The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge this day as always that You are the one who is worthy to be held in reverence by all the people, from the least of us to the greatest, and so, we pray, kindle within each of us the spark of Your love so that all of Your children may know of Your goodness and gracious care. We pray, guide and direct those who are called and selected to be leaders of others, so that choices and decisions will always be based on what will bring dignity and honor to Your people. We pray, show us the great waste of our wrath and our rage, and give us O God, good will to all and peace in our time, peace among nations, and peace in our hearts. 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.

PLEDGE OF ALLEGIANCE

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

Mr. KILDEE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Shimon Peres, only the doors immediately opposite the Speaker, and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, December 7, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o’clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10 o’clock and 53 minutes a.m., the following proceedings were had:

☐ 1052

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY SHIMON PERES, PRIME MINISTER OF THE STATE OF ISRAEL

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints as members of the committee to escort the Prime Minister of the State of Israel into the Chamber: the gentleman from Texas [Mr. ARMED]; the gentleman from Ohio [Mr. BOEHNER]; the gentleman from New York [Mr. GILMAN]; the gentleman from Louisiana [Mr. LIVINGSTON]; the gentleman from New York [Mr. SOLOMON]; the gentleman from Indiana [Mr. BURTON]; the gentleman from Alabama [Mr. CALLAHAN]; the gentleman from New Mexico [Mr. SCHIFF]; the gentleman from New York [Mr. LOYD]; the gentleman from Missouri [Mr. GEPHARDT]; the gentleman from Michigan [Mr. BONIOR]; the gentleman from California [Mr. FAZIO]; the gentleman from Connecticut [Mrs. KENNELLY]; the gentlemen from Indiana [Mr. HAMILTON]; the gentlemen from Illinois [Mr. YATES]; the gentleman from Wisconsin [Mr. OBEY]; the gentleman from Texas [Mr. FROST]; the gentleman from California [Mr. Berman]; and the gentleman from Florida [Mr. HASTINGS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort the Prime Minister of the State of Israel into the Chamber: the Senator from Kansas [Mr. DOLE]; the Senator from Mississippi [Mr. COCHRAN]; the Senator from Florida [Mr. MACK]; the Senator from South Carolina [Mr. THURMOND]; the Senator from New York [Mr. D’AMATO]; the Senator from South Dakota [Mr. DASCHLE]; the Senator from Kentucky [Mr. FORBES]; the Senator from Maryland [Ms. MUKULSKY]; the Senator from Rhode Island [Mr. PELL]; the Senator from Vermont [Mr. LEAHY]; the Senator from Michigan [Mr. LEVIN]; the Senator from California [Mrs. FEINSTEIN]; and the Senator from California [Mrs. BOXER].

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Mr. Speaker, all I have, I would have given gladly not to be standing here today.

Mr. Speaker, all I have, I would have given gladly not to be standing here today. My senior partner is gone.

Many wars. Your great armies won many victories. Yet wars did not cause us to lose heart. Our triumphs did not corrupt our system.

America remains unspoiled because she has rejected the spoils of victory.

You have a great Constitution, a vast land, a pluralistic civilization. Israel is small land, 47 years young, 4,000 years deep.

Thanks to the support you have given and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us and feel today strong enough to take measured risks to wage a campaign for peace together with you.

Let me assure you that never shall we ask your sons and daughters to fight instead of us, just as we have never asked you to do so in the past. We shall do our task; we shall enjoy your support.

Indeed, even as I speak before you now, Israeli troops are parting from Palestinian towns and villages in a historic departure, intending never to return there as occupiers. We do not want to occupy anybody.

This, for us, is a victory of moral commitment and for the Palestinians a victory of self-respect. For the first time, they are governing themselves and we are governing ourselves too.

Nobody forced us to do so. Nobody forced us to take these measures, and Israel is neither weak nor afraid. Our choice was freely made.

What we have accomplished, in resonance of your own tradition, we have given, like you, preference to a biblical ethic. We are true to the old pages.

Israel is neither weak nor afraid. Our choice was freely made.

We have always been firm believers in the greatness of America. In the ethic and generosity inherent in your history, in your people. For us, the United States of America is a commitment to values before an expression of might.

For us, the vast discovery of America is its Constitution even more than its continent, the Constitution enriched by its biblical foundation.

From your school days we remembered the proposal of John Adams that the imagery of ancient Israel captivated the Constitutional Congress in 1776. We recalled Benjamin Franklin’s idea to incorporate in the Great Seal of the new Confederation the image of Moses raising his staff up from the Red Sea.

We remembered Thomas Jefferson suggesting that the image of the children of Israel struggling through the wilderness, led by a pillar of cloud by day, by a pillar of fire by night, that this image be the symbol of the young Republic, to become the Great Republic.

Yitzhak and I were always firm believers in the greatness of America. In the ethic and generosity inherent in your history, in your people. For us, the United States of America is a commitment to values before an expression of might.

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I shared with him days of worry and grief. I shared with him hours of reflection and decision. We complemented each other in a determined pursuit of the only objective worthy of the task bestowed upon us by the people of Israel: to carve a new era of security in peace, to build bridges across an Arab-Israeli divide, an impossible divide. And he, the captain, is no more.

You, dear friends, have honored him in life with an intimate, bipartisan friendship to the man, to the land, to the cause he represented. You have honored him in death with your unprecedented presence which moved our hearts.

I stand before you with one assignment: In the shadowy light of those candelas, in the tearful eyes of our young generation, I heard their appeal, nay, the order, carry on. Carry on.

This is my task.

I stand before you with one overriding commitment: to yield to no threats, to stop at no obstacle in negotiating the hurdles and seeking the security for our people, peace for our land and tranquility for our region. And in so doing, I ask you, ladies and gentlemen, for your support, and first and foremost, your moral support. That is what constitutes 

Nothing but your own conscience is your guide. Your faith in the Almighty and the moral imperative that guides you.

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History did not stop there. The cloud and the fire have accompanied the human experience in this, the most difficult century in the annals of mankind.

As the end of the 20th century is nearing, it could verily be described as the American century, yes, the century of America.

America nurtured a way of life that has made competitive creativeness the engine of economic development practically in every corner of the world. The United States of America, whose strength has used strength to save the globe from three of its greatest menaces: the Nazi tyranny, the Japanese militarism, and the Communist challenge.

You did it. You brought freedom. You defeated it.

Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it.

You enabled many nations to save their democracies even as you strive now to assist nations to free themselves from their nondemocratic past.

Your sons and daughters fought many wars. Your great armies won many victories. Yet wars did not cause us to lose heart. Our triumphs did not corrupt our system.

America remains unspoiled because she has rejected the spoils of victory.

You have a great Constitution, a vast land, a pluralistic civilization. Israel is small land, 47 years young, 4,000 years deep.

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Nobody forced us to do so. Nobody forced us to take these measures, and Israel is neither weak nor afraid. Our choice was freely made.

What we have accomplished, in resonance of your own tradition, we have given, like you, preference to a biblical ethic. We are true to the old pages.

Yet like you, we have rejected the temptation to rule over another people, even though we possess the force to do so.

Before coming here, I visited King Hussein, a real friend of the United States. We discussed the possibilities of transforming the Jordan Rift Valley, which is in fact an elongated, extended desert, into a Tennessee Valley. We learned from you again.

In a single bold sweep, we are and remain resolved to turn back the desert,
to stop the war, and to end the hatred once and forever.

I then met with President Mubarak in a highly congenial atmosphere. We agreed to put aside certain bitter memories and to postpone certain disputed issues for a future date. We have time in the future to disagree; now we have to agree.

Then I met Chairman Arafat, and his expression of condolence had the ring of a sincere desire for peace. May I tell you that nothing convinced the Israeli people about the sincerity of the Arabs seeking peace more than the sympathy and condolence they expressed when they learned about the assassination of Rabin, a sad event, a revealing sentiment.

Arafat is engaged in the new realities of his people and he has conveyed to me the solemn promise to intensify his fight against terror, which is, today, as much a danger to him as it is to the peace we are committed together to achieve.

I, on my part, have promised to release prisoners in our custody, as we did agree, so as to enable them to participate in free elections scheduled for the first time in history, to take place on January 20, 1996.

As far as we are concerned, democracy, and that includes Palestinian democracy, is the best and probably the only guarantee for a real and durable peace. Freedom supports this belief in this prospect. Three years ago, such a prospect would have been considered a fantasy; that was part of the accusation against me. Now reality is on our side.

All this would hardly have been attainable were it not for the American involvement and the support of those efforts. President Clinton and his administration, the leadership and the Members of the Congress, practically all of them, the American people at large, have made possible the dawn of peace to rise again over the ancient horizon, over the ancient skies of the Promised Land, to bring promise again to the land.

And by so doing, you have removed the terrifying prospect of evil hands grabbing hold of unconventional weapons.

Mr. Speaker, Members of Congress, international terrorism is a threat to us all. Fundamentalism with a nuclear bomb is the nightmare of our age. We have to stop it.

We understood that in order to ready ourselves to confront the new dangers, we would have to put a stop to the enmity with our neighbors. In our time, more than there are new enemies, there are new dangers. The dangers of our days are not confined to borders; they are common to all of us, Moslems, Christians, and Jews alike. Therefore, we have to try to achieve a comprehensive peace.

Peace with Syria and Lebanon, the two remaining adversaries on our borders, may well prove to be the greatest contribution to the construction of a new Middle East, of a new era in the Middle East.

I must admit that the hurdles are many. We have to negotiate mountains of suspicion. We have to traverse chasms of prejudice. We have to find solutions to an array of genuinely conflicting interests. They are not artificial.

Israel, for its part, is ready to go, to try and do it.

In October next year Israel will go to elections. I declare that the decision to strive for peace shall be pursued regardless of it. To win peace is more important than to win elections.

We shall try wholeheartedly, we shall try to forge the peace with Syria and Lebanon expeditiously so that before the curtain of the 20th century shall fall, we shall see, all of us, the emergence of a Middle East of peace.

Mr. Speaker, with your permission, therefore, I would like to use this podium, with your permission, ladies and gentlemen, to turn to President Assad of Syria and say to him:

"Without forgetting the past, let us not look back. Let fingertips touch a new untested hope."

Let each one yield to the other, each giving consideration to the respective needs of the other, mutually so, him to us, we to him. Without illusion, but with resolve, we shall stand ready to make demanding decisions if you are, if Assad is.

We shall negotiate relentlessly until all gaps are bridged, if you are, if Assad is.

I believe we face a historic opportunity, perhaps of galloping pace. If we shall find the language of peace between us, we can bring peace to all of us. Surely nothing would capture the imagination of young people everywhere more than a gathering of all of us standing together and declaring, and when I say all of us, I mean all of the leaders of the Middle East, all leaders of them, not one-by-one, but together, and declaring the end of war, the end of conflict, carrying the message to our forefathers and to our grandchildren that we are again, all of us, the sons and daughters of Abraham, living in a tent of peace again. We shall tell them, together as partners, we are going to build a new Middle East, a prosperous economy, that we are going to raise the standard of living, not the standard of violence. We have enough violence, not enough the-right-way-to-live.

What we are going to introduce is light and hope to our people, to their destiny.

Mr. Speaker, permit me a personal word. In my country I have shouldered almost every responsibility. I have tasted almost every title. I have served almost every position. I have tried almost every thing. I have served almost in every position. Today I wish only one thing: to bear the burden of peacemaking.

In the last moments of his life, we stood together to the very last moment, his happiest moment of life, Yitzhak Rabin stood in the Tel Aviv square, me standing on his side and singing, he was singing the song of peace.

The singer, alas, is not with us. The song remains. You cannot kill the song of peace.

Now, distinguished Members of the Congress, I say it sincerely, that I have come here for your advice and consent. I hazard the thought that the world cannot permit itself to be without American leadership in these trying times. Not in the Middle East or in other places.

America, in my judgment, cannot escape what history has laid on your shoulders, on the shoulders of each of you. You cannot escape that which America alone can do. America alone can keep the peace and assure nations to assume the responsibility for their own fate.

Please continue. Go ahead and do it as you did for the whole century; the next century is awaiting your leadership.

In this spirit, I can do no better than quote what Yitzhak Rabin said to you when he stood on this rostrum a year ago and he said:

"No words can express our gratitude to you for the years of your generous support, understanding and cooperation which are all but beyond compare in modern history." And then he said, "Thank you, America."

I, too, say it: Thank you, America, for what you are, for what you have been, for what you shall be. And in so doing, I shall conclude with a prayer:

May the Almighty spread His wings of loving kindness and His tabernacle of peace over the land of Israel. May He grant His light and truth to all of the leaders of our region, to all of the leaders of America, to the leaders of our time. And You give peace in the land and eternal joy for its habitants.

Mr. Speaker, thank you very much.

[Applause, the Members rising.]

At 11 o'clock and 45 minutes a.m., the Prime Minister of Israel, accompanied by the committee of escort, received from the Hall of the House of Representatives.

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

The Members of the President’s Cabinet.

The Associate Justices of the Supreme Court of the United States.

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

JOINT MEETING DISSOLVED

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

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 1 p.m.

Accordingly (at 11 o’clock and 52 minutes a.m.), the House stood in recess until 1 p.m.
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 leader and minority leader for morning hour debates. The Chair will alternate recognition between the parties in each party limited to 30 minutes and each Member, other than the majority and minority leaders, limited to 5 minutes.

THE TRAGEDY OF JIMMY RYCE

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

Mr. DIAZ-BALART. Mr. Speaker, a child is always special. Children are the hope of the world, and every child is blessed with the love of God and the goodness of heaven.

In south Florida we have all, our entire community, has been deeply wounded by the tragedy suffered by one very special child—Jimmy Ryce. And by the suffering, the calculable suffering, of his wonderful family.

As our proudest American south Florida is out for Jimmy's family so that God may give them the strength to endure, we also pray for Jimmy in Heaven, with full confidence that he is now at peace in the presence of the Lord.

No one in south Florida will ever forget Jimmy Ryce and we join together as a community to grieve for him.

Jimmy’s family—his mom and dad, Claudine and Don, his sister Martha—have shown us an example of extraordinary strength and of the will to somehow permit this tragedy to shield other children from similar future nightmares on Earth. Even before we all received the ultimately tragic news of the last few days, Don and Claudine Ryce had commenced a petition campaign to the President, a noble campaign that they, and now many in south Florida are continuing, urging him to require agencies in the executive branch to post in public places pictures of endangered children, so that the American people can help in the search for these children, while there is still time to save their lives.

Don and Claudine Ryce have also urged that the media run public service announcements publicizing the photographs and the peril of endangered children.

Together we will remember Jimmy Ryce as we strive to bring down the full weight of justice on monstrous criminals against such unspeakable children, and as we work to protect children against such unspeakable crimes in the future.

THE NIGHTMARE OF THE TRAGEDY OF JIMMY RYCE

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

Mr. DEUTSCH. Mr. Speaker, I join my colleague, the gentleman from Florida [Mr. Diaz-Balart], and all the Members from south Florida to rise today with great sadness to share with you the news that my constituent, 9-year-old Jimmy Ryce, was abducted, sexually assaulted, shot, and finally found dead just a few short miles from his Miami home.

What happened to Jimmy Ryce is really the worst imaginable thing anyone could possibly imagine in their wildest nightmares, and all of our community in south Florida, unfortunately, share the hopes and the fears and, to an infinitesimal degree, some of the suffering that the Ryce family is feeling today.

One of the things that has happened during this period of time is, unfortunately, I have educated myself a little bit about what is going on in child abduction cases. There have been several occasions during the last several months I spoke with the FBI and people involved in the investigation, people involved in the investigation of missing children. Over a thousand a year in this country, 30 a month, against a specific category, and, unfortunately, there have been strides in what we have done as a society and what we have done as a country to try to help this insufferable tragedy.

In fact, south Florida, unfortunately, was an impetus to this several years ago when Adam Walsh was abducted and killed in south Florida and from the time that Adam Walsh was killed to today, and really through his family's work, there have been changes.

There is now, in fact, a missing persons center clearinghouse the Federal Government operates for missing children, abused and abducted children, that has been helpful in solving many cases and actually having children returned to their families.

But, unfortunately, what the Ryce family found is there is still a lot more that we can do operationally as a country and as a government both on the Federal level, but on State and local levels as well, but on the Federal level.

Some of the frustration dealing with the Federal Government during this ordeal really is worth hearing and talking about and changing. As the gentleman from Florida [Mr. Diaz-Balart] pointed out and the Ryce family obviously knows, when they tried to spread the news of Jimmy's abduction, and they did an amazing job, the community did an amazing job, and we also on the floor of this Congress were talking about it and sending photos and they tried to do through a network that exists in this country of post offices, Federal buildings that are everywhere in this country, they found they could not do it, which really makes no sense at all. And what will happen by the end of this week is that all of us in the south Florida delegation will be introducing legislation to correct that so that we can send out that information.

If I have learned anything about child abductions, it is that the more information that is out there, the more people see a child's face, the more chances that something will be solved, and even in this case, the lead was because of that.

There are other instances where the Ryce family actually had operational problems dealing with the Federal Government in terms of coordination. They found themselves there is no coordinated effort for missing children. There is for criminal fugitives, but there is not for missing children. The family was actually calling law enforcement throughout the State who had not even heard or were aware of what was going on.

I am committed, and I know my colleagues from south Florida, I believe, my colleagues throughout this country are committed to doing everything that we possibly can to make sure that there is less of a chance that something like this will ever happen again in this great country.

I think we all need to really feel and share some of the pain with the Ryce family because we are a community of America, and as a community we need to really work on ourselves as a community to make sure that the sickness that exists and the indescribable sickness is eliminated as much as we possibly can.

To the Ryce family, I can only say to them that their strength and their perseverance will, I am sure, be clear that there will be something that will occur in this time, and we know that Jimmy Ryce's soul is in Heaven, and we pray for its continuation.

UKRAINIAN COMMERCIAL LAUNCH POLICY

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

Mr. WELDON of Florida. Mr. Speaker, tomorrow the Clinton administration will give away another U.S. industry: the United States domestic commercial space launch industry.

A decade ago, the United States held nearly 100 percent share of commercial space launches. Today the United States holds 30 percent of the market. This loss of market share is largely due to the fact that our competitors receive heavy subsidies from their governments.

Between 1996 and 2001, it is estimated that there will be 350 commercial satellite launches. Of these, 120 will be geostationary launches. These are the high Earth-orbit, expensive launches that the United States dominated until recent years.
For each of these launches that goes overseas the United States loses $50 million—if we lose all 120, that's about $6 billion that will go overseas.

I'm all for the free-market. But I will aggressively oppose any plan that gives the Soviets, or anyone else, a subsidy that receive heavy subsidies from their governments. Mr. Clinton's plan does just this, and that's why I'm an aggressive opponent of his plan.

This chart shows what may happen to our commercial launch industry. There will be 120 geostationary launches between 1996 and 2002. It is a given Arainespace—Europe's subsidized space launch industry—will receive 72. That's 60 percent of these launches. Their subsidies allow them to undercut the United States unsubsidized prices.

Under an existing agreement with the Chinese, the United States will allow 20 satellites to be launched on Chinese-Government subsidized launch vehicles. Under another existing agreement with the Russians, the United States will allow eight satellites to be launched in Russian-Government subsidized launch vehicles. This leaves only 20 launches for U.S. companies. Well, that is until tomorrow.

Under the new agreement that the Clinton administration will sign with the Russians, the United States government tomorrow, the Ukrainian-Government subsidized space launch company will get the other 20 launches. This leaves U.S. companies with a grand total of zero.

Yes, it's true, that U.S. companies can compete for the launch of these vehicles, but with the billions in subsidies from their governments, their foreign competitors will easily able to undercut U.S. companies.

It is very possible that of the 120 geostationary launches over the next 6 years, none of them will be launched from U.S. soil.

This is a tragedy for U.S. leadership in space. For the American workers who have dedicated their lives to making these launch vehicles. And, for the dedicated and highly skilled workers at our Nation's space launch facilities.

I, along with others, in a bipartisan effort urged the Clinton administration to renegotiate some of the earlier agreements to ensure that the Ukrainian launches were not in addition to those already allotted to our competitors. This suggestion was soundly ignored by the Clinton administration.

I'm pleased that many of my colleagues have also expressed their concerns about this agreement.

The Florida delegation sent a strong bipartisan letter expressing grave concern over the Clinton-Ukraine Agreement which I would like to submit for the Record. (Representing my home state and minority leader, Mr. GEPPERT of Missouri, let the administration know of his concern in a letter which I would also like to submit for the Record."

The Governor of Florida, Lawton Chiles, has expressed his opposition to this agreement. The Colorado congressional delegation also raised objections to the plan.

Mr. Chairman, this Ukrainian agreement is not in this nation. And, I am disappointed that the Clinton administration appears to have given no consideration to our concerns. In fact, I'm still waiting for a response to my letter of 3 weeks ago.

America is the loser in this deal.

As vice-chairman of the Space Subcommittee, I have called for a Congressional hearing on this issue. I will continue my aggressive opposition this to the Clinton administration. I urge my colleagues to take a closer look at this and other international agreements that the Clinton administration is negotiating.


Ambassador KANTOR: We are very concerned about the direction the Administration is taking regarding the United States launch policy. Last year, the Administration issued its National Space Transportation Policy. This policy contained a commitment to negotiate and to enforce international commercial space launch services agreements with relevant non-market economies (NME's). It also contained a commitment to launch U.S. government payloads on U.S. launch vehicles.

Your office is currently in the process of negotiating an agreement with the government of Ukraine. It is deeply troubling that the Administration is considering giving up more than half of our launch industry to competitors who are overly reliant on subsidies by their own governments, which distort the competitive market place. Any U.S.-Ukraine agreement must reflect the realities of the commercial market. U.S. commercial launch providers have relied upon the 1994 National Space Transportation Policy and have invested hundreds of millions of dollars to build launch vehicles which are built with virtually 100 percent American components, technology, and labor. It is imperative that the following be observed and acknowledged:

Highly subsidized competitors place U.S. launch providers at a disadvantage and un- fair disadvantage.

Both the Ukraine and Russia benefit from any launch agreement. If the U.S. launch agreement since much of the content of the Ukraine vehicle is of Russian origin.

The purchase or the launch of any NME-built vehicle by a U.S. entity should be counted against any quantity limitation in the relevant trade agreement.

The U.S. should negotiate a competitive U.S.-China and the U.S.-Russia Space Launch Services agreements should not be modified before they are due to expire.

Additionally, we understand that the Department of Defense (DoD) may be changing its current policy which prohibits national security payloads from being launched on non-U.S. launch vehicles. We urge the Administration to reaffirm its policy of allowing DoD to use non-U.S. launch vehicles for military payloads. This would seriously erode our nation's ability to launch space assets during times of crisis and severely jeopardize our nation's domestic commercial launch business by undermining the U.S. launch industrial base.

These policies have the potential to undermine the U.S. national interest of maintaining our domestic launch capabilities and infrastructure. Florida's long, proud history in the U.S. space launch industry may be seriously jeopardized.

Additionally, we understand that the U.S. government will be taking a closer look at this and other international agreements that the Clinton administration is negotiating.
current agreements not be opened for renegotiation until such negotiations are held. Your consideration and cooperation in this matter is much appreciated.

Sincerely,

BOB GRAHAM,
U.S. Senator
CONNIE MACK,
U.S. Senator

Spaceport Florida Authority,
Cocoa Beach, FL.
November 9, 1995.

Ambassador Mickael Kantor,
U.S. Trade Representative,
Washington, DC.

Dear Ambassador Kantor: I am profoundly concerned that consideration is being given to authorizing the use of excess Ukrainian military launch vehicles for sale to commercial United States payloads. As you know, the American launch industry is attempting to establish a strong commercial launch sector. This is especially critical to the economy of Florida in light of continuing reductions in civil and military launch missions.

It is in America's vital national security and economic interests that a healthy commercial launch industry be developed. Recognizing this, the Department of Defense, NASA, the State of Florida and several other state governments have undertaken an ambitious and expensive program of infrastructure modernization. The major aerospace companies no longer develop launch vehicles in response to federal contracts. A fleet of new vehicles is being developed at great expense to meet the requirements of commercial payload customers over the next twenty years. We believe that in the future, space transportation can be as economically significant as air travel today.

Unfortunately, this climate of investment would be seriously disrupted if the assumptions of the market and projected demand are rendered useless by allowing the dumping into the market place artificially priced, non-market, heavily subsidized launch assets. U.S. policy wisely prohibits its surplus military launch vehicles to compete for commercial payloads, in order to prevent just such disruptions and distortions to the market.

The mastery of emerging transportation technology has been the root of national prominence and security throughout history. Surely you will agree that the United States should not cut the development of its commercial launch industry off at the knees in order to accomplish foreign aid objectives through alternative means. The price is simply too high.

Sincerely,

EDWARD A. O'CONNOR, J.r.,
Executive Director.

House of Representatives,
Washington, DC.
August 8, 1995.

Ambassador Mickey Kantor,
U.S. Trade Representative,
Washington, DC.

Dear Mr. Ambassador: Last year, the Administration issued its National Space Transportation Policy. In the policy, a commitment was made to negotiate and to ensure international commercial space launch services agreements with relevant non-market economy countries (NMEs). Your office is currently negotiating such an agreement with the Government of Ukraine.

In no way do I question your key decision, my constituent McDonnell Douglas, relied on the Administration's commitment to negotiate agreements that prevent the disruption of United States economic development by avoiding serious and dangerous encroachment of a key part of our space infrastructure. In the spring, McDonnell Douglas announced the planned investment of hundreds of millions of dollars in the development of the Delta III launch vehicle. We believe that this private sector investment in upgrading the nation's launch capability is wholly consistent with, and supportive of, the Administration's goals.

Any change in the Administration's policy, or any weakening of the existing space launch services agreements before their expiration dates, would impede McDonnell Douglas' ability to meet required launch rates and put the Delta III program at risk. These capricious changes in policy also serve to discourage private investment in our launch infrastructure.

Offering the Ukraine 22 potential launches of satellites and reopening the Russian trade agreement to raise their limit to 20 satellite launches per year will double the limit currently agreed to for the NMEs. This is unfair to our domestic industry and the thousand of high tech jobs at risk.

I urge you to postpone the negotiations with the Ukraine until a more thorough assessment of the impact to our domestic industry can be made and to not reopen the Russian agreement signed only a year ago.

Sincerely,

SCOTT MCLNNIS,
Member of Congress.

House of Representatives,
Office of Democratic Leader,
Washington, DC.
November 1, 1995.

Hon. Mickey Kantor,
U.S. Trade Representative,
Washington, DC.

Dear Mickey: I understand that serious consideration is being given to revising this country's space launch services trade agreement program in a manner that will severely curtail the United States' ability to continue in the commercial launch vehicle business. The change may be recommended in relation to the U.S.-Ukraine Space Launch Services Agreement which your office is currently negotiating.

Specifically, an interagency Working Group is expected to recommend to you and the White House a substantial change in policy regarding such trade agreements. My constituent, McDonnell Douglas, relied upon the 1994 National Space Transportation Policy when it announced in February 1995, its decision to invest hundreds of millions of dollars to build a new vehicle—the Delta III. Its existing Delta II vehicle currently has the best reliability and cost performance and is the most competitive international market. The Delta III will be virtually 100% American in terms of components, technology, and labor. This is significant at a time when other U.S. manufacturers of these strategic assets are purchasing foreign components or buying foreign vehicles off the shelf in lieu of domestic production.

For instance, the Boeing "Sea Launch" proposal would utilize Ukrainian-built vehicles at "dumped" prices. They would have been launched from a platform in the Pacific Ocean—not from the States of Florida and California. Similarly, the Lockheed Martin Corporation has joined forces with a Russian entity to offer below market pricing for flights on the Russian Proton vehicle. On the other hand, the McDonnell Douglas commercial space operations are located primarily in California, Colorado, and Florida. They employ approximately 6,000 people in high technology jobs in those states. We cannot continue to risk the loss of millions of dollars which are so important to our national security infrastructure.

If the recommendations are accepted and implemented, 70-90% of commercial launches will occur outside the United States, using foreign assets. This policy shift will significantly affect the viability of McDonnell Douglas' investment to develop the Delta III and any future investments.

I thank you for your thoughtful consideration of this very important matter.

Yours very truly,

RICHARD A. GEPHARDT.

The Governor of the State of Florida,
July 12, 1995.

Hon. BILL CLINTON,
President of the United States.
Washington, DC.

Dear Mr. President: I appreciate the ongoing efforts of your administration to develop a National Space Policy that recognizes the concerns of Florida and other states that are investing in commercial space launch capabilities. At the invitation of the Office of Science and Technology Policy (OSTP), representatives from Florida, California, Alaska, New Mexico, and Virginia gathered in Washington recently to discuss launch policy issues common to our states. We presented a broad range of issues which are critical to the development of state-sponsored spaceports.

Of particular concern to Florida is the challenge to United States competitiveness for commercial satellite launches. This challenge is due in part to existing bilateral agreements between the U.S. and Russia, which permit those countries to launch significant numbers of U.S. satellites. We recognize the importance of these agreements and the strategic alliances they represent. In looking at the establishment of new bilateral agreements, such as the one we believe is proposed between the U.S. and the Ukraine, we wish to encourage that careful consideration be given to domestic economic needs; effective enforcement; agreement upon a monitoring program to assure that Florida and other states are able to compete equally with foreign countries.

The State of Florida is committed to building our space industry's competitiveness and we believe strongly that the commercial launch marketplace offers an exciting transition for companies who are experiencing diminishing defense contracts.

Your leadership role on this vital issue will assist the U.S. commercial launch industry in receiving the domestic policy support that is required to increase our international competitiveness. I appreciate your continued attention to space industry issues and look forward to the release of the National Space Policy.

With kind regards, I am Sincerely,

Lawton Chiles.

BUDGET ROBS STRUGGLING FAMILIES TO PAY THE RICH

The Speaker pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. OLVER] and the gentleman from Vermont [Mr. OLVER] have agreed to limit morning business for 5 minutes.

Mr. OLVER. Mr. Speaker, in last month's continuing resolution agreement, Republicans and the President committed to a balanced budget which would include, as the President, and tax policies to help working families. However, by cutting the earned-income tax credit, the Republicans' balanced budget plan raises taxes on over 12 million
working families whose income is less than $30,000 per year.

Now, the Republicans like to give the impression that all earned-income tax credit recipients are so poor that they do not pay income taxes, and therefore, do not deserve this credit, however much such people in such low-income working categories need it. Mr. Speaker, that is simply not true.

The Republican budget actually targets tax increases to millions of working families who do pay income taxes, taxes that are withheld from their hard-earned paychecks.

Now, the Republicans also claim that their $500-per-child tax credit makes up for their cuts to the earned-income tax credit, but that is not true either. Even with the child credit, the Republican plan leaves over 7 million families poorer.

Now, that is not a tax policy that helps families; it is one that drives them toward poverty. It does not protect children; it threatens them. And it does not live up to the continuing resolution agreement; it violates that agreement.

The Republicans even had to violate their own House rule requiring a three-fifths majority to raise taxes in order to pass these tax increases.

It was all to give $245 billion in tax breaks that go mostly to the fewer rich, to use, as Mr. Speaker, said, as States' rights are concerned. Let me remind you, as States and/or the people. Where in the Constitution does it give, when it is not dealing with a national security issue, this Congress the power to ship nuclear waste to a State that does not want it? This is a clear violation of the 10th amendment.

Mr. Speaker, let me conclude by saying that political expediency is not what this new Congress is about. That is not what we were elected to do. We were elected to respect the Constitution, and we were also elected to balance the budget. H.R. 1020 is a violation of everything that we were elected to do.

AMERICANS NEED MEDICAID WORKING FOR THEM

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

Mrs. CLAYTON. Mr. Speaker, the assumptions by the Congressional Budget Office give us greater flexibility in reporting a budget agreement, and that is indeed great news. However, we know we will not be able to use all of that $135 billion that the Republicans have found, but one of the places where in the budget we ought to at least begin to think about those moneys would be Medicaid. Medicaid needs those funds for a variety of reasons, because this is the Federal program that is indeed provided to provide health care for the most vulnerable of our society.

The Republican plan that was rejected and vetoed by the President really ignores the past and hurts senior citizens; it disregards the present and neglects the future. It hurts children, as well as women who suffer under this program.

If the Republicans have their way, you must remember that they would give 245 billion dollars' worth of tax cuts, but at the same time, they would have 163 billion dollars' worth of cuts in Medicaid.

Now, those are not really cuts; to use their words, this is just slowing the growth. Nevertheless, you would have $163 billion less resources to provide health care for the elderly, for children, for mothers and the disabled who need those programs and who are currently using those programs now.

We should be reminded that some 36 million Americans use Medicaid, and that is the only health program that they have available to them; 26 million of those 36 million people are the very poor. Of that 36 million, 26 million of those persons are very poor. They are children, the elderly and, again, they are the disabled.

Again, if the Republican cuts stand, that would mean that they will...
underfund a block grant to the States, and those persons who are now covered by Medicaid, currently covered by Medicaid, will now have to compete among others, if they will be covered at all, in the year 2002. So Medicaid as a program, we must understand, is the underpinning for at least 26 million very, very poor persons, and at least 36 million Americans. Again, who are they? They are the elderly, they are pregnant women, they are disabled persons. We need to know how to make it more efficient; we need to make sure we serve as many people as we can.

Again, Medicaid as a block grant with no guarantee of health coverage whatsoever will mean that children and older Americans may have no place to turn. They can do better than that. America can find a way to keep this entitlement for all of its citizens.

### WHY WE NEED A BALANCED BUDGET

The SPEAKER pro tempore (Mr. Ewing). Under the Speaker’s announced policy of May 12, 1995, the gentleman from Michigan [Mr. Smith] is recognized during morning business for 5 minutes.

Mr. Smith of Michigan. Mr. Speaker, for the first day during the budget negotiations to try to come to a compromise for a balanced budget, the administration and Congress, I think, have made some progress. Maybe some of the hopefulness is in what has been suggested, that the CBO has estimated now that approximately $135 billion extra will be available in their baseline, and that means the differences are less in the dollar amount between the House and Senate.

Here is one problem, though, in the CBO estimate of their prediction of a somewhat rosier economy in the next 3 or 4 years. That is the fact that it is exactly the opposite of what we see today. The projection in the fifth, sixth, and seventh year is so ambiguous that is not where additional revenues coming into the Government are coming from.

Therefore, when you decide the social programs that are going to be continued and expanded, when you decide the entitlement programs that are going to be continued and expanded, you have to take into consideration what is going to happen the fifth, sixth, and seventh year. Those issues still need to be addressed today.

I particularly am very concerned about what happened on November 15 when the President disinvested the so-called G fund and the thrift savings fund as well as the civil service retirement trust fund for a total of $61 billion.

Congress, who is given the authority in article 1, section 8, of the Constitution to control borrowing, has now somehow that money been taken away from them by an administration that has found a special way to increase the debt load of this country by raiding the trust funds, $61 billion.

It took this country the first 160 years of its existence, through Pearl Harbor, into World War II, before we had amassed that kind of a $60 billion debt. In one fell swoop, the President and Mr. Rubin increased the debt load of this country another $61 billion. What Mr. Rubin suggests, well, once we have appropriated the money, it is the responsibility of Congress to come up with whatever is necessary in additional borrowing authority to pay off those debts.

We will now be saying, North Carolinians, Montanans, whatever States, you have that right, not people who live in the State.

So the President’s plan would preserve Medicaid as a federally sponsored program that would be provided for those who are least among us and the poor.

Medicaid is indeed an important program. We need to know how to make it more efficient; we need to make sure we serve as many people as we can.

Mr. Rubin suggests, well, once we have appropriated the money, it is the responsibility of Congress to come up with whatever is necessary in additional borrowing authority to pay off those debts.

We need to remind ourselves what we are talking about in terms of what borrowing is doing to our economy and the obligation that that is passing on to our kids and our grandkids.

We are borrowing money now because we think what we are doing and the problems that we face are so important that it justifies us going deeper into debt and telling our kids and our grandkids that they are going to have to pay back this debt out of money they have not even earned yet. They are going to have their own problems.

Most people conceptually say, well, yes, Government should try to live within its means and balance its budget. The fact is, is that it has such an impact, not only on our moral obligations of what we pass on to our kids as far as increasing their obligation and problems, but also its effect on our economy.

Alan Greenspan, our chief banker of this country, head of the Federal Reserve, came into our Budget Committee and said, “Look, if you are able to end up with a balanced budget, interest rates will go down between 1½ and 2 percent.”

Two weeks ago, he went to the Senate Banking and Financial Services Committee and said, “Look, if you do not end up with a balanced budget, interest rates could go up another 1 percentage point,” a dramatic difference in the effect of our individual lives, on how much it costs us to buy a home or borrow money to go to school or buy a car.

