opportunity to congratulate the Association of Metropolitan Sewerage Agencies [AMSA] on the occasion of its 25th anniversary. AMSA is the only national trade association exclusively representing the unique interests of our country's largest wastewater treatment agencies. As the first line of defense in our national campaign against water pollution, AMSA members are responsible for the high degree of water quality that we now enjoy in the United States.

The emergence of AMSA as a nationally recognized leader in environmental policy and a sought-after technical resource on water quality and ecosystem protection issues has paralleled the maturation of the Nation's most successful environmental law—the Clean Water Act. AMSA was established in 1970 by representatives of 22 municipal sewage agencies to secure Federal funding for municipal wastewater treatment and serve as a forum to discuss emerging national interest in improving the quality of the Nation's waters. Based upon the shared goal of effectively representing the interests and priorities of publicly owned treatment works, they formed AMSA.

In the quarter century that followed, the association grew and its interests diversified. Today, AMSA is a dynamic national organization involved in all facets of water quality protection and representing over 160 municipalities. Viewed as a key stakeholder in both the legislative and regulatory arenas, AMSA has built credible and collaborative relationships with Members of Congress, Presidential administrations and the Environmental Protection Agency. Recent years have reflected heightened involvement for the association in a broadening array of environmental laws and regulations, including the gamut of ecosystem issues encompassed under the umbrella of watershed management, among them nonpoint source pollution control and the protection of air quality and endangered species. As chairman of the Transportation and Infrastructure Committee, I am in a good position to observe that AMSA has met the goal of its founders and continues to pursue every opportunity to develop and implement scientifically based, technically sound and cost-effective environmental programs.

AMSA's active membership, prominence as a nationally recognized leader in environmental policy, and a close working relationship with Congress and EPA, will undoubtedly allow it to help shape the course of environmental protection into the next century.

POPCORN RESEARCH, PROMOTION, AND CONSUMER INFORMATION ACT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Mr. LATHAM. Mr. Speaker, today I am introducing the Popcorn Research, Promotion, and Consumer Information Act which will allow the U.S. Department of Agriculture to issue an order establishing a popcorn checkoff program. This would be similar to other agricultural checkoff programs for dairy, beef, pork, eggs, potatoes, and soybeans, to name only a few.

Americans consume 17.3 billion quarts of popcorn annually, or 68 quarts per man, woman, and child. It is one of the most wholesome and economical foods available. Last year, over 7,500 acres in popcorn production were harvested in my home State of Iowa, which is also home to several of the major popcorn processors.

The popcorn industry has always rallied to promote and market its product. As a result of these efforts, total popcorn sales have grown throughout the past several years, but a great potential exists to accelerate this trend with a larger, cooperative effort.

Under a popcorn checkoff program, popcorn processors would first vote to determine whether the program should go into effect. If a majority votes in favor, each popcorn processor would pay a small assessment on each pound of popcorn marketed. The Secretary of Agriculture would then select a popcorn board, made up of people from the industry to administer the program, with oversight by the USDA. The funds collected would be used for research, promotion, and consumer information projects with the goal of increasing consumption of popcorn.

I look forward to full consideration of the Popcorn Research, Promotion, and Consumer Information Act by the House of Representatives. This proposal will provide great benefits to the production of popcorn—and at no cost to the Federal Government.

A SPECIAL TRIBUTE IN HONOR OF REV. WALLACE HARTSFIELD

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 7, 1995

Ms. MCCARTHY. Mr. Speaker, it is with great pride and respect that I rise today to bring to your attention, and to the attention of the House, the outstanding work and commitment of Rev. Wallace Hartsfield for the last 29 years to parishioners of the Metropolitan Missionary Baptist Church in Kansas City.

Reverend Hartsfield was born in Atlanta, GA, November 13, 1929. He was an only child, raised by his mother, Ruby Morrissatte. Reverend Hartsfield received a bachelor of

arts degree in 1954 from Clark College in Atlanta and a master of divinity degree from Gammon Theological Seminary in Atlanta, in 1957. His first pastorate was at a Baptist church in Pickens, SC.

Reverend Hartsfield is married to Matilda Hopkins and this year on August 28 they celebrated their 38th wedding anniversary. Reverend and Mrs. Hartsfield are the proud parents of four wonderful children: Pamela Faith, Danise Hope, Ruby Love, and Wallace S. Hartsfield II.

I have known Reverend Hartsfield over the years through his extensive involvement in the community. He has been a leader in many worthwhile causes and a wonderful role model for our city's young people.

Reverend Hartsfield recently chaired the capital fund campaign to expand and update Kansas City's Swope Parkway Health Center, which provides invaluable assistance to many people who could not otherwise afford or have access to quality, state-of-the-art health care. Millions of dollars were raised and the new health center stands as a testament to the untiring efforts of committed and dedicated people like Reverend Hartsfield.

His leadership was invaluable, also, in redeveloping a blighted part of Kansas City when he led the Baptist Ministers Union of Kansas City in their efforts to demolish the old St. Joseph's Hospital and replace it with a much-needed new shopping center, the Linwood Shopping Center. Residents of the city's central core had to travel some distances to buy groceries, drop off dry cleaning, and have a prescription filled, before the new development became a reality. Reverend Hartsfield successfully led the charge to come up with sufficient investment capital for the project, when resources for new development in that area of the city were scarce. He was also instrumental in the construction of a low-income 60-unit housing development, known as Metropolitan Homes, in that same geographical area.

Reverend Hartsfield has received numerous awards, including the One Hundred Most Influential Award from the Kansas City Globe newspaper; the Greater Kansas City Image Award, presented by the Urban League; he was named ''One of the Top 50 Ministers in America'' by Upscale magazine of Atlanta, GA; he received an honorary doctor of divinity degree from both Western Baptist Bible College in Kansas City and also from the Virginia Seminary and College of Lyncher, VA; he received the Minister of the Year Award from the Baptist Ministers Union of Kansas City; a Public Service Award from the Ad Hoc Group Against Crime; the Role Model for Youth Award from Penn Valley Community College, in Kansas City; and a Community Service Award from Kansas City, MO, and then-mayor Richard Berkeley, among others.

Reverend Hartsfield is also chairman of the Economic Development Commission of the National Baptist Convention of America, Inc.; second vice president of the National Baptist Convention of America, Inc.; president of the Greater Kansas City Chapter of Operation PUSH; and an adjunct professor of the Central Baptist Theological Seminary in Kansas City, KS.

Reverend Hartsfield is a member of the board of directors for the national organization of Operation PUSH, the Congress of National Black Churches in Washington, DC, and the Morehouse School of Religion in Atlanta, GA, among others.

We are celebrating Reverend Hartsfield's 29th anniversary as pastor at the Metropolitan Missionary Baptist Church in Kansas Ctiy, and recognizing all of his good work and the leadership he has provided in the community over that span of time. He has blessed the lives of so many. Reverend Hartsfield loves people and he loves helping people. He has made a difference in the city he calls home, Kansas City, and we're proud to have him as one of its outstanding citizens.

Today, Mr. Speaker, I ask that you and our colleagues join with me and the congregation of the Metropolitan Missionary Baptist Church, the family of Reverend Hartsfield, and the citizens of Kansas City, MO, in congratulating Reverend Hartsfield for his 29 years of service to his church and his community, and in wishing him many more wonderful years as pastor of the Metropolitan Missionary Baptist Church.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995

SPEECH OF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions:

Mrs. CLAYTON. Mr. Chairman, I come before this House today to protect the intent of this legislation. In this country, we have a democracy, not a police state—so why are we in government legislating medicine as well as morality?

It is not the right of this House to govern, to micromanage how American physicians practice medicine. Who are we, without the benefit of the knowledge and specialized training, to dictate what procedures may or may not be performed by physicians. A weighty decision such as this should be left up to the mother, the father, their faith, and their physician—not controlled by government edict that is inflexible and ignores the specific and individual tragic circumstances. H.R. 1833 is a perilous infringement on the right of an individual physician to determine appropriate and necessary medicine treatment for each of their patients.

The legislative language of H.R. 1833 is extremely vague, without definitions of key phrases such as ''partial-birth abortion'' or ''living fetus''. With bills such as this, it is critical to have a concretely and tightly delineated definition for these terms of art. Without such definitions, this act of Congress would be ineffectual and unenforceable since no physician would be able to meet the burden of proof required for justification and defense of their actions.