Let me just say that it is so important to our future, to our economy, to our well-being in this country and the well-being of our kids, that we have got to have a legitimate balanced budget, and I sincerely hope the administration and Congress will get together and achieve that particular goal of a real, no smoke and mirrors balanced budget.

RESPONSIBILITY AND ACCOUNTABILITY FOR MEMBERS OF CONGRESS

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, it is with great pain that I come to this House floor as the senior woman in this House. I watched yesterday in the press conference coming from Salt Lake City by our colleague. No, I am not here to talk about shedding tears. I have been one to shed tears. That does not work. This great democracy only works if every one of us stands up and takes responsibility for what we undertook and takes responsibility for being the captain of our own ship and our own lives.

So it is with great pain that I say these things today, because obviously my colleague has been very hurt and very hurt in love, which many people can be hurt. But that does not give people an excuse to walk away from their duties or to overlook all the different things that went on that should have been warning signals, and I do not think we should allow that to be used in this case, either.

So I hope all of us take that seriously, think about our responsibility. That is the very, very basis of democracy. When you vote for a person, you are to get that person or that person’s judgment, and that is all we have that holds representative government together.

So as I watched yesterday and I heard the many explanations, I was even further troubled by the explanation that, even though everybody knows none of us are allowed to receive more than $1,000 to campaign with from either a spouse or a family member or a friend or anybody. No one is allowed to receive more than $1,000. You can only spend more than that if it happens to be your own money.

And I so hearing that, “Oh, well, I did it but, you see, you cannot give an election back, so on with the show.”

Well, you may not be able to give an election back, but I must say you can step down. You can step down. If any American went out and procured items with illegally-gotten money and that was discovered, they would have to give it back. They would have to give it back. You can never undo what was done. That is the very, very basis of this Government. And yesterday for me was a very sad day.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2:30 p.m.

Accordingly (at 1 o’clock and 41 minutes p.m.), the House stood in recess until 2 p.m.

ANNOUNCEMENT OF INTENTION TO OFFER PRIVILEGED RESOLUTION PROVIDING FOR THE EXPULSION OF REPRESENTATIVE WALTER R. TUCKER III, FROM THE HOUSE OF REPRESENTATIVES

Mr. SENSBRENNER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX of the House of Representatives, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House. The form of the resolution is as follows:

A resolution providing for the expulsion of Representative Walter R. Tucker, III from the House.

I have been very hurt and very hurt in love, which many people can be hurt. But that does not give people an excuse to walk away from their duties or to overlook all the different things that went on that should have been warning signals, and I do not think we should allow that to be used in this case, either.

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in the winter—especially if families have trouble paying high heating bills.

That's why the Home Energy Assistance Program, known as LIHEAP, is so important and that's why 180 of my colleagues and I are going to do everything we can to make sure it isn't eliminated. We've written a letter asking for full funding for LIHEAP.

Mr. Speaker, I would tell my colleagues who may vote to kill LIHEAP—well, out there. The rich don't need another tax break. Please keep the heat on.

PROTECT THE FUTURE—SUPPORT THE REPUBLICAN BUDGET

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Dallas Cowboys are losing and the American people are also losing as long as our President puts his priority on spending. The simple truth remains: The President is against a priority on spending. The simple truth remains: The President is against a priority on spending. The simple truth remains: The President is against a priority on spending.

Mr. Speaker, I would tell my colleagues who may vote to kill LIHEAP—well, out there. The rich don't need another tax break. Please keep the heat on.

SAVE THE AMERICAN DREAM

(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, while there are some significant differences between the Republican Balanced Budget Act of 1995 and President Clinton's budget act of 1995, both sides in the debate agree that we should spend significantly more on Medicare each year.

Now, the difference between the increased spending in President Clinton's budget and our budget over the next 7 years is, get this, less than 2 percent. So where is the fight?

Under the Republican budget, Medicare spending grows from $178 billion to $289 billion by the year 2002, and spending per senior grows from $4,800 to $7,100 by the year 2002.

Under the President's budget, Medicare spending starts out at $178 billion, just like under the Republican plan, and increases to $294 billion by the year 2002. Spending per senior citizen increases from $4,800, again just like the Republican budget, up to $7,245, a pinch less than 2 percent over the Republican plan. So again I ask, where is the beef? Where is the problem?

Mr. Speaker, it is time that the President stop using imaginary Medicare spending cuts as an excuse for not balancing this budget. It is time for him to help the Republican majority put our House in order and save the American dream for the next generation.

TAXES, TAXES, TAXES

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

Mr. TRAFICANT. Mr. Speaker, how can America be bankrupt? There are airport taxes, highway taxes, excise taxes, estate taxes, gas taxes, property taxes, income taxes, sales taxes, luxury taxes, nanny taxes, old taxes, new taxes, hidden taxes, inheritance taxes; there is even now a tax called a sin tax. I say to my colleagues, no wonder the American people are taxed off.

The truth is that Congress as a Congress that taxes everything ultimately will tax freedom and will not balance anything. What is next? A budget tax?
minute and to revise and extend his remarks.

Mr. STUPAK. Mr. Speaker, as we begin to consider how to balance the budget this week, we must remember people. Let us not balance the budget on the backs of our children. It is about improving their health, their health, and for large corporations, we must keep in mind what our decisions do to ordinary people.

One of my constituents recently wrote to me, and quote from that letter:

We used all of our life savings on Medicare and doctor bills for our golden years and now we are on Medicaid. If it were not for the help from Medicaid, we would both die. Please help us and do not let the Republicans take this away from us, because I am so afraid of this happening. With all of our medical problems, we still carry our high insurance, even though I have to borrow the money from family, and they really do not have it to give. And our insurance stops at 65. Then where will we be? Please help us.

Let us help the ordinary citizens of this country. Let us repel the tax breaks for the wealthiest and the large corporations of this country. Let us put people first and not corporate welfare first.

REPUBLICAN BUDGET PUNISHES POOR CHILDREN

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

Ms. WOOLSEY. Mr. Speaker, when it comes to taking care of children, the Gingrich welfare reform bill says, if you are a poor kid, do not get sick. Because we learned today that the Speaker does not have any qualms about taking away children's health insurance. In fact, his welfare reform bill takes Medicaid from AFDC recipients.

This hits home to me, because 28 years ago I was forced to go on welfare to provide my three children with the medical coverage and the health coverage they needed through Medicaid. I know what it is like to lie awake at night, worried to death that one of my children might get sick.

Mr. Speaker, I will not stand by quietly as the Speaker of the House tries to force this agony on other mothers, other mothers who are trying so hard to do what is best for their children.

Mr. Speaker, welfare reform is not supposed to be about punishing poor children. It is about improving their lives by giving their parents the education, the job training and the child care needed to get a job so that they can stay off welfare permanently.

LET US GET THE JOB DONE

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

Mrs. SCHROEDER. Mr. Speaker, let me remind people one more time that September 30 was the end of the fiscal year, and we did not get our job done. Now to be talking about shutting down Government because we did not do our job is outrageous. The only people that get hurt by this are the taxpayers. They are going to pay more and get less, which is absolutely the inverse of what they want. They would like to pay less and get more. So we got it wrong.

Now, we ought to move on to getting this budget put together. It is not about whether we are going to have a balanced budget in 7 years. Both sides agree to that. It is whether we are going to have a huge tax cut for the rich that has been called the crow jewel of the contract.

Well, I am not sure with a country that runs this kind of deficit we need to be giving out jewels to the rich. That is what this is about. Keep that focus, get the work done, and for heaven's sakes, get this body out of here for the holidays.

BOSNIA PEACEKEEPING MISSION DESERVES SUPPORT

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

Ms. DELAURO. Mr. Speaker, over the weekend, I joined a fact-finding trip to Bosnia. I left with strong reservations about our military mission there, but I returned with the knowledge that our troops are ready and our mission is clear. I have also returned with a belief that we have a moral obligation to do what only a U.S.-led force can do: Keep the peace.

One of the highlights of our trip was a stopover in Germany to visit with American troops who will be deployed in the coming weeks. While there, I had a chance to speak with a young soldier from New London, CT. Pvt. Jaron Clarke is an infantryman from Connecticut. He is well trained, has faith in his leaders, and believes in the United States mission in Bosnia.

I asked Private Clarke what I could do for him: "Tell the American people that we are ready and we need your support," he said. So, that is the message I bring. Our soldiers need our support. They deserve our support. The peace-keeping mission in Bosnia deserves our support.

SUPPORT THE TROOPS IN BOSNIA

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

Mr. HASTINGS. Mr. Speaker, I wish to echo the sentiments of the previous speaker, the gentlewoman from Connecticut (Ms. Delauro), I, too, was on that mission. I, too, had serious reservations of going into the Balkans. We covered five countries in 4 days in that weekend period with a bipartisan delegation of
outstanding Members of this U.S. House of Representatives.

I came back most impressed with Snuffy Smith, the admiral, and General Crouch, who have charge of our troops. These men know what they are doing. These men are ready, they are well trained. It is not risk-free, but the western alliance and America’s status in this world is at stake in this matter.

One person said something that will last with me forever, and that is that the people in the Balkans need a period of decency. I have never seen such devastation as we saw in Sarajevo. I asked of this House when we consider, if we do, any resolution, that we take into consideration the immense need to support the troops of the United States of America.

NOT A BALANCED BUDGET

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

Mr. TAYLOR of Mississippi. Mr. Speaker, in today’s USA Today on page 7 is an ad that contains the following advertisement where the National Republican Party offers a million dollars to the first citizen who can prove that the following statement is false: “In November 1995, the U.S. House and Senate passed a balanced budget bill.” Then it goes on to talk about the increases in spending for Medicare.

In November 1995 the House and Senate passed a budget bill that increases the annual operating deficit of this country by $33 billion. You see, next year’s annual operating deficit will be $296 billion, of which $118 billion will be stolen from the trust funds that you good people are paying into on your Social Security and other programs.

That is not a balanced budget. Mr. Barber, you can write the check care of Social Security and other programs. That is not a balanced budget. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. TAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BILBRAY].

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

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 1787. First, I would like to begin by thanking the gentleman from California [Mr. Cox] and the gentleman from North Carolina [Mr. Burr], who joined me in introducing this common sense correction bill back in June.

Also, Mr. Speaker, I would like to thank the gentleman from Florida [Mr. Bilirakis] and the gentleman from Virginia [Mr. Biley], who have guided this bill through subcommittee and committee and brought it to this process of corrections day with the support of the gentlewoman from Nevada [Mrs. Vucanovich].

The focus of this bill’s correction is a classic example of the need of the correction day and the intent that was stated by the Speaker in the days that he introduced it. This bill is a good example of how we can streamline existing law and make more sensible, effective law out of a system that needs updating.

H.R. 1787 will eliminate a once-needed but now unnecessary regulation while continuing to provide consumer information and protection to small business owners and consumers alike.

The need for this bill, Mr. Speaker, became apparent last year when 54 retail companies in California were served a complaint under the State’s bounty hunter statute. This complaint alleged that the stores had failed to maintain a saccharin warning sign in violation of Federal law. In April of this year, more than 20 supermarket companies in North Carolina were threatened with lawsuits for failure to have the warning signs posted.

Mr. Speaker, many of these stores that are affected are mom-and-pop operations and the signs might have got lost, might have been stolen, could have fallen behind the charcoal briquettes in the front of the store. They may have even been unaware that the regulation existed at all.

In any event, I think we can agree that a lawsuit on this ground would...
Mrs. VUCANOVIČ. Mr. Speaker, I want to thank Mr. BILIRAKIS and Chair- man BLILEY for all their hard work to see that we have these two bills on the floor for consideration today. The corrections process is dependent on the cooperation with the F.D.A. and the staff, and Mr. BILIRAKIS and his staff have been very cooperative and have really been key to the success of corrections day. I would also like to thank Congressman WAXMAN and his staff, who has been in support of H.R. 1787. H.R. 1787 will repeal a duplicative saccharin labeling requirement. This bill is so simple and makes so much sense it is a wonder we even spend time to discuss it, but unless we act this relic of a law will remain on the books causing financial hardship to thousands of small businesses.

The substance of the bill has already been explained, and there is not a lot one can say without belaboring the obvious. So, I will restrict my comments to the need for speedy passage of this bill.

The other body has several bills which have passed this House without any objection under the corrections calendar. in fact, including the two bills which will pass today, we have sent 11 pieces of corrections legislation to the other body in less than 5 months. All but one of those 11 bills passed the House by voice vote or without opposition. Working in a bi-partisan fashion and with the help of our committee chairmen this House has made to spend time to discuss it, but unless we act this relic of a law will remain on the books causing financial hardship to thousands of small businesses.

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Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to review and extend their remarks and include extraneous material on H.R. 1787, the bill just passed.

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

There was no objection.

The SPEAKER pro tempore.

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

Very briefly, the legislation repeals the current Federal requirement that 11 States and an estimated 26,000 private employers implement the employer-trip-reduction program. The legislation makes the employer-trip-reduction program discretionary on the States, and provides a simple and straightforward method by which States can designate alternative methods to achieve equivalent emission reductions.

H.R. 325 removes a Federal Clean Air Act requirement which many have found to be overly burdensome. The present statutory language of section 182(d)(1)(B) requires a specific State implementation plan, or “SIP” revision, for the ETR program. It also requires compliance plans to be filed by private employers and requires a 25-percent increase in the average vehicle occupancy of vehicles driven by employees. All of these Federal mandates are now abolished and replaced with a voluntary program.

Under the reported bill, States will decide for themselves whether they wish to implement employer-trip-reduction programs—known by the acronyms ETR or ECO—as part of their efforts to meet Federal Clean Air Act standards. With regard to current ETR SIP revisions which have already been approved or submitted to the Environmental Protection Agency, a formal SIP revision will not be required. Instead, States will be free to designate alternative efforts they have undertaken or will undertake to achieve equivalent emissions.

I want to acknowledge the hard work and assistance of several Members with regard to this legislation. Representative DONALD MANZULLO introduced the underlying bill and assembled a list of 166 cosponsors from both sides of the aisle.

Mr. BILIRAKIS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.
GREENWOOD were active participants in the oversight subcommittee hearings and helped to explore several issues through follow-up correspondence with the Environmental Protection Agency. I would also note that Representative MANZULLO, the originator of successful amendment at the full committee level which had been previously negotiated with ranking minority member HENRY WAXMAN. This amendment is incorporated within H.R. 325 and its approval has allowed us to proceed in a truly bipartisan manner.

Altogether, I believe that H.R. 325, as amended by the Commerce Committee, demonstrates that it is possible to alter provisions of the Clean Air Act without sacrificing environmental goals. We can increase the flexibility of the Clean Air Act and allow States more latitude in meeting standards imposed by the law.

In view of our success with respect to H.R. 325, I also believe it is unfortunate that the present administration has consistently opposed any and all amendments to the Clean Air Act—no matter how necessary or how justified. This position is simply illogical and untenable. Congress has the inherent opportunity and that we can further the public can benefit from these programs. It should also be emphasized that while this mandate had been allowed to exist.

In other words, a State may offer any plan that is outside what is required under current law. If a State would have only accomplished removing 2 tons of emissions by the current employer trip reduction mandate, a State, with a mandatory—required—program stipulating 15 tons of emission removal per day, may add 2 tons per day to that same activity because the mandatory requirement is, by definition, nonmandatory. That basically means that identified reduction may make up for those emissions that go over and above the requirements of the law.

Is that the way the gentleman from Florida (Mr. BILIRAKIS) understands it? Mr. BILIRAKIS. Mr. Speaker, I say to the gentleman that this is my understanding of the amended bill and certainly the intent of it.

Mr. MANZULLO. I thank the gentleman from Florida.

Two years ago I was approached by several business owners in McHenry County, IL, in the congressional district I represent. Jim Allen, Vince Foglia of Dan McMullen Local Leaders, took their time to educate me about this mandate started in the last Congress. Dan McMullen traveled to Washington to testify before our Committee on Small Business Subcommittee on Procurement, Exports, and Business Opportunities. He also testified before a field hearing which the gentleman from Illinois (Mr. POSHARD) chaired in Crystal Lake, IL. The people such as the gentleman from Texas (Mr. BARTON), and the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Illinois (Mr. HASTERT), we also dramatically responsible for this bill.

Businesses in Illinois will spend between $200 million and $210 million if this mandate had been allowed to exist.
But today this shows that, working together, we can maintain the high standards of clean air to which we all aspire while at the same time giving the States maximum flexibility in order to reach those clean air standards.

Many Governors such as Illinois Governor Jim Edgar have been critical of this mandate and issued moratoriums on the mandate. California recently enacted two laws essentially eliminating the clean carpooling mandate from State law. Some States, such as New York, have been enforcing the law by travel to Westchester County, NY, to speak about this with our good colleague, the gentlewoman from New York [Mrs. KELLY]. There are some very real problems in that State as a result of the enforcement of this inflexible law.

I want to close by saying that I am extremely happy and encouraged to know that this body can come together in a bipartisan basis to reach accommodation. This is a commonsense solution that everybody can support. I deeply appreciate the efforts of all involved and, Mr. Speaker, this also goes to show something else, that when parties recognize a problem, and cross-partisan and partisans sit down and work very, very hard; many times into the late evening I recall at one meeting when Bob Myers and I met at midnight in order to make sure this language is correct, that we can accommodate and move forward on passing legislation through the House of Representatives, and I especially want to thank my colleague, the gentleman from California [Mr. WAXMAN], for his graciousness and his tenacity in trying to work with me in steering this through the House of Representatives.

Mr. BILIRAKIS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HASTERT].

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

Mr. HASTERT. Mr. Speaker, I rise in strong support of this legislation. At first I would like to thank the distinguished gentleman from Florida [Mr. BILIRAKIS] and the gentleman from Virginia [Mr. BLILEY] for moving this bill so quickly through committee. I would also like to compliment the gentleman from California [Mr. WAXMAN], my good colleagues, and my good faith effort to work with us to perfect and draft perfecting language to the bill. Also my good neighbor to the north, the gentleman from Illinois [Mr. MANZullo], has helped, and we worked on this bill through finding out from our employers, people who employ over 100 folks in their places, high schools, school districts, that they, quite frankly, could not make this thing work, and it was going to cost a lot of money, and it did not do what it was supposed to do.

Mr. Speaker, the bills before us today deal with the Clean Air Act, an act I voted for in 1990. I believe in the underlying intent of the Clean Air Act—to clean up the air we breathe, and maintain high air quality. Those are worthy goals and I am fully committed to them.

However, the Clean Air Act, although well-intentioned is not perfect. After 4 years of implementation, we know that one particular provision of the act is not working. That provision is commonly referred to as ECO—it is the forced carpooling program. Under this provision, wherever or extreme ozone nonattainment areas must implement a program which forces workers to carpool. There is no flexibility in this mandate. The way it is written on the book, it is simply unworkable. And it is not working. The significant improvements to air quality.

The USEPA has determined that while the forced carpooling program will cost billions of dollars to implement, it produces only minuscule air quality improvements. After that recognition, USEPA indicated its intent not to enforce the forced carpooling program against individual employers.

Further, the States have given up trying to implement the required program. In Illinois, after months of making a good-faith effort to implement this program, our Governor finally gave up and told our employers last March that he will not enforce the forced carpooling program in Illinois. He made that decision after it became clear that Illinois businesses alone would be spending $210 million a year to implement a program which was not working. It was not working because Americans do not want to be told they cannot use their own cars to come in early, or to stay late, or to drop their daughter off at preschool on their way to work. The program has failed nationwide. Several other Governors and State legislatures have joined Illinois' Governor in deciding not to enforce the forced carpooling program.

But State action and EPA intent can only provide partial relief from this mandate.

One of the things I thought was very, very showing in this piece of legislation was the work that my colleagues had a small business on the edge of an urban area, suburban area, and they drew their employees from rural areas, they had to decrease their carpooling and riding from 25 percent, notwithstanding those people did not live in the same town, but they had a program, there is no way to get in to work. It is a program that just did not work, but yet, if my colleagues were in a high school, and they had 1,000 kids in the high school and 100 teachers, the teachers got on another program, they got to work, but yet every kid could drive. It just did not make sense, it did not work, and this is a good piece of legislation to change what does not work.

Mr. BILIRAKIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I rise in strong support of H.R. 325, and I encourage every Member of the House to support this important bipartisan legislation.

The hearings conducted by the House Commerce Committee's Oversight and Investigations Subcommittee, on which I serve, provided us with an important opportunity to identify provisions of the Clean Air Act which were imposing undue hardships and economic costs on the States, businesses, and individual motorists. There was universal agreement that the Employer Trip Reduction [ETR] Program was overly intrusive and produced a value in terms of improving overall air quality.

The Employer Trip Reduction Program requires all employers with 100 or more employees in severe or extreme ozone nonattainment areas to reduce work-related vehicle travel by 25 percent.

The Employer Trip Reduction Program is based on the theory that a reduction in the number of employee trips to and from work would result in reduced air emissions from mobile sources. It was assumed by the authors that this reduction in air emissions would, in turn, assist the Nation's most polluted areas in complying with national ambient air quality standards. If these assumptions proved to be true, I would oppose this legislation to repeal the program.

But witness after witness, some of whom have done extensive computer modeling, have made compelling arguments that it is nearly impossible to devise plans which meet the required reductions. Furthermore, EPA's Assistant Administrator for Air and Radiation, Mary Nichols, has stated that the air quality benefits from this program are "minuscule."

In my district, companies have struggled for years and spent millions of dollars to develop plans to comply with the perceived Employer Trip Reduction Program. Nationally, this program has a net social cost of $1.2 to $1.4 billion a year. And for this enormous sum of money, the program would only provide marginal environmental benefits, while imposing real hardships on both employees and employers.

June Barry, vice president of human resources at Betz Laboratories in Trevose, PA, located in my Congressional district, testified in March that:

"Many of our work force are members of dual career families. A significant percentage of our work force goes to school at night to pursue graduate education and undergraduate degrees. Are we responsible in emergency situations dealing with child care and elder care and education and the variety of other problems that people encounter to get the employee to their family when car pools don't work? Since our business is widespread, the major work force cannot leave at a preappointed time, mainly due to customer calls and servicing the customer. What does forcing people to car pools really mean? It means that regardless of whether you have a family obligation, church obligation, night school or a
Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Cox].

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise, as well, in strong support of H.R. 325. I too am an original cosponsor, and as vice chairman of the Subcommittees on Oversight and Investigations of the Committee on Commerce, we have had 12 hearings on the Clean Air Act, and we have heard repeatedly testimony in support of this commonsense reform and opposed to continuing this unfunded and ineffectual mandate.

We ought to call H.R. 325 the Victory for Common Sense Act, because the truth is it relies on our native common sense. The ability to reason, to learn from experience, is what distinguishes human beings from other life forms. If you are doing the same thing over and over again, and you continue to get no results but you continue to waste money in the process, it is time to learn from that experience. It is time to stop doing things a better, a different, another way.

That is what we are setting out to do here today. It is not just the waste of money, yielding no results for businesses that we are worried about. It is the waste of money for our schools, for almost everyone whose employees drive to work.

Listen to some of the comments that we have received from school districts in southern California. The Tustin Unified School District was forced to spend $73,000 for their ride-sharing plan for teachers that did not work.

Another school district wrote: "The mandatory trip reduction plan has been very costly to us. It has diverted already scarce resources away from the education of children, from classroom use," to support a program that does not work.

The Capistrano Unified School District said: "The additional financial hardships we are facing make this mandated program extremely detrimental to meet the educational needs of the children in our districts."

McDonnell Douglas, a big employer of the kind that we have been hearing about on the floor today, tried in earnest to accommodate this trip-reduction program. They spent millions of dollars training employee coordinators, providing direct financial incentives to workers so they would car pool. They bought bicycles. They built showers to the lockers so employees could bike, walk, run, or walk. None of this, even hosting ride-share events, made even a dent in the average vehicle occupancy rate of their employees.

Today we are saying enough; enough of our dollars, yielding no results for the environment. We have had 12 hearings on the Clean Air Act, and we have heard repeatedly testimony in support of this commonsense reform and opposed to continuing this unfunded and ineffectual mandate.

Mr. Speaker, I rise in support of this bill. The gentleman from Illinois [Mr. MANZULLO] has done a very good job of correcting one of the problems we have seen in the Clean Air Act. My experience in reviewing various Clean Air Act regulations stems from my work with Vice President Quayle's Competitiveness Council, and then as a Member of Congress looking at that act and saying, do the regulations that are required there make sense; do they use common sense in trying to reach a goal that we all share of having cleaner air in this country? This regulation, the trip reduction mandate, or what I think of as mandatory carpooling, does not make sense on that commonsense basis. It is extremely costly, anywhere from $1.2 to $1.5 billion to implement, and provides very little benefits in terms of cleaner air for some of the country's areas where we have the most difficulty with air pollution.

I think there are a lot of alternative approaches that have been thought about by the agency, the Environmental Protection Agency, by citizens working on this area. One of the most creative ones is a project that we worked with at the Competitiveness Council called Cash for Clunkers, which the studies showed that older cars actually produced a vast, disproportionate amount of the air pollution in our cities, and if we could pay a bonus for taking those older cars off of our freeways, we could go a lot further in reaching the goal of cleaner air.

Those innovative ideas, frankly, are not possible if we have to devote an enormous amount of our resources in meeting this regulation that provides very little benefit for the environment. I commended the chairman and the subcommittee on his work for this corrections bills. I commend the gentleman from Illinois [Mr. MANZULLO] for his work in taking the leadership in introducing the bill, and I want to urge my colleagues in the House to vote ‘yes’ on H.R. 325.

Mr. STARK. Mr. Speaker, I would like to compliment the chairman and the ranking member of the Commerce Committee’s Health and Environment Subcommittee, Mr. BILIRAKIS, and Mr. WAXMAN, for bringing H.R. 325 to the floor today.

This legislation gives greater reign to local authorities in determining how best to meet pollution standards. H.R. 325, a balance has
been struck between providing greater flexibility while maintaining the commitment to achieving the federal goals. If the author of H.R. 325, Mr. MANZULLO of Illinois, had come to the floor with a bill that provided flexibility to States but eliminated the Federal standards of performance, there would not be the bipartisan support you see today.

There is a consensus across America that the days of polluted skies should be no more. There is a recognition by citizens across America that what occurs in one State impacts the quality of life in another State. I am puzzled that in other areas of Federal policy where a national consensus is as strong, the new Majority has taken a different approach. I believe we can learn something from the approach taken in H.R. 325 and carry it to other areas of vital importance to Americans.

I'd like to take just a couple of minutes to do just that—highlight how the example of H.R. 325 can be instructive for legislating in other areas of vital importance to Americans.

The Republican Medicaid plan provides the greatest contrast in approach to H.R. 325. Flexibility for States abounds. Standards are absent. Rather than maintain the Federal guarantee for Americans of very modest means to a set of health care benefits, under the flexibility Republicans remove any semblance of accountability.

Republicans intend to send checks to the States totaling $790 billion over the next 7 years with little-to-no requirements on how States must perform. This is in contrast to the structure of H.R. 325 which provides flexibility but maintains standards of performance.

For $790 billion in taxpayer money, it would seem reasonable to require States to guarantee health insurance coverage to low-income Americans. Does the Republican Medicaid plan guarantee that all kids that live in poverty have comprehensive health insurance coverage? No. Does the Republican Medicaid plan guarantee that the Medicare Part B premiums of low-income senior citizens are paid? No. Does the Republican Medicaid plan guarantee a nursing home bed to those who are entitled today? No. Does the Republican Medicaid plan continue the guarantee of coverage for Medicare-related copayments and deductibles for poor seniors? No. Does the Republican Medicaid plan require States to provide even just one person a comprehensive package of health insurance benefits, something equivalent to what they as Members of Congress receive? No.

Why not apply the model of H.R. 325? Why not hold States accountable? Why shouldn't we guarantee American taxpayers that their taxes will be spent as promised?

H.R. 325 requires that an equivalent level of emission reductions be achieved. The Republican Medicaid plan does not require an equivalency of performance. This difference in standards is not trivial.

The Urban Institute predicts that 4 to 9 million Americans will lose health insurance coverage because of the Republican Medicaid plan. Consumers Union, the publishers of Consumer Reports, has estimated that 395,000 nursing home residents are likely to lose Medicaid payment for their care next year if the Republican Medicaid plan is approved. The Council on the Economic Impact of Health Care Reform—a panel of respected health economists—found that the uninsured rolls will soar to over 66 million Americans, or one-in-four Americans, under the Republican plans. This is a 70-percent increase in the number of uninsured Americans over today's levels.

H.R. 325 extends flexibility in meeting national goals; it does not eliminate them. Likewise, flexibility for States in meeting the health care needs of low-income Americans should not be used as a cover to shred the national commitment to a health care safety net.

While the guidance is explicitly eliminated under the Republican Medicaid bill, I’d argue that the spending for Medicaid isn’t enough to meet the national commitment either.

I believe that a per person growth rate of under 2 percent isn’t wise. It’s rationing. Members of Congress would never inflict that type of constraints on their own health care spending. In fact they don’t. Under the Republican budget, taxpayer spending for their health insurance will increase right along with health care inflation.

But whatever the amount of health care spending, we should hold States accountable for how they spend the money we give them. As with H.R. 325, there must be accountability.

The balance struck in H.R. 325 between providing broader flexibility to States at the same time requiring that national goals be met should apply to other initiatives as well, like Medicaid. If Republicans tried this approach, they might find themselves with the support of Congress in general and instead of having their Medicaid bill vetoed, they’d have the support of President Clinton.

Mr. ARCHER. Mr. Speaker, today is a chance for the House to loosen one knot in the woven, tangled mess called the Clean Air Act Amendments of 1990. The employee trip reduction plan for implementation is a costly and confusing mandate that only benefits the area where a knot in a cord is. H.R. 325 would enable us to do just that. If enacted into law, this measure would allow States to carry out their air pollution control responsibilities without having to follow the mandate.

The employee trip reduction plan implementation of the ECO Program would cost $20 million annually. For all 11 severe ozone nonattainment areas nationwide, the cost of implementing ECO has been pegged at $1.2–$1.4 billion a year by the Environmental Protection Agency.

In a city the geographical size of Houston, it is naive to assume public transportation and carpooling are the most practical options for reducing auto emissions. I have heard hundreds of complaints from my constituents who must face a disruption of their work routines and compromise the quality of their private lives to comply with this impotent regulation. H.R. 325 will give States the chance to create programs that suit their communities and still achieve air quality standards.

There are a number of ways for us to reach a common goal of cleaner air. It is imperative, though, that each State decide what is most practical and more importantly, most effective. Mr. CRANE. Mr. Speaker, I rise today in strong support of H.R. 325 for a number of reasons. But before I elaborate on them, let me congratulate my Illinois colleague, Mr. MANZULLO, on introducing this bill and for the determined efforts he has made on its behalf.

Also, I wish to express my appreciation to the members of the Commerce Committee, and its Health and Environment Subcommittee in particular, for making today’s consideration of H.R. 325 possible.

This is a measure whose time has long since come. However well-intentioned, the employee commute reduction program, better known as the ECO Program, would do more harm than good. Based on prior analysis and experience, about the best that could be expected from such an approach is a 2–3 percent reduction in auto emissions, with 1 percent being a more likely figure. Not only that, but the cost of effecting such a minimal reduction in air pollution is very high. In the Chicago area, for instance, it has been estimated that implementation of the ECO Program would cost more than $200 million annually. For all 11 severe ozone nonattainment areas nationwide, the cost of implementing ECO has been pegged at $1.2–$1.4 billion a year by the Environmental Protection Agency.
Mr. Speaker, H.R. 325 is a good, commonsense bill which is not just timely but long overdue. I urge my colleagues to give it their support.

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 325, legislation to make optional the Employee Commute Option (ECO) trip reduction program.

The dilemma facing Zierick Manufacturing Corp. is possibly the best reason why we should pass H.R. 325.

Zierick Manufacturing Corp. is a small manufacturer of electronic connectors and assembly equipment located in Mount Kisco in northern Westchester County, NY. With over 120 employees, they are faced with the impossible task of complying with the Employee Commute Options program.

Part of the problem is the limited availability of public transportation. In addition, the train station and the nearest bus stop are over a mile from the factory. If the employee took a cab from the station to the factory, under the regulations developed by New York State to comply with this Federal mandate, the 1-mile cab ride would be counted as if the employee drove the entire distance from home. In other words, the employee could ride a train for 50 miles, then a cab from the train station would be the mode of travel counted under the formula used to calculate employee trips.

Ridesharing opportunities are limited in Mount Kisco, and since Zierick employees are spread out over 12 counties in 3 States, carpools are difficult to form. Zierick is a manufacturing facility, so telecommuting is not an option.

Zierick Manufacturing is clearly faced with a set of circumstances which prevent it from complying with the law, and yet the regulations allow no flexibility in these situations. As a result, the company presently faces fines of $43,800 per year.

Ms. Gretchen Zierick, the company’s corporate secretary, has indicated that their plans for future growth will be directly affected by this legislation.

Mr. Harold Vogt, the chairman and CEO of the Westchester County Chamber of Commerce, wrote to me recently and put this issue into perspective:

In the last five years, Westchester County has suffered enough as we’ve seen 40,000 jobs leave our county. The Employee Trip Reduction/Employee Commute Option Mandate gives businesses just one more reason to look elsewhere when making plans to grow. Similarly, businesses looking to relocate to our county may well think twice about moving here. We cannot afford any more disincentives to reviving Westchester’s economy. We need relief from this costly and inefficient mandate.

Mr. Chairman, our support for H.R. 325 will send Zierick Manufacturing in Westchester County and the approximately 28,000 other employers around the country affected by the ECO mandate a clear message that we care about their future, and we care about creating jobs. I urge my colleagues to pass this bill. Thank you, Mr. Speaker.

Mr. BILIRAKIS. 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 committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GEORGE LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 325.

The SPEAKER pro tempore. There was no objection.

The question is on the engrossment and third reading of the bill. The bill was passed.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule 1, 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 5 p.m. today.

FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1995

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1747) to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1747

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Federally Supported Health Centers Assistance Act of 1995”.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

SEC. 2. PERMANENT EXTENSION OF PROGRAM.

(a) IN GENERAL.—Section 224(g)(3) (42 U.S.C. 233(g)(3)) is amended by striking the last sentence.

(b) CONFORMING AMENDMENTS.—Section 224(k) (42 U.S.C. 233(k)) is amended—

(1) in paragraph (3)(A)—
(A) by striking "For each of the fiscal years 1993, 1994, and 1995" and inserting "For each fiscal year"; and
(B) by striking "(except" and all that follows through "contractor)"
(2) in paragraph (2), by striking "For each of the fiscal years 1993, 1994, and 1995" and inserting "For each fiscal year"

SEC. 3. COVERAGE.
Section 224 (42 U.S.C. 233) is amended
1. in subsection (g)(1), by striking an entity described in paragraph (4) and any officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section shall apply with respect to services provided by such entity, governing board member, employee, or contractor of the entity"; and
2. in subsection (k)(3), by inserting "governing board member," after "officer".

SEC. 4. COVERAGE FOR SERVICES Furnished to INDIVIDUALS OTHER THAN CENTER PATIENTS.
Section 224(g)(1) (42 U.S.C. 233(g)(1)) is amended
1. by redesignating paragraph (1) as paragraph (1)(A); and
2. by adding at the end thereof the following:

(B) The deeming of any entity or officer, governing board member, employee, or contractor of the entity to be an employee of the Public Health Service for purposes of this section was actually made with respect to services provided for the benefit of patients of the entity and its employees, and (ii) to all patients of the entity, and (iii) subject to subparagraph (C), to individuals who are not patients of the entity.

(C) Subparagraph (B)(ii) applies to services provided to individuals who are not patients of an entity if the Secretary determines that such services are necessary to the provision of services to such individuals:
(i) benefits patients of the entity and general public;
(ii) allow the entity to be served by one or more public or private entities through community-wide intervention efforts within the communities served by such entities;
(iii) facilitate the provision of services to patients of the entity; or
(iv) are otherwise required under an employee, governing board member, employee, or contractor of the entity.

SEC. 5. APPLICATION PROCESS.
(a) APPLICATION REQUIREMENT.—Section 224(g)(1) (42 U.S.C. 233(g)(1)) (as amended by section 4) is further amended—
1. in subparagraph (A), by inserting after "For purposes of this section" the following: "and subject to the approval by the Secretary of an application under subparagraph (D)"; and
2. by adding at the end thereof the following:

"(D) The Secretary may not subdivide an entity or applying for such deeming to the Secretary in such form and manner as the Secretary shall prescribe. The application shall contain detailed information, along with supporting documentation, to verify that an entity, governing board member, employee, or contractor of the entity, as the case may be, meets the requirements of paragraphs (B) and (C) of this paragraph. The Secretary shall meet the requirements of paragraphs (1) through (4) of subsection (h).