Unfortunate circumstances, such as fatal fetal abnormalities and the fragility of the mother's life, call for sometimes unpleasant but necessary actions to sustain. This procedure is performed rarely and only as a last resort in order to preserve the life and the reproductive health of the mother. In tragic cases such as these, the families and the physicians have been through enough—especially faced with possibility that the mother will die as well as the child. Why turn them into criminals?

Mr. Speaker, I call on my colleagues to defeat this nebulous legislation that places physicians, who are charged by the Hippocratic Oath to save lives, at risk for criminal penalties as they strive to accomplish that goal.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S16713–S16759

Measures Introduced: Four bills were introduced, as follows: S. 1397–1400. **Pages S16753–54**

Measures Reported: Reports were made as follows:

S. 1316, to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), with amendments. (S. Rept. No. 104–169) **Page S16753**

Measures Passed:

Perishable Agricultural Commodities: Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of H.R. 1103, entitled "Amendments to the Perishable Agricultural Commodities Act, 1930", to modernize, streamline, and strengthen the operation of the Act, and the bill was passed, clearing the measure for the President. **Page S16758**

Partial-Birth Abortion Ban: Senate began consideration of H.R. 1833, to amend title 18, United States Code, to ban partial-birth abortions. **Pages S16730–52**

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, November 8, 1995. **Page S16758**

D.C. Appropriations, 1996—Conferees: Pursuant to the order of Friday, September 22, 1995, and Thursday, November 2, 1995, the Chair appointed conferees on H.R. 2546, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, as follows: Senators Jeffords, Campbell, Hatfield, Kohl, and Inouye. **Page S16724**

Nominations Received: Senate received the following nominations: Markos K. Marinakis, of New York, to be a Member of the Board of the Panama Canal Commission.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Navy. **Pages S16758–59**

Messages From the House: **Page S16753**

Communications: **Page S16753**

Statements on Introduced Bills: **Pages S16754–56**

Additional Cosponsors: **Page S16756**

Notices of Hearings: **Page S16756**

Authority for Committees: **Page S16757**

Additional Statements: **Pages S16757–58**

Adjournment: Senate convened at 10 a.m., and adjourned at 6:52 p.m., until 9:30 a.m., on Wednesday, November 8, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S16758.)

Committee Meetings

(Committees not listed did not meet)

PUBLIC LANDS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management held hearings on S. 590, to compensate a named individual for alleged losses incurred on a claim for a placer mine near the Frank Church wilderness area on the Middle Fork of the Salmon River in Idaho, S. 985, to provide for the exchange of certain lands in Gilpin County, Colorado, S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, Idaho, and S. 1371, to provide for the exchange to the Sun Valley Company certain National Forest System lands adjacent to the Snowbasin Ski Resort in Salt Lake City, Utah to facilitate certain events at the 2002 Winter Olympics, receiving testimony from former Senator Garn; Gray F. Reynolds, Deputy Chief, Forest Service, Department of Agriculture; Wallace Huffman, Sun Valley Company, Sun Valley, Idaho; and G. Frank Joklik, Salt Lake Olympic Organizing Committee, Salt Lake City, Utah.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded hearings on the nominations of Phillip A. Singerman, of Pennsylvania, to be Assistant Secretary of Commerce for Economic Development, and

Rear Adm. John Carter Albright, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, after the nominees testified and answered questions in their own behalf. Mr. Singerman was introduced by Senators Santorum and Lieberman.

CONTINGENCY FEE ABUSES

Committee on the Judiciary: Committee held hearings to examine certain contingency fee abuses and their effect on the tort system, receiving testimony from William Fry, Helping to Abolish Legal Tyranny (HALT), and Richard Vuernick, Citizen Action, both of Washington, D.C.; and Herbert M. Kritzer, University of Wisconsin, Madison.

Hearings were recessed subject to call.

INDIAN LANDS/AMERICAN INDIAN POLICY INFORMATION CENTER

Committee on Indian Affairs: Committee ordered favorably reported, with an amendment, S. 1341, to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona.

Also, committee concluded hearings on S. 1159, authorizing funds for fiscal years 1996 through 2000 to establish an American Indian Policy Information Center to provide for a centralized source of information and data to aid in developing Indian policy and to provide certain information to tribes, after receiving testimony from Ada E. Deer, Assistant Secretary of the Interior for Indian Affairs; Gary Kimble, Commissioner, Administration for Native Americans, Administration for Children and Families, Department of Health and Human Services; W. Ron Allen, Jamestown S'Klallam Tribe, Sequim, Washington, on behalf of the National Indian Policy Center; John Sunchild, Sr., Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, Box Elder, Montana; Alvino Lucero, Pueblo of Isleta, Isleta, New Mexico; Charles Gourd, Cherokee Nation of Oklahoma, Tahlequah; Roy Bernal, Albuquerque, New Mexico, and Regis Pecos, Cochiti Pueblo, Cochiti, New Mexico, both on behalf of the All Indian Pueblo Council; and Charles Blackwell, Chickasaw Nation, Washington, D.C.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on intelligence matters from officials of the intelligence community.

Committee will meet again tomorrow.

WHITEWATER

Special Committee to Investigate Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine certain issues relative to the President's involvement with the Whitewater Development Corporation, receiving testimony from Lloyd Bentsen, former Secretary of the Treasury; and John J. Adair, Inspector General, Patricia Black, Counsel, Steven A. Switzer, Deputy Inspector General, and Clark W. Blight, Assistant Inspector General for Investigation, all of the Resolution Trust Corporation.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 2586–2593; and 6 resolutions, H.J. Res. 115–117, H. Con. Res. 112, and H. Res. 254–255 were introduced.

Page H11829

Reports Filed: Reports were filed as follows:

H.R. 994, to require the periodic review and automatic termination of Federal regulations, amended (H. Rept. 104–284, Part 2);

H.R. 1163, to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York, amended (H. Rept. 104–313);

H. Res. 256, waiving points of order against the conference report 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 (H. Rept. 104–314);

H.R. 657, to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas (H. Rept. 104–315);

H.R. 680, to extend the time for construction of certain FERC licensed hydro projects (H. Rept. 104–316);

H.R. 1011, to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio (H. Rept. 104–317);

H.R. 1014, to authorize extension of time limitation for a FERC-issued hydroelectric license, amended (H. Rept. 104–318);

H.R. 1051, to provide for the extension of certain hydroelectric projects located in the State of West Virginia (H. Rept. 104–319);

H.R. 1290, to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, amended (H. Rept. 104–320);

H.R. 1335, to provide for the extension of a hydroelectric project located in the State of West Virginia (H. Rept. 104–321);

H.R. 1366, to authorize the extension of time limitation for the FERC-issued hydroelectric license for the Mt. Hope Waterpower Project (H. Rept. 104–322);

H.R. 2366, to repeal an unnecessary medical device reporting requirement (H. Rept. 104–323, Parts 1 and 2);

H.R. 2494, to amend the Internal Revenue Code of 1986 to provide for the treatment of bad debt reserves of savings associations which are required to convert into banks, amended (H. Rept. 104–324);

H.R. 2586, to provide for a temporary increase in the public debt limit, amended (H. Rept. 104–325); and

H. Res. 257, providing for the consideration of H.J. Res. 115, making further appropriations for the fiscal year 1996 (H. Rept. 104–326). **Pages H11828–29**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Shays to act as Speaker pro tempore for today. **Page H11783**

Recess: House recessed at 12:54 p.m. and reconvened at 2 p.m. **Page H11787**

Suspensions: House voted to suspend the rules and pass the following measures:

Smithsonian Regent, Homer Alfred Neal: H.J. Res. 69, providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution (passed by yea-and-nay vote of 386 yeas, Roll. No. 765);

Pages H11790–92, H11804

Smithsonian Regent, Howard H. Baker, Jr.: H.J. Res. 110, providing for the appointment of Howard H. Baker, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution (passed by yea-and-nay vote of 389 yeas, Roll No. 766);

Pages H11792, H11804–05

Smithsonian Regent, Anne D'Harnoncourt: H.J. Res. 111, providing for the appointment of Anne D'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution (passed by yea-and-nay vote of 389 yeas, Roll No. 767);