(1) The Secretary shall not make a determination under this paragraph, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section shall apply for the period specified by the Secretary under paragraph (A).

(2) Once the Secretary makes a determination that an entity or an officer, governing board member, employee, or contractor of the entity is deemed to be an employee of the Public Health Service for purposes of this section, the determination shall be final and binding upon the Secretary and the Attorney General and other parties to any civil action or proceeding. Except as provided in subsection (i), the Secretary and the Attorney General may not determine that the provision of services which are the subject of such a determination are not covered under this section.

(i) In the case of an entity described in paragraph (4) that has not submitted an application under subparagraph (D):

(1) The Secretary may not consider the entity in making estimates subsection (k)(1)

(2) This section does not affect any authority of the entity to purchase medical liability insurance coverage with Federal funds provided to the entity under section 330, 330, 340, or 340A.

(ii) In the case of an entity described in paragraph (4) for which an application under subparagraph (D) is in effect, the entity may, through notifying the Secretary in writing, elect to terminate the applicability of this subsection to the entity. With respect to such election by the entity:

(i) The election is effective upon the expiration of the 180-day period beginning on the date on which the entity submits such notification.

(ii) Upon taking effect, the entity terminates the applicability of this subsection to the entity and each officer, governing board member, employee, or contractor of the entity.

(iii) Upon the effective date for the election, clauses (i) and (ii) of subparagraph (G) apply to the entity to the same extent and in the same manner as such clauses apply to an entity that has submitted an application under subparagraph (D).

(iv) If after making the election the entity, in the course of an action or proceeding, the entity submits an application under subparagraph (D), the election does not preclude the Secretary from approving the application and therefore restoring the applicability of this subsection to the entity and each officer, governing board member, employee, or contractor of the entity, subject to the provisions of this subsection and the subsequent proceedings thereunder.

(b) APPROVAL PROCESS.—Section 224(h) (42 U.S.C. 233(h)) is amended
1. in the matter preceding paragraph (1), by striking "Notwithstanding" and all that follows through "entry" and inserting the following: "The Secretary may not approve an application under subsection (g)(1)(D) unless the Secretary determines that the entity..."); and
2. by striking "has fully cooperating" in paragraphs (4) and inserting "will fully cooperate".

(c) DELAYED APPLICABILITY FOR CURRENT PARTICIPANTS.—If, on the date before the date of enactment of this Act, the entity was deemed to be an employee of the Public Health Service for purpose of section 224(g) of the Public Health Service Act, the condition under paragraph (A) of subsection (g) (as amended by subsection (a) of this section) that an application be approved with respect to the entity does not apply until the expiration of the 180-day period beginning on such date.

SEC. 6. TIMELY RESPONSE TO FILING OF ACTION OR PROCEEDING.
Section 224 (42 U.S.C. 233) is amended by adding at the end thereof the following:

"(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) or any officer, governing board member, employee, or contractor of the entity named, the civil action or proceeding shall be stayed in the appropriate court until such time as the Secretary issues a determination, as to the appropriate forum or procedure for the assertion of the claim for damages described in subsection (a) and issues an order consistent with such determination.

SEC. 7. APPLICATION OF COVERAGE TO MANAGED CARE PLANS.
Section 224 (42 U.S.C. 233) (as amended by section 6) is amended by adding at the end thereof the following:

"(m) An entity or officer, governing board member, employee, or contractor of an entity described in subsection (g)(1), for purposes of this section, is an employee of the Public Health Service with respect to services provided to individuals who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

(2) Each managed care plan which enters into a contract with an entity described in subsection (g)(4) or any officer, governing board member, employee, or contractor of the entity named in the contract who are enrollees of a managed care plan if the entity contracts with such managed care plan for the provision of services.

"
found by the Secretary on the record, after notice and an opportunity for a full and fair hearing, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to offer or provide such services and to be eligible to receive any Federal funds under title XVIII or XIX of the Social Security Act.

(3) Purposes of this subsection, the term ‘managed care plan’ shall mean health maintenance organizations and similar entities that contract at-risk with payors for the provision of health services or plan enrollees and which contract with providers (such as entities described in subsection (g)(4)) for the delivery of such services to plan enrollees.

SEC. 8. COVERAGE BY PART-TIME PROVIDERS UNDER CONTRACTS.

Section 224(g)(5)(B) (42 U.S.C. 223(g)(5)(B)) is amended by striking “(B)” in the case of an individual who normally performs an average of less than 32 hours of services per week for the entity for the period of the contract, the individual is a licensed or certified provider of services in the fields of family practice, general internal medicine, general pediatrics, or obstetrics and gynecology.”

SEC. 9. DUE PROCESS FOR LOSS OF COVERAGE.

Section 224(i)(1) (42 U.S.C. 223(i)(1)) is amended by striking “may determine, after notice and opportunity for a full and fair hearing” and inserting “may on the record determine, after notice and opportunity for a full and fair hearing”.

SEC. 10. AMOUNT OF RESERVE FUND.

Section 224(k)(2) (42 U.S.C. 223(k)(2)) is amended by striking “$30,000,000” and inserting “$10,000,000”.

SEC. 11. REPORT ON RISK EXPOSURE OF COVERED ENTITIES.

Section 224 (as amended by section 7) is amended by adding at the end thereof the following:

“(i) a comparison of the costs of premiums paid by such entities for private medical malpractice liability insurance with the cost of coverage pursuant to this section; and

(ii) an analysis of whether the cost of premiums for private medical malpractice liability insurance is consistent with the liability claims experience of entities that have been deemed as employees for purposes of this section.

(3) In preparing the report under paragraph (1), the Comptroller General of the United States shall consult with public and private entities with expertise on the matters with which the report is concerned.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes.

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

I also appreciate the support of my colleague, the gentleman from Oregon, Mr. WYDEN, and coauthor of the legislation, Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. BILIRAKIS. Mr. Speaker, the intent of the original Federally Supported Health Centers Assistance Act passed in 1993 was to relieve health centers of the burdensome costs of private malpractice insurance by extending Federal Tort Claims Act coverage to health center employees. The funds saved on these premiums could then be used to provide healthcare to additional individuals. H.R. 1747 extends current law and enables these health centers to maximize their Federal dollars and provide healthcare services to more people.

Based upon the current statute, 542 health centers have been approved for FTCA coverage. However, because final regulations were not issued until May 8, 1995, the program has not been fully implemented. This lengthy period of uncertainty regarding the law's scope has made it necessary for many health centers to continue their private malpractice coverage. Despite this delay, 119 health centers have reportedly saved $14.3 million because they have been able to drop private malpractice coverage for one or more of their clinics.

The amendment before us would make the FTCA coverage permanent. The amendment also clarifies that participation in the FTCA is at the option of the health center and is not mandatory. It also modifies a study of the program so that a true cost-benefit analysis of the program will be done. This amendment was crafted with input from a bipartisan group of Members, the community health centers, and insurance agents who sell private malpractice insurance. I believe this amendment satisfies everyone's objectives for this legislation.

I urge my colleagues to join me in supporting H.R. 1747.

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

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

Mr. Speaker, I thank the gentleman for his cooperation regarding this legislation, and I yield such time as she may consume to the gentleman from Connecticut, Mrs. JOHNSON.

Mrs. JOHNSON. It has worked well, and the bill before us would be to extend the legislation to be able to work in the future.

Mr. Speaker, I support the legislation and urge all our colleagues to support it as well.

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

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman again for his cooperation regarding this legislation, and I yield such time as she may consume to the gentleman from Connecticut.
and I introduced the original legislation 3 years ago, which was heavy lifting, as we say in this body, and we are very pleased that this is before us today to make this program permanent. While he cannot be with us at this time, I want to commend the hard work and the relentless dedication of the gentleman from Oregon [Mr. WYDEN] to ensuring that the important health services that these centers provide are there for people in America.

Mr. Speaker, H.R. 1747, the federally supported health centers assistance act of 1995, makes permanent, at no additional cost to taxpayers, a highly successful demonstration project offering malpractice coverage for the nation’s community, migrant, and homeless centers under the federal tort claims act.

H.R. 1747 will ensure that the maximum amount of the limited Federal funds supporting health centers are spent to provide quality patient care and services, rather than to pay for malpractice insurance premiums. The limited demonstration project saved health centers millions of dollars on malpractice insurance expenses over the past 2 years, allowing health centers to offer services to an additional 75,000 patients. Federally supported health centers are nonprofit providers of health care to America’s medically underserved. They serve the working poor, the uninsured, Medicare and Medicaid recipients, as well as high-risk and vulnerable populations.

Today health centers provide cost-effective primary and preventive care to over 8.8 million people nationwide. Health centers are public-private partnerships, funded in part by grants under the public health service act, which enable health centers to employ health care professionals and operate over 2,200 health service delivery sites throughout our cities and towns.

Private malpractice insurance has been an expense for these nonprofit centers. Prior to the FDCA coverage bill, health centers spent $40 billion annually of their grant funds for private malpractice insurance, yet they had very few claims. By permanently extending coverage for health centers under the FDCA, Congress will enable health centers to use more of their scarce Federal dollars for patient care instead of for malpractice premiums. For each $10 million saved in funds, health centers can serve an additional 100,000 patients with quality care.

Mr. Speaker, I am proud to have supported legislation ensuring that standards for health centers ranked among the highest in terms of certification, quality care, and accountability.

These health centers have a remarkably low incidence of malpractice claims.

Since the fall of 1993, only 30 claims have been filed against the 545 health centers approved for FDCA coverage, a rate consistent with the low rate of claims filed against health centers under private insurance.

More than ever, America’s health centers have growing responsibilities for the provision of health care to medically underserved populations and communities, yet your support for the permanent extension of FTCA malpractice coverage for health centers will enable health centers to make cost-effective use of limited Federal grant funds, and I urge the support of my colleagues.

Mr. WYDEN of Alaska. Mr. Speaker, I thank the gentlemens for her terrific leadership in this regard.

Mr. WYDEN of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1747.

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

There was no objection.

The SPEAKER pro tempore. Mr. WYDEN. Mr. Speaker, I wish to express my strong support for H.R. 1747, the Federally Supported Health Centers Assistance Act of 1995. I would like to thank members on both sides of the aisle, including Representatives BLUIRAS, WAXMAN, and Representative FRANK for their unflagging support and assistance in moving this important piece of legislation through the House. In particular, I wish to thank Representative NANCY JOHNSON, who has been a dedicated and effective representative of this administration on this bill. She is a true friend of community health centers and has been an outstanding partner in our fight for smarter Government. As always, it was a joy to work with her.

I think we all realize that the Federal Government has to work harder to squeeze every last ounce of service out of each taxpayer dollar allocated to health care. That’s exactly what this program accomplishes.

This legislation will be a shot in the arm to struggling community health centers (CHCs). The bill allows CHCs to reallocate desperately needed health care dollars from the coffers of private medical malpractice insurance companies to direct services for hundreds thousands more poor and rural Americans. Additionally, it will ensure that American taxpayers get the biggest bang for their buck.

When Representative JOHNSON and I first introduced this legislation in 1991, community health centers were paying $58 million a year, most of which came out of their Federal grant fund for medical malpractice insurance—while they only generated about $4 million a year in claims. Roughly $54 million dollars, allocated by the Federal Government for health care services for poor and rural Americans, was not going for services, but was going as pure profit to large insurance corporations. It seemed to my mind that this was not going for poor and rural Americans, was not going for the people who have to do shared call are covered.

The legislation also ensures that part-time doctors who work for health centers are covered under the FTCA, and it clarifies that FTCA coverage may apply in managed care arrangements with health maintenance organizations.

Time is of the essence with this reauthorization. Since the final regulations for this program were not issued until May of this year, many community health centers are waiting before they drop their private malpractice coverage to see if this act is reauthorized.

For those 119 health centers that are now covered under the FTCA, the situation is more urgent. If this bill is not reauthorized, they will have to start purchasing expensive private malpractice insurance in the next couple weeks to ensure that they are not left without coverage next year.

In Oregon, the passage of H.R. 1747 will mean a number of health centers will finally feel comfortable dropping their private malpractice insurance. At La Clinica Del Valle in Portland, OR, the health center will have as much as $20,000 more to spend on patients—meaning they can serve at least 250 patients. Next year, when they move to a new facility, they will save $40,000 or the equivalent of a part-time doctor—and be able to serve 500 more patients. At the Salud Medical Center in Woodburn, OR, reauthorizing this program will mean that the center will have at a minimum $10,000 more to spend on serving patients.

At the West Salem Clinic in Salem, OR, with the savings from this program, they will be able to hire a part-time doctor, and the head of the center estimates that this will mean they will be able to take 2,100 more visits from people in the area—or serve about 700 more patients. At the Southeastern Rural Health Network in Chiloquin, OR, the savings will enable the center to repair a leaking roof and build a whole new room so that handicapped people can enter the clinic to visit the doctor.

It seems to me that this legislation is a prime example of how we can work together, on a bipartisan basis, to come up with creative, cost-effective solutions, to provide people with more medical assistance and to effectively use American’s hard-earned tax dollars. Again, I thank the Members who have helped
with this important piece of legislation, and urge its speedy approval.

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

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

The SPEAKER pro tempore (Mr. Ewing). The question is on the motion offered by the gentleman from Florida [Mr. Duitman] that the House suspend the rules and pass the bill, H.R. 1747, 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.

TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2243) to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, as amended.

The Clerk, as follows:

H.R. 2243

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 "Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995." Section 1 of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes," approved October 24, 1984 (98 Stat. 2721), as amended, is amended----

(1) in the matter preceding paragraph (1)----

(b) by adding the following after "such levels": "To the extent these restored fish and wildlife populations will contribute to ocean populations of adult salmon, steelhead, and other anadromous fish, such management program will aid in the resumption of commercial, including ocean harvest, and recreational fishing activities."

(2) FISH HATCHERY.

Paragraph (1)(A) of such section (98 Stat. 2722) is amended by inserting before the period the following: 

"(a) the Secretary, after consultation with the Board of Directors of the Pacific Coast Federation of Fishermen's Associations, and with the representatives of the United States of America in the matter preceding paragraph (1)----

(b) by striking "fourteen" and inserting "nineteen":"

(3) by striking "United States Soil Conservation Service" in paragraph (10) and inserting "Natural Resources Soil and Conservation Service":

(c) by inserting after paragraph (14) the following:

"(15) One individual to be appointed by the Yurok Tribe.

(16) One individual to be appointed by the Karuk Tribe."

(17) One individual to represent commercial fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

(18) One individual to represent sport fishing interests, to be appointed by the Secretary after consultation with the Board of Directors of the California Advisory Committee on Salmon and Steelhead Trout.

(19) One individual to be appointed by the Secretary of Agriculture, to represent the timber industry.

(b) COORDINATION. Section 3 of such Act (98 Stat. 2722) is further amended by adding at the end thereof the following:

"(d) Task Force actions or management on the Klamath River from Weitchpec downstream to the Pacific Ocean shall be coordinated with, and conducted with the full knowledge of, the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, as established under Public Law 99-352. The Secretary shall appoint a designated representative to ensure such coordination and the exchange of information between the Trinity River Task Force and the Klamath Fishery Management Council."

(c) REIMBURSEMENT. Section 3(c)(2) of such Act (98 Stat. 2723) is amended by adding at the end thereof the following: "The members of the Task Force who are not full-time officers or employees of the United States, the State of California (or a political subdivision thereof), or an Indian tribe, may be reimbursed for such expenses as may be incurred by the Task Force in carrying out the Task Force, as consistent with applicable laws and regulations."

(d) EFFECTIVE DATE. The amendments made by subsection (b) shall apply with respect to actions taken by the Trinity River Basin Fish and Wildlife Task Force on and after 120 days after the date of the enactment of this Act.

SEC. 3. MANAGEMENT PROGRAM.

(a) EXTENSION OF AUTHORIZATION. Section 4(a) of the Act entitled "An Act to provide for the restoration of the fish and wildlife in the Trinity River Basin, California, and for other purposes", approved October 24, 1984 (98 Stat. 2723), as amended, is amended----

(1) by designating subsection (d) as subsection (h), and

(2) by inserting after subsection (c) the following new subsections:

"(d) The Secretary is authorized to accept in-kind services as payment for obligations incurred under subsection (b)."

"(e) Not more than 20 percent of the amounts appropriated under subsection (a) may be used for overhead and indirect costs. For the purposes of this subsection, the term 'overhead and indirect costs' means costs incurred in support of accomplishing specific work activities and jobs. Such costs include primarily administrative in nature and are such as are practically identified and charged directly to a project or activity and must be distributed to all jobs on an equitable basis. Such costs include costs of the administrative staff, general staff training, rent, travel expenses, communications, utility charges, miscellaneous materials and supplies, janitorial services, depreciation and rental expenses, and equipment. Such costs do not include inspection and design of construction projects and environmental compliance activities, including but not limited to, preparation of documents in compliance with the National Environmental Policy Act of 1969."

"(f) Not later than December 31 of each year, the Secretary shall prepare and submit to the Committee a report detailing and analyzing all expenditures incurred under this Act for the fiscal year ending on September 30 of that same year. Such reports shall contain information adequate for the public to determine how such funds were used to carry out the purposes of this Act. Copies of such reports shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate."

"(g) The Secretary shall periodically conduct a programmatic audit of the in-river fishery monitoring and enforcement programs under this Act and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning such audit."

"(h) AUTHORITY TO SEEK APPROPRIATION AND AUDIT REPORTS. Section 4 of such Act, as amended by subsection (b) of this section, is further amended by inserting after subsection (h) the following new subsection:

"(i) Beginning in the fiscal year immediately following the fiscal year in which the program is completed and annually thereafter, the Secretary shall keep a program to seek approval of the public and substitute means of monitoring, evaluation, and public program to monitor, evaluate, and maintain public program reports adequate for the public to determine--"

"(j) PRESERVATION OF RIGHTS. Nothing in this Act shall be construed to establish or affect any other individual or entity."
Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.

Mr. YOUNG of Alaska. Mr. Speaker, I strongly support H.R. 2243, to extend the Trinity River Basin Fish and Wildlife Act of 1984.

This bill, introduced by our distinguished colleague from California, Frank Riggs, will build upon the successes of the past decade and continue the important work of rebuilding valuable fish and wildlife populations in the Trinity River Basin.

Furthermore, the legislation will expand the membership of the Trinity River task force to include representatives from the timber industry and tribal fishing interests. By broadening the membership of the task force, I am confident that the Secretary of the Interior will receive new and valuable advice on innovative ways to improve the Trinity River Basin in the future.

I urge the adoption of H.R. 2243, and I compliment Frank Riggs for his tireless work on behalf of his constituents.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues from Alaska in supporting the enactment of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1984.

Mr. Speaker, a little over 30 years ago, Federal dams on the Trinity River in northern California began taking up to 90 percent of the river’s flow and sending it west through the mountains to the Sacramento Valley. From there, Trinity River water flowed south, ultimately to irrigate cotton and tomato fields in the San Joaquin Valley. Unfortunately, diversions from the Trinity River Basin have devastated fish populations.

The health of the Trinity River is crucial to the well-being of Indian communities and to the commercial and recreational fishing economies. H.R. 2243 will help ensure that future decisions that affect flows in the Trinity River will be based on good science and an understanding of the hydrology and biology of this complex river system.

This bill will clarify the goals of the Trinity River Fish and Wildlife Restoration Program and will extend the authorization of the Trinity River Fish and Wildlife task force.

The restoration program and the task force are supported by commercial fishing interests, including the Pacific Coast Federation of Fishermen’s Associations; sport fishing interests; native Americans who depend on the river and its fishery; environmentalists; and future federal leaders in the Trinity River Basin. The restoration program enjoys broad support because it is based on good science and because it is producing results.

While I strongly support the work of the restoration program and the task force, I remain concerned that agricultural interests in the Sacramento and San Joaquin Valleys are still interested in diverting as much water as they can away from the Trinity River Basin. In particular, H.R. 2758, Mr. DOOLITTLE’s bill to rewrite the 1992 Central Valley Project Improvement Act, includes provisions that will undermine and perhaps nullify efforts to restore the Trinity River, perhaps even opening the way for more water conflicts throughout California. California’s Constitution and State laws are clearly designed to protect areas of origin such as the Trinity River Basin, and these concepts were embodied by Congress into the 1955 law that authorized construction of the Trinity River division of the Central Valley project.

I will strongly oppose proposals that violate these precepts, and I caution my colleagues to be aware of plans for further assault on these critical fishery resources.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 2243, the Trinity River Basin Fish and Wildlife Management Reauthorization Act of 1995. I wish to acknowledge and thank my colleague, Frank Riggs, and his staff for their efforts to bring this legislation to the floor. I also wish to thank Chairman SAXTON, Chairman DOOLITTLE, Chairman YOUNG, and their staff for their help and cooperation moving H.R. 2243 through committee.

Mr. Speaker, the reauthorization of the Trinity River Basin Fish and Wildlife program enjoys broad support from the residents of Trinity County in northern California. Congress authorized the restoration program in 1984 to study the effect of increased stream flow and water use is therefore, essential to meeting the demands of the future.

While H.R. 2243 will maximize water use within the Trinity River system by helping to establish an appropriate balance between riverbank restoration and stream flow. The benefits of this balance will be rejuvenated fisheries and a more stable long-term supply of water for counties of origin, recreation, agriculture, wildlife habitat, industry, and a host of other important water uses.

Mr. Speaker, this is a good bill, and I urge my colleagues to vote in favor of its passage.

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

Mr. Speaker, I urge the support of this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased to present to the House of Representatives H.R. 2243, a bill introduced by our colleague from California, Frank Riggs, to reauthorize the Trinity River Basin Fish and Wildlife Act of 1984.

During the past 10 years, nearly $60 million has been spent on trying to restore the habitat of the Trinity River Basin in an effort to rebuild the populations of various fish and wildlife species, including chinook and coho salmon and steelhead trout.

Among the accomplishments of the Trinity River Basin Fish and Wildlife Act are the construction of the Basin Dam, the modernization of the Lewiston Hatchery, and the purchase and rehabilitation of 17,000 acres of highly erodible lands along Grass Valley Creek. H.R. 2243, which was the subject of a hearing before the Subcommittee on Fisheries, Wildlife and Oceans on November 2, will extend the Trinity River Basin Fish and Wildlife Management Program for another 3 years; expand the membership of the task force to include representatives from the timber industry and recreational fishing interests; and will specify that stocking the Trinity River with hatchery fish should not impair efforts to restore naturally reproducing stocks.

At that subcommittee hearing, every witness testified in support of the reauthorization of the act; and there was a consensus that the Trinity River is the principal natural asset of this broad geographic region and crucial component of the economy.

The goal of H.R. 2243 is simple: to restore fish and wildlife populations in the Trinity River Basin. While working with the sponsor of this bill and other interested Members, it has become very clear that this legislation attempts...
to walk through a mine field of other issues that are not so simple. At the subcommittee markup, the bill was refined to address most of the recommended changes. I hope that we will continue to walk carefully through that mine field without attempting to refight the California water wars of the past.

Mr. Speaker, proponents of this legislation have persuasively argued that restoration of the Trinity River Basin is of paramount importance to the economy and culture of northwestern California. Reauthorization will allow this program to march forward and to complete the high priority efforts including the restoration of the Grass Valley Creek watershed, the South Fork fish habitat and watershed, and to implement a wildlife management program.

I strongly support H.R. 2243 and I want to compliment Congressman Frank Riggs for his effective leadership in this matter. I urge the adoption of H.R. 2243.

This bill to extend the authorization of the Trinity River Restoration Act for 3 years is extremely important to Northern California, and I ask my colleagues in favor of passage.

I want to thank the managers of this bill—the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommittee, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee. They gave their measure their priority attention.

I ask unanimous consent that my statement in support of the bill be included in the RECORD with the debate on H.R. 2243.

Mr. RIGGS. Mr. Speaker, I strongly recommend that the House approve H.R. 2243, legislation that my colleague from California [Mr. HERGER] and I introduced on August 4th of this year to reauthorize the Trinity River Restoration Act.

Trinity River water began to be diverted into the Sacramento River basin in 1963. Average annual runoff of 1.2 million acre-feet declined to 120,000 acre-feet. This had a devastating impact on fisheries that historically had produced total spawning escapements of 100,000 Chinook and Coho salmon and steelhead.

Correcting the problem required action in three areas; Stream flow, harvest management, and watershed stabilization. The Secretary of the Interior administratively increased Stream flow, harvest management, and watershed stabilization. The Secretary of the Interior administratively increased stream flow to 340,000 acre-feet, action subsequently ratified by Congress an amendment I offered to the Central Valley Project Improvement Act. In 1984, Congress passed the Trinity River Basin Fish and Wildlife Act, authorizing appropriations of $57 million over a 10-year period. Another $15 million was approved in 1993 for purchases of 17,000 acres in the Grass Valley Creek watershed and other program needs.

While I was able to include a temporary extension of the Restoration Act in the 1996 Energy and Water Development Appropriations Act, enactment of this legislation is important to continuation of the restoration program, reauthorization will set the stage for the 1996 release by the Secretary of the Interior of the Flow Study required by the 1984 Act.

A restored Trinity river will have an impact well beyond the immediate area. As the largest tributary of the Klamath River, a healthy Trinity river will benefit the economy of a wide area of California and Oregon.

Success in our restoration efforts will also demonstrate that the Federal Government is keeping its promise to correct environmental degradation which it has caused.

The bill being considered by the House today was drafted after the Water and Power Subcommittee held an oversight hearing on the Trinity River Restoration Act last July. At that hearing, concerned individuals suggested elements that should be included in any new legislation.

H.R. 2243 incorporates elements of a bill proposed by the Administration last March. It also reflects a consensus of the major Trinity River stakeholders that enhanced fish harvest opportunities both in-river and in the ocean are measured in Trinity. The fact that a consensus could be reached among such diverse groups as Indian Tribes, commercial fishermen, and environmental organizations is a tribute to their concern for the Trinity.

Mr. Speaker, key provisions of H.R. 2243 include the following:

The findings of the original Act are expanded to emphasize the importance of ocean harvest opportunities, recognizing, of course, that many factors contribute to the health of our ocean fisheries.

Restoration activity is authorized in the Klamath River watershed from its intersection with the Trinity to the ocean.

The bill clarifies that the purpose of the Trinity River Fish Hatchery is mitigation of fish habitat loss above Lewiston Dam; it should not impair efforts to restore and maintain naturally reproducing fish stocks.

The Trinity River Task Force would be expanded to include representatives of the Yurok and Karuk Tribes, plus commercial fishing, sport fishing, and timber industry interests.

The restoration program is extended for three years under the existing authorization of appropriations. In-kind services can be accepted as match, and overhead and indirect costs are limited to 20 percent.

Mr. Speaker, I am pleased that reauthorization of the Trinity River Restoration Act has broad bipartisan support. I particularly want to thank the Chairman [Mr. SAXTON] and Ranking Minority Member [Mr. STUDDS] of the Fisheries Subcommittee, as well as the Chairman [Mr. YOUNG] and Ranking Minority Member [Mr. MILLER] of the full Resources Committee, for giving this measure their priority attention.

I urge my colleagues to vote in favor of H.R. 2243.

Mr. MILLER. 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2243, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1253) to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

The Clerk read as follows:

H.R. 1253

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

SECTION 1. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE RENAMED AS DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE.

(a) REFUGE RENAMED.—The San Francisco Bay National Wildlife Refuge (established by the Act entitled “An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge”, approved June 30, 1972 (86 Stat. 399 et seq.)), is hereby renamed and shall be known as “the Don Edwards San Francisco Bay National Wildlife Refuge”.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, or paper or other document of the United States to the San Francisco Bay National Wildlife Refuge is deemed to refer to the Don Edwards San Francisco Bay National Wildlife Refuge.


The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from California [Mr. MILLER] will be recognized for 20 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.

Mr. YOUNG of Alaska. Mr. Speaker, as I watch my California colleagues come to the floor, I do hope that they will recognize the greatest compliment we can give to Mr. Edwards is to make this short. I support H.R. 1253, introduced by the distinguished gentleman and our former colleague from California, Norm Mineta.

H.R. 1253 is a simple, noncontroversial bill that renames the San Francisco Bay National Wildlife Refuge after former Congressman Don Edwards.

Don Edwards served in the House of Representatives with distinction for 32 years. During that time he was successful in convincing the Congress to authorize the San Francisco Bay National Wildlife Refuge, to expand its boundaries, and to appropriate the necessary funds to acquire the more than 22,000 acres that now comprise this unit.

The San Francisco Bay National Wildlife Refuge is the largest urban
refuge in the United States. It contains a number of valuable wetlands, supports hundreds of thousands of shorebirds, and the refuge is visited by more than 250,000 people each year.

It is appropriate to rename this refuge after Don Edwards in recognition of his work and lifelong commitment to this effort. I urge an "aye" vote on H.R. 1253.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, 25 years ago, right after college, I came to Washington, DC, and I became an intern in the office of Congressman Don Edwards. One of the things that I did at that time was work on his dream to have a wildlife refuge in south San Francisco Bay.

Because I worked on his staff, I saw perhaps a different side of the amount of effort that it took for Congressman Don Edwards to actually make this dream a reality. I can call committee chairmen every day for months at a time until he was heard, to working with local governments on zoning issues, and with the business community to make sure that their support would be in place, he did everything that it was possible to do to make this wildlife refuge a reality.

Mr. Speaker, a lot of people know Don Edwards as a defender of civil liberties and civil rights and the Constitution. I heard him introduced as "the Congressman representing the Constitution," and that is a legacy that he has left for our country. But this wildlife refuge is another legacy that he has left for our country.

The educational center in Alviso, CA, near my district, is host to hundreds of thousands of schoolchildren who can learn about the wonder that is the bay and the marshlands, including my own children. Because of Don Edwards, the California clapper rail and the saltwater harbor marsh house are household names in my home, and I thank him for that.

I thank him for all that he has done for our community, and I think it is fitting that the schoolchildren who go to visit the wildlife refuge will know of Don Edwards and know that that wonderful resource would not be there but for this wonderful, honorable, and fine man's diligent efforts. I thank you, Don Edwards.

I thank my colleagues, and I urge everyone to support this wonderful bill.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I want to thank Don Edwards, the gentleman from Alaska for joining in in bringing this bill to the floor. It honors one of the most wonderful persons ever to serve in the House of Representatives.

Don Edwards is a great and caring environmentalist, and it is fit and proper that he be honored by naming the San Francisco Bay National Wildlife Refuge after him. His consistent strong work on behalf of the refuge preserves for the present and future generations one of the great wonders of our Nation.

As a matter of fact, in the field of preservation, it ought to be noted here among his friends that Don Edwards has not done a bad job of preserving the location as long ago, and he looks fine and fit and I am sure he may be watching us today. It may be a very proud time in his life.

As the previous speaker mentioned, Don's main work in Congress was of course in defense of the Bill of Rights. He indeed truly gave the Constitution and the Bill of Rights its own refuge, a safe haven from the whims and angry passions of the moment. Our rights protecting us against Government intrusions and abuse were given a shelter and from the storm in Don Edwards' subcommittee. The rights of women, the right to pray without direction from the local majority, the right of speech, were all given protection and refuge by the courage of this gentle Congressman from San Jose, CA.

So anyone who has seen the vast sweep of the San Francisco Bay will immediately understand the importance and enduring beauty of the work that Don did in creating the bay refuge. It is a monument to a monumental Congressman. I thank the committee for bringing this bill forward, and I join in asking my colleagues to adopt it unanimously.

Mr. MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentleman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I rise to offer my strong support for the legislation offered by distinguished chairman of the full committee, the gentleman from Alaska [Mr. YOUNG] and the ranking member, the gentleman from California [Mr. MILLER], and thank them for giving this opportunity to us to honor a great person who served in this Congress, indeed, a great American, Don Edwards. It is appropriate that H.R. 1253 would rename the San Francisco Bay Wildlife Refuge after the dean of the California delegation, the man who was a man who could simultaneously champion the constitutional rights of our most despised citizens, while advocating strong punishment of criminal behavior. We also think of his work on international issues, and his deep devotion to peace and an end to the arms race and cold war.

But Don had another great love: the preservation of the wetlands and habitat of San Francisco Bay that had been so affected by decades of development, and he had fought for the creation of the San Francisco Bay National Wildlife Refuge, and it is that refuge that we seek to name for him today.

Renaming the refuge after Congressman Edwards is a fitting token, certainly not enough for the contribution that he has made to this country but a testament of appreciation for him for his leadership and the hard work that he did to make this.

As our colleague, the gentlewoman from California [Ms. LOFGREN], said earlier, for generations to come children who visit the refuge will now know who Don Edwards is, for ages to come, and the valuable contribution that he made to our country.

In that spirit, I wish to once again commend the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], and the gentleman from California [Mr. MILLER] for their leadership in making this vote possible today.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 1253, to name the San Francisco Bay National Wildlife Refuge for our distinguished former colleague Don Edwards, who represented the 16th Congressional District of California in this House for three decades.

This is a difficult time in the history of political discourse in our Nation. Rhetoric is inflamed, partisanship persistent, and open anger by under covered conflict with issues that will determine the future course of this Nation and of millions of its most vulnerable citizens. I think it can be fairly said that both parties share the blame for that condition, as do members of the press who pursue the outlandish, the acerbic, and the meanspirited remark.

Don Edwards, who left this Chamber for the last time only a year ago, already seems of a different age— an age when legislators could disagree without being disagreeable, even in discussions of issues that bitterly divided them from each other. He was distinguished without being pompous, fair-minded without being neutral, and patriotic without being chauvinistic.

When we think of Don Edwards' legislative achievements, we often think of his work on the Judiciary Committee and especially his chairmanship of the Constitutional Rights Subcommittee, he was a man who could simultaneously champion the constitutional rights of our most despised citizens, while advocating strong punishment of criminal behavior. We also think of his work on international issues, and his deep devotion to peace and an end to the arms race and cold war.

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But Don had another great love: the preservation of the wetlands and habitat of San Francisco Bay that had been so affected by decades of development, and he had fought for the creation of the San Francisco Bay National Wildlife Refuge, and it is that refuge that we seek to name for him today.
Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I rise in support of all veterans' programs. I am proud to have had the privilege of working with him, so I congratulate the committee, and I rise in strong support for naming this refuge the Don Edwards San Francisco Bay National Wildlife Refuge.

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON asked and was given permission to revise and extend his remarks. Mr. RICHARDSON. Mr. Speaker, I want to add to those who thought that Don Edwards was one of the finest individual Members ever to set foot in this House of Representatives; his decency, compassion in many fields. I just think this is an important tribute. I want to congratulate the chairman and the ranking member for taking this action.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would just like to say that those of us from the bay area certainly believe that we honor our area by naming this grand refuge after Don Edwards, for all of his work.

We also believe, and I think those who had the pleasure of serving with Don and his wife Edie believe that we honor our institution when we think of the grace and the courage that they both brought to public life, in their combined service in and on behalf of so many people who strongly needed the attention of the Government to help make their lives better. People knew that you could always call on Don Edwards and on Edie to provide a voice, to provide support, to provide commitment.

So this is a very proud day for those of us who served with Don and Edie, and certainly those of us from the San Francisco Bay area and from California, as we think we honor ourselves as an institution and Members of the institution and our region with this naming.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can only echo what has been said about Donny Edwards. He called me Donny Young, he was Donny Edwards. In fact, I had an amendment to the bill. I was going to strike out Edwards and put “Young” after “Don” in each one of them. I am confident that would kill the bill for sure.

But in reality, I would like to suggest that he was an asset to this House when he served, the time that he served with distinction. I know this area, being from California, and being there each day, I can appreciate. Much more in fact, is that he recognized the importance of this area.

This is a tribute to Mr. Edwards and his support. Maybe someday after I have left this great House, they will be able to take and name the refuge after me.

I just keep that in mind, my fellow colleagues.

I again want to express my support for this legislation in recognition of a good friend that left here. Although he was not many times on the same side of issues, he was a gentleman and indeed he brought a great deal of respect to this House.
authorized functions in any unit of the National Wildlife Refuge System or the National Park System, as amended. The Clerk read as follows:

H.R. 2677

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Park and National Wildlife Refuge Systems Freedom Act of 1995.”

SEC. 2. REQUIREMENT FOR SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES.

(a) REQUIREMENT.—Notwithstanding section 1342 of title 31, United States Code, the Secretary shall accept from any State donations of services of qualified State employees to perform in a Unit, in a period of Government budgetary shutdown, functions otherwise authorized to be performed by Department of Interior personnel.

(b) LIMITATIONS.—An employee of a State may perform functions under this section only within areas of a Unit that are located in the State.

(c) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

(d) ANTI-DEFICIENCY ACT. NOT APPLICABLE.—Section 1342(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, qualified State employees under this section.

(e) DEFINITIONS.—In the section—

(1) the term “Government budgetary shutdown” means a period during which there are no funds available for the operation of the National Wildlife Refuge System and the National Park System, because of—

(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill;

(2) the term “Secretary” means the Secretary of the Interior; and

(3) the term “Unit” means a unit of—

(A) the National Wildlife Refuge System, or

(B) the National Park System.

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

The Chair recognizes the gentleman from Alaska [Mr. YOUNG]. Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska. Mr. Speaker, I am not going to give much notice to this legislation. It is unfortunate that we are already set the season, we already set the bag limit, we already set the take, we already set the take, we already set the bag limit, we already set the take, we already set the season, we already set the species. We will operate these refuges.

Moreover, this bill is voluntary for the States. States do not have to do this. This is not a requirement. But when a State steps forward and says, “Yes, we can, in the case of a shutdown,” when the Secretary for the first time in history shut down refuges, when a State comes forward and says, “We will because we already set the take, we already set the season, we already set the species. We will operate these refuges.”

The bill does not address the issues of liability, but this will help. The State employees are stepping into the shoes of Federal employees of allowing our States who normally operate the parks and refuges, and, as a result, the standard liability rules will apply. By the way, when was the last time there was any lawsuit against the Federal Government in a refuge or a park? I hope someone will answer that. I cannot remember it, nor have I seen it; in fact, if it occurs, it does come to my attention, by putting some thing else on the endangered species, and that would possibly be the legal profession.

We will hear from some in the minority who are concerned about the expedited process of being able to bring this bill to the floor today. I do have some sympathy with that. The full Committee on Resources held a 2½ hour hearing on this bill last week with the minority members participating very actively. Because of the sense of urgency involved to get this bill to the House and Senate before a possible, and I say possible, Government shutdown in 4 days, it is imperative this bill be on the floor no later than what is today. As a result, no markup was held.

Under the rules, we can bring the bills to the floor and allow our States to keep the parks and refuges open and require the expedited process to be used.

The bill has bipartisan support. It has been endorsed by the Western Governors’ Association, which passed a resolution of support. It is also supported by the Congressional Sportsmen’s Caucus.

This is a commonsense proposal to help prevent our constituents from being locked out of parks and refuges during future Government shutdowns.

I urge my colleagues to support this legislation.

Mr. Speaker, if I may say, this bill would not be necessary if this Secretary of the Interior had acted accordingly. Yes, sometimes we have shut down our monuments. Yes, sometimes we have shut down some of our parks. When a Governor steps forward and says because of the State activity because of the deadlock between the President and the Congress, let us have the opportunity, but more offensive to me is when a State now has the authority to manage fish and wildlife on a refuge to have one person, one person to say all nonessential employees go home, we are going to shut down these refuges regardless of what the State has done in the past. This legislation is voluntary. It just requires the Secretary to accept a proposal from the State official as is offered to the Secretary of the Interior.

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

Mr. MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I oppose this bill, and as the chairman knows, I have given him some support.
lately, but not this time. This is a bad bill.

Mr. Speaker, why do thousands of Americans visit our national parks every year? The answer is because they appreciate and treasure our parks. Last year over 270 million Americans came to our parks. And why do those thousands of Americans appreciate our parks? The reason is because they are successfully managed.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I want to correct a statement. You said, 270,000?

Mr. RICHARDSON. That is correct, 270 million.

Mr. YOUNG of Alaska. There you go, 270 million.

Mr. RICHARDSON. I thank the gentleman.

This just reinforces my point. Why is the park so successfully managed? And the reason is because we have trained and experienced employees of the National Park Service who dedicate their lives to maintaining our parks.

So why are we here considering a bill which would give our parks to individuals who do not have the training or the skills necessary to manage a national park? Because some, and I will not say everyone on the other side, are rushing legislation to draw attention away from the fact that they are planning to force another Government shutdown.

Mr. Speaker, this bill is well intentioned. But it is going to leave our parks in the hands of individuals who lack training, who lack experience, lack the day-to-day knowledge of how to run our parks.

I have just as many hunters and fishermen as my colleague does, and I have not heard from them about the necessity of this dramatic legislation that we are considering today. Temporary State employees who may work hard in other areas of expertise are simply not going to possess the knowledge of national park regulations and management policies necessary to safely maintain our parks.

The bill also raises many questions, such as who is going to accept liability for any accidents or damage to the parks? The fact is this bill is being brought under suspension without the apparent approval of the ranking member, the gentleman from California [Mr. MILLER], and without properly going through the legislative process.

Unless the other side has proof of mismanagement within the National Park Service, then there really is not any reason to fix what is not broken.

It is also interesting to see some of my colleagues who have been pushing for a park closure commission now all of a sudden wanting to try to keep them open.

Mr. Speaker, the bottom line is that this is a bad exercise and a bad excuse to shut down the Government. The only way to keep our parks open is for the Congress to strip the Interior appropriations bill from the unnecessary riders so the President can sign the bill. Only then will the employees of the National Park Service be able to use their expertise to properly manage our parks and keep them open.

Mr. Speaker, at some of the attributes in this bill, one of the provisions. While one Governor is eager to assume management of certain national parks, most State park systems are facing severe budget shortfalls. Even if the Secretary of the Interior were to assume management of national parks could cripple State park systems as the administration testified.

This bill leaves many management and liability questions unaddressed. Loose ends could jeopardize visitor safety, impair resource protection, which in the long run would likely create more problems than the bill seeks to solve. This proposed transfer which I understand is temporary, is consistent with the one of some who have advocated giving management authority of public lands to State and local entities. This is a principle embodied in H.R. 260, a bill to create a national parks closure commission.

There are significant resources which should not be managed on an ad hoc basis in times of budgetary pressure.

Last, here are some alternatives. What do we do about H.R. 2677 as alternatives? I will work with the administration to reclassify as essential those National Park Service employees necessary to ensure normal operations at all of our 399 national parks areas? Why do we not pass a short-term continuing resolution to fund the Department of Interior until after New Year's Day, and last, break the current impasse, take those riders away, and enact H.R. 1977 as we usually do, the Interior appropriations bill for fiscal year 1996?

My chairman has been on a roll on some good bills lately, but on this one he is not on a roll, and I would urge defeat of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I may suggest one thing. The President will have a chance to sign an appropriation bill very soon this week. If he vetoes that bill, that means that the administration has not worked with the administration to reclassify as essential those National Park Service employees necessary to ensure normal operations at all of our 399 national parks areas? Why do we not pass a short-term continuing resolution to fund the Department of Interior until after New Year's Day, and last, break the current impasse, take those riders away, and enact H.R. 1977 as we usually do, the Interior appropriations bill for fiscal year 1996?

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Mr. Speaker, I yield myself such time as he may consume to the gentleman [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, as an original cosponsor of H.R. 2677, I am pleased that the House is having an opportunity to debate the merits of the National Parks and National Wildlife Refuge System Freedom Act.

Since coming to Congress in 1989, I have proudly represented New Jersey's Third Congressional District, which includes the 40,000 acres of the Edwin B. Forsythe National Wildlife Refuge.

This refuge, which is predominantly an estuarine marsh habitat, is one of the finest in our Nation, and over the years the size of this refuge has increased because of broad public support. Men and women in my district have provided the financial resources to protect this barrier island ecosystem and to acquire the upland forest and fields that have enhanced the biodiversity of the refuge. In addition, the Congress of my district have enjoyed hunting and fishing on lands that comprise the Edwin B. Forsythe National Wildlife Refuge for generations.

Tuesday, November 14, was a bad day for America and for every person who wanted to visit a national park or national wildlife refuge unit. While my preference would be to complete action on an appropriations bill for the Department of the Interior, there must be a fail-safe or stop-gap procedure in place to avoid another public lands meltdown.

In my judgment, it was ludicrous that the Department of the Interior was unable or unwilling to accept the offer of Governor Symington to keep all public lands open by using State National Guard troops.

Mr. Speaker, this was just one example of where various State officials expressed willingness to operate our National Parks and Refuges with State employees. Sadly, these offers were rejected.

H.R. 2677 would provide a fail-safe measure and it would help to ensure
that the gates to the Edwin B. For- sythe are never again padlocked and shut in the faces of those Americans who paid for these lands with their hard-earned tax dollars.

Mr. Speaker, I urge an "aye" vote on the Motion to Enrol and National Wildlife Refuge Systems Freedom Act.

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

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

Mrs. LINCOLN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today I rise to support the purposes behind H.R. 2677. What we experienced only to be turned away at the gates of the Federal Government was a phenomenon and there should be a set contingency arrangement for the management of our natural resources should the doors of the Federal Government again close due to the lack of appropriated funds.

I have been involved in the issue because, when the Government shut its doors in November, many of my constituents were refused entrance into the wildlife refuges for a prescribed deer hunt. Hunting is one of Arkansas' favorite family pastimes. People take time off work and families plan vacations around hunting trips. Prior to the recent shutdown, refuge managers had scheduled deer hunts at two Arkansas refuges. Hunters in my district went through an extremely competitive permit process, paid $12.50 for each permit, took days off from work, drove up to 6 hours to travel to the refuge, only to be turned away at the gates of the refuges. Needless to say, the budget crisis in Washington was not of their choosing and they were not happy about the results.

Weeks before the actual shutdown, the Fish and Wildlife Service worked with the Arkansas Game and Fish Commission on an agreement to allow State employees to volunteer their services on the Federal wildlife refuges. This agreement was signed and ready to implement in the event of a Federal Government shutdown. However, days before the actual shutdown, the Interior Department determined that this agreement violated the Antideficiency Act and would not be allowed. Just last week, I introduced a more narrow bill to reflect a more concise arrangement between the Fish and Wildlife Service and the Arkansas Game and Fish Commission. My bill would mandate a prior agreement between the Federal and State governments before the State could take over the management of hunting on wildlife refuges. The agreement mandated in my bill would ensure that State employees volunteering their services had proper safety training, knowledge of terrain, knowledge of and adherence to Federal regulations, and ability to protect individuals and the natural resources.

I believe that shutting down the Government is a poor way of running a government or business. Americans who pay their taxes and play by the rules should expect their Federal Government to function properly and perform services that people rely on. They shouldn't have to wonder if their Government has the ability to conduct its housekeeping chores. This bill only takes care of a small portion of the impacts arising from a Federal Government shutdown. However, this approach makes sense because there are currently such arrangements where the States manage Federal lands and historically, the Federal and State governments work closely together in setting hunting seasons.

I understand that we need to move quickly to resolve these issues if we are facing another potential shutdown on December 15. As I believe that there are still outstanding issues that need to be resolved to ensure safety and the conservation of our resources. I look forward to working with the chairman, the Senate, the Fish and Wildlife Service and the Arkansas Game and Fish Commission on this issue and urge my colleagues to support this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RADANOVIČ].

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

Mr. Speaker, I represent the 19th District in California, and in that district is included Yosemite National Park, Kings and Sequoia National Parks. I understand the magnitude of balancing a budget and coming to shutdowns and agreements, where we have really got to get our act together fiscally and budgetarily.

What I do not agree with is when innocent citizens are caught in the way of a government shutdown, such as the communities of Oakhurst, Auburn, Three Rivers, and Mariposa, those communities whose interests depend heavily on tourism generated by these national parks. It is for that reason that I support this bill.

Those involved in government, those that hang their hat on government, government employees, this body, those people are the ones that should suffer the consequences of a Federal Government unable to function and unable to come to agreements on a 7-year balanced budget scored by CBO; not people in small communities whose economies thrive on open national parks. It is for that reason that I support this bill.

Mr. MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this bill. It is an innocent facade that is designed to throw some- thing into the parks and the wildlife refuges open when we do not pass the appropriation measure and have them signed into law.

Well, if we do not pass the measure, it has profound impacts. There is not the funding available under the Constitution to in fact fund these functions of Government. Now, I am a little confused today, because in this instance, the new majority, the Republican majority, is plagued and is trying to smooth over the problems that the parks and the wildlife refuges are not open under the funding lapse and we will not be able to hunt in them. As a hunter, I am sure that I would be concerned if I had that happen in Arkansas. I would want to participate and hunt. I understand that particular problem.

But, on the other hand, they want to smooth over that problem, but later today, under the debt ceiling legislation that is to be passed, they want to shut the Government down completely. They want to force Secretary Rubin into relinquishing borrowing authority that he lawfully exercises.

Am I confused? What do you want? Do you want to shut the Government down or do you want to keep it open? The fact of the matter is you could answer this particular problem for this park and hunting issue by stripping out all the extraneous riders from the Interior appropriation, the special interest provisions for the mining industry, for the grazing industry, taking out the rules and regulations and the Tongass timber issues in southeast Alaska, which are bogging that bill up, and send it to the President without that controversy, come to a compromise and pass and enact it.

You have not done that yet. The G.O.P. hasn't taken step one. That is the reason we are here, nearly 3 months after the date this bill should have been enacted. It is not enacted, and now, we are going to go through this hokey process of trying to suggest that everything will really run just as it is supposed to, because we can enlist the States to run the parks and the wildlife refuges and you can go hunting if you want to, because the Governor from Arizona, for example, is going to be able to operate the park or the refuge.

What happens when someone gets in the Colorado River and they are on the wrong side and the Governor from Utah is not involved with his personnel? This bill does not make it possible to do that. This bill does not work. You have not answered the anti-deficiency questions. You have waived that law. You are fundamentally undercutting the authority and the ability of Congress in terms of controlling the purse strings.

Is that really what this Congress wants to do? I understand the good intention and the practical problems that some of my colleagues are having, but that just underlines the importance of funding. We ought to keep the park open and attach the Interior appropriation bill. We ought not to use this as just one more opportunity to gratuitously beat up on Federal employees,
on Park Service employees, on the rangers and stewards of these public lands, such as I heard at last week's hearing.

The issue H.R. 2677 had one day of hearing, after little notice with regard to it. So we have here 1000 park personnel in the Grand Canyon to operate it. The entire State of Arizona has 200 Park Service employees. How are they going to run the Grand Canyon? Not very well, I am afraid. The suggestion then is that we do not need those 400 Federal employees to operate the Grand Canyon, that somehow they are not doing their job or any State could do this and we do not need the Federal Government.

That is what this is all about. This is just a political game, a charade we are playing here, with I think a very important issue, the budget, and something very dear to the hearts of the American people, our parks and wildlife refugees. This bill actually creates more problems than it solves. It reminds me of my experience of being pushed off a deep drop off in a lake by a friend who then prevented my drowning and was hailed a hero. Thanks, but no thanks with that swimming experience.

The Republican leadership is advancing this bill, H.R. 2677, as a solution to a self-imposed problem due to skewed priorities. The Interior appropriations bill still is not approved 10 weeks after the start of the fiscal year with no funding for the park and wildlife refuge operation. If the Republican majority had done its job and drafted a sound appropriation measure without giveaways to the grazing, timber and mining industries, with funds for essential programs we would not be in this crisis situation without funding to keep our national parks and refuges open during a Federal shutdown and we would not be considering H.R. 2677 today. Just symbolizing the Washington Monument or Grand Canyon won't solve the budget problem.

Not only should this bill be unnecessary, it fails to address many practical issues. I do not question the good intentions of most States or the sincerity of State employees who are willing to do what they can in a difficult situation; however, managing the Washington Monument, Yellowstone, Grand Canyon or any of our parks requires expert personnel. Federal Code for funding shortfalls and contract out the services to the States is not appropriate. Mr. Speaker, our Nation faces serious budget constraints, declining incomes and security for working people, and many grave concerns. This measure was introduced with an illusory purpose and is harmful to the interests and property of separate measures for all Federal Government. Ironically, Congress has always been very careful to the Federal Government to avoid the frequent requests for administrative flexibility. Congress and its committees have properly asserted an effective role in land use questions and most certainly in the designation and operation of our crown jewels, the park units.

This measure, beyond the misguided and misdirected congressional focus, could have profound impact on the legislative branch of the Federal Government. H.R. 2677 provides a blueprint and an engraved invitation for the executive to sidestep congressional authority to control spending, the purse strings, and the land use policy of the Federal Government. Ironically, Congress has always been very careful to the executive to sidestep congressional authority to control spending, the purse strings, and the land use policy of the Federal Government. Congress and its committees have properly asserted an effective role in land use questions and most certainly in the designation and operation of our crown jewels, the park units.

This measure, H.R. 2677, undercuts and weakens congressional control of the funding and budget control. In weeks past, the Republican majority has respected the sense of the House to avoid the frequent requests for administrative flexibility. Congress and its committees have properly asserted an effective role in land use questions and most certainly in the designation and operation of our crown jewels, the park units.

Mr. Speaker, I rise in strong support of H.R. 2677. It seems to me this is a common sense bill that cannot be wished away or solved without real funding. Let's get this bill and get back to work.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arizona [Mr. SHADEGG]. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2677. It seems to me this is a common sense bill that cannot be wished away or solved without real funding. Let's get this bill and get back to work.
Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Speaker, I simply want to briefly respond to the remarks we have just heard. The notion that is posited here that this is a one-sided problem, that, indeed, only one party can be blamed for the budgetary impasse that we have before the Nation right now, nothing could be further from the truth.

The simple truth lies in the words which were used. Pass a bill the President can accept. It is a simple proposition. No measure passes this Congress without the votes to pass it; but it does not become law until the President signs. The budget impasse we face today is of equal burden and falls upon both parties.

I have a discussion with my staffers who debate this very issue. There are two kinds of people in the world, those who look for ways to solve problems and those who look for excuses why they cannot be solved. What we have heard today is that there is an acknowledged problem. If the Republicans are serious about keeping Social Security functioning, they ought to pass a Labor-Health appropriations measure that the President can sign.

Today is December 12 and the leadership has not even brought a bill to the floor in the Senate on this issue. Some 50,000 employees, they are not national parks, but they are people who need programs to make sure that they have housing, make sure that they can eat, make sure they can get Head Start programs and other things that may not be as important as seeing the 7th Wonder of the World, but they are important to some.

I urge the House to reject this measure and keep the pressure on the Republican leadership to take their responsibilities seriously. Do not shut down Government.

Bob DOLE said we ought not to do it, and he is right. And it will take 5 seconds. A unanimous consent to do a continuing resolution to continue the impasse. The continuing resolution offered by the Republican leadership just days ago and say that it will go until January 26 or 30. Five seconds and this problem would be eliminated.

Why does it exist? Political posturing.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume, before I yield to the gentleman from Arizona, to say that we have just heard one of the most partisan presentations for a subject the gentleman knows nothing about.

It is very, very disturbing to me that before this, this was a debate about refuges and parks and the ability to keep them open to the taxpayer. And it disturbs me, as I have said before, that I have been here long enough to remember when we had television cameras. If Members want to play the television, that is fine, but we are trying to solve a problem.

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go to Ribbon Falls to celebrate her father’s passing and his memory because of the Federal Government shutdown.

There is a way to solve this problem and not to look for excuses. It is in this bill. I urge its passage.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HOYER].

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

My purpose was not to be partisan in presentation, as is alleged by the chairman, my good friend, the chairman of the committee. My purpose was to say that there is a very simple way to get out of this perceived problem, and that is to say, yes, we have differences, they are substantive differences, and we are debating them, and we will go on debating them for probably weeks to come because there is substantial disagreement within your party and between the President and the Congress. The simple way to do it is to say we do not need down the parks or other aspects of Government. The fact of the matter is, we are going to operate Government while we debate these issues.

I would say to the gentleman that that was my point. I think it is a valid point on this bill and others like it that seek to accept certain portions as opposed to making sure that the Government continues to operate.

Mr. VENTO. Mr. Speaker, will the gentleman yield to me?

Mr. HOYER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, this is not the solution, this is a coverup in terms of what the real solution is. The real solution is passing the Interior appropriations bill.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do the parties have left?

The SPEAKER pro tempore (Mr. EWING). The gentleman from Alaska [Mr. YOUNG] has 2½ minutes, and the gentleman from California [Mr. MILLER] has 4 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I have reserved the right to close, I believe, but I yield myself such time as I may consume to suggest if the gentleman had reached his point and not added all the little adjectives to it, I would have been much happier.

I will not disagree with some of the things he said, but I would suggest when he brings in the other appropriations bills, brings my leadership into question, when this is a two-party street, why did the gentleman not mention the President? That is all I suggested.

It means a great deal to me that we solve this problem of refuges and parks. And I hope on that side of the aisle, I hope Members understand if they vote against this bill, which they vote against this bill what they may consume.

Mr. Speaker, the Grand Canyon was not closed because of the failure of the budgetary process. The Grand Canyon was closed because the Republican party, which numbers 234 in this House, has not passed an appropriations bill for the Department of the Interior. And the fact of the matter is, that bill was to be passed on October 1 and it is December 12 and it still has not passed.

They brought it to the House twice and it was rejected on a bipartisan basis, overwhelmingly rejected because of its extreme nature.

The Republicans are looking for someone to point a finger at and someone to blame. They ought to take some personal responsibility. They have failed to pass the appropriations bill. If the appropriation bill was passed, the Government would be treated by those other agencies of the Federal Government whose bills were passed and they were not affected by the shutdown. But the Republicans have failed and now they want to blame somebody. They are not going to get away with it.

Pass the appropriations bill and pass a bill that, yes, is acceptable to the President of the United States and to the people of this country. That is not what the Republicans have been doing. They have been serv ing up on the floor of this House, and that is why they have been repudiated twice. Because the people of this country are not going to sacrifice these resources so that the Republicans can open them up some emergency basis.

Mr. Speaker, I know it is a cliché, but we often talk about the defendant that killed his parents and then threw himself on the mercy of the court because he was an orphan. The Republicans have been behavior a bill in a timely fashion. The fact is they have failed, I believe, to deliver every appropriations bill in a timely fashion for, I believe, the first time in modern history in this Congress. And the fact of the matter is, if the Government was shut down. That is separate from the budgetary process.

Mr. Speaker, the fact of the matter is, we did not have a continuing resolution because the Republican majority did not have a continuing resolution because the Republican leadership failed to pass the appropriations bill. The Republicans are planning to shut down the Government again. They are anticipating it, which suggests maybe Mr. Speaker, the Secretary of the Interior, who are following this will not know where they are going. They know exactly where they are going.

The Republicans are planning to shut down the Government again. They are anticipating it, which suggests maybe the Good Faith Bargaining everywhere everybody talks about is not taking place, and at the same time they are trying to cover up for the mistakes they made in the past. They were so excited to shut down the Federal Government, they prematurely. They did it before there was any controversy. But they went ahead and shut it down, and the American people said what the hell are they doing. This does not make sense. We have not even arrived at the point where we have had a vote.

So now they are coming back from that position that they found was so unpopular with the American public, and now they are trying to pretend they are doing something to deal with it. The Republicans can deal with this. Pass the Interior appropriations bill. But if the Republicans are going to load it up, as they have in the past, with a lot of provisions to destroy the forest and destroy the wild lands of this country, it will not be acceptable, and the President will sign it, and they will, again, have enabled people to shut down the Government of this country because of their own failures to meet their deadlines and to meet the guidelines and the laws of this country.

Mr. Speaker, the only reason we are here today with H.R. 2677 is that the Republican majority failed to do its job and pass an acceptable appropriations bill to fund our national parks and wildlife refuges.

The majority has twice failed to generate sufficient votes to pass its own Interior bill. And now, to cover the tracks of that failure, they have cooked up this specious and absurd piece of legislation. Let us be clear: This bill is nothing but camouflage to conceal the Republican leadership’s failure to do its job.

H.R. 2766 has been titled the “National Park and Wildlife Refuge Systems Freedom Act of 1995”. This bill does not free our national parks or refuges from anything. Instead, it raises more concerns than it answers, and it places our parks, and our citizens, at great risk.

Which parks or refuges would be opened in the event of a Government shutdown?
What services would be provided?
Who would be liable to accidents to visitors or damage to resources?

Governor Symington of Arizona tells us he thinks Federal taxpayers should indemnify States for damages and injuries caused when States operate Federal facilities. An interesting feature of the new federalism!

If you are serious seeking the answers to these and other questions about this hastily developed bill, do not look to the Committee on Resources. We have held one, perfunctory hearing on a day when the House was not even in session; multiple questions about the bill went unanswered. We held no subcommittee mark up; no full committee mark up; there is no report on this bill.

And today, the House is being given no opportunity to amend this bill to address the many concerns and criticisms that have been raised about it.

H.R. 2677 is really a pretty poor solution to the Republican failure to provide an appropriations bill to fund our national parks and wildlife refuges. If you were really serious about solving this problem, we would be better off passing a law declaring all national park and wildlife refuge employees as emergency employees for the duration of a shutdown. Instead, you are going to have States determine what parks and refuges are open in a shutdown and what services will be provided. I note Governor Symington's offer to assist with Grand Canyon National Park, but what about Saguaro National Park, Petrified Forest National Park, or any of the 17 other national park units in Arizona?

The Governor did not answer that one. Let me tell you what this bill is really about. It is not about keeping the parks open, because it is so poorly drafted and ill-conceived that no one seriously believes it is going to become law. It is polemics, not policy.

No, what this bill is about is the Republican leadership, who demanded that it be prematurely brought to the floor this week, wanting to immunize itself against charges that it shut down the national parks again because Republicans cannot figure out how to pass an Interior appropriations bill. And this bill is a little insurance policy, so they can go home and tell their disappointed constituents: "Oh, I didn't vote to close the parks. Those nasty Democrats did because they refused to pass H.R. 2677."

But the Republicans know, and the American people know, this bill could not become law in time for the possible shut-down this week, and so there is really no rush. It should be given much fuller consideration.

And last, let me mention that many of those who are promoting this bill are also advocates for turning over Federal lands, including protected national parks, to the States so that miners, loggers, and others can exploit them free from the management policies developed on behalf of all Americans by past Congresses.

H.R. 2677 has been conceived as a first step towards the dismantling of our parks, refuges, wilderness areas, and other Federal lands. And that is exactly how passage of H.R. 2677 will be interpreted by its supporters. Do not let the Republicans play dangerous political games with our national parks! Vote "no" on H.R. 2677.

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 1½ minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman that just spoke voted twice to recommit the bill. We brought a bill to the floor, an appropriations bill that could pass, to send to the President, and then if he vetoed it, we would know really where the differences lie. But the gentleman was in the minority. He was in the minority. And this House has not done its job because the minority says they know what is best for the majority.

The minority will have an opportunity this week to vote on the same bill. Hopefully, it will pass and it will go to the President and he will probably veto it. Then that is in his ballpark. But the big thing right now is, again, I want to stress that for the first time in history this Secretary, the arrogance of this individual, has taken away the rights of the American people.

All this bill does is say if a State wishes to do so, in the case of a conflict between the Congress and the President of the United States, they, in fact, can offer their services to keep these areas open for the general public.

Mr. Speaker, may I suggest, and correct the gentleman from California, that in 1987 the majority on that side passed, for a full year, 13 continuing resolutions for all 12 months for all 13 agencies. Do not tell me about the law. In fact, in 1974, when Mr. Carter was running around here, 1975 and 1976, in that period of time, 1978, I cannot remember all the years he has been there, each time they, in fact, passed continuing resolutions. They never met the time frame.

I have heard this argument again and again about the Republican party not doing this. The Democrats have failed miserably, and in the meantime put us $6 trillion in debt.

Mr. DINGELL. Mr. Speaker, I rise today in strong opposition to the bill before us. This bill would temporarily place the management of national parks and wildlife refuges under State control, and it raise several concerns. First, as author of the underlying legislation for the National Wildlife Refuge System, I have long opposed any giveaways in Federal authority to the States.

These lands belong to the people of the United States—not any one State, and they must be managed according to the purposes established through Federal legislation. Second, as a long-time hunter, I, too, wish to see the refuges remain open. There is a simple way to achieve this, and one which the majority has twice failed to do by bringing an appropriations bill to this floor which is so extreme that it cannot pass. The Interior appropriations bill is over 2 months late.

Third, there are unresolved questions about the liability and other matters when the Federal Government hands over the keys of these treasures to the States.

The majority is right! It is irresponsible to close down our national parks and the refuge system. It is a shame that we are facing a second Government shutdown later this week because the majority is unable to pass a reasonable funding bill for parks and refuges.

Now I must say that I have the most respect for the chairman of the Resources Committee, with whom I have worked diligently to assemble a bill which will make improvements in our Refuge System. H.R. 2677 is bad legislation which goes against those things which Chairman YOUNG and I are trying to achieve with legislative reforms to improve our refuges, and does so to try to carve out exemptions for hunters.

As a hunter, I want refuges open. As a legislator, I want good legislation for our refuge system. H.R. 2677 might be good politics, but it is terrible policy. I urge defeat of this bill.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 2677, as amended.

The question was taken.

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

The yeas and nays were ordered. Pursuant to clause 5 of rule I, the Chair's prior announcement, further proceedings on this motion will be postponed.

N O T I C E
Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.


Mr. REGULA submitted the following conference report and statement on the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-402)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1996, and
for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:


That the Senate recite from its disagreement to the amendments of the Senate numbered 10, 11, 13, 15, 16, 17, 18, 19, 20, 28, 32, 34, 36, 45, 53, 57, 63, 65, 66, 67, 68, 72, 73, 74, 75, 76, 78, 80, 81, 82, 87, 88, 93, 97, 92, 103, 106, 109, 113, 121, 124, 126, 127, 128, 129, 130, 131, 133, 134, 137, 139, 140, 141, 142, 143, 144, 145, 149, 150, 157, 159, 160, 161, and 162, and agree to the same.

Amendment numbered 1:
That the House recite from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:... [insert text]

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

In lieu of the matter stricken and inserted by said amendment insert:... [insert text]

Amendment numbered 3:
That the House recite from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 4:
That the House recite from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment insert:... [insert text]

Amendment numbered 5:
That the House recite from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 6:
That the House recite from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 7:
That the House recite from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

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

In lieu of the matter stricken and inserted by said amendment insert the following:... [insert text]

Amendment numbered 9:
That the House recite from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following:... [insert text]

Amendment numbered 10:
That the House recite from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 11:
That the House recite from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 12:
That the House recite from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

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

In lieu of the matter stricken by said amendment insert:... [insert text]

Amendment numbered 14:
That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 15:
That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 16:
That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

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

In lieu of the sum proposed by said amendment insert:... [insert text]

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

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 19:
That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

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

In lieu of the sum proposed by said amendment insert:... [insert text]

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

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 22:
That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment insert:... [insert text]

Amendment numbered 23:
That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 24:
That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 25:
That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 26:
That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 27:
That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 28:
That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 29:
That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 30:
That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 31:
That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 32:
That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 33:
That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert:... [insert text]

Amendment numbered 34:
That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 35:
That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 36:
That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 37:
That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 38:
That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 39:
That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]

Amendment numbered 40:
That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:... [insert text]
National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs. This feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

And the Senate agree to the same.

Amendment numbered 41:
That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: and to conduct inquiries into the economic conditions affecting mining and material processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98b and related purposes as authorized by law and to publish and disseminate data; $73,503,000 for the first year of this amendment insert: $182,994,000; and the Senate agree to the same.

Amendment numbered 42:
That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment insert: the closure of the following of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and on and after that date, until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and the Senate agree to the same.

Amendment numbered 43:
That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment insert: provided, further, that funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which $5 are for replacement only; provided further, that none of the funds available under this head for resource research shall be used to conduct new surveys on private property, unless such new surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds provided herein for resource research activities, to the Director of the Geological Survey has been authorized and requested in writing by the property owner or the owner’s representative: provided further, that none of the funds available herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds provided herein for resource research activities, to the Director of the Geological Survey that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: provided further, that the reference to “function” includes, but is not limited to, any duty, obligation, power, activity, or the plural thereof, as the case may be; and the Senate agree to the same.

Amendment numbered 44:
That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $182,994,000; and the Senate agree to the same.

Amendment numbered 47:
That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: for expenses necessary for, and incidental to, the closure of and the operations of the Cooperative Research Units shall remain available until September 30, 1997, and on and after that date, until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and the Senate agree to the same.

Amendment numbered 49:
That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $173,887,000; and the Senate agree to the same.

Amendment numbered 53:
That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: $1,384,434,000; and the Senate agree to the same.

Amendment numbered 55:
That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $68,209,000; and the Senate agree to the same.

Amendment numbered 58:
That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $71,854,000; and the Senate agree to the same.

Amendment numbered 63:
That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment amended as follows: Before “”, provided further, as amended, insert: to become effective on July 1, 1997; and the Senate agree to the same.

Amendment numbered 64:
That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $100,833,000; and the Senate agree to the same.

Amendment numbered 65:
That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: $80,645,000; and the Senate agree to the same.
Amendment Numbered 68:
That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:
Retain the matter proposed by said amendment, as follows:
In lieu of the sum named in said amendment insert: $500,000; and the Senate agree to the same.

Amendment Numbered 69:
That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:
Retain the matter proposed by said amendment, as follows:
In lieu of the first sum named in said amendment insert: $4,500,000.
In lieu of the second sum named in said amendment insert: $500,000; and the Senate agree to the same.

Amendment Numbered 70:
That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:
In lieu of the matter stricken and inserted by said amendment insert the following: $65,188,000, of which (1) $61,661,000 shall be available for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; and the Senate agree to the same.

Amendment Numbered 79:
That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:
Retain the matter proposed by said amendment amended as follows:
In lieu of “October 1, 1995” named in said amendment insert: March 1, 1996; and the Senate agree to the same.

Amendment Numbered 84:
That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:
Restore the matter stricken by said amendment, amended to read as follows: Sec. 106. Prior to the transfer of Presidio properties authorized, the Secretary may not obligate in any calendar month more than $2,000,000 of the amounts made available under this section for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; and the Senate agree to the same.

Amendment Numbered 86:
That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:
In lieu of the matter proposed by said amendment, insert:
Sec. 115. (a) Of the funds appropriated by this Act or any Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—
(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe’s reservation, or development for technical assistance, similar utility or necessity for the nontribal members’ residential use of such land; or
(2) restrict or threaten to restrict said owners use of such land for purposes of housing, or maintaining real or personal property, or for any other right, interest, or easement necessary or desirable in carrying the utilities or necessities described above.
(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect to such rights.
And the Senate agree to the same.

Amendment Numbered 89:
That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:
In lieu of the matter stricken by said amendment insert: Sec. 118, Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 as amended by section 106(c)(2) of the Act of October 1, 1995, in said amendment insert:
(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as impact aid for Guam under section 106(c)(16) of Public Law 94–241;
(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and
(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1998, such amounts shall be determined in accordance with the budget justification for the Department of Education, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in such amounts shall be included in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and the Commonwealth of the Northern Mariana Islands, which plan shall be concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which specific projects are part of an overall master plan, whether such project has been reviewed by the Corporation for National and Community Service, and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which local and Federal contributions will be provided otherwise and that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision for general assistance pursuant to section 106(c)(2) of the Act of Free Association of 1985 (Public Law 99–239, 99 Stat. 1707, 1792), including for individuals choosing not to resettle at Rongelap, except that no such assistance shall be available until Congress notifies the President that the full amount of all funds necessary for resettlement of Rongelap has been provided.
And the Senate agree to the same.

Amendment Numbered 90:
That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:
In lieu of the sum proposed by said amendment insert: $178,000,000; and the Senate agree to the same.

Amendment Numbered 91:
That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:
In lieu of the matter stricken and inserted by said amendment insert the following: $136,794,000, to remain available until expended, as authorized by law; and the Senate agree to the same.

Amendment Numbered 92:
That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:
In lieu of the sum proposed by said amendment insert: $1,256,253,000; and the Senate agree to the same.

Amendment Numbered 95:
That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment, as follows:
In lieu of the sum proposed by said amendment insert: $163,500,000; and the Senate agree to the same.

Amendment Numbered 98:
That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:
In lieu of the sum proposed by said amendment insert: $41,200,000; and the Senate agree to the same.

Amendment Numbered 101:
That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:
Retain the matter proposed by said amendment amended as follows: Following “Forest Service,” in said amendment insert: other than the relocation of the Regional Office for
Amendment Numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: Any funds available to the Forest Service for use in the relocation of the Alaska Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

And the Senate agree to the same.

Amendment Numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

| For fiscal years 1996 and 1997, the Secretary shall continue the current Tongas Land Management Plan (TLMP) and may accommodate comments from the public: If an agreement is reached between the Forest Service and the Alaska Visitors Association, except that during this period, the Secretary shall maintain at least the number of acres of suitable available and unobligated scheduled timber lands, and Allowable Sale Quantity, as identified in the Preferred Alternative (Alternative P) in the Tongas Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3-293. Nothing in this section, including any amendment identified in the Preferred Alternative (Alternative P), shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.
| If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offer to be advertised for acceptance by, or awarded to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering, then any other purchaser and the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.
| And the Senate agree to the same.

Amendment Numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment insert:

| ($72,266,000) | ($140,696,000) | ($553,293,000) |
| In lieu of the matter stricken by said amendment insert: Any funds available to the Forest Service for use in the relocation of the Alaska Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.
| And the Senate agree to the same.

Amendment Numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $148,786,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $663,293,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $114,196,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $72,266,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $7,747,842,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $400,908,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $308,188,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $6,442,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment, as follows:

| In lieu of the sum proposed by said amendment insert: $5,840,000; and the Senate agree to the same.
| And the Senate agree to the same.

Amendment Numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

| In lieu of the matter proposed by said amendment insert:
| And the Senate agree to the same.
section 102(2) of the National Environmental Policy Act, except as specified in paragraph (1).

(1) From the funds appropriated to the Forest Service and the Bureau of Land Management, the Forest Supervisor or District Manager of the Bureau of Land Management, with the consultation of each specific agency, including the Fish and Wildlife Service and the Secretary of the Interior, having a policy referred to in section 7 of the Endangered Species Act of 1973, as amended, shall not again be subject to the consultation or conferencing provisions of such section.

(2) If required by such section 7, and not subject to subparagraph (A), the Forest Supervisor or District Manager concerned shall consult or confer separately on each amendment prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of a policy related to such policy or to the species to which such policy applies.

(3) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before October 31, 1996. Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before December 31, 1996.

(4) No policy referred to in paragraph (1)(A), or any provision of a plan or other planning document incorporating such policy, shall be of no further effect with respect to the Clearwater National Forest pursuant to paragraph (2) unless and until such paragraph (2) shall be adopted on or before December 31, 1996.

(5) No further consultation, other than the consultation specified in subparagraph (B), shall be undertaken on such amendments prepared pursuant to paragraph (2), on any project or activity which is consistent with an applicable amendment, on any policy referred to in paragraph (1)(A), or on any portion of a policy related to such policy or to the species to which such policy applies.

(6) Each amendment prepared pursuant to paragraph (2) shall be adopted on or before December 31, 1996. Provided, That any amendment deemed a significant plan amendment, or equivalent, pursuant to paragraph (3) shall be adopted on or before December 31, 1996.

(7) The documents prepared under the authority of this section shall not be applied or used to regulate non-federal lands.

(Sec. 213) Amending paragraph (2) of section 3(f)(4) of the Land and Water Conservation Fund Act, as amended.

A. The Secretary of the Interior, acting through the Bureau of Land Management, the Fish and Wildlife Service, and the Secretary of Agriculture shall implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas, including camping, habitat enhancement projects, and other outdoor recreation facilities.

B. The fee program shall be established pursuant to the Stipulation of Dismissal dated December 12, 1995, and the Emergency Wetlands Resources Act of 1989.

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B. The fee program shall be established pursuant to the Stipulation of Dismissal dated December 12, 1995, and the Emergency Wetlands Resources Act of 1989.

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A. The Secretary of the Interior, acting through the Bureau of Land Management, the Fish and Wildlife Service, and the Secretary of Agriculture, shall implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas, including camping, habitat enhancement projects, and other outdoor recreation facilities.

B. The fee program shall be established pursuant to the Stipulation of Dismissal dated December 12, 1995, and the Emergency Wetlands Resources Act of 1989.
by donation valid existing permits and grazing required under subparagraph (A) so as to end terminate a grazing permit or grazing lease acquired for the purposes of the Act of 1986 (16 U.S.C. 410mm-1) is amended—

``(A) IN GENERAL.ÐThe Secretary may acquire existing permits and grazing leases authorizing grazing on land in the park.

(1) by striking ``shall'' and inserting ``may''; and

(2) in subsection (f) Ð

(A) by deleting the first sentence of subsection (e) by striking ``shall'' and inserting ``may''; and

(B) by striking ``grazing permits'' and inserting ``grazing permits and grazing leases''; and

(C) by adding after ``Federal lands.'' the following:

``(1) E XCHANGES.ÐAt the request;

(2) by striking ``grazing permits'' and inserting ``grazing permits and grazing leases''; and

(C) by adding after Federal lands. the following:

``(1) E XCHANGES.ÐAt the request;

``(2) acquisition by donation. —

(A) in general. Ð The Secretary may acquire by donation, exchange of existing permits and grazing leases authorizing grazing on land in the park.

(B) termination. — The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) as to end grazing previously authorized by the permit or lease."

And the Senate agree to the same.

Amendment numbered 156

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

``(1) in the first sentence of subsection (e) by striking ``shall'' and inserting ``may''; and

(2) in subsection (f) Ð

(A) by striking ``At the request'' and inserting the following:

``(1) E XCHANGES.ÐAt the request;

(2) by striking ``grazing permits'' and inserting "grazing permits and grazing leases''; and

(C) by adding after Federal lands. the following:

``(1) E XCHANGES.ÐAt the request;"
rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(B) of Public Law 101-382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996. And the Senate agree to the same.

Amendment numbered 172:

That the House recede from its disagree- ment to the amendment of the Senate numbered 172, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert the following:

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation to executive or jet aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport. And the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagree- ment to the amendment of the Senate numbered 173, and agree to the same with an amendment:

In lieu of the matter proposed by said amendment insert:

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved. And the Senate agree to the same.

Amendment numbered 174:

The amendment number 174:

That the House recede from its disagree- ment to the amendment of the Senate numbered 174, and agree to the same with an amendment:


slade gorton, BETH M. McCADDE, TINA SMITH, PETE V. DOMENICI, MARCO O. HATFIELD, CONRAD BURNS, ROBERT F. BENNETT, Connie Mack, J. BENNITT, JOHNSTON, Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amend- ments of the President to the bill (H.R. 777), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 777 incorporates some of the provisions of both the Senate and the House versions of the bill. Report language and allocations set forth in either House Report 104-173 or Senate Report 104-125 which are not changed by the con- ference agreement are not repeated in this conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

The managers have included funding in each of the land acquisition accounts that is not excluded from project purposes. The managers direct the Department of the Interior and the Forest Service to develop a proposed distribution of project funding for review and approval by the House and Senate Committees on Appropriations. In developing the proposed distributions, the agencies are encouraged to give consideration to a broader array of projects than was proposed in the FY 1996 budget, including but not limited to, projects for which capability statements have been prepared.

TITLe 1 Ð D EPARTMENT OF THE IN TERN IOR

BUREAU OF LAND MANAGEMENT
MANAGEMENT OF LANDS AND RESOURCES

Amendment No. 1: Appropriates $568,062,000 for management of lands and resources in addition to $553,558,000 appropriated for fiscal year 1995 and $563,936,000 as proposed by the Senate. The amendment also adds language to transfer responsibility for mineral assessments in Alaska from the Bureau of Mines.

The net decrease below the House consists of decreases of $1,500,000 for wild horse and burro management, $500,000 for threatened species, $4,000,000 for recreation wilderness management, $448,000 for recreation resources management, $50,000 for coal management, $50,000 for other mineral resources, $554,000 for land and realty management, $4,000,000 for AMLRS, $500,000 for administrative support, and $84,000 for bureau-wide fixed costs; and increases of $1,963,000 for Alaska conveyance, $500,000 for information systems operations and $2,000,000 for mineral assessments in Alaska formerly funded under the Bureau of Mines. Amendment No. 2: Appropriates $568,062,000 as proposed by the House and $563,936,000 as proposed by the Senate.

WILDFIRE MANAGEMENT

Amendment No. 3: Restates the final appropriation amount for management of lands and resources as $568,062,000 instead of $570,017,000 as proposed by the House and $563,936,000 as proposed by the Senate.

Wildfire management.

Amendment No. 4: Appropriates $375,034,000 for wildfires instead of $340,159,000 as proposed by the Senate.

Amendment No. 5: Appropriates $3,115,000 for construction of new facilities instead of $2,515,000 as proposed by the House and $2,615,000 as proposed by the Senate.

The managers agree to the following dis- tribution of funds: $478,000 for the National Education and Hatchery Construction and Access instead of $240,159,000 as proposed by the House and $240,159,000 as proposed by the Senate.

PAYMENTS IN LIEU OF TAXES

Amendment No. 6: Appropriates $31,000,000 for payments in lieu of taxes instead of $31,409,000 as proposed by the House and $30,000,000 as proposed by the Senate.

LAND ACQUISITION

Amendment No. 7: Appropriates $12,800,000 for land acquisition instead of $8,900,000 as proposed by the House and $10,550,000 as proposed by the Senate.

The net increase above the House consists of a reduction of $900,000 for resources management, and increases of $1,115,000 for facilities maintenance, and $1,777,000 for jobs-in-the-Woods.

The managers are concerned about the many programs in the President's Forest Plan designed to provide assistance to timber dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated in previous fiscal years in the President's Forest Plan. The managers agree to the following:

The appropriation for forest acquisition is $111,409,000 as proposed by the House and $95,364,000 as proposed by the Senate.

Amendment No. 8: Appropriates $93,379,000 for forest and California National Forests instead of $91,307,000 as proposed by the House and $91,387,000 as proposed by the Senate.
Amendment No. 10: Extends availability of $11,557,000 for Lower Snake River compensation plan facilities until expended as proposed by the Senate, instead of limiting the availability to September 30, 1997 as proposed by the House.

Amendment No. 11: Includes language proposed by the Senate which prohibits listing of any species as endangered or threatened until a species is determined by the Director to be endangered or threatened during fiscal year 1996 or until a reauthorization is enacted. The House had no similar provision.

CONSTRUCTION
Amendment No. 12: Appropriates $37,655,000 for construction instead of $26,355,000 as proposed by the House and $38,775,000 as proposed by the Senate.

The managers agree to the following distribution of funds:
- Bear River Migratory Bird Refuge: $1,000,000
- Bosque del Apache NWR, NM, wildfire: $1,820,000
- Hawaii captive propagation facility, Kauai: $1,000,000
- Mississippi refuges, bridge repair and equipment: $1,120,000
- National Education Training Center, Ft. Collins, CO: $24,000,000
- Quivira NWR, KS, water management: $760,000
- Russian River refuges, rehab: $400,000
- Southeast Louisiana refuges, rehab: $1,000,000
- Wichita Mountains NWR, OK, Grama Lake and Comanche Dams, repair: $700,000
- Dam safety, service wide inspections: $460,000
- Bridge inspection and virus decontamination: $395,000
- Emergency projects-service wide—construction management-service wide: $1,000,000
- Construction management-service wide: $4,000,000

Total: $37,655,000

The managers expect that the Department to include the remaining funding necessary to complete the construction of the National Education and Training Center in the fiscal year 1997 budget.

NATURAL RESOURCE DAMAGE ASSESSMENT
Amendment No. 13: Appropriates $4,000,000 for the natural resource damage assessment fund as proposed by the Senate instead of $6,019,000 as proposed by the House.

The reduction in the House consist of $1,597,000 for damage assessments and $422,000 for program management.

LAND ACQUISITION
Amendment No. 14: Appropriates $36,900,000 for land acquisition instead of $34,100,000 as proposed by the House and $32,031,000 as proposed by the Senate. The House and $36,900,000 includes $8,000,000 for acquisition management, $1,000,000 for emergency and hardship purchases, $1,000,000 for inholding purchases, $1,000,000 for land exchanges, and $25,900,000 for refuge land purchases.

Funds provided under this account for land purchases are subject to the guidelines identified at the foot of this statement.

NORTH AMERICAN WETLANDS CONSERVATION
Amendment No. 15: Appropriates $6,750,000 for the North American Wetlands Conservation Fund as proposed by the Senate instead of $4,500,000 as proposed by the House.

The increment in the House includes $2,230,000 for habitat management and $200,000 for administration.

The House recommended that no funds be provided for the North American Wetlands Conservation Fund as proposed by the Senate. Instead, the Senate recommended that no funds be provided for the North American Wetlands Conservation Fund as proposed by the Senate.

WILDLIFE CONSERVATION AND APPRECIATION FUND
Amendment No. 16: Appropriates $800,000 for the Wildlife Conservation and Appreciation Fund as proposed by the Senate instead of $988,260 as proposed by the House.

Amendment No. 17: Deletes matching requirement requirements proposed by the House and adds requirements proposed by the Senate. The Senate eliminates the matching requirements proposed by the House. The Senate eliminates the requirement prohibiting the Fish and Wildlife Service from purchasing police vehicles.

ADMINISTRATIVE PROVISIONS
Amendment No. 18: Deleting authority to purchase 113 motor vehicles as proposed by the Senate instead of 54 passenger vehicles as proposed by the House.

Amendment No. 19: Deletes House provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX.

Amendment No. 20: Includes Senate provision that the Fish and Wildlife Service may accept donated aircraft. The House had no similar provision.

Amendment No. 21: Includes Senate provision prohibiting the Fish and Wildlife Service from delaying the issuance of a wetlands permit for the City of Lake Jackson, TX.

Amendment No. 22: Modifies Senate provision on the distribution of refuge entrance fees by substituting language which allows the Fish and Wildlife Service to use reasonable fees for expenses associated with the conduct of training programs at the National Education and Training Center. Any fees collected for this purpose will be used to cover costs associated with the operation of this facility. The House had no similar provision.

Amendment No. 23: Modifies Senate provision regarding use of pesticides on farmland within wildlife refuges in the Klamath Basin. The amendment is based, in part, upon the Service's representation that it has already approved or anticipated approval of certain materials that are needed for farming during this fiscal year and that it will consider other materials for 1996 and subsequent years. If these approvals do not occur or are withdrawn, the Senate language will prevail and growers will be subject to the same restrictions as growers on private lands. Although the pesticide restrictions to remain in effect for the next fiscal year will enable growers and the Federal government to work constructively toward an agreeable process.

NATURAL RESOURCES SCIENCE AGENCY
RESEARCH, INVENTORIES AND SURVEYS
Amendment No. 24: Deletes Senate language providing $134,965,000 for a natural resources science agency and providing guidance on the operation of that agency. This agency would have replaced the National Biological Survey. The House had no similar provision.

Amendment No. 25: Includes House provision to eliminate the National Biological Survey and to fund natural resources research as part of the U.S. Geological Survey as proposed by the House. This item is included in more detail under amendment Nos. 42 and 43.

NATIONAL PARK SERVICE
OPERATION OF THE NATIONAL PARK SYSTEM
Amendment No. 26: Appropriates $1,083,151,000 for operation of the National Park Service as proposed by the Senate instead of $1,092,265,000 as proposed by the Senate.

Amendment No. 27: Authorizes $1,082,265,000 for operation of the National Park Service as proposed by the Senate.

In keeping with the demands placed on other Interior bureaus, the managers have modified the automatic needs of the agencies to absorb these costs through reductions to levels of reviews and management.
Efficiencies should also be sought by exploring opportunities that exist and have been outlined in GAO reports to co-locate and combine functions, systems, programs, activities and staff with other Federal land management agencies.

The managers are concerned about the costs associated with the current reorganization of the Agency and strongly urge the National Park Service (NPS) to limit expenditures for task forces, work groups and employee details and special assistants. The managers request that a report be submitted by February 1, 1996, detailing a budget history of past costs and future estimated costs associated with the reorganization.

The managers expect a report within 45 days of enactment of this Act identifying NPS' preliminary allocations for fiscal year 1996, which will serve as the baseline for any reprogramming in fiscal year 1996.

In considering these allocations, the managers express that none of the programmatic increases requested in the budget are to be considered except those necessary to meet specific park operating needs. This includes new and expanded programs. Any new initiative specifically related to training, reorganization or national service should be addressed through the reprogramming process.

The managers expect that the National Park Service will use these operating funds for core park programs.

The managers express that the principle goal of the reorganization plan which is to relocate National Park Service offices to the parks, will greatly alleviate the pressures placed on parks by increased visitation.

The managers understand that in September 1995, a delegation from the World Heritage Committee of the United Nations Educational, Scientific and Cultural Organization held hearings in Montana regarding Yellowstone National Park and surrounding areas. The managers understand that the World Heritage Committee has neither the authority nor the ability to require the Federal or State governments to change, modify or amend management directions or to create, manage or maintain buffer zones to protect resources. In the event the World Heritage Committee, or any other organization, recommends non-binding steps to protect resources in the area, the managers expect the National Park Service, as well as any other affected Federal agency, to follow the regular planning process, including funding involvement, before implementing any management changes.

The managers have agreed to the House position regarding the termination of the Pennsylvania Avenue Development Corporation and the transfer of certain specific activities to other agencies including the National Park Service. This item is discussed in greater detail in amendment number 151 in Title III.

Amendment No. 26: Revises House language stricken by the Senate to provide for the use of up to $500,000 for the development of the Preserve; $599,999 has been provided for this specific purpose. The Department may not transfer any of these operating funds to the National Park Service or any other entity within the Department of the Interior during fiscal year 1996.

At the present of the Bureau of Land Management, the managers do not object to the temporary detail of a small number of seasonal employees from nearby Park Service units.

NATIONAL RECREATION AND PRESERVATION

Amendment No. 27: Appropriates $37,649,000 for National recreation and preservation instead of $35,725,000 as proposed by the House and $36,094,000 as proposed by the Senate.

The reduction of $445,000 in Statutory and Contractual Aid from the Senate amount reflects the elimination of $23,000 for the Maine historic Preservation to replace Federal funds and $422,000 for the National Historic Preservation Commission. The managers have agreed to the House position regarding the termination of the National Park Service.

Amendment No. 28: earmarks $236,000 for the William O. Douglas Outdoor Education Center as proposed by the Senate instead of $248,000 as proposed by the House.

As discussed under amendment No. 155, no funds are proposed for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

As discussed under amendment No. 155, no funds are proposed for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

Amendment No. 29: Appropriates $36,212,000 for the Historic Preservation Fund instead of $37,934,000 as proposed by the House and $38,312,000 as proposed by the Senate.

As discussed under amendment No. 155, no funds are proposed for the Mississippi River Corridor Heritage Commission. Within funds provided, the National Park Service shall publish the final report and enter into no other activities related to this corridor. The funds included in the Senate bill for the Commission have been transferred to the rivers and trails program.

CONSTRUCTION

Amendment No. 30: Appropriates $143,225,000 for construction instead of $134,968,000 as proposed by the House and $136,480,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

Amendment No. 31: Appropriates $2,800,000 for construction instead of $14,968,000 as proposed by the House and $16,480,000 as proposed by the Senate.
New River Gorge National River, WV (trails, visitor access and hazardous materials) .......................... 14,365,000
Presidential or state re- place White House electrical system .................................................. 2,000,000
Sagamore Hill National Historic Site, MA (kitchen and sewer lines) .......................... 2,000,000
Salem Maritime National Historic Site, MA (vessel rehabilitation) .......................... 3,700,000
Saratoga National Historical Park, NY (monument rehabilitation) .......................... 2,000,000
Sequoia National Park, CA (replace Giant Sequoia facilities) .......................... 90,162,000
Southwestern Pennsylvania Historical Park, PA (transportation system facilities) .......................... 5,200,000
Subtotal, line item construction .................................. 142,225,000

The bill provides $1,000,000 for transportation related activities at Grand Canyon National Park. These funds are to be made available for transportation projects that the Superintendent of the Grand Canyon Park and Preserve, AZ (el Portal maintenance facilities) .......................... 1,500,000
Yellowstone National Park, WY (El Portal maintenance facilities) .......................... 3,700,000
Zion National Park, UT (transportation system facilities) .......................... 200,000
Zion National Park, UT (transplanting) .......................... 90,162,000
Emergency, unscheduled, housing, planning, equipment replacement, general management plans, special resource studies, strategic planning office .... 300,000
Total .......................................................... 142,225,000

Amendment No. 31: Earmarks $4,500,000 for the Everglades as proposed by the Senate in stead of $5,000,000 as proposed by the House.
Amendment No. 32: Retains Senate language for activities taken in direct response to the United Nations Biodiversity Convention.
Amendment No. 33: Appropriates $49,100,000 for land acquisition.
Amendment No. 34: Modifies Senate language regarding an agreement for the redevelopment of the southern end of Ellis Island and providing for Congressional review. Identical language was included in previous interior appropriations bills.
Amendment No. 35: Modifies Senate language to require the USGS to enter into cooperative agreements not only for the American Battlefield Protection Program but also to carry out its other statutory programs.
Amendment No. 36: Retains Senate language to authorize the National Park Service (NPS) to enter into cooperative agreements not only for the American Battlefield Protection Program but also to carry out its other statutory programs.
Amendment No. 37: Modifies Senate language to authorize the National Park Service (NPS) to enter into cooperative agreements not only for the American Battlefield Protection Program but also to carry out its other statutory programs.
Amendment No. 38: Appropriates $4,000,000 for land acquisition at Apostle Islands National Lakeshore.
Amendment No. 39: Modifies Senate language to require that the study also be submitted to the House and Senate Committees on Appropriations.
Amendment No. 40: Deletes Senate language regarding the Stampede Creek Mine at Denali National Park in Alaska. The House has no similar provision.

If requested by the University of Alaska at Fairbanks, the National Park Service shall enter into negotiations regarding a memorandum of understanding for continued use of the Stampede Creek mine property. The Park Service should report to the relevant Congressional committees by May 1, 1996 on an assessment of dam removals resulting from the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the University of Alaska at Fairbanks seeks to decommission the facilities, the Park Service shall consider assisting the Army in any compensation to the University of Alaska to the extent that such funds may be available after the Army completed assisted the National Park Service with the April 30, 1987 explosion. The repair or replacement should be to the same condition as existed on April 30, 1987. If the Army assisted the National Park Service with the explosives work conducted at Stampede Creek on April 30, 1987.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH
Amendment No. 41: Increases $9,560,000 for minerals information activities to $16,000,000 for the Bureau of Mines. Changes to the amount proposed by the House include increases of $24,112,000 for natu-
The managers expect that the USGS budget impartiality, and ethics requirements re-
final plan for the permanent consolidation USGS to provide the Committees with a of this legislation, the managers direct the completion of the necessary downsizing, and sources research'', within the USGS. Upon main a separate entity, titled ``natural re-
natural resources managers.

tions of that organization so as to maintain,

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the land managers and the ground. The managers are concerned that natural resource research be linked closely to management, and that additional information should be provided to information related to natural resources research activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers believe that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The man-
agers intend the merger of these research ac-
tivities into the USGS to be permanent. The USGS is directed to plan and manage the re-
structuring and downsizing of the former National Biological Service. Retrenchments re-
quired to remain within the reduced level of appropriations for the former NBS are to occur predominately in administrative, man-
agerial and other headquarters support func-
tions of that organization so as to maintain,

to the maximum extent possible, scientific and technical capabilities.

The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the land managers and the ground. The managers are concerned that natural resource research be linked closely to management, and that additional information should be provided to information related to natural resources research activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

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The managers expect the agency to work closely with the land management agencies to identify priority science needs of concern to the land managers and the ground. The managers are concerned that natural resource research be linked closely to management, and that additional information should be provided to information related to natural resources research activities transferred from the Bureau of Mines, mines and minerals account (see amendment No. 47).

The managers believe that natural resources research in the Department of the Interior should be organized in a manner that ensures that it is independent from regulatory control and scientifically excellent. The man-
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tivities into the USGS to be permanent. The USGS is directed to plan and manage the re-
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tions of that organization so as to maintain,
Amendment No. 53: Appropriates $1,384,000 for the nonrecurring program of programs instead of $1,509,628,000 as proposed by the House and $1,261,234,000 as proposed by the Senate. Changes to the amount proposed by the House include: a reprogramming of funds in support of the Indian Self-Determination Fund, and the Navajo-Hopi settlement program instead of $74,814,000 as proposed by the House, $62,328,000 as proposed by the Senate.

Amendment No. 61: Deletes a reference to trust fund management as proposed by the Senate. Responsibility for trust fund management has been transferred to the Office of Special Trustee for American Indians.

Amendment No. 63: Retains Senate language on the use of up to $8,000,000 in unobligated balances for employee severance, relocation, and related expenses and inserts new language regarding the effective date when schools can adjust salary schedules. The House had no similar provision.

Amendment No. 64: Appropriates $300,633,000 for construction instead of $510,100,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $4,500,000 for the Central Artesian School, $2,734,000 for the fire protection program, and decreases of $3,700,000 for the Navajo irrigation project and $500,000 for engineering and supervision. The managers agree that funding provided for construction projects should include the entire cost of a given project, which eliminates the need for a separate appropriation for construction projects. The managers agree that funding provided for construction projects should be limited to projects that are completed under interagency agreements with the USGS and that funding for Indian lands and water claims and miscellaneous payments to Indians is not subject to the general reduction identified for Tribal Priority Allocations. The managers expect the Bureau to allocate the general reduction in a manner that will not jeopardize funding provided from the Highway Trust Fund for road maintenance. Additionally, the general reduction should not be applied to the $2,100,000 allocated for the Financial Management Improvement Team and small and needy tribes. BIA should ensure that compacting and non-compact tribes are treated consistently, except for compacting tribes who meet the criteria for small and needy tribes. BIA should apply the general reduction for small and needy tribes.

Amendment No. 67: Earmarks $1,000,000 for trust fund deficiencies as proposed by the House instead of $3,100,000 as proposed by the Senate. The managers expect the Bureau of Indian Affairs to direct the U.S. Geological Survey to provide for the public release of all interpretations of data and reports (draft and final) completed under interagency agreements with the USGS and that $52,405,000 is earmarked for Alaska legal services and salaries and expenses as proposed by the Senate.

Amendment No. 68: Appropriates $500,000 for technical assistance instead of $900,000 as proposed by the House.

Amendment No. 69: Appropriates $5,000,000 for guaranteed loans instead of $7,700,000 as proposed by the Senate and no funds as proposed by the House.

Amendment No. 70: Appropriates $65,188,000 for Assistance to Territories instead of $52,405,000 as proposed by the House and $68,188,000 as proposed by the Senate. The managers expect the Bureau of Indian Affairs to provide $54,216,000 of the amount proposed by the House instead of $35,901,000 as proposed by the Senate.

Amendment No. 71: Appropriates $80,645,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $75,145,000 as proposed by the House and $82,745,000 as proposed by the Senate.
for maintenance assistance, $1,500,000 for management controls, and $750,000 for disaster assistance.

Amendment No. 72: Earmark $3,527,000 to the Office of Construction Management as proposed by the Senate instead of no funds as proposed by the House. The managers agree that the Office of Teritorial and International Affairs should be maintained at the levels proposed by the Senate.

Amendment No. 73: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

Amendment No. 74: Retains Senate language directing the use of funds for technical assistance, maintenance assistance and disaster assistance.

COMPACT OF FREE ASSOCIATION

Amendment No. 75: Deletes House proposed language and funding for impact aid to Guam as proposed by the Senate.

Amendment No. 76: Appropriates $57,796,000 for departmental management as proposed by the Senate instead of $53,919,000 as proposed by the House. A redistribution has been made which includes reductions of $206,000 to the Secretary's immediate office and $51,000 to Congressional Affairs. These funds have been transferred to Central Services.

The managers agree that these accounts have been restrained over recent years and that adequate departmental management funds are needed. The Department's programs, particularly during the ongoing downsizing and restructuring process, is critical to ensure the overall effectiveness of the Department. The managers feel that it is important to constrain these offices at the 1995 level considering that most of the Department's programs have resulted in cutbacks, reductions, or face elimination, and all are being directed to absorb their uncontrollable expenses. The managers also recognize the need to have flexibility in the Department's offices to manage within reduced funding levels and with the displacement and uncertainties caused by reductions in force. Therefore, the managers agree that a reshuffling of funds without limitation among the program elements within the four activities. However, any reprogramming among the four activities must follow the normal reprogramming guidelines.

The managers strongly support language included in the House Report which encourages establishment of levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 77: Deletes Senate language to prohibit the use of categorical construction funds prior to the filing of the Charter for the Western Water Policy Review Commission. The House had no similar provision.

CONSTRUCTION MANAGEMENT

Amendment No. 78: Appropriates $500,000 as proposed by the Senate instead of no funding as proposed by the House. The managers agree to the Senate language which restricts how much funding can be provided to the intertribal monitoring associations and the National Indian Gaming Commission. The managers expect the Special Trustee to identify the funds to be available for ITMA in the fiscal year 1997 budget request.

The managers strongly support language included in the House Report which encourages establishment of levels of review and management in order to cover the costs associated with pay raises and inflation. The Department should carefully review and eliminate excessive or duplicated positions associated with Congressional and Public Affairs offices.

Amendment No. 79: Modifies language inserted by the Senate regarding the expenditure of funds for financial trust services; and establishes this new account as proposed by the Senate. The House had no similar provision.

Amendment No. 80: Appropriates $16,388,000 for Federal trust programs in the Office of Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

The managers agree to the following transfers from the Operations of Indian Programs account within the Bureau of Indian Affairs as proposed by the Senate: $3,047,000 for Other Recurring Programs for financial trust services; $2,367,000 for Area Office Operations; and $10,924,000 from Central Office Operations, including $10,447,000 for the Office of Trust Funds Management.

The managers concur with the need for establishing the office as articulated in the Senate report. The managers believe that the Special Trustee will be effective in implementing reforms in the Bureau of Indian Affairs only to the extent that the Trustee has authority over the human and financial resources supporting trust programs. Lack of authority over the human and financial resources would render the Special Trustee to be simply one more office pointing out the number of vacant positions and when the positions will be filled.

Amendment No. 81: Retains language inserted by the Senate changing the name of "Office of the Special Trustee" to "Department of the Interior".

Amendment No. 82: Deletes an unnecessary comma as proposed by the Senate.

Amendment No. 83: Retains the House language granting the Secretary of the Interior authority to transfer Federal trust funds to the Department of the Interior. In cases where the activities are expected to be performed by the Office of Special Trustee, these funds should be transferred to the Office of Special Trustee and by its contractors. The plan should detail what products will be provided to the Congress and when such products will be submitted. The plan should include staffing for financial trust services, including the number of vacant positions and when the positions will be filled.

Within the funds provided, support should be provided to the intertribal monitoring associations (ITMA). The managers expect the Special Trustee to provide the ITMA with any information that is provided to the Appropriations Committees. If the Office of the Special Trustee plans to continue funding ITMA in fiscal year 1997, the managers expect the Special Trustee to provide details to the Appropriations Committees as to how the funds will be used.

Amendment No. 84: Modifies language proposed by the House and stricken by the Senate regarding the expenditure of funds for the Presidio. The managers are aware of legislation which may be enacted regarding the Presidio in the congressional fiscal year 1996. To the extent that resources exist within the Office of Special Trustee for budgeting or other administrative purposes, they should be provided by the Office of Special Trustee, rather than through the Bureau of Indian Affairs. The managers agree that the Department of the Interior should be provided with the Presidio budget that is consistent with the original intent of Congress.

Amendment No. 85: Retains the language that grants the Secretary of the Interior authority to transfer Federal trust funds to the Department of the Interior.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 86: Retains the language in the Senate changing the name of "Office of the Secretary" to "Department of the Interior".

Amendment No. 87: Deletes House-proposed language providing for Federal trust program funds to be available for Federal Trust program purposes in the Office of the Special Trustee for Indian Indians.

Amendment No. 88: Retains Senate language providing for Federal trust programs in the Office of the Special Trustee for American Indians and establishes this new account as proposed by the Senate. The House had no similar provision.

Amendment No. 89: Retains Senate language regarding the expenditure of funds for Federal trust programs in the Office of the Special Trustee for Indian Indians.

Amendment No. 90: Retains Senate language regarding the expenditure of funds for Federal trust programs in the Office of the Special Trustee for American Indians.

Amendment No. 91: Retains Senate language regarding the expenditure of funds for Federal trust programs in the Office of the Special Trustee for American Indians.

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December 12, 1995
National Park Service to notify the relevant House and Senate appropriations and authorizing committees before awarding any major contracts after December 31, 1995, and prior to the expiration of the Presidio Trust once it is authorized.

Amendment No. 85: Restores language proposed by the House and stricken by the Senate which would reallocate mandatory funding for the Office of Oil Pollution Control Act of 1990 with respect to Outer Continental Shelf leases offshore North Carolina. The repeal of this statute is not intended to excuse the United States from the liabilities, if any, which it has incurred to date nor to otherwise affect pending litigation.

Amendment No. 87: Modifies language proposed by the Senate limiting the allocation of self-governance funds to Indian tribes in the State of Washington if a tribe adversely impacts the rights of nontribal owners of land within the tribe's reservation. The House had no similar provision. The modification eliminates the requirement that a mutual agreement be reached within 90 days of enactment.

Amendment No. 88: Retains language proposed by the Senate which requires the Department of the Interior to issue a specific schedule for the completion of the Lake Cushman Land Exchange Act within 30 days of enactment and to complete the exchange by September 30, 1996. The House had no similar provision.

Amendment No. 89: Retains Senate language authorizing the National Park Service to expend maintenance and repair funds for the Company Creek Road in Lake Chelan National Recreation Area and providing that, unless specifically authorized, no funds may be used for improving private property. The House had no similar provision.

Amendment No. 90: Revises language proposed by the Senate which reallocates the grant payments of $27,720,000 to the Commonwealth of the Northern Mariana Islands (CNMI).

The managers agree that for fiscal years 1996 through 2002 the CNMI shall receive $11,000,000 annually. This is consistent with total funding, matching requirements, and terms negotiated and set forth in the agreement executed on December 17, 1992, between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands.

The managers agree that Guam shall receive impact aid of $4,580,000 in fiscal year 1996. This level shall continue through fiscal year 2001, as authorized by the Compact of Free Association. The managers agree that these grant funds must be used for infrastructure needs, as determined by the Government of Guam.

The managers agree that $7,700,000 shall be allocated for capital improvement grants to American Samoa in fiscal year 1996 and that higher levels of funding may be required in future years to fund the highest priority projects. However, a master plan and the managers have agreed to language directing the Secretary to develop such a master plan in conjunction with the Government of American Samoa. The plan is to be reviewed by the Army Corps of Engineers before it is submitted to the Congress and is to be updated annually as part of the budget justification.

The managers understand that renovation of hospital facilities in American Samoa has been identified as one of the more critical and high-priority needs. The Secretaries of the Interior and the American Samoa Governments are reminded that Congress required the creation of a hospital authority as a condition of inclusion in the program.

The managers expect the existing hospital authority in American Samoa to be supported by the American Samoa Government so that it continues the purpose of improving the quality and management of health care.

The managers agree that $4,420,000 shall be allocated in fiscal year 1996 for resettlement of Rongelap Atoll. Language has been included that total additional contributions, which include contributions in kind, may not exceed $32,000,000 and are contingent on an agreement that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap.

The managers have deleted language provisions proposed by the Senate which would legislate the maximum and minimum wage, immigration, and local employment in the Northern Mariana Islands.

The managers agree that the Secretary of the Interior should continue to submit an annual "State of the Islands" report. This report has been submitted for the past four years in accordance with Committee directives and is a valuable source of information for the Congress.

TITLE II—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FOREST RESEARCH

Amendment No. 90: Appropriates $178,000,000 for forest research instead of $182,000,000 as proposed by the House and $177,000,000 as proposed by the Senate.

For forest research, the managers reaffirm support for the consolidation of budget line items, to provide the agency additional flexibility with restructuring, and to allow efficiencies and cost savings as required to meet the funding reductions. The managers agree that no forest and range experiment station, research program, or research project should suffer from decreases that would impose disproportionate reductions to other research activities. The agency should maintain its focus on core research activities—including forestry research—that support initiatives relating both to public and private forest lands, and cooperative research efforts involving the universities as well as the private sector, directed at forest management, resource utilization and productivity. The managers urge the Forest Service to avoid location closures where research is needed elsewhere and to consolidate programs that are spread over multiple locations. The managers are particularly concerned that silvicultural and hardwood utilization continue to be given the large number of public and private forests which rely on this research.

In addition, the managers note the growing importance of data and other information collected through the Forest Inventory Analysis (FIA) program and the resulting statewide forest inventories. The analysis and collection of this data is important to forest health conditions on public and private forest lands has become especially important in recent years.

The managers have included $300,000 for landscape management research at the University of Washington; $479,000 for Cook County Ecosystem project; and $200,000 for research at the Olympic National Resources Center in Forks, WA.

STATE AND PRIVATE FORESTRY

Amendment No. 91: Appropriates $136,794,000 for State and private forestry as proposed by the Senate instead of $126,794,000 as proposed by the House and $1,247,543,000 as proposed by the Senate.

The net decrease below the House consists of reductions of $5,750,000 for recreation management, $1,750,000 for forest legacy management, $435,000 for heritage resources, $1,750,000 for wildlife habitat management, $3,000,000 for inland fish habitat management, $1,750,000 for threatened and endangered species habitat management; and increases of $1,000,000 for road maintenance, and $1,000,000 for facility maintenance.

The managers expect the Forest Service will begin to rebuild and restore the public timber programs on national forests and BLM lands. With the modest increase in funding provided, the Forest Service is expected to produce 2.6 billion board feet of green sales. With enactment of the new salvage initiative (P.L. 104-19) in response to the emergency forest health situation, the agencies are expected to proceed aggressively to expedite the implementation of existing programmed salvage volumes, with the expectation that the Forest Service will secure an additional increment of 1.5 BBF over the expected sale program for fiscal year 1996. The managers expect a total fiscal year 1996 Forest Service harvest volume of 220,000 BBF, and note that this is nearly half the level authorized for sale just five years ago. The Forest
Service is to report timber sale accomplishments on the basis of net sawtimber sold and awarded to purchasers, and on the volume offered. Those regions of the country which sell principally sawtimber would continue to report accomplishments in the same manner as used in the forest plans. The reports are to provide information on both green and dry volume.

The managers encourage the Forest Service to use up to $350,000 to commission a third party field review of the environmental impacts and the economic efficiency of the emergency forest salvage program mandated by section 2001 of P.L. 104-19. The managers believe a review can appropriately undertake through the timber salvage fund.

The managers note the difference between the House and Senate reports pertaining to tree measurement and timber scaling. The managers also note that House Report 103-551 specifically allows Forest Service managers to use scaling when selling salvage sales of thinnings. The managers expect the Forest Service to use fully the flexibility authorized in House Report 103-551 for rapidly deteriorating timber and to use consistent weight scaling for the sale of low value thinnings. Further, the managers direct the Forest Service to report back to the Committees no later than March 1, 1996, (1) which measurement method is more cost efficient; (2) to assess what percent of timber theft cases involve scaling irregularities and measurement changes; (3) what measurement changes have been implemented to allow for efficient timber theft; (4) what measurement method is more efficient when environmental modifications are needed after a sale has been awarded; and (4) assess the agency’s ability to perform cruising required under tree measurement. The study will measure Forest Service performance based on Forest Service measurement standards and will include identifying how often uncertified employees are involved in cruise efforts. The Forest Service shall contact with an established independent contractor skilled in both scaling and cruising, and report back to the Committees no later than March 1, 1996.

The conference agreement includes $400,000 for the development of a plan for preserving and managing the former Joliet Arsenal property as a National tallgrass prairie. The managers are aware of legislation to establish a National Tallgrass Prairie and urge the Forest Service to take such steps as are necessary, including a reprogramming, to begin implementing the legislation. The managers explicitly urge the Forest Service to seek full funding for the Midewin National Tallgrass Prairie as part of its fiscal year 1997 budget request. The managers are concerned about the many programs in the President’s Forest Plan designed to provide assistance to timber-dependent communities in the Pacific Northwest. The managers are disturbed by the inability of the agencies involved to provide a detailed accounting of funds appropriated for the various programs and to report information on the number of individuals employed by these programs, and the average length of each job. The managers expected the Secretaries to submit the report to the Committees no later than March 31, 1996.

The managers are concerned that the Forest Service reallocates funding pursuant to reprogramming requests before they are transmitted to Congress. The managers direct the Forest Service to adhere to the process of reprogramming. The Appropriations Committees have had an opportunity to review these proposals.

The managers believe that additional opportunities exist for contracting Forest Service activities, and encourage expanding the use of contractors wherever possible. The managers have had suggestions made to withdraw administratively additional lands in Montana in order to prevent timber and oil and gas development. It is the understanding of the managers that wilderness designation for Federal lands can only be accomplished legislatively. However, the Forest Service does have the ability to designate the management of its lands through the forest planning process. The managers expect the Forest Service to comply with existing statutory and regulatory requirements in the management of National forest system lands. Where appropriate, proposed changes in land management policies will be implemented involving public participation and scientific analysis in the land management planning process, including plan amendments as necessary.

**WILDLAND FIRE MANAGEMENT**

Amendment No. 93: Changes the account title to Wildland Fire Management as proposed by the Senate; instead of Fire Protection and Emergency Suppression as proposed by the House.

Amendment No. 94: Appropriates $385,485,000 for wildland fire management as proposed by the House, and $381,405,000 as proposed by the Senate.

**CONSTRUCTION**

Amendment No. 95: Appropriates $163,500,000 for construction, instead of $120,000,000 as proposed by the House and $196,688,000 as proposed by the Senate.

The increase above the House includes $23,500,000 for facilities, $5,000,000 for road construction, and $1,500,000 for trail construction. Within the total for facilities, the conference agreement includes $36,000,000 for recreation, $10,000,000 for FA&O, and $2,500,000 for other projects.

The managers agree that for the Northern Great Lakes Visitor Center, WI, funding is provided with the understanding that the project cost is to be matched 50% by the State of Wisconsin.

The conference agreement includes $95,000,000 for roads to be allocated as follows: $57,000,000 for timber roads, $26,000,000 for non-federal forest service roads, and $12,000,000 for general purpose roads.

The managers remain interested in Forest Service plans for restoring Grey Towers, and urge the Forest Service to consider the project. The managers expect the Forest Service to continue the implementation of the master plan for Grey Towers and to explore additional opportunities for contracting Forest Service work.

The managers concur in the reprogramming request currently pending for J ohnson Ridge Observatory and Timberline Lodge servers.

Amendment No. 96: Earnmarks $2,500,000 and unobligated project balances for a grant to the “Non-Profit Citizens for the Columbia Gorge Discovery Center” for the conveyances of certain land, as proposed by the Senate. The House included no similar provision.

Amendment No. 97: Includes Senate provision which authorizes funds appropriated in 1991 for a new research facility at the University of Missouri, Columbia, to be available as a grant for construction of the facility, and provides that the Forest Service shall receive free space in the building. The House had no similar provision.

**LAND ACQUISITION**

Amendment No. 98: Appropriates $41,200,000 instead of $34,600,000 as proposed by the House and $41,167,000 as proposed by the Senate. The $41,200,000 includes $7,500,000 for acquisition management, $2,000,000 for emergency and in holding purchases, $1,000,000 for wilderness protection, $1,725,000 for cash equalization of land exchanges, and $82,975,000 for land purchase.

Amendment No. 99: Strikes Senate earmark for Mt. Jumbo.

Amendment No. 100: Strikes Senate earmark for Kane Experimental Forest.

The managers believe that land exchanges represent a more cost-effective way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers have deleted all references to specific earmarkings included in the Senate report.

The managers continue to encourage strongly the use of land exchanges as a way in which to protect important recreational or environmentally significant lands, in lieu of the Federal Government acquiring lands. The managers believe that land exchanges represent a more cost-effective way in which to do business and encourage the Forest Service to give high priority to those exchanges, in particular those exchanges where land management decisions are made particularly difficult due to checkerboard ownership.

The managers are concerned about the long history of problems associated with the implementation of land acquisition provisions in the Columbia River Gorge National Scenic Act. To date, nearly $20-$30 million in remaining land is left to be acquired. The Gorge Act authorizes land exchanges, and while several exchanges have been completed, a substantial number remain to be completed. The Gorge Act has been amended to allow for the use of contractors wherever possible, and while several exchanges have been completed, a substantial number remain to be completed.
number of acres remain to be acquired to fulfill the purposes of the Scenic Act. The managers strongly support the use of land exchanges versus land acquisitions. The managers understand that the Forest Service has the existing statutory authority to conduct land exchanges in the Scenic Area, including tripartite land-for-timber exchanges.

The conference agreement provides for the Forest Service to enter into land exchanges, including tripartite land exchanges, with willing land owners in the Gorge to diminish the need for future land acquisitions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Amendment No. 101: Retains Senate provision which prohibits any reorganization without the consent of the appropriations and authorizing committees. This amendment removes the provision exempting the relocation of the Region 5 regional offices from the requirement to obtain the consent of the authorizing and appropriations committees. The House had no similar provision.

The managers are concerned that the Forest Service is being required to move the Regional Office in Atlanta, Georgia from its present location to a new Federal Center in downtown Atlanta at greatly increased costs. At the same time, accessibility for both the public and employees will be made more difficult. Requiring the Forest Service to absorb increased costs for no increase in effectiveness or efficiency is not acceptable. The managers hope that the relocation of the Atlanta office can occur only pursuant to the bill language restrictions which require the advance approval of the authorizing and appropriations committees. This will allow the committees the opportunity to examine closely the costs and benefits of any such proposal, and require the Administration to justify fully any additional expenditures.

Amendment No. 102: Includes Senate provision which adds the Committee on Energy and Natural Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 103: Includes the Senate provision which adds the Committee on Resources to the list of committees which must approve reorganizations pursuant to amendment No. 101. The House had no similar provision.

Amendment No. 104: Modifies Senate provision by making the reorganization applicable to the appropriations structure without advance approval of the Appropriations Committees, and substituting language allowing the relocation of the Region 5 regional office from Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

The conference agreement includes bill language which provides authority to finance the relocation of the Region 5 regional office from Mare Island in Vallejo, CA, subject to the existing reprogramming guidelines. The House had no similar provision.

Amendment No. 105: Retains House language stricken by the Senate providing that 80 percent of the funds for the ‘‘j’’ obs in the Woodlands National Forest land in the State of Washington be granted to the State Department of Fish and Wildlife. The Senate had no similar provision.

Amendment No. 106: Deletes Senate provision relating to songbirds on the Swannke NF. The Senate had no similar provision.

Amendment No. 107: Deletes Senate provision which prohibits revision or implementation of a new Tongass Land Management Plan. The House had no similar provision.

Amendment No. 108: Deletes Senate provision requiring the implementation of the Tongass Land Management Plan (TLMP), Alternative E, and replaces it with a requirement that the TLMP be revised and implemented in effect on December 7, 1995 remain in effect through fiscal year 1997. During fiscal years 1996 and 1997, the managers require the Secretary to maintain the existing level of acres of suitable forest land, and forest land, and Allowable Sale Quantity as in Alternative P. The Secretary may continue to manage the TLMP consistently with preparation of the final EIS and Record of Decision, but is not authorized to implement the revised plan before October 1, 1997. The conference agreement also includes language which allows a change in the offerees or purchasers of one or more tim-ber

The managers expect the Department to allocate these funds commensurate with the program distributions in this bill. The managers expect the Department to competitively and efficiently implement any reprogramming guidelines before proceeding with implementation of any reorganization or relocation. The managers are concerned about the potential impacts, budget changes, transition plans, and how any proposed integration will address market requirements and utilization.

In any proposal to privatize the National Institute for Petroleum and Energy Research (NIPER), the Department should seek Senate bill. The managers expect the Department to continue to identify the resources being allocated for these purposes and not to subsume these functions into other budget line-items within the fossil energy account. The Senate managers strongly encourage the Administration to maintain the transferred functions and personnel at their current locations. In fiscal year 1996, any staffing reductions required to accommodate the funding increases for health and safety research should be taken from within this activity and should not affect any other elements of the fossil energy research and development organization. Likewise, any additional or vacant positions which are required for the health and safety research and development organization in the Bureau of Mines employees who are subject to termination or reduction-in-force. The managers strongly encourage the Administration, specifically the Department of Energy and Budget, to work toward consolidating these health and safety functions in the same agency with either the Mine Safety Health Administration or the University of North Dakota Institute for Occupational Safety and Health.
The managers do not object to the use of up to $18,000,000 in clean coal technology program funds for administration of the clean coal program. The managers are concerned that the project was approved without addressing congressional concerns that were raised before and during the application review period. The managers expect that the project was approved to ensure that the sulfur dioxide facility which was approved as part of the NOXSO clean coal project is constructed so as to begin operations with an elemental sulfur available from the NOXSO process. The managers also expect the Department to report to the legislative committees of jurisdiction as well as the Appropriations Committees in the House and Senate on the rationale for approving the construction of a sulfur dioxide plant as part of the NOXSO project. As the remaining projects in the clean coal program proceed, the Department should focus on technologies that relate directly to the objectives of the program.

Amendment No. 111: Deletes language inserted by the Senate requiring that any new project start be substantially cost-shared with the federal share of $700,000 as a general reduction for alternative metals initiative in the materials and metals year 1995 level and decreases of $300,000 for increase of $3,000,000 in industrial wastes to amendment No. 157.

Amendment No. 112: Appropriates $3,086,000 for the weatherization assistance program instead of $3,056,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 118: Appropriates $6,297,000 for economic regulation programs instead of $6,237,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Amendment No. 119: Appropriates $10,747,842,000 for Indian health services instead of $11,742,000,000 as proposed by the House and $10,617,000,000 as proposed by the Senate.

ECONOMIC REGULATION

Amendment No. 120: Appropriates $1,747,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,783,000,000 as proposed by the Senate.

Amendment No. 117: Earmarks $26,500,000 for the State energy conservation program instead of $25,500,000 as proposed by the House instead of $31,500,000 as proposed by the Senate.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $112,946,000 as proposed by the Senate.

Amendment No. 115: Deletions language inserted by the Senate requiring that any new project start be substantially cost-shared with the federal share of $200,000 as a general reduction for alternative metals initiative in the materials and metals year 1995 level and decreases of $300,000 for increase of $3,000,000 in industrial wastes to amendment No. 157.

Amendment No. 113: Repeals the restriction on conducting studies with respect to the sale of the Naval Petroleum and oil shale reserves as proposed by the Senate. The House had no similar provision.

Amendment No. 114: Appropriates $553,939,000 for energy conservation instead of $556,371,000 as proposed by the House and $576,976,000 as proposed by the Senate.

Amendment No. 115: Deletions language inserted by the Senate requiring that any new project start be substantially cost-shared with the federal share of $200,000 as a general reduction for alternative metals initiative in the materials and metals year 1995 level and decreases of $300,000 for increase of $3,000,000 in industrial wastes to amendment No. 157.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $112,946,000 as proposed by the Senate.

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Amendment No. 118: Appropriates $6,297,000 for economic regulation programs instead of $6,347,000 as proposed by the Senate.

Amendment No. 119: Appropriates $10,747,842,000 for Indian health services instead of $11,742,000,000 as proposed by the House and $10,617,000,000 as proposed by the Senate.

Amendment No. 120: Appropriates $1,747,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,783,000,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Amendment No. 115: Deletions language inserted by the Senate requiring that any new project start be substantially cost-shared with the federal share of $200,000 as a general reduction for alternative metals initiative in the materials and metals year 1995 level and decreases of $300,000 for increase of $3,000,000 in industrial wastes to amendment No. 157.

Amendment No. 116: Earmarks $114,196,000 for the weatherization assistance program instead of $110,946,000 as proposed by the House and $112,946,000 as proposed by the Senate.

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Amendment No. 119: Appropriates $10,747,842,000 for Indian health services instead of $11,742,000,000 as proposed by the House and $10,617,000,000 as proposed by the Senate.

Amendment No. 120: Appropriates $1,747,842,000 for Indian health services instead of $1,725,792,000 as proposed by the House and $1,783,000,000 as proposed by the Senate.
Utah Navajo population, and urge IHS to work with the local health care community to ensure that the health care needs of the Utah Navajos are being met. IHS should carefully consider those needs in designing a replacement facility for the Montezuma Creek health center.

INDIAN HEALTH FACILITIES

Amendment No. 122: Appropriates $258,999,000 for Indian health facilities instead of $236,975,000 as proposed by the House and $151,227,000 as proposed by the Senate. Changes to the amount proposed by the House include increases of $750,000 for the Alaska medical center, $1,000,000 for modular dental units, $500,000 for injury prevention, $400,000 for a base transfer from hospitals and clinics, and a decrease of $667,000 for the Fort Yuma, AZ project.

The managers agree to delay any reprogramming of funds from the Winnebago and Omaha Tribes' health care facility. However, given current budget constraints, if issues relative to the siting and design of the facility cannot be resolved, the managers will consider reprogramming these funds to other high priority IHS projects during fiscal year 1996.

The Talihina, OK hospital is ranked sixth on the IHS facilities prioritization list for inpatient facilities. The Choctaw Nation has developed a financing plan for a replacement facility. The Choctaw Nation proposes various funds to support the project for a community based hospital. The managers direct IHS to work with the Choctaw Nation to identify resources necessary to staff, operate, and maintain the newly constructed facility. The managers will consider these operational needs in the context of current budget constraints.

The managers are not agreed to provisions in the Senate bill requiring the IHS to prepare reports on the distribution of Indian Health Service professionals and on HIV/AIDS prevention needs among Indian tribes. While the managers agree that closer examination of these topics may be warranted, the resources necessary to conduct adequate studies are not available at this time.

DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
INDIAN EDUCATION

Amendment No. 123: Appropriates $52,500,000 as proposed by the House instead of $54,660,000 as proposed by the Senate.

The managers agree that no funding is provided for the National Advisory Council on Indian Education.

OTHER RELATED AGENCIES
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

Amendment No. 124: Appropriates $20,345,000 for the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $21,345,000 as proposed by the House.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

Amendment No. 125: Appropriates $308,188,000 for Salaries and Expenses instead of $346,600,000 as proposed by the Senate and $307,980,000 as proposed by the Senate. The $200,000 increase is provided for the Center for folklife programs specifically for the 1995 Festival of American Folklore featuring the State of Iowa. This amount is provided in addition to the $400,000 base funding. The State of Iowa will contribute $250,000 toward this effort.

Amendment No. 126: Earnmarks $30,472,000 as proposed by the Senate instead of $32,000,000 proposed by the House for the instrumentation program, collections acquisition and various other programs.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL Zoological Park

Amendment No. 127: Appropriates $3,250,000 for zoo construction as proposed by the Senate instead of $3,000,000 as proposed by the House. The increase is limited to repairs and rehabilitation efforts not to be used for new exhibit or expansions.

REPAIR AND RESTORATION OF BUILDINGS

Amendment No. 128: Appropriates $33,954,000 for repair and restoration of buildings as proposed by the Senate instead of $24,954,000 as proposed by the House.

CONSTRUCTION

Amendment No. 129: Appropriates $27,700,000 for construction as proposed by the Senate instead of $12,950,000 as proposed by the House. The managers agree that $15,000,000 is included for the National Museum of the American Indian Cultural Resource Center, $8,700,000 is included to complete the construction and equipping of the Natural History East Court Building and $3,000,000 is for minor construction, alterations and modifications.

The managers are providing $1,000,000 to be used to complete a master plan and initiate detailed planning and design to follow for the development of a proposed financial plan for the proposed extension at Dulles Airport for the Air and Space Museum. The managers expect that the financial plan will specify in detail, the plans, scope of the project and commitments by the Commonwealth of Virginia and the Smithsonian toward construction and operation of the facility.

The managers agree that no Federal funds, beyond the costs of design and planning, will be available for the construction phase of this project.

The managers have provided $15,000,000 for the continued construction of the National Museum of the American Indian Cultural Resource Center in Suitland, Maryland. This amount will bring the Federal contribution to date for this project to $40,900,000. The managers have agreed that no additional Federal funds will be appropriated for this project.

The managers also strongly encourage the Smithsonian to develop alternative cost scenarios for the proposed National Museum of the American Indian Mall Museum including downsizing of the building and decreasing the amount of Federal funding.

Amendment No. 130: The managers agree to concur with the Senate amendment which strikes the House provision permitting a single procurement for construction of the American Indian Cultural Resources Center. The managers understand that authority provided previously for such purposes is sufficient.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

Amendment No. 131: Appropriates $51,844,000 for salaries and expenses as proposed by the Senate instead of $51,315,000 as proposed by the House.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

Amendment No. 132: Appropriates $6,442,000 for repair, restoration and renovation of buildings instead of $5,500,000 as proposed by the House and $7,385,000 as proposed by the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

Amendment No. 133: Appropriates $10,323,000 for operations and maintenance as proposed by the Senate, instead of $9,800,000 as proposed by the House.

Amendment No. 134: Includes Senate provision which amends 40 U.S.C. 193n to provide the Kennedy Center with the same police authority as the Smithsonian Institution and the National Gallery of Art. The House had no similar provision.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

Amendment No. 135: Appropriates $5,840,000 for the Woodrow Wilson International Center for Scholars instead of $5,840,000 as proposed by the House and $6,537,000 as proposed by the Senate.

The managers continue to have serious concerns about the total costs associated with the proposed move to the Federal Triangle building. Until such time as both the House and Senate Appropriations Committees’ concerns are satisfactorily addressed, the managers will continue to provide support for a community based hospital. The managers strongly encourage the House and Senate to continue to support the IHS Native American Tribal Healthcare Facility Program instead of the move to the Federal Triangle building. The House Appropriations Committee has not provided any similar provision.

The managers on the part of the House continue to support termination of NEA within two years, and do not support funding beyond FY 1997. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEA. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 136: Appropriates $31,225,000 for matching grants as proposed by the House instead of $21,225,000 as proposed by the Senate.

Amendment No. 137: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill. The Senate had no similar provision.

Amendment No. 138: Appropriates $31,225,000 for matching grants as proposed by the Senate instead of $21,225,000 as proposed by the House.

Amendment No. 139: Deletes House language making NEA funding contingent upon passage of a House reauthorization bill.

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

Amendment No. 140: Appropriates $94,000,000 for grants and administration as proposed by the Senate instead of $92,469,000 as proposed by the House.

The managers on the part of the House continue to support a phase out of NEH within three years, and do not support funding beyond FY 1998. The managers on the part of the Senate take strong exception to the House position, and support continued funding for NEH. The managers expect this issue to be resolved by the legislative committees in the House and Senate.

MATCHING GRANTS

Amendment No. 141: Appropriates $16,000,000 for matching grants as proposed by the Senate instead of $17,025,000 as proposed by the House.

Amendment No. 142: Earnmarks $10,000,000 for challenge grants as proposed by the Senate instead of $9,100,000 as proposed by the House.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

Amendment No. 143: Appropriates $2,500,000 for salaries and expenses as proposed by the Senate instead of $3,063,000 as proposed by the House.
While the Advisory Council works closely with Federal agencies and departments, the National Park Service and State historic preservation officers, it does not have responsibility for determining historic properties, providing financial assistance, overriding other Federal agencies' decisions, or controlling actions taken by property owners.

The managers encourage those Federal agencies and departments which benefit from the Advisory Council's expert advice to assist in the evaluation of issues by the Advisory Council. They are concerned that some Advisory Council activities may duplicate those conducted by other preservation agencies. Therefore, the managers direct the Advisory Council to evaluate ways to recover the costs of assisting Federal agencies and departments through reimbursable agreements and to examine its program activities to identify ways to eliminate any duplication with other agencies. The Advisory Council shall report its findings to the Congress by March 31, 1996.

Franklin Delano Roosevelt Memorial Commission

Amendment No. 144: Appropriates $147,000 as proposed by the Senate instead of $48,000 as proposed by the House.

Pennsylvania Avenue Development Corporation

Amendment No. 145: Appropriates no funds as proposed by the Senate instead of $2,000,000 as proposed by the House.

Public Development

Amendment No. 146: Modifies language proposed by the Senate allowing the use of prior year funding for operating and administrative expenses. The modification allows the use of prior year funding for shutdown costs in addition to operating costs. In addition, prior year funds may be used to fund activities associated with the functions transferred to the General Services Administration. The House had no similar provision.

The managers agree that not more than $3,000,000 in prior year funds can be used for operating, administrative expenses, and shutdown costs for the Pennsylvania Avenue Development Corporation. The managers direct the Corporation to ensure that shutdown operations be accomplished within six months from the date of enactment of this Act. No staff should be maintained beyond April 1, 1996.

The managers agree that Pennsylvania Avenue Development Corporation should be associated with the Federal Triangle project should be transferred to the General Services Administration, and provision for the transfer has been included in the Treasury-Postal Services Appropriations bill.

United States Holocaust Memorial Council

Amendment No. 148: Restores language proposed $26,707,000 for the Holocaust Memorial Council as proposed by the House instead of $26,609,000 as proposed by the Senate.

Amendment No. 150: Restores language proposed by the House and stricken by the Senate providing that $1,264,000 for the Museum's exhibition program shall remain available until expended.

Title V—General Provisions

Amendment No. 149: Retains Senate provision making a technical correction to Public Law 103-413.

Amendment No. 150: Includes Senate provision that all funds used for the Americorps program are subject to the reprogramming guidelines, and can only be used if the Americorps program is funded in the VA-HUD and Independent Agencies fiscal year 1996 appropriations bill. The House prohibited the use of any funds for the Americorps program.

Since the Northwest Service Academy (NWSA) is funded through fiscal year 1996, the managers agree that the agencies are not prohibited from funding the NWSA through an amendment to provide the NWSA with a special use permit, from using the NWSA to accomplish projects on agency-managed lands or in furtherance of agency missions, or from paying the NWSA a reasonable fee-for-service for projects.

Amendment No. 151: Modifies House language regarding the NWSA. The language could result in NWSA not being subject to reprogramming until expended.

Amendment No. 152: Modifies House and Senate provisions relating to the Interior Columbia Basin ecoregion management program as proposed by the Senate instead of $4,000,000 as proposed by the House.

The House had no similar provision.

As proposed by the Senate, the language stricken by the Senate transferring prior year funds may be used to fund costs in addition to operating costs. In addition, the use of prior year funding for shutdown costs is prohibited from the date of enactment of this Act. No staff should be maintained beyond March 31, 1997.

The policies of the House and Senate committees for Appropriations in the Further Appropriations bill for HUD and Independent Agencies fiscal year 1997 shall be subject to section 7.
rise. The public is better served and more willing to pay reasonable user fees if they are assured that the fees are being used to manage and enhance the sites where the fees are collected.

Most of the provisions of the Senate amendment are incorporated into the amendment agreed to by the managers, which includes the following:

1. The maximum number of demonstration sites per agency is extended from 30 to 50.
2. The time period for the demonstration is extended from one year to three years and these funds remain available for three years after the demonstration period.
3. Agencies may impose a fine of up to $100 for violation of the authority to collect fees established by this program.
4. Agencies may use accounting procedures proposed by the Senate are adopted, such that fewer Treasury accounts need to be established than proposed by the House.
5. In those cases where demonstrations had fee collections in place before this provision, fees above the amounts collected in 1995 (plus 4% annually) are to be used for the benefit of all participating agencies other than the Fish and Wildlife Service will remain available beyond the fiscal year in which they are collected.
6. For those Fish and Wildlife Service demonstration where fees were collected in fiscal year 1995, the fees collected, up to the 1995 level (plus 4% annually), are disbursed as they were in 1995.
7. The agencies have been provided more latitude in selecting demonstration sites, areas within demonstration areas may include an entire administrative unit, such as a national park or national wildlife refuge where division into smaller units would be difficult to administer or where fee collection would adversely affect visitor use patterns.
8. The Secretaries are directed to select and design the demonstration projects in a manner which will provide optimum opportunities to evaluate the broad spectrum of resource conditions and recreational opportunities, including recreation, interpretation, and fish and wildlife habitat enhancement projects that enhance the visitor experience.
9. Vendors may charge a reasonable mark-up or commission to cover their costs and provide a profit.
10. Each Secretary shall provide the Congress a brief report describing the selected sites and free recovery methods to be used by March 31, 1996, and a report which evaluates the progress of the demonstrations, including recommendations for further legislation, by March 31, 1999. The reports to Congress are to include a discussion of the different sites selected for demonstration projects, the costs of development and implementation strategies, including cooperative efforts between agencies and local governments.
11. In order to maximize funding for startup costs, agencies are encouraged to use existing personnel, develop innovative implementation strategies, including cooperative efforts between agencies and local governments.
12. Although the managers have not included the Senate amendment language regarding geographical discrimination on fees, the managers agree that entrance, tourism, and recreation opportunities should reflect the circumstances and conditions of the various States and regions of the country. In setting fees, consideration should be given to fees charged on comparable sites in other parts of the region or country. The four agencies are encouraged to cooperate fully in providing information for the development of objective fees or rates which may be required by Congress in addressing the fee issue.
13. The managers request that the General Accounting Office conduct a study and report to the Appropriations Committees by July 31, 1996 on the methodology and progress made by the Secretaries to implement this section.

Amendment No. 154: Deletes House language relating to salvage timber sales in the Northwest Forest Plan which makes a technical correction to the emergency salvage timber program, Sec. 201(a)(2) of Public law 104-19 which changes the expiration date from December 31, 1996. This correction is necessary to conform to the expiration date in Sec. 201(a). The Senate included no similar provision.

Amendment No. 155: Retains House language stricken by the Senate prohibiting the use of funds for the Mississippi River Corridor Heritage Commission.

Amendment No. 156: Deletes House language stricken by the Senate placing a moratorium on the issuance of new or amended mineral entry applications on the high energy conservation portion of this statement.

Amendment No. 157: Deletes language proposed by the House and stricken by the Senate and retains alternative language providing for a one-year moratorium on new or amended entry applications on the high energy conservation portion of this statement.

Amendment No. 158: Modifies House mining patent moratorium that was stricken and replaced by the Senate with fair market value after the demonstration period ends.

Amendment No. 159: Provides House managers expect the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the costs of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funds granted by the Bureau, the managers expect that priority will be given to funding those activities which directly support accredited Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 160: Retains language included by the Senate which provides for the award of grants to individuals by the National Endowment for the Arts except for literature fellowships, National Heritage fellowships and American Jazz Masters fellowships. The House included no similar provision.

Amendment No. 161: Includes Senate provision which delays implementation or enforcement of the Adman Affairs or the Office of Indian Education for education conferences or training activities.

Amendment No. 162: Includes Senate provision which creates a new Timber Sales Pipeline Restoration Fund at the Departments of the Interior and Agriculture to partially finance the preparation and assessment of sales from Federal timber sales conducted after the demonstration period ends.

Amendment No. 163: Includes Senate provision which prohibits use of funds for travel and training expenses for the Adman Affairs or the Office of Indian Education for education conferences or training activities.

Amendment No. 164: Provides for the Bureau of Indian Affairs and the Office of Indian Education to monitor carefully the funds used for travel and training activities. The managers are concerned about the costs of travel and training associated with national conferences attended by school board members or staff of schools funded by the Bureau of Indian Affairs. Because of the funds granted by the Bureau, the managers expect that priority will be given to funding those activities which directly support accredited Bureau funded schools and covering costs associated with increased enrollment.

Amendment No. 165: Includes Senate provision which delays implementation or enforcement of the Adman Affairs or the Office of Indian Education for education conferences or training activities.

Amendment No. 166: Includes Senate provision which changes the time for existing law relating to tree planting. Costs incurred by Federal agencies, businesses and individuals to detect, prevent and avoid damage and injury from tree, spiking, real or threatened, may be included as “avoidance costs” in meeting the threshold of $10,000 required for prosecution. The language doubles the discretionary maximum penalties for prison terms to 40 years for incidents resulting in the most severe personal injury. Those injured would have recourse to file civil suits to recover damages under this law. The House included no similar provision.

Amendment No. 167: Deletes Senate language restricting grants that denigrate adherents to a particular religion. The modification specifies that this restriction applies to NEA and similar language from Amendment No. 169 restricting NEA grants for sexually explicit material.

Amendment No. 168: Deletes Senate language restricting NEA grants for sexually explicit material. This issue is addressed in Amendment No. 169.

Amendment No. 170: Deletes language inserted by the Senate extending the scope of
the Arts and Artifacts Indemnity Act. The House had no similar provision. The amendment also inserts language providing that former Bureau of Mines activities, which are being transferred to other accounts, are paid for from those accounts for all of fiscal year 1996 and changes a section number.

Amendment No. 171: Deletes Senate language inserted by the Senate mandating energy savings at Federal facilities and inserts in lieu thereof language that keeps in place only the regulations and interagency rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) governing the export of all timber in the United States. This language has been included so that the Administration, Congress, and affected parties can have more time to transfer to the Forest Service the Alaska Timber Heritage Act and to set policy with respect to Public Law 101-382, the Forest Resources Conservation and Shortage Relief Act of 1990. The language prohibits the Secretary of Agriculture or the Secretary of the Interior from reviewing or making modifications to existing sourcing areas. The language prohibits either Secretary from enforcing or implementing regulations promulgated on September 8, 1995 at 36 CFR Part 223. The bill language also directs the Secretary of Commerce to continue to solicit public comments on the regulations issued on September 8, 1995 until February 29, 1996. In addition, in part, upon a careful review of the public comments, the Secretary is directed to report to the appropriate committees of Congress, including the Appropriations Committees, on the following: Any changes in those regulations the Secretary proposes to make in response to public comments; the appropriations needed to administer and enforce the regulations; the expected cost of the regulations, and other effects on the private sector; including effects on competition for public timber and production of domestic timber processing facilities; and any recommendations from the Secretary to amend existing regulations in response to changing circumstances in the timber industry since 1990, when the law was enacted.

Amendment No. 172: Deletes Senate language requiring the Indian Health Service to prepare a report on the distribution of Indian Health Service professionals. The House had no similar provision. The conference agreement also inserts language providing for the continued general aviation use and operation on the National Park Service portion of Pearson Airfield in Vancouver, Washington, for the year 2022 and for the creation and implementation of a transition plan from general aviation to historic aircraft. This provision is consistent with the Memorandum of Agreement entered into between the United States National Park Service and the City of Vancouver dated November 4, 1994. The managers are aware that legislative authority for a comprehensive partnership agreement for management of the Vancouver Historic Reserve is under consideration. This provision allows the City of Vancouver to use the Pearson Airfield Museums property, pending completion of the Vancouver Historic Reserve legislation. This language shall not be construed to limit the authority of the Federal Aviation Administration or to traffic control or aviation activities at Pearson Airfield, nor to limit operation or air-space in the vicinity of the Portland International Airport.

Amendment No. 173: Deletes Senate language requiring the Indian Health Service to prepare a report on HIV/AIDS prevention needs, and inserts in lieu thereof a provision which allows the construction of a third telescope on Mount Graham, in the Coronado National Forest, to proceed under the terms of the Arizona-Idaho Conservation Act of 1988, P.L. 100-696.

APPLICATION OF GENERAL REDUCTIONS

The level at which reductions shall be taken pursuant to the Deficit Reduction Act of 1985, if such reductions are required in fiscal year 1996, is defined by the managers as follows:

As provided for by section 256 (1)(2) of Public Law 99-177, as amended, and for the purposes of a Presidential Order issued pursuant to section 254 of said Act, the term "program, project, and activity" for items under the jurisdiction of the Appropriations Subcommittees on the Department of the Interior and Related Agencies of the House of Representatives for the fiscal year 1996, is defined by the managers as follows:

(1) any item specifically identified in tables or written material set forth in the Interior and Related Agencies Appropriations Act, or in the accompanying committee reports or the conference report and accompanying joint explanatory statement of the managers of the committee of conference; (2) any Government-Wide or Department-Wide planned or implemented program, project, and activity; and (3) management units, such as national parks, national forests, fish hatcheries, wildlife refuges, research units, regional, State, and other administrative units and the like, for which funds are provided in fiscal year 1996.

The managers emphasize that any item for which a specific dollar amount is mentioned in an accompanying report, including all changes to the budget estimate approved by the Committees, shall be subject to a percentage reduction no greater or less than the percentage reduction applied to all domestic discretionary accounts.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority, compared to the fiscal year 1995 amount, is as follows:

<table>
<thead>
<tr>
<th>New Budget (obligational) Authority</th>
<th>Fiscal Year 1996</th>
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<tr>
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<td>$13,519,230,000</td>
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<td>Budget estimate for fiscal year 1996</td>
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<td>$11,537,000</td>
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RAICAL H. REGULA,  
JOSEPH M. McCaDe,  
IM KOLBE,  
JOE SKEEN,  
BARBARA F. VUCANOVICH,  
CHARLES H. TAYLOR,  
GEORGE R. NETHERCUTT,  
JF.,  
JIM BUNN,

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative agenda and any special orders heretofore entered, was granted to:

(1) The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:

Mr. POSHARD, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

(2) The following Members (at the request of Mr. TATE) to revise and extend their remarks and include extraneous material:

Mr. METCALF, for 5 minutes each day, on December 13, December 14, and December 15.

Mr. TIAHRT, for 5 minutes today and each day, on December 13 and December 14.

Mr. RAMSTAD, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on December 13.

Mr. LONGLEY, for 5 minutes each day, on December 14, December 15, and December 16.

Mr. WATTS of Oklahoma, for 5 minutes, today.

Mr. CHABOT, for 5 minutes, on December 13.

Mr. SMITH of New Jersey, for 5 minutes, on December 13.

Mr. MARTINI, for 5 minutes, on December 14.

Mr. RIGGS, for 5 minutes today and each day, on December 12 and December 14.

(3) The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. ANDREWS, for 5 minutes, today.

(4) The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(1) The following Members (at the request of Mr. OWENS) and to include extraneous matter:

Mrs. CLAYTON.

Ms. DELAURA.
Mr. SKEETON.
Mr. SERRANO in two instances.
Mr. KENNEDY of Massachusetts.
Mr. MONTGOMERY.
Mrs. MEER of Florida.
Mr. STARK in two instances.
Mr. MORAN.
Mr. ROEMER.
Mr. MENENDEZ.
Ms. ROYBAL-ALLARD.
Mr. FRANK of Massachusetts.
Mr. KENNEDY of Rhode Island.
Mr. LIPINSKI.
Mr. HAMILTON.
Ms. KAPTUR.
(Edward Members of the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)
Mr. BONO.
Mr. KOLBE.
Mr. BURTON of Indiana.
Mr. DORAN.
Mr. ROGERS.
Mr. WATTS of Oklahoma in two instances.
Mr. SMITH of New Jersey.
Mr. VUCINOVAH.
Mr. WOLF.
Mr. LEACH.
Mr. GILMAN.
Ms. ROS-LEHTINEN.
(Edward Members of the request of Mr. PAYNE of New Jersey) and to include extraneous matter:)
Mr. UNDERWOOD.
Mr. GINGRICH.
Mr. DEFAZIO.
Mr. PAYNE of New Jersey.
Mr. FOWLER.
Mr. DOOLEY.

ENROLLED BILL SIGNED
Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:
H.R. 2767. An act making appropriations for the Departments of Commerce, Justice and State, the judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-399).

SENNATE ENROLLED BILL SIGNED
The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:
S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

ADJOURNMENT
Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accorded.

H 14310

PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule X, public bills and resolutions were introduced and severally referred to the Committee on Commerce. H.R. 1974. A bill to amend the public Health Services Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes; with amendments (Rept. 104-398). Referred to the Committee on the Whole House on the State of the Union.

Mr. Goss: Committee on Rules. H.R. 2766. Resolution providing for consideration of a motion to dispose of the remaining Senate amendments to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-399). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. H.R. 2767. Resolution waiving a requirement of clause 4(b) of rule X with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 104-400). Referred to the House Calendar.

Mrs. J. JOHNSON of Connecticut: Committee on Standards of Official Conduct. Inquiry into various complaints filed against Representative Newt Gingrich (Rept. 104-401). Referred to the House Calendar.

Mr. REGLER: Committee on Conference. Conference report on H.R. 1975. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104-402). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS
Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred to the:

By Mr. ROBURN (for himself, Mr. GANSKE, Mr. GILCHREST, Mr. HOSTETTLER, Mr. HUTCHINSON, Mr. RAHALL, Mr. SMITH of New Jersey, Mr. WALK, and Mr. WELDON of Florida):
H.R. 2757. A bill to amend title XVIII of the Social Security Act to require health maintenance organizations participating in the Medicare Program to assure access to out-of-network services to Medicare beneficiaries enrolled with such organizations; to the Committee on National Security, for a period to be subsequently determined by the Speaker, in the case of a conflict in the Republic of Bosnia and Herzegovina to the Committee of the Whole House on the State of the Union.

By Mr. CUNNINGHAM:
H.R. 2758. A bill to amend title 10, United States Code, to authorize veterans who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are authorized to travel on such aircraft; to the Committee on National Security.

By Mr. BUYER (for himself and Mr. SKELTON):
H.R. 2759. A bill to amend title 10, United States Code, to the Committee on Rules. H.R. 2760. A bill to require the Secretary of the Treasury to provide for the payment of federal employees furloughed during periods of lapse in appropriations; to the Committee on Rules. H.R. 2761. A bill to amend the Internal Revenue Code of 1986 to provide an election for property held by a cash method taxpayer, in lieu of a basis where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.

By Mr. J. JOHNSON of South Dakota:
H.R. 2762. A bill to require additional research prior to the promulgation of a standard for coliforms under the Safe Drinking Water Act, and for other purposes; to the Committee on Commerce.

By Mr. STUDDS for himself, Mr. TORNKILDSEN, Mr. MOAKLEY, Mr. MARKSVY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. NEAL of Massachusetts, Mr. OLIVER, Mr. MEEHAN, and Mr. BLUTE: H.R. 2763. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida:
H.R. 2764. A bill to amend title 10, United States Code, to authorize veterans who are totally disabled as the result of a service-connected disability to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are authorized to travel on such aircraft; to the Committee on National Security.

By Mr. BUYER (for himself and Mr. STUDDS):
H.R. 2765. A bill to amend title 10, United States Code, to set forth requirements of the Service Members' Civil Rights Act of 1993; to the Committee on Rules. H.R. 2766. A bill to amend title 10, United States Code, to reauthorize the Department of Veterans Affairs and for other purposes; to the Committee on Rules.

By Mrs. MEEK of Florida:
H.R. 2767. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Resources.

By Mr. MEEHAN and Mr. STUDDS: H.R. 2768. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Rules.

By Mr. SENSENBRENNER:
H.R. 2769. A bill to amend title 10, United States Code, to the Committee on Rules. H.R. 2770. A bill to provide for the medical center in Aspinwall, PA, as the “H. John Heinz, III Department of Veterans Affairs Nursing Care Center”; to the Committee on Veterans’ Affairs.

By Mr. GREENWOOD (for himself and Mr. McHALE):
H.R. 2771. A bill to amend the Internal Revenue Code of 1986 to provide an election for property held by a cash method taxpayer, in lieu of a basis where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.
Mr. SMITH of Texas introduced a bill (H.R. 2765) for the relief of Rocco A. Trecosta; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS
Under clause 4 of rule XXII, sponsors were added to the public bills and resolutions as follows:
H. R. 142: Mr. Calvert.
H. R. 249: Mr. Filner.
H. R. 294: Mr. Meek.
H. R. 359: Mr. Bonior.
H. R. 580: Mr. Fazio of California.
H. R. 790: Mr. Hagedorn.
H. R. 864: Mr. Latham.
H. R. 969: Mr. Klink.
H. R. 1023: Mrs. Thurman.
H. R. 1073: Mr. Barrett of Wisconsin, Mr. Matsui, and Mr. Coyle.
H. R. 1074: Mr. Barrett of Wisconsin, Mr. Matsui, and Mr. Coyle.
H. R. 1227: Mr. Greenwood.
H. R. 1416: Mr. Coyle and Mr. Menendez.
H. R. 1458: Mr. Oberstar.
H. R. 1522: Mr. Doolittle.
H. R. 1527: Mr. Hastings of Washington.
H. R. 1574: Mr. Chrysler.
H. R. 1656: Mr. Kennedy of Massachusetts, Mr. Meehan, Mr. Cooley, Ms. Jackson-Lee, and Mr. Maloney.
H. R. 1684: Mr. Myers of Indiana, Mr. Gejoneson, and Mr. Hinchey.
H. R. 1718: Mr. Shuster, Mr. Greenwood, Mr. Foglietta, Mr. Walker, Mr. Weldon of Pennsylvania, and Mr. Goodling.
H. R. 1803: Mr. Schiff.
H. R. 1998: Mr. Talent.
H. R. 2286: Mr. Talent, Mr. Bachus, and Ms. Clinton.
H. R. 2245: Mr. Coleman.
H. R. 2326: Mr. Hamilton.
H. R. 2349: Mr. Lowey.
H. R. 2458: Ms. Roybal-Allard, Mr. Wyden, Mr. Markey, Mr. Oberstar, and Mrs. Thurman.
H. R. 2463: Mr. Hilliard and Mr. Jefferson.
H. R. 2519: Mr. Pallone.
H. R. 2531: Mr. Hoston, Mr. Wamp, Mr. Ehlers, Ms. Moore of Florida, Ms. Pryce, Mr. Calvert, and Mr. Cooley.
H. R. 2540: Mr. Chrysler, Mr. Cooley, Mr. Packard, Mr. Wicker, Mr. Coble, Mr. Foley, and Mr. Noonan.
H. R. 2543: Mr. Foley, Mrs. Myrick, Mr. Barcia of Michigan, and Mr. Calvert.
H. R. 2579: Mr. Gene Green of Texas, Mr. Thompson, Mr. Wilsonson, Mr. Gordon, Mr. Hinchey, Mr. Baker of Louisiana, Mr. Reed, and Mr. Crapo.
H. R. 2582: Mr. Smith of New Jersey.
H. R. 2597: Mr. Barr, Mr. Kingston, and Mr. Mcdade.
H. R. 2651: Mr. Jacobs and Mrs. Thurman.
H. R. 2654: Mr. Meehan, Ms. Lofgren, Mr. Wynn, Mr. Finkenauer of Iowa, Ms. Velaquez, and Mr. Barrett of Wisconsin.
H. R. 2664: Mr. Flake, Mr. Brown of Ohio, Mr. Ortman, Mr. Payne of Virginia, Mr. Miller of Ohio, Ms. Blute, Ms. Slaughter, and Mrs. Maloney.
H. R. 2671: Mrs. Lincoln, Mr. Baldacci, Ms. RIVERS, Mr. Sisisky, Mr. English of Pennsylvania, Mr. Barcia, Mr. Bishop, and Mr. Delauro.
H. R. 2677: Mr. Pete Geren of Texas, Mr. Breuer, Mr. Dickey, Mr. Hutchinson, Mr. Taylor of South Carolina, Mr. Radanovich, and Mr. Weldon of Florida.
H. R. 2682: Mr. Flake, Mr. Boehner, Mr. Hinchey, and Mr. Engel.
H. R. 2698: Mr. Gene Green of Texas.
H. R. 2697: Mrs. Meek of Florida, Ms. Norton, Mr. Fattah, Mr. Bishop, Mr. Owens, Miss Collins of Michigan, Ms. Jackson-Lee, Mr. Hilliard, Ms. Lindemul of Georgia, Mr. Delullis, and Mr. Moran.
H. R. 2698: Mr. Cooley.
H. R. 2723: Mr. Calvert and Mr. Cooley.
H. R. 2746: Ms. Royal-Allard and Mr. Reed.
H. R. 2727: Mr. Brewer, Mr. Frazer, and Mr. Calvert.
H. Con. Res. 102: Mr. DeFazio, Mr. Frost, and Mr. Torricelli.
H. Con. Res. 117: Mr. Hunter, Mr. Porter, Mr. Burton of Indiana, and Ms. Eshoo.
H. Con. Res. 118: Mr. Calvert, Mr. Gilchrest, Mr. Browder, Mr. Murtha, Mr. Holdren, Mrs. Fowler, and Mr. Fox.

AMENDMENTS
Under clause 6 of rule XXIII, proposed amendments were submitted as follows:
H. R. 1020
OFFERED BY: MR. ENSVIG
AMENDMENT No. 13. Page 15, beginning in line 23 strike "originating in Lincoln County, Nevada" insert "originating in Lincoln County, Nebraska, but staying outside of Clark County, Nevada".

H. R. 1020
OFFERED BY: MR. MENendez
AMENDMENT No. 14. Page 15, line 7, insert after the period the following: "The Secretary shall develop such corridor only (1) with the approval of the Governor of each State in which the corridor is located, or (2) after consultation with each such Governor."

H. R. 1020
OFFERED BY: MR. MENendez
AMENDMENT No. 15. Page 21, line 18 the following: (i) State Fee. The State of Nevada may impose a fee on the transfer of high level radioactive waste and spent nuclear fuel by rail transportation or intermodal transfer in the State of Nevada. Such fee shall be imposed when the transfer of such waste and fuel crosses the State boundary.

H. R. 1020
OFFERED BY: MR. MENendez
AMENDMENT No. 16. Page 32, line 22, insert before the closing comma the following: "or if the State of Nevada has communicated to the Secretary its decision to not permit the construction of the repository at the Yucca Mountain site."

H. R. 1020
OFFERED BY: MR. MENendez
AMENDMENT No. 17. Page 66, insert after line 9 the following: (f) UNFUNDED MANDATES. The provisions of the Unfunded Mandates Reform Act of 1995 and all amendments made by that Act shall apply to this Act and the Waste Fund shall be used to pay all of the costs incurred by State and local governments by reason of any Federal intergovernmental mandate contained in this Act. For purposes of this section the term 'Federal intergovernmental mandate' has the same meaning as when used in section 421 of title 1 of Congress. The Budget and Impoundment Control Act of 1974.''

H. R. 1020
OFFERED BY: MR. MENendez
AMENDMENT No. 18. Page 66, after line 9 insert the following: (g) PRIVATE PROPERTY. —
award made in such arbitration shall include a reasonable attorney's fee and other arbitration costs (including appraisal fees). The agency shall promptly pay any award made under this subsection.

"(E) CIVIL ACTION.—An owner who does not choose arbitration, or who does not receive promptly a final arbitration award required by this section, may obtain appropriate relief in a civil action against the agency. An owner who prevails in a civil action under this section shall, notwithstanding any other provision of law, be made whole for the property taken or used by the agency, including restoration of the property to its condition prior to the agency action if a particular legal right to compensation under this subsection (other than the right to compensation for the value of the property taken) is available to other Federal agencies, subject to the availability of appropriations.

"(F) SOURCE OF PAYMENTS.—Any payment made under this section to an owner, and any judgment obtained by an owner in a civil action under this section shall, notwithstanding any other provision of law, be made from the Nuclear Waste Disposal Fund. If insufficient funds exist for the payment or to satisfy the judgment, it shall be the duty of the head of the agency to seek the appropriation of such funds for the next fiscal year.

"(G) LIMITATION.—Notwithstanding any other provision of law, any obligation of the United States to make any payment under this section shall be subject to the availability of appropriations.

"(H) DUTY OF NOTICE TO OWNERS.—Whenever an agency takes an agency action limiting the use of the property under the agency action, the agency shall give appropriate notice to the owners of that property directly affected explaining their rights under this subsection and the procedures for obtaining any compensation that may be due to them under this subsection.

"(I) RULES OF CONSTRUCTION.—

"(A) EFFECT ON CONSTITUTIONAL RIGHT TO COMPENSATION.—Nothing in this subsection shall be construed to limit any right to compensation under the Constitution or other laws of the United States.

"(B) EFFECT OF PAYMENT.—Payment of compensation under this subsection (other than when the property is bought by the Federal Government at the option of the owner) shall not confer any rights on the owner with respect to the Federal Government other than the limitation of any right to compensation under this section, and the proceeds for obtaining any compensation that may be due to the owner under this subsection.

"(C) DEFINITIONS.—For purposes of this subsection—

"(i) The term ‘property’ means land and includes the right to use or receive water from the Federal Government at the option of the owner, and any other right to property under the Federal Government other than the limitation on use resulting from the agency action.

"(ii) The term ‘agency action’ has the meaning given that term in section 551 of title 5, United States Code, but also includes the making of a grant to a public authority conditioned upon an action by the recipient that would constitute a limitation if done directly by the agency.

"(iii) The term ‘fair market value’ means the highest reasonably anticipated price at which property would change hands, in a competitive and open market under all conditions requisite to a fair sale, between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts, at the time the agency action occurs.

"(iv) The term ‘Secretary’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(v) The term ‘significant risk’ includes the law of a political subdivision of a State.”

H.R. 1020
OFFERED BY: MR. ENGLISH
AMENDMENT NO. 19: Page 80, insert after line 25 the following:

SEC. 510. RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.

(a) COVERED FEDERAL AGENCIES.—This section does not apply to any of the following:

(1) A situation that the Secretary or the Commission, as the case may be, determines to involve (A) an emergency, in such circumstance, for the purposes of this section, the Secretary or the Commission, as the case may be, shall comply with the provisions of this subsection within as reasonable a time as it is practical.

(2) Activities necessary to maintain military readiness.

(b) UNFUNDED MANDATES.—Nothing in this section itself shall, without Federal funding and further Federal agency action, create my new obligation or burden on any State or local government or otherwise impose any financial burden on any State or local government in the absence of Federal funding, except with respect to routine information requests.

(c) DEFINITIONS.—For purposes of this section:

(1) COSTS.—The term ‘costs’ includes the direct and indirect costs of the United States Government, to State, local, and tribal governments, and to the private sector, as a result of a rule or alternative strategy.

(2) BENEFIT.—The term ‘benefit’ means the reasonably identifiable economic benefits that are expected to result directly or indirectly from implementing a rule or alternative strategy.

(3) MAJOR RULE.—The term ‘major rule’ means any regulation that is likely to result in an annual increase in costs of $25,000,000 or more. Such term does not include any regulation or other action taken by an agency to authorize or approve any individual substance or product.

(4) EMERGENCY.—The term ‘emergency’ means a situation that is immediately impending and extraordinary in nature, demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to human or substantial endangerment to private property or the environment if no action is taken.

(5) SIGNIFICANT RISK.—The term ‘significant risk’ means a situation that is immediately impending and extraordinary in nature, demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to human or substantial endangerment to private property or the environment if no action is taken.

(6) RISK ASSESSMENT.—The term ‘risk assessment’ means a situation that is immediately impending and extraordinary in nature, demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to human or substantial endangerment to private property or the environment if no action is taken.

(d) AVAILABILITY OF INFORMATION AMONG FEDERAL AGENCIES.—The Secretary and the Commission shall make existing databases of significant risk assessment and risk characterization documents in the categories; the need to make such categories available to other Federal agencies, subject to the availability of appropriations.

(B) RULE.—The term ‘environmental clean-up’ means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste; any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior. Nothing in this section shall apply to a rule promulgated as part of section 404 of the Clean Water Act; any report to Congress; any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency; any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

(C) ALSO INCLUDED.—The terms ‘significant risk assessment document’ and ‘significant risk characterization document’ shall include any risk assessment and risk characterization documents provided by a covered Federal agency to the public and which are likely to result in an annual increase in costs of $25,000,000 or more. Such term includes the implementation of such risk assessment and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

(D) RULE.—Within 15 months after the date of the enactment of this section, the Secretary and the Commission shall consider promulgating a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prescribed or on behalf of the Commission, as the case may be, that the Secretary or the Commission, as the case may be, will consider significant risk assessment and risk characterization documents for purposes of this section. In establishing such categories, the Secretary and the Commission shall consider each of the following: The benefits of consistent compliance by documents of the Secretary and the Commission in the categories; the administrative burdens of including documents in the categories; the need to make expeditious administrative decisions regarding documents in the categories; the possible use of a risk assessment or risk characterization document for any applicable Federal Agency and such other factors as may be appropriate.
"(3) EXCEPTIONS.—This section does not apply to risk assessment or risk characterization documents containing risk assessments, risk characterizations, or other risk analyses, which are properly labeled as such, including a screening analysis for purposes of product regulation or premanufacture notices or any health, safety, or environmental inspections. No analysis shall be treated as a screening analysis if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

"(4) SAVING PROVISIONS.—The provisions of this subsection, this section, and any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this section shall be construed to amend a statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this section shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this section shall be construed to require the disclosure of any trade secret or other confidential information.

"(f) PRINCIPLES FOR RISK ASSESSMENT AND CHARACTERIZATION.—The Secretary and the Commission shall apply the principles set forth in paragraph (2) in order to assure that significant risk assessment and significant risk characterization documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data. Significant risk assessment and significant risk characterization documents shall, to the extent feasible, provide a statement that places the nature of the data, the analysis, and the assumptions incorporated in the model and the extent to which any significant assumptions have been validated by, or conflicts with, any other data or analyses.

"(g) PRINCIPLES FOR RISK CHARACTERIZATION AND COMMUNICATIONS.—Each significant risk characterization document shall meet each of the following requirements:

"(1) ESTIMATES OF RISK.—The risk characterization document shall describe the populations or subgroup of populations subject to the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

"(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency)

"(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bounds estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models that are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability present in population characteristics and attendant uncertainties. Sensitive subpopulations or highly exposed subpopulations shall be assessed and appropriate, children, the elderly, pregnant women, and disabled persons.

"(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

"(3) COMPARISONS.—The document shall contain a statement that compares the nature and magnitude of human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant endpoints, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

"(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

"(5) SUMMARIES OF OTHER RISK ESTIMATES.—(A) A commenter provides the Secretary and the Commission with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment period on the Secretary and the Commission for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided, the Commission shall promptly provide the Secretary and the Commission with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

"(B) the risk assessment document or risk characterization document is consistent with the data and information provided under this section, the Secretary or the Commission, as the case may be, shall, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. The significant risk assessment document or significant risk characterization document shall be limited to any comments or material supplied by any person to the administrative record of any proceeding.

"(g) RECOMMENDATIONS OR CLASSIFICATIONS BY A NON-UNITED STATES-BASED ENTITY.—Neither the Secretary or the Commission shall act on any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a use of different types of data shall comply with the provisions of this section.

"(h) USE OF RISK ASSESSMENT DOCUMENTS.—Nothing in this paragraph shall be construed to modify any statutory standard or any statutory requirement designed to protect health, safety, or the environment. Nothing in this paragraph shall be construed to require the disclosure of any trade secret or other confidential information.

"(i) GUIDELINES.—Within 15 months after the date of enactment of this section, the President shall issue guidelines for the Secretary and the Commission consistent with the principles set forth in this section and the principles set forth in section 2403 of title 25, United States Code, for the use of risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of data; model thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to exposure to humans or sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(j) REPORT.—Within 3 years after the date of the enactment of this section, the Secretary and the Commission shall provide a report to the Congress evaluating the categories of policy and value judgments identified under this section.

"(3) PUBLIC COMMENT AND CONSULTATION.—The guidelines and report under this subsection shall be available for public comment and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, other United States agencies, State agencies, other bodies, and any other entities.

"(k) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this subsection at least every 4 years.

"(l) RESEARCH AND TRAINING IN RISK ASSESSMENT.—(1) EVALUATION.—The Secretary and the Commission shall regularly and systematically assess the Federal agency on the basis of such a use of different types of data shall comply with the provisions of this section, the Department of the Interior, and the Commission, including, where relevant and appropriate, the following:

"(1) research and training needs of the Department and the Commission, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. The significant risk assessment document or significant risk characterization document shall be limited to any comments or material supplied by any person to the administrative record of any proceeding.

"(2) The President shall issue guidelines for the Secretary and the Commission consistent with the principles set forth in this section and the principles set forth in section 2403 of title 25, United States Code, for the use of risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of data; model thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to exposure to humans or sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(2) Review.—Within 3 years after the date of the enactment of this section, the Secretary and the Commission shall provide a report to the Congress evaluating the categories of policy and value judgments identified under this section.

"(3) Public comment and consultation.—The guidelines and report under this subsection shall be available for public comment and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, other United States agencies, State agencies, other bodies, and any other entities.

"(4) Review.—The President shall review and, where appropriate, revise the guidelines published under this subsection at least every 4 years.

"(5) Research and training in risk assessment.—(1) Evaluation.—The Secretary and the Commission shall regularly and systematically assess the Federal agency on the basis of such a use of different types of data shall comply with the provisions of this section, the Department of the Interior, and the Commission, including, where relevant and appropriate, the following:

"(1) research and training needs of the Department and the Commission, to the extent feasible, present such summary in connection with the presentation of the significant risk assessment document or significant risk characterization document. The significant risk assessment document or significant risk characterization document shall be limited to any comments or material supplied by any person to the administrative record of any proceeding.

"(2) The President shall issue guidelines for the Secretary and the Commission consistent with the principles set forth in this section and the principles set forth in section 2403 of title 25, United States Code, for the use of risk assessment and characterization principles set forth in this section and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: Criteria for scaling animal studies to assess risks to human health; use of different types of data; model thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to exposure to humans or sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

"(3) Public comment and consultation.—The guidelines and report under this subsection shall be available for public comment and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, other United States agencies, State agencies, other bodies, and any other entities.
default options, particularly those common to multiple risk assessments.

(8) Research leading to improvement of methods to quantify and communicate uncertainty among individual species, populations, and, in the case of ecological risk assessment, ecological communities.

(C) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effects, and mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

(D) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

(2) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for training and, not later than 90 days after the termination of the comment period, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making by the Secretary and the Commission.

(4) RISK ASSESSMENT DOCUMENT.—The term ‘risk assessment document’ means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and ranked. The term also includes any written statement accepting the findings of any such document.

(1) RISK CHARACTERIZATION DOCUMENT.—The term ‘risk characterization document’ means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes any written statement accepting the findings of any such document.

(3) BEST ESTIMATE.—The term ‘best estimate’ means a scientifically appropriate estimate written on the basis of the most plausible assumptions.

(1) IN GENERAL.—The President shall prepare the following for each major rule:

(i) That the analyses under this subsection were peer reviewed, and that the incremental cost reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

(ii) That alternative strategies identified or considered by the agency were found either to be less cost-effective or, in the context of incremental risks, to have less risk reduction or other benefits agreed to by the agency were found to be less cost-effective or less flexible.

(iii) That the incremental cost reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

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(C) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effects, and mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

(D) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

(2) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for training and, not later than 90 days after the termination of the comment period, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making by the Secretary and the Commission.

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(3) BEST ESTIMATE.—The term ‘best estimate’ means a scientifically appropriate estimate written on the basis of the most plausible assumptions.

(1) ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.—The President shall prepare the following for each major rule:

(i) That the incremental cost reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

(ii) That alternative strategies identified or considered by the agency were found either to be less cost-effective or, in the context of incremental risks, to have less risk reduction or other benefits agreed to by the agency were found to be less cost-effective or less flexible.

(iii) That the analyses under this subsection were peer reviewed, and that the incremental cost reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

(iv) That alternative strategies identified or considered by the agency were found either to be less cost-effective or, in the context of incremental risks, to have less risk reduction or other benefits agreed to by the agency were found to be less cost-effective or less flexible.

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“(n) Office of Management and Budget Guidance.—The Office of Management and Budget shall issue guidance consistent with this section.

(1) to assist the agencies, the public, and the regulated community in the implementation of this section, including any new requirements or procedures needed to supplement existing criteria and requirements; and

(2) governing the development and preparation of analyses of risk reduction benefits and costs associated with the action.

(o) Peer Review.—

(1) Establishment.—The Secretary and the Commission shall each establish a systematic peer review program for the review of any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions of the Secretary or the Commission.

(2) Requirement for Peer Review.—In connection with any rule under this Act that is likely to have an annual increase in direct costs of $100,000,000 or more, the Secretary and the Commission shall each provide for peer review in accordance with this section of any significant risk assessment or cost analysis which forms the basis for such rule or of any analysis under this section. In addition, the Director of the Office of Management and Budget shall order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions of the Secretary or the Commission.

(3) Contents.—Each peer review under this subsection shall include a report to the Secretary or the Commission, as the case may be, with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

(4) Response to Peer Review.—The Secretary or the Commission, as the case may be, shall provide a written response to all significant peer review comments.

(5) Availability to Public.—All peer review comments or conclusions and the Secretary's or the Commission's response shall be made available to the public and shall be made a part of the administrative record.

(6) Previously Reviewed Data and Analysis.—No peer review shall be required under this subsection for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

(p) National Panels.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of the Secretary and the Commission under this Act. The Panel shall submit a report to the Congress no less frequently than annually containing the recommendations of the Panel.

(q) Judicial Review.—Compliance or noncompliance by the Secretary and the Commission with the requirements of this section shall be reviewable pursuant to this Act and chapter 7 of title 5, United States Code. The court with jurisdiction to review final agency action under this Act shall have jurisdiction to review, at the same time as compliance by the Secretary or the Commission, as the case may be, with the requirements of this section. When a significant risk assessment document or significant risk characterization document does not substantially comply with the requirements of this section, the court shall declare the plan to review and, where appropriate revise any significant risk assessment document or significant risk characterization document described in such plan. The expiration of such 18-month period if, based on information available at the time of such review, the Secretary or the Commission may head determines that the application of the principles set forth in this section would be likely to significantly alter the results of the prior risk assessment or risk characterization, the plan shall provide procedures for receiving and considering new information and risk assessments from the public. The plan may set priorities and procedures for review and, where appropriate, revision of such risk assessment documents and risk characterization documents and of health or environmental studies which may also set priorities and procedures for review, and, where appropriate, revision or repeal of major rules promulgated prior to the expiration of such period. Such procedures shall be based on the potential to more efficiently focus national economic resources within programs carried out under this Act, important priorities, and on such other factors as the Secretary or the Commission considers appropriate.

(r) Public Comment and consultation.—The plan under this subsection, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, such other Federal departments and agencies, offices, organizations, or persons as may be advisable.

(s) Priorities.—

(1) Identification of Opportunities.—In order to assist in the public policy and regulation of risk to public health, the President shall identify opportunities to reflect priorities within programs under this Act in a cost-effective and reasonable manner. The President shall identify each of the following:

(A) The likelihood and severity of public health risks associated with such programs.

(B) The number of individuals affected, and in the case of Federal, State, and local governments, such other Federal departments and agencies, offices, organizations, or persons as may be advisable.

(2) Cost-effectiveness of Regulatory or Other Strategies.—The President shall consider priorities developed under this Act in writing the recommendations which can be implemented without further legislative changes
Page 26, line 18 (section 11(a)(1)), strike "142,041" and insert "242,000".

Page 28, line 2 (section 11(c)(1)), strike "dated " and insert "dated December 6, 1995, ".

Page 31, line 7, add the following: "The Secretary shall have the authority to extend any existing leases on such Federal lands prior to consummation of the exchange.".
The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation, our Creator, Sustainer, and loving heavenly Father, thank You for these moments of profound communion with You. We come to You just as we are with our hurts and hopes, fears and frustrations, problems and perplexities. We also come to You with great memories of how You have helped us when we trusted You in the past. Now, in the peace of Your presence, we sense a fresh touch of Your spirit. With receptive minds and hearts wide open, we receive the inspiration and love You give so generously. Make us secure in Your grace and confident in Your goodness. We need Your power to carry the heavy responsibilities placed upon us. Humbly we ask for divine inspiration for the decisions of this day. Since we are here to please You in all we do, our hope is that at the end of this day we will hear Your voice sounding in our souls. "Well done, good and faithful servant." In the name of our Lord. Amen.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The acting majority leader is recognized.

**SCHEDULE**

Mr. THOMAS. Mr. President, this morning until 10:40 a.m. there will be a period for closing debate on Senate Joint Resolution 31. At 10:40 a.m. the Senate will recess until 2:15 p.m. today. At 10:40 a.m. the Senate will proceed to the House Chamber to hear an address by Israeli Prime Minister Shimon Peres to a joint meeting of the Congress which starts at 11 a.m. When the Senate reconvenes at 2:15 p.m., following 2 minutes of debate, the Senate will begin as many as five consecutive votes on amendments on Senate Joint Resolution 31. The first vote will be 15 minutes, the subsequent votes will be 10 minutes each, with 2 minutes of explanation in between each vote.

Following disposition of Senate Joint Resolution 31, it is the hope of the majority leader to turn to the consideration of the Bosnia legislation. In that the majority leader hopes to complete action on that matter by 12 noon on Wednesday, debate may go into the evening today if necessary. Therefore, votes are possible today on the Bosnia legislation.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

**FLAG DESECRATION CONSTITUTIONAL AMENDMENT**

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 31, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

The Senate resumed consideration of the joint resolution. Pending:

Biden amendment No. 3093, in the nature of a substitute.

Hollings amendment No. 3095, to propose a balanced budget amendment to the Constitution of the United States.

Hollings amendment No. 3096, to propose a balanced budget amendment to the Constitution of the United States.

McConnell amendment No. 3097, in the nature of a substitute.

Mr. HATCH. Mr. President, today the Senate must decide whether this is freedom or the abuse of freedom—this right here—evidenced by this picture of the flag being burned by a bunch of antiflag activists.

Mr. President, it comes down to this: Will the Senate of the United States confute liberty with license? Will the Senate of the United States deprive the people of the United States of the right to decide whether they wish to protect their beloved national symbol, Old Glory?

Is it not ridiculous that the American people are denied the right to protect their unique national symbol in the law?

We live in a time where standards have eroded. Civility and mutual respect—preconditions for the robust views in society—are in decline.

Individuals, rights are constantly expanded but responsibilities are shirked and scorned. Absolutes are ridiculed. Values are deemed relative. Nothing is sacred. There are no limits. Anything goes.

The commonsense testimony of R. Jack Powell, executive director of the Paralyzed Veterans of America, before the Senate Judiciary Committee in 1989 is appropriate here:

Certainly, the idea of society is the binding together of individuals for the mutual protection of each individual. That includes, also, an idea that we have somehow lost in this country, and that is the reciprocal, willing giving up of that unlimited individual freedom so society can be cohesive and work. It would seem that those who want to talk about freedom ought to recognize the right of a society to say that there is a symbol, one symbol, which in standing for this great freedom for everyone of different opinions, different persuasions, different religions, and different backgrounds, society puts beyond the pale to trample with.
We all know that the flag is one over-riding symbol that unites a diverse people in a way nothing else can or ever will. We have no king. We have no State religion. We have an American flag.

Today, the Senate must decide whether enough is enough. Today, the Senate must decide whether the American people will once again have the right to say, if they wish to, that when it comes to this one symbol, the American flag, as one symbol only, we draw the line.

The flag protection amendment does not amend the first amendment. It reverses two erroneous decisions of the Supreme Court. In listening to some of my colleagues opposing this amendment, I was struck by how many of them voted for the McConnell flag protection statute in 1989. They cannot have it both ways. How can they argue that a statute which bans flag burning does not infringe free speech, and then turn around and say an amendment that authorizes a statute banning flag burning does impinge free speech?

The suggestion by some opponents that Congress’ power to protect the American flag from physical desecration tears at the fabric of liberty is so overblown it is hard to take seriously. These overblown arguments ring particularly hollow because until 1989, 48 States and the Federal Government had flag protection laws. Was there a tear in the fabric of our liberties? To ask that question is to answer—it of course—no. Individual rights expanded during that period while 48 States had the right to ban physical desecration of the flag.

I should add that the American people have a variety of rights under the Constitution. These rights include a right to amend the Constitution. The amendment process is a difficult one. The Framers did not expect the Constitution to be routinely amended, and it has not been. There are only 27 amendments to the Constitution. But the Framers expected a Constitutional amendment did not expect the Senate to surrender its judgment on constitutional issues just because the Supreme Court rules a particular way.

The amendment process is there, in part, as a check on the Supreme Court and in an important enough case. This is one of those causes.

Let me briefly address the pending amendments to Senate Joint Resolution 31. The McConnell amendment is a killer amendment. It would not be a Constitutional amendment. It will completely displace the flag protection amendment should it be approved. A vote for the McConnell amendment is a vote to displace the flag protection amendment. Senator HOLLINGS and I would not vote for both the McConnell amendment and the flag protection amendment and be serious. I say with great respect the Senator’s amendment is a snare and a dilution.

The Supreme Court has told us twice that a statute singling out a flag for special protection is based on the communicative value of the flag and, therefore, its misguided view violates the first amendment.

Even if one can punish a flag desecrator under a general breach-of-the-peace or public order statute, such an amendment is not a general Federal breach-of-the-peace statute. It singles out flag desecration involved in a breach of the peace. J. Johnson and Eichman have told us we cannot do that, we cannot single out the flag in that way. The same goes for prohibiting or punishing only one item of stolen Federal property, a Government-owned flag, or protecting in a special way only one item, a stolen flag desecrated on Federal property.

We all know why we would pass such a statute. Do any of my colleagues really believe we are going to fool the Supreme Court? Many of my colleagues, in good faith, voted for the Biden statute and the Court would not buy it. The Court took less than 30 days after oral argument to throw out eight pages to throw the statute out, as they will this one.

They will do exactly the same to the McConnell statute. Even if the McConnell statute is constitutional—and it is—I doubt it will be totally inadequate. Far from every flag desecration is intended to create a breach of the peace or occurs in a circumstance in which it constitutes fighting words.

Of course, banned flags are neither stolen from the Federal Government nor stolen from someone else and desecrated on Federal property. Indeed, most of the desecrations that have occurred in recent years do not fit within the McConnell statute. Just as an illustration of its inadequacy, the McConnell statute had been on the books in 1989, the Johnson case would have come out exactly the same way.

Why? The Supreme Court said that the facts in J. Johnson do not support J. Johnson’s argument namely, either the breach-of-the-peace doctrine or the fighting words doctrine. Moreover, the flag was not stolen from our Federal Government. Finally, the flag was not desecrated on Federal property.

So the McConnell statute would not have even reached Johnson, and the case would have come out exactly the same. What, then, is the utility of the McConnell statute, as a practical matter, other than to kill the flag protection amendment?

The Biden amendment, on the other hand, insists, if we are to protect the flag, we must make criminals out of veterans who write the name of their unit on the flag. If the statute that authorizes this has been enacted at the time, Teddy Roosevelt and his Rough Riders would have been criminals.

Why? Because they put the name of their unit on the flag they followed up San Juan Hill, the flag which over 1,000 of their comrades died in protecting.

Moreover, this amendment blurs the crucial distinction between our fundamental charter, the Constitution, and a statutory code. Read it. It actually puts a statute into the Constitution and, for the first time, I might add, says Congress can vote up or down on it if it wishes. We have not done that in the 206 years during which we have lived under the Constitution. We cannot do that to our Constitution today.

This same amendment was rejected 93 to 7 in 1990. It has not improved with age.

The two amendments by Senator HOLLINGS on the balanced budget and campaign finance reform are not relevant to the flag protection amendment and therefore are subject to a point of order. They should be debated and voted on at some other time, but do not destroy the flag amendment because of irrelevant matters on this occasion.

So, I urge my colleagues to support the flag protection amendment and reject the other amendments to be offered here today.

I reserve the remainder of my time and ask any time be divided equally.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERNEY. Mr. President, I ask unanimous consent that 10 minutes in opposition be yielded to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERNEY. Mr. President, I do not believe that we are going to get Americans to stop desecrating our flag as a consequence of amending our Constitution. I just do not believe it is going to happen.

I see the distinguished Senator from Utah has a picture, a very disgusting picture of a young man, I believe, a young boy, perhaps, burning an American flag. Much of the desire to pass this constitutional amendment comes, in fact, from our observation that in some isolated instances, young people, angry about something, will desecrate a flag to make a point. Thus, we say, let us protect ourselves from these acts by amending the Constitution or passing a statute at the State level or passing, in this case, now in an amended form, a law at the Federal level saying that it is now against the law to desecrate the flag.

The respect for the flag is something that is acquired. One makes a choice based upon an understanding of what the flag stands for, and that understanding does not come in some simple fact. It does not come with a snap of our fingers: Amend the Constitution, pass a law, and thus, all of a sudden, young people all across the Nation—or adults, for that matter—will immediately acquire respect for the flag based upon knowing that they will be punished. That is basically the transaction here. We are saying, either respect the flag or we will punish you by invoking the law and perhaps fining you. I do not know maybe there will be a jail sentence attached. Some mandatory minimum perhaps that will be associated with the new criminal law of desecrating the flag.
Let me be clear on this. Many people are very confused, because I heard some people say, “It is against the law to desecrate the dollar bill. Why is it not against the law to desecrate the flag?” It is against the law to desecrate our flag. Where we do not live down to the Iwo Jima Memorial or Arlington or up on the hill where the Washington Monument stands and burn a flag that is owned by the people of the United States of America. This issue here, this concern here, is with a flag that some individual owns.

If the suspicion occurs, under this new constitutional amendment— I assume enabling legislation will occur as a consequence—that somebody, in their home, is desecrating their flag, it will now fall to the police or to the Federal law enforcement officials, I suspect, depending upon how the statute is written, to go into the home to make sure that individual is not desecrating his or her flag. That is the kind of response we are getting now, in other law enforcement situations. We have seen situations where an individual who has been charged with the responsibility of making

I understand. I have spoken many times with American Legion members in Nebraska who are very enthusiastic about this amendment. Of course, or Veterans of Foreign Wars members, or Disabled American Veterans members who are very concerned about the loss of respect. They are very concerned about the loss of character.

Indeed, one of the most impressive things in community service right now, that has been over the course of my life, has been American Legion effort, and VFW and DAV effort, to provide programs for young people, to teach them the history of this country, to teach them about D-day, to teach them about what stands behind this flag, why this flag is so revered by those of us who have served underneath it. But we see in that moment, if it is Legion base or any youth program, you see in that moment the kind of effort that is required to teach respect, for a young person to choose to acquire the character necessary to give the kind of reverence due the U.S. flag.

I know this amendment, now that it has been modified, stands an even better chance of passing. But make no mistake, there is going to be a consequence to this vote. This is not one of those deals where you just vote on it and say, ‘Now I have kept faith with the American Legion, the VFW, the DAV, that have been lobbying very hard on this. It is not easy to do it. It is not just respect, reverence of the flag; it is respect and reverence due the U.S. flag. You cannot go down to the hill where the Washington Monument stands and burn a flag that is owned by the people of the United States of America. This issue here, this concern here, is with a flag that some individual owns.

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flag. To protect the flag takes us down a much different and a much more difficult road, one that I believe this country needs to follow. But I do not believe at all that we are going to increase the amount of respect that Americans have for their flag as a consequence of amending our Constitution. Indeed, I believe quite the opposite.

For those who think it is a fairly easy free vote—vote for it, and walk away with all consequences. We are going to have to amend laws. We are going to have to deal with the spectacle of people being arrested in their home, the spectacle of law-abiding citizens now being faced with all kinds of new charges and accusations that they do not respect the flag sufficiently.

Mr. President, I hope that there are 34 votes in this Senate to block this because I believe that the flag of the United States of America should not be politicized. And I believe it will—not by the well-intended Senators who are here today on the floor in support of this resolution, but by the actions that will occur as a consequence of this amendment.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I understand that the time of the opponents on this is controlled by Senator BIDEN.

The PRESIDING OFFICER (Mr. JEF-FORDS). We are not certain who is controlling the time.

Mr. McCONNELL. I am an opponent of the amendment, so I yield myself 20 minutes.

The PRESIDING OFFICER. Without objection, it will be charged to either side.

Mr. McCONNELL. Mr. President, when we talk about the American flag, we usually do not think of it as an abstraction. It is not just a design on canvas.

For most of us, the flag means even more than the treasured symbol of our Nation.

Often, we think about a particular American flag we have seen or owned, and the special memories that surround that flag.

Some of us may remember the flag our fathers took out every Fourth of July and displayed from a makeshift flagpole.

Some of us may remember saying the Pledge of Allegiance to the flag in our first grade classroom.

Or we may recall the beautiful sight of an American flag in a foreign country, reminding us of home and safety.

Personally, I think of the American flag that sits on the mantle in my Senate office, folded up into a neat triangle.

There is not a day that goes by without me seeing that flag and thinking about it, if only for a minute or two.

I am very proud of that flag, because it was the flag that draped my father's coffin at his funeral, after he died of cancer in 1990.

For the rest of my life, I will remember seeing that flag and being so proud that my father had earned the right to have an American flag laid upon his casket—over that very body he was serving his country courageously in wartime.

My dad was a scout in the U.S. Army, fighting with the Allies in Western Europe during World War II. D-day had come and gone, and the Germans were aggressively counterattacking, in the desperate hope that the Allies would lose heart and relent, allowing Germany to rearm and retain control over itself. This is what we came to call The Battle of the Bulge.

Being a scout was one of the most dangerous jobs in the Army, because you usually went out alone or in small groups, under fire, and the enemy, but often that was unavoidable given the nature of the task.

In fact, my dad lost two-thirds of his company in one hellish night of fighting; and he himself came home with the Purple Heart.

But at least he came home. Those were difficult and anxious times, but there was also great clarity of purpose in America's participation in World War II.

And as I look at that folded-up flag in my office, what strikes me over and over again is that my dad voluntarily went to war—risked his life like so many others of his generation—not because he was interested in acquiring a piece of European real estate, but because he believed in the cause of freedom.

Protecting America's freedom—and restoring the freedom of other nations—that is why my dad went to war.

United States Rangers scaled the cliffs of Normandy not to conquer, but to free. General MacArthur returned to the Philippines, not to conquer, but to free.

Even as we speak, American troops are deploying to Bosnia, not to conquer, but to bring freedom from centuries of ethnic violence and bloodshed.

Freedom has always been the great cause of America, and we must never forget it.

If we have learned one thing from the astonishing collapse of global communism, it is that freedom eventually wins the longest, bloodiest wars. When every impulse we feel goes in the opposite direction—sets an example for other nations to follow when their road to freedom gets rough.

If we allow ourselves to compromise on freedom, what can we expect young democracies like Russia and Ukraine to do, when they are faced with the difficult issues and decisions that freedom brings?

If we want to spread freedom, we need to stand for freedom—without equivocation or compromise.

I just as importantly, freedom is what will preserve our own democracy for the long run. Without freedom, America will cease to be America.

What does our freedom consist of?

Perhaps the most fundamental freedom is the first one enumerated in the Bill of Rights: the freedom of speech.

And freedom of speech means nothing unless people are allowed to express views that are offensive and repugnant to others.

The freedom of speech that is protected by the Constitution is not about reaching consensus, it is about conflict and criticism.

Freedom of speech knows no sacred cows.

As all of us here are painfully aware, the high offices we hold provide no insulation from attacks by the media, even those that are completely unfair and inaccurate.

And as much as I do not like it at times, that is the way it ought to be.

As Justice Jackson wrote in the 1943 decision, West Virginia State Board of Education versus Barnette:

"If there is any fixed star in our constitutional constellation, it is that official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters.

The reason we have a first amendment is that the Founders of this Nation believed that, despite all the excesses and offenses that freedom of speech would undoubtedly allow, truth and reason would win out in the end.

As one constitutional scholar put it, the answer to offensive speech is not more repression, but more speech.

To put it another way, the best regulator of freedom is paradoxical as that sounds—is more freedom.

The Supreme Court also has made it clear that the first amendment does not protect just the written or spoken word.

That is because ideas are often communicated most powerfully through symbols and action.

We do it all the time in political campaigns.

For example, as I have cited on this floor many times, the Supreme Court has held that spending on political speech is constitutionally indistinguishable from the speech itself.

And because campaign spending is so closely linked to political speech—the core of the first amendment—the Court has held that mandatory campaign spending limits are per se unconstitutional.

That is only one example where something that appears to be conduct has a clear expressive purpose that falls within the ambit of the first amendment.
So to categorize something as conduct doesn't fully answer the question of whether it is also speech, and therefore protected by the Constitution.

Of course, when we see hateful people desecrating the American flag, we are instantly repulsed by it. It strikes at the core of our emotions. And it is not only because we love the flag and all that it symbolizes to us; it is also because of what is being communicated by such foul behavior.

Those who willfully desecrate our flag are saying that America is a lousy country, that its faults are beyond repair, and that it deserves to be torn down and reviled. They are also saying—and this is something I take particular offense at—that men like my father—who spilled their blood to save America and liberate others—were involved in an unworthy cause.

The burning of the flag is a uniquely offensive way of disparaging their heroism and trivializing their sacrifice. Ideas like these are not only reprehensible, they are also demonstrably false. They are lies: lies about America, and lies about those who fought and died for our country.

Nevertheless, as divisive and distorted as these ideas are, as much as they deserve to be condemned, they are still protected by the first amendment. The most revolutionary facet of our Constitution—what sets it apart from every other document in history—is that it confers its benefits not only on those who love this land, but also on those who hate it.

For years, people in other countries saw it as a weakness that we tolerated so much vitriolic dissent in America. Now they are realizing it is our strength. I think of the powerful testimony of Jim Warner, a prisoner of war in North Vietnam from 1967 to 1973, whom I had the privilege of meeting this year.

During his imprisonment, Jim had been tortured, denied adequate food, and subjected to a year of solitary confinement. When he was finally released, he looked up and saw an American flag. To use Jim's own words, "As tears filled my eyes, I saluted it. I never loved my country more than at that moment."

One can only imagine how much it grieved this patriot when a North Vietnamese interrogator showed him a photograph of some Americans protesting the Vietnam war by burning an American flag.

The interrogator taunted Warner by saying, "There. People in your country protest against your cause. That proves you are wrong."

But Jim Warner mustered every bit of strength he had and replied calmly, "No, sir. That proves I am right. In my country we are not afraid of freedom—even if it means that people disagree with us."

As Jim tells the story, the North Vietnamese interrogator reeled back. "His face purple with rage * * *. I was astonished to see pain, confounded by fear, in his eyes."

Drawing on that incredible experience, Jim combined a暮告 about the issue before us today:

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom.

When a flag was burned in Dallas to protest the nomination of Reagans, he told us how to spread the idea of freedom, when he said that we should turn America into a "city shining on a hill, a light to all nations."

Do not be afraid of freedom, it is the best weapon we have.

"Spread freedom—spread freedom." If anything is a conservative creed, that is it.

That is why so many die-hard conservatives flatly reject the idea of a constitutional amendment to ban flag burning.

George Will called it a "piddling-fiddling amendment." Cal Thomas said it was "silly, stupid, and unnecessary."

The National Review editorialized against it twice, saying it would "make the flag a symbol of national dishonesty."

The College Republicans, in their newspaper the Broadside, argued that a flag burning constitutional amendment would not accomplish much of anything.

And Charles Krauthammer warned that it would "punch a hole in the Bill of Rights," concluding that, "If this is conservatism, liberalism deserves a comeback."

And what about the liberals? Nat Hentoff wrote that a constitutional amendment to ban flag burning would itself be desecration of the flag and the principles for which it stands.

Barbara Ehrenreich wrote a hilarious essay in Time magazine, envisioning all the legal conundrums that a flag desecration amendment would create—especially in an age when flag motifs are used on everything from campaign bumper stickers to underwear.

At some point, flag desecration is in the eye of the beholder.

In all of these writings, from across the ideological spectrum, the theme is the same: to use Jim Warner's deeply-felt words again: "Spread freedom. Don't be afraid of freedom. It's the best weapon we have."

Let me conclude with a brief story. The night of September 13, 1814, was one of the darkest in our Nation's history. The late Isaac Asimov wrote a fascinating account of this night, which was later published by Reader's Digest. I will attempt to summarize it:

Three weeks before that fateful September night, the British had succeeded in taking Washington, DC, and now they were heading up Chesapeake Bay toward Baltimore.

Their strategy was clear: if the British were able to take Baltimore, they could effectively split the country in two.

Then they would be free to wage war against the two divided sections: from the north, by coming down the Schuylkill; from the south, by taking New Orleans and coming up the Mississippi.

All that lay in the path of the British Navy was Baltimore. But first they had to test Fort McHenry, where 1,000 American men were waiting.

On one of the British ships was an American named Dr. Beanes who had been taken prisoner earlier. A lawyer by the name of Francis Scott Key had been dispatched to the ship to negotiate his release.

The British captain was open to the idea, but they would have to wait; the bombardment of Fort McHenry was about to begin.

All through the night, Beanes and Key watched Fort McHenry being pummeled by cannon shells and rocket fire. They were close enough in to hear the shouts and screams of men in mortal combat.

And all night long, they could see the American flag flying defiantly over the fort, illuminated by the bombs and explosions.

But when dawn came, the bombardment ceased and a dreadful silence fell over the entire battlefield.

Dr. Beanes and Francis Scott Key strained to see any signs of life from the battered ramparts of Fort McHenry.

And what they saw brought them incredible joy: despite the brutal onslaught of the night before, the American flag—torn and barely visible in the smoke and mist—still stared gallantly over the fort.

The message was clear: the British were not going to get to Baltimore—and the war had taken a decisive turn in America's favor.

So let us get one thing straight: our flag suffered the British naval guns at Fort McHenry.

Our flag weathered the carnage and cannonfire of a national civil war.

Our flag still flapped angrily from the front deck of the U.S.S. Arizona— even after she had been blown in half and sunk at Pearl Harbor.

And our flag stood tall in the face of machine-gun and mortar fire at Iwo Jima.

Make no mistake: this is one tough flag—and it does not need a constitutional amendment to protect it.

All it needs is hardy men and women who believe in freedom and have the courage to stand up for it, whatever the circumstances.

Then we can say together with confidence the words Francis Scott Key penned after that September night in 1814: "And the star-spangled banner in triumph shall wave o'er the land of the free and the home of the brave."

I yield the floor.

The PRESIDING OFFICER. Who yields time?
Mr. HATCH addressed the Chair.
The PRESIDING OFFICER. The Senator from Utah is recognized.
Mr. HATCH. Mr. President, I listened to my friend and colleague. And there are very few people I have as much adoration for the distinguished Senator from Kentucky. I think he is a gracious man and wonderful Senator. He has led the fight on a lot of very good issues.

The McConnell amendment has two fundamental flaws that should convince anyone who supports Senate Joint Resolution 31 or who wants to protect the flag to vote to reject the Senator’s amendment. First, the Supreme Court will certainly strike down the statute as contrary to its decisions in Johnson and Eichman. Second, the McConnell amendment is so narrow that it will offer virtually no protection for the flag. The McConnell amendment would not even have punished Gregory Johnson, which is the cause celebre case that is really involved here, among others.

What message does that send about our society’s willingness to defend its values?

The McConnell amendment’s primary fault is that the Supreme Court, following its mistaken Johnson and Eichman decisions, will strike it down as a violation of the first amendment. Both Johnson and Eichman make clear that neither Congress nor the States may provide any special protection for the flag. Because the Court views the flag itself as speech, any conduct taken in regard to the flag constitutes protected expression as well.

As Prof. Richard Parker of Harvard University Law School concludes: “Since the flag communicates a message—as it, undeniably, does—any effort by government to single out the flag for protection must involve regulation of expression on the basis of the content of its message.” So a careful reading of Eichman bears this point out. Even though the 1989 act was facially content-neutral, the Court found that Congress intended to regulate speech based on its content.

The McConnell amendment is not going to fool anyone, least of all the Supreme Court. Its purpose is clear: to protect the flag from desecration in certain, narrow instances. Unfortunately, the Supreme Court has said that the people who cannot do this, something they had a right to do for almost 200 years, a right they had exercised in 48 States and in Congress up to 1989, with the Johnson decision. Do we need a third Supreme Court decision striking down a third flag protection statute in just 6 years before the Senate gets the message?

Even if the Court were to find that the McConnell amendment was not intended to protect the flag from desecration, it will still find it unconstitutional under its decision in R.A.V. versus City of St. Paul, the Court will strike down any statute that draws content-based distinctions, even if, as in R.A.V., those distinctions are made within a category of unprotected speech. Thus, even though fighting words or words that incite a breach of the peace are unprotected, Congress cannot prohibit only certain types of speech within these areas of unprotected speech. Therefore, it is this that the McConnell statute impermissibly does.

In fact, the Court in R.A.V. made clear that this doctrine would be applied to any flag protection statute. As Justice Scalia wrote for the Court: “Burning a flag in violation of an ordinance against outdoor fires could be punishable, whereas burning a flag in violation of an ordinance against deshonoring the flag is not.” Since the McConnell amendment is not a law of general applicability, but instead is one that singles out the flag for protection, it will be held to be unconstitutional by the Court.

Mr. President, the McConnell amendment is one that it would not even have punished Gregory Johnson for his desecration of the flag. And in Johnson—this is a pretty good representation of what Johnson and others did.

In Johnson, the Court held that unless there was evidence that a riot ensued, or threatened to ensue, one could not protect the flag under the breach of the peace doctrine. Small protection, that. Do we really want to limit protection of the flag only to those narrow instances when burning it is likely to breach the peace? I think not.

Even if sections (b) and (c) of the McConnell amendment could survive constitutional scrutiny, which I do not believe they can, they are no substitute for real flag protection. Only those who steal and destroy flags that belong to the United States, or only those who steal the flag from others and destroy it on Government property, can violate the McConnell amendment. Gregory Johnson did not steal his flag from the United States; it was stolen from a bank building. He did not burn his stolen flag on Federal property. He burned it in front of city hall. If the amendment would not punish Gregory Johnson, who will it punish?

Adoption of the McConnell amendment will amount to the Government’s unintended declaration of open season on American flags. Just do not burn it to start a riot. Just do not steal it from the Government. And just don’t steal it and then burn it on Government property. Otherwise, the McConnell amendment declares, flag burners are free to burn away, just like they did on this occasion, represented by this dramatic photograph that is true.

Mr. President, I yield the floor.
Ms. MIKULSKI. Mr. President, I support and cosponsor the McConnell amendment to ban flag burning. I oppose the burning of our U.S. flag. I oppose it today just as I always have.
Mr. President, I feel very strongly about this issue. I have voted for legislation to prohibit flag burning, and I have voted against amending the U.S. Constitution.

But, more than any other time in the past, I have grappled with today’s vote to amend the Constitution to stop flag burning. This time the debate is different.

I truly believe that our Nation is in a crisis. Our country is in a war for America’s future. It’s that’s being waged against our people, against our symbols and against our culture. And I want to help stop it. I firmly believe that we need a national debate on how to rekindle patriotism, values, and civic duty.

And if there is a way to do that, then I am all for it. It’s important to me, and it’s important to the future of our Nation.

Mr. President, I do not—and never have—intended or wished to inhibit America’s freedom of speech. In fact, the first amendment—and others—got me reelected today.

I feel so strongly about this issue that I seriously considered supporting an amendment to the Constitution.

But, my colleague from Kentucky has offered an alternative to amending the Constitution that would protect the flag and protect the Constitution. I will support that alternative approach today.

Senator MCCONNELL’s proposal does not amend the Constitution, but it will get the job done by punishing those people who help wage war against the symbol of this country and everything it stands for.

I know that we have gone down this road before by passing statutory language to ban flag burning only to have the Supreme Court overturn it. But, the McConnell amendment should pass constitutional challenge.

If there is a way to deal with and punish those who desecrate our U.S. flag without amending the Constitution, I am all for it. That is why I support the McConnell amendment.

The McConnell amendment says you can’t get away with the burning of the United States. It means that you can’t get away with using the flag to incite violence. The McConnell amendment says you can’t use this Nation’s symbol of freedom and turn it into a symbol of disrespect.

The McConnell amendment stands for the same things I do. It protects the principles embodied in our Constitution—as well as our U.S. flag.

Mr. President, my remarks will last a very few moments. I believe the Senator from Virginia was here before I was and is seeking recognition.

The PRESIDING OFFICER. Does the Senator wish to speak in opposition?
Mr. SIMPSON. No. I will be speaking in accordance with the flag amendment desecration, with Senator HATCH.

Mr. HATCH. I yield 5 minutes to the distinguished Senator from Utah.
Mr. SIMPSON. Mr. President, I would like to make certain very brief comments on this pending resolution. For a
number of years, I have listened and been content—well, not always content, but I have listened—to the heated debate surrounding this amendment, and I now feel compelled to interject some rich personal thoughts of my own.

Many of the comments I have heard that are taking issue with this plan to amend the Constitution center around the issue of free speech. Opponents claim that if the flag desecration amendment is adopted, it will chill free speech, or will mean that a small majority will be free to determine exactly what activities constitute desecration.

What these often self-proclaimed champions of free speech forget is that certain forms of speech are already regulated, including that category of speech known as fighting words.

Back in the 1950's, I was honored to serve my country in the U.S. Army. I served in the infantry in Germany for 2 years, in the 10th Infantry Regiment of the 5th Division, and with the 2d Armored Division, "Hell on Wheels," serving with the 12th Armored Infantry Battalion. After a single day for over 30 years, I got up in the morning and I saluted that flag, marched in military parades behind it, maneuvered with it on the front of an armored personnel carrier, and was ready to die for it. All of us who served in the military did that, for that was our mission.

So when I see someone who has never been in the military—often times you see that—and someone who does not have a shred of respect for the country, but who will throw around a flag on the ground and urinate on it, or burn it, and claim he or she is exercising his or her right to free speech, it does rise to the level of fighting words to me, in my book. And I would surely be willing to bear it does in the books of a lot of other law-abiding citizens of this great country.

That is where I am coming from, and there are those who have served in the military who feel just as strongly on the other side, and I respect those views. But I do have a lot of trouble with people who were never in the military and hearing them express themselves on the issue on either side. That is clear, in my mind. So I more deeply respect the views of those who have worn the colors, who feel just as strongly on the other side, but I have great trouble listening to the prattle of those who have never even served in our Air Patrol.

Recently, I read an article on flag desecration by Paul Greenberg in the July 6 copy of the Washington Times. He made several points I think bear revisiting. He claims, in a witty and persuasive manner, that "our Intelligentsia" have done their level best to "explain to us yokels again and again that burning the flag of the United States isn’t an action, but speech, and therefore a constitutionally protected right,” and that they cannot understand why a vast majority of the American public continues to want this amendment.

I agree with his conclusion that “it isn’t the idea of desecrating the flag that the American people propose to ban.” Anyone is free to stand and to state how much they detest the flag, hate the flag and all that it stands for. “It’s the physical desecration of the flag of the United States that ought to be against the law.”

I could not agree more. For as Mr. Greenberg states so eloquently, some things in a civilized society should not be tolerated—such as vandalizing a cemetery, scrawling anti-Semitic slogans on a synagogue, scrawling obscenities on a church, spray-painting a national monument or, surely, for that matter, burning of the American flag. It really ought to be as simple as that.

Thank you, Mr. President.

Mr. ROBB addressed the Chair.

THE PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I yield myself 5 minutes against the time chargeable to those who oppose the amendment.

THE PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. ROBB. I rise with a degree of reluctance because I’m taking the opposite side from so many friends, and veterans, and those who believe very strongly that we ought to have some constitutional protection for the flag.

But I myself feel very strongly that this would be the wrong move for us to make.

I, like many of our fellow Senators, served in the armed services. I served in combat. I am one of those who has always respected the flag. I never fail to rise to render appropriate honors. Indeed, like all others who served, I was willing to die for our flag if necessary—or for the underlying freedoms that our flag represents. And yet I believe that this amendment moves in the wrong direction.

We already have in place rules and regulations and statutes that prohibit desecration of our flag under certain circumstances. If the flag that is being burned does not belong to the individual that is burning it, there are already laws in place to cover that kind of activity.

So I would respectfully urge all of my colleagues to think long and hard with all due deference to their patriotism and resist the temptation to amend our Constitution in a way that would signal we undermine precisely those circumstances where the freedom that the flag represents—the basic democracy of this country—is challenged.

We nominate for the Nobel Peace Prize many in other countries who stand up to dissent peacefully against their government, who say that they believe their government is wrong for whatever reason. We have nominated, or others have nominated, everybody from on down to the nieda and the son Suu Kyi in Burma, who has just been released, to Nguyen Dan Que in Vietnam, Wei jing Sheng in China, Nelson Mandela in South Africa, many in the former Soviet Union that were honored because they spoke up and spoke out.

And it is precisely when an individual is threatened by his or her government when he or she begins to speak out, that basic freedoms and democracy are at their zenith. I know now that the first sign that freedom or democracy is in trouble anywhere around the world is when the government starts locking up dissenters, when the freedom of the people to express their opinions is stifled. This is the distinction—the distinction between an act and a message—that I hope that we will be able to make when we consider this amendment.

The acid test of democracy is whether or not we can speak out in peaceful dissent against our Government without fear of being arrested, or prosecuted, or punished. And in this case, the amendment goes directly to the heart of that freedom. I know that many who support this amendment—many of my fellow Senators, many other Members of Congress, and certainly leaders of veterans organizations, and others around this country—have some constitutional protection for their cause and purpose. But I happen to believe that cause and purpose—that expression of devotion to our country—is best served if we don’t amend the Constitution in this case.

Now I am not one that is arbitrarily opposed to amending the Constitution, but in this situation the amendment goes directly to the heart of what that Constitution protects for us and for all of our citizens.

I would respectfully urge all of my colleagues to think long and hard with all due deference to their patriotism and resist the temptation to amend our Constitution in a way that would signal we undermine precisely those freedoms and the democracy that we seek to protect.

With that, Mr. President, I yield the floor and I thank the Chair.

Mrs. MURRAY. Mr. President, as an American, and the daughter of a disabled veteran, I take deep pride in our great Nation. To me, the flag symbolizes our strength, our democracy, and our unprecedented freedoms—freedoms that our forefathers gave our other countries in the world. Our Constitution guarantees all of us this freedom, including the right to free speech. I believe we should be very cautious about
altering this document, because to do so alters the fundamental ideals on which our country was built. I am deeply troubled by the implications of this proposal; namely, that some people believe it is now necessary to foist on those who exercise free speech by enacting legislation demanding they do so. That is wrong and unnecessary. I do not believe this constitutional amendment will result in Americans having greater respect for authority, for government, or for our flag. Rather, I believe this amendment reinforces the idea that reverence for one's country and the symbols of one's nation must be imposed by law. And, I do not think that is what the American people need, nor do I believe this principle is consistent with our Nation's history of uncoerced respect for our country and flag. Instead, I hope parents will instill in their children, just as I have in mine, a deep respect for the flag. I also pray our Nation will never again be so divided that burning the flag becomes popular or acceptable. But it is my father who spoke most directly to my heart on this issue. In World War II, my father fought for our Nation in the Pacific theater. He was wounded in battle and some doctors believe that the shrapnel in his leg may even be the cause of the multiple sclerosis from which he has suffered for the last 30 years. When I asked him his feelings about this constitutional amendment, he was saddened and offended. He explained that he had not fought for the U.S. flag; he had fought and suffers still for the freedom that our flag symbolizes. That freedom is what this Congress may vote to limit.

Mr. President, for the ideals embodied in our Constitution, for the respect I have for all our flag represents, and most personally, for my father's sacrifice, I will vote against this amendment.

Ms. MIKULSKI. Mr. President, I am deeply concerned about the desecration of the U.S. flag because of what it says about our values and our patriotism. But I must vote against this amendment to the U.S. Constitution.

Mr. President, I absolutely do not support the desecration of our flag. In 1999, I voted for legislation to prohibit flag desecration. And I regret that law was declared unconstitutional by the Supreme Court.

I not only support the flag. I support what the flag stands for. Our flag stands for our Constitution. The meaning of our flag is embodied in our Constitution—especially the first amendment.

Today, I continue to oppose the desecration of our flag, and I call on Americans to rekindle their patriotism, their values, and their civic duty.

I ask with all the passion and patriotism in me, that those who speak about constitutional rights also talk about their freedom of speech, who talk about their freedom of expression—that they exercise community responsibility.

By community responsibility, I mean that each person take the right you have to speak, to march, and to organize, but remember when we desecrate symbols, we desecrate each other.

I do not wish to inhibit freedom of expression. We live in a culture that calls people to their highest and best mode of behavior. But we are not doing that in our society today. We cannot build a society for the 21st century that advocates permissiveness without responsibility. For every right there is a responsibility. For every opportunity, there is an obligation.

I am very frustrated about what is going on in our country. I believe there is a war being waged—against our people, against our symbols, and against our culture.

When I go into the neighborhoods, moms and dads tell me that the toughest job in this country today is being a parent, providing for their families and teaching their children the values of our society.

Love your neighbor; love your country; be a good kid; honor your father and your mother; respect each other. These moms and dads feel that no one is looking out for them. The very values they teach in the home are being eclipsed and eroded by the culture that surrounds us. And some children do not even get that much attention.

We should—and need to—have a national debate on these issues. The culture is being transformed. But we cannot change the culture by changing the Constitution. We change the culture by living the Constitution—by speaking out responsibly and by organizing. I support amendments to expand the Constitution, not to constrain it.

Mr. President, I am a U.S. Senator because of amendments to the Constitution—amendments that allowed me to organize and to speak—amendments like the 1st amendment and the 19th amendment.

The first amendment allowed me to speak up and speak out in protest to save a Baltimore community whose homes were about to be leveled for a 16-lane highway.

We organized. We protested. We exercised free speech. I challenged the thinking of city hall and all the road planners. The community liked what I was saying. I spoke for them and their frustrations, and they encouraged me to run for Congress.

That experience took me into neighborhoods where they said no woman could win. But, I did. And the 19th amendment—which gave women the right to vote—helped me get here. And I made history. That happened because of amendments to the Constitution.

So, I know the power of the Constitution. And I know the power of amending it.

But all the past amendments have expanded. But I want us to expand upon opportunity. This amendment we consider today would constrict the very freedoms that have allowed me to be here.

Mr. President, I am thankful to the people of Maryland who sent me here, and America's veterans should know today I am voting for what they fought for and all the people who work every day to make our country great.

I believe we should have a law to end the desecration of our flag. Yes, we need more community responsibility, more patriotism, more civic participation, values, and virtue.

I hope to cast my vote today to continue our Constitution to expand democracy and not to constrict it.

Now is not the time to change the course. Now is not the time to tamper with laws, precedents and principles that have kept us in good stead for two centuries.

Mr. President, I take amending the Constitution very seriously, and I will not vote today to change it.

Mr. HATFIELD. Mr. President, I support Senate Joint Resolution 31, the Flag Protection Act of 1995, introduced by the distinguished chairman of the Judiciary Committee, Senator HATCH. Let me compliment my friend from Utah for his steadfastness on this complex and at times emotional issue.

As one who saw the Stars and Stripes go up into the sky, I can say I share the feelings of pride for our flag that have been sincerely expressed by Senators on both sides of this debate. If the flag symbolizes this Nation, this Constitution, this democracy, then it provides, the Constitution is the living legal document under which this nation was created and pursuant to which those freedoms are guaranteed. While I have consistently supported legislative measures to protect the flag from those misguided souls who would deface it, I have been reluctant to amend the Constitution to do so.

Unfortunately, it appears that passage of an amendment to the Constitution is the only avenue to address this problem given the fairly clear decisions that have been issued by the Supreme Court on this precise legal point. In June 1990, the Supreme Court handed down the landmark decision in Texas versus Johnson, in which it overturned a Texas statute punishing flag desecration on the grounds that it violated the free speech protection guaranteed by the first amendment to the Constitution. This holding had the effect of overturning 48 State flag desecration statutes, including the Texas statute, and one Federal statute.

In October of that same year, this body passed the Flag Protection Act in direct response to the Johnson case. Legal scholars, including Harvard's Legal scholars, including Harvard's Lawrence Tribe, advised Congress that the statutory approach being considered would pass constitutional muster. I supported this statutory effort and opposed the constitutional amendment voted down then.

On June 11, 1990, the Supreme Court, in U.S. versus Eichman, struck down the flag protection statute which I had supported the prior year. On June 26,
1990, the Senate failed in its attempt to assemble the two-thirds margin necessary to pass the constitutional amendment. However, on this occasion I voted in favor of the constitutional amendment because of the direct rejection of the statutory approach by the Supreme Court.

I intend to support Senate Joint Resolution 31 when it is voted on this week. While I will continue to listen to the arguments for and against the amendment proposed by my friend from Kentucky, Mr. McCONNELL, I am not convinced it would be upheld by the Supreme Court. Furthermore, I am concerned that it would apply only in rare cases and thus leaves too great a loophole for those who wish to deface the flag.

Mrs. BOXER. Mr. President, this is an important debate we are undertaking here today, in the Senate, because it focuses on changing the cornerstone of American democracy: the U.S. Constitution.

The Constitution’s principles transcend the few words which are actually written by thousands of American men and women who have made the ultimate sacrifice in defense of these principles. And this remarkable, living document continues to inspire countless others struggling in distant lands for the promise of freedom.

In the 204 years since the ratification of the Bill of Rights, we have never passed a constitutional amendment to restrict the liberties contained therein. In our history, we have only rarely found it necessary to amend the Constitution. There are only 27 amendments to the Constitution—only 17 of these have passed since the Bill of Rights.

The first amendment to the Constitution states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The amendment before us would create a new constitutional amendment to enable the Congress to prohibit the physical desecration of the U.S. flag.

Desecration of the flag is reprehensible. The issue for me is since there are countless examples of actions and speech which are, in my opinion, morally reprehensible, are we starting down a path that will lead to amendment? I ask the question that has to be answered before the Constitution—changing the very nature of that magnificent document. Some of these reprehensible areas for me are: Shouting obscenities at our men and women in uniform; burning a copy of our Constitution or the Declaration of Independence; speaking obscenely about our country or its leaders; demeaning our Nation in any way; burning the Bible; vile speaking about religion or God; and denigrating the Presidency as an institution, no matter who is in office.

All these things are vile to me and I have nothing but contempt for people who do such things. But, I think the question is this: Is it necessary for the greatest Nation in the world to amend the greatest document in the world to outlaw each of these offenses?

The passage of a constitutional amendment to prohibit flag desecration is a priority for this Republican Congress. The House of Representatives led the charge by passing the constitutional amendment in June.

So, I say to my colleagues here in the Senate: We have a choice to make. Do we stand up for our Constitution, or do we stand up for Mr. GINGRICH and the House of Representatives? Or do we stand with the Founding Fathers? I, for one, choose to stand with the Founders—Thomas Jefferson, James Madison, and Ben Franklin, among others.

I believe that many flag burnings can be addressed by existing constitutional statutes passed by the States and localities to prohibit or limit burning and open fires. States and localities can still have the ability to take these fire code provisions, thereby prohibiting or limiting incidents of flag burning for valid safety reasons.

For example, in the city of San Francisco, the city fire code contains a general ban on open burning. It states: It shall be lawful for any person to ignite, kindle, light or maintain, or cause or allow to be ignited, kindled, lighted, or maintained, any open outdoor fire within the city and county of San Francisco.

In the cities of Chula