Pages H11792–93, H11805–06

Smithsonian Regent, Louis Gerstner: H.J. Res. 112, providing for the appointment of Louis Gerstner as a citizen regent of the Board of Regents of the Smithsonian Institution (passed by yea-and-nay vote of 390 yeas, Roll No. 768); **Pages H11793, H11806**

Oregon land conveyance: H.R. 1581, to require the Secretary of Agriculture to convey certain lands under the jurisdiction of the Department of Agriculture to the City of Sumpter, Oregon;

Pages H11793–94

Cleveland National Forest, California: H.R. 207, amended, to authorize the Secretary of Agriculture to enter into a land exchange involving the Cleveland National Forest, California, and to require a boundary adjustment for the national forest to reflect the land exchange; **Pages H11794–96**

Ozark wild horses: H.R. 238, amended, to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses; **Pages H11796–98**

Fire Island land exchange: H.R. 1163, amended, to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, New York; **Page H11798**

Modoc National Forest: H.R. 1585, to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service; **Page H11799**

Utah land exchange: H.R. 1838, to provide for an exchange of lands with the Water Conservancy District of Washington County, Utah; and

Pages H11799–H11801

Colorado land exchange: H.R. 2437, amended, to provide for the exchange of certain lands in Gilpin County, Colorado. **Pages H11801–03**

Recess: House recessed at 3:45 p.m. and reconvened at 6:02 p.m. **Page H11803**

Middle East Peace Facilitation: House passed H.R. 2589, to extend authorities under the Middle East Peace Facilitation Act of 1994 until December 31, 1995. **Page H11807**

Cuban Liberty and Solidarity Act: House disagreed to the Senate amendment to H.R. 927, to seek international sanctions against the Castro government in Cuba, and to plan for support of a transition government leading to a democratically elected government in Cuba; and asked a conference. Appointed as conferees: Representatives Gilman, Burton of Indiana, Ros-Lehtinen, King, Diaz-Balart, Hamilton, Gejdenson, Torricelli, and Menendez.

Page H11807

Honoring Life of Yitzhak Rabin: It was in order on Wednesday, November 8, 1995, to consider in the House S. Con. Res. 31, honoring the life and legacy of Yitzhak Rabin; and that the previous question be considered as ordered on the resolution to its

adoption without intervening motion or demand for division of the question except 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. **Page H11807**

Edible Oil Regulatory Reform Act: House agreed to the Senate amendments to H.R. 436, to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations—clearing the measure for the President. **Pages H11807–08**

Recess: House recessed at 9:40 and reconvened at 11 p.m. **Page H11827**

Meeting Hour: House agreed to meet at 11 a.m. on Wednesday, November 8. **Page H11827**

Senate Messages: Message received from the Senate today appears on page H11787.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear on pages H11804, H11805, H11805–06, and H11806. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 11:01 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Resources: Held a hearing on the following bills: H.R. 2560, to provide for the conveyances of certain lands in Alaska to Chickaloon-Moose Creek Native Association, Inc., Ninilchik Native Association, Inc., Seldovia Native Association, Inc., Tyonek Native Corp., and Knikatnu, Inc. under the Alaska Native Claims Settlement Act; and H.R. 2561, Glacier Bay National Park and Preserve Boundary Adjustment Act. Testimony was heard from the following officials of the Department of the Interior: George T. Frampton, Jr., Assistant Secretary, Fish and Wildlife and Parks; and John D. Leshy, Solicitor; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action the following bills: H.R. 1741, for the conveyance of the C.S.S. *Hunley* to the State of South Carolina; H.R. 2243, amended, Trinity River Basin Fish and Wildlife Management Reauthorization Act; and H.R. 2100, amended, to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System.

GIFT REFORM

Committee on Rules: Concluded hearings on H. Res. 250, to amend the Rules of the House of Representatives to provide for gift reform. Testimony was heard from Representative Johnson of Connecticut; and public witnesses.

FURTHER CONTINUING APPROPRIATIONS

Committee on Rules: Granted a rule, by a vote of 7 to 2, providing one hour of debate in the House on H.J. Res. 115, making further continuing appropriations for the fiscal year 1996. The rule provides for the immediate consideration of the joint resolution, without the intervention of any point of order. The rule provides one motion to recommit, which may include instructions only if offered by the Minority Leader or his designee. Testimony was heard from Chairman Livingston and Representatives Istook, Thomas, Gekas, Shays, Smith of Michigan, Obey, and Skaggs.

CONFERENCE REPORT—ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Committee on Rules: Granted a rule, by voice vote, waiving all points of order against the conference report to accompany S. 395, Alaska Power Administration Asset Sale and Termination Act, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Young.

SHORT-TERM DEBT LIMIT EXTENSION

Committee on Ways and Means: Ordered reported, amended, H.R. 2586, to provide for a temporary increase in the public debt limit.

Joint Meetings

ALASKA POWER ADMINISTRATION SALE ACT

Conferees on Monday, November 6, agreed to file a conference report 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.

COMMITTEE MEETINGS FOR WEDNESDAY, NOVEMBER 8, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Governmental Affairs, Subcommittee on Oversight of Government Management and The District of Columbia, to hold hearings to examine the courthouse construction program, 9 a.m., SD–342.

Committee on the Judiciary, to hold hearings to examine mandatory victim restitution, 10 a.m., SD–226.

Committee on Labor and Human Resources, business meeting, to mark up S. 1324, to amend the Public Health Service Act to revise and extend the solid-organ procurement and transplantation programs, and the bone marrow donor program, and to consider pending nominations, 9:30 a.m., SD–430.

Committee on Small Business, to hold joint hearings with the House Committee on Small Business to examine small business concerns regarding railroad consolidation, 2 p.m., 1100 Longworth Building.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the President's involvement with the Whitewater Development Corporation, 10 a.m., SH–216.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research, and Forestry, to mark up H.R. 2542, Conservation Consolidation and Regulatory Reform Act of 1995, 12:30 p.m., 1300 Longworth.

Committee on Banking and Financial Services, to continue markup of H.R. 2406, United States Housing Act of 1995, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, to continue markup of H.R. 2500, Reform of Superfund Act of 1995, 11 a.m., 2123 Rayburn.

Committee on International Relations, Subcommittee on International Economic Policy and Trade, hearing on Strengthening U.S. Export Competitiveness: Industry Views, 10 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights and the Subcommittee on Asia and the Pacific, joint hearing on Human Rights in Vietnam, 2 p.m., 2172 Rayburn.

Subcommittee on Western Hemisphere Affairs, hearing on an Evaluation of Democracy in Nicaragua, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 2564, Lobbying Disclosure Act of 1995; and H.R. 497, National Gambling Impact and Policy Commission Act, 11 a.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, hearing on H.R. 1446, Law Enforcement Officers Civil Liability Act of 1995, 1 p.m., 2237 Rayburn.

Committee on National Security, hearing on operational implications of the proposed deployment of U.S. ground forces to Bosnia, 10 a.m., 2118 Rayburn.

Committee on Rules, to consider H.R. 2539, ICC Termination Act of 1995, 4 p.m., H–313 Capitol.

Committee on Science, hearing on NASA Purchasing in the Earth-Space Economy, 10 a.m., 2318 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 1:30 p.m., HT–2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on H.R. 2500, Reform of Superfund Act of 1995, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Signal Intelligence, 9 a.m., and executive, a briefing on Ames Damage Assessment, 1 p.m., H–405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Small Business, to hold joint hearings with the House Committee on Small Business to examine small business concerns regarding railroad consolidation, 2 p.m., 1100 Longworth Building.

Next Meeting of the SENATE

9:30 a.m., Wednesday, November 8

Senate Chamber

Program for Wednesday: Senate will resume consideration of H.R. 1833, Partial-Birth Abortion Ban.

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Wednesday, November 8

House Chamber

Program for Wednesday: Consideration of the conference report on S. 395, Alaska Power Administration Sale Act (rule waiving points of order);

S. Con. Res. 31, honoring the life and legacy of Yitzhak Rabin (consideration in the House, 90 minutes of debate); and

H.J. Res. 115, providing for continuing appropriations for 1996 (rule providing for consideration in the House, 1 hour of debate).

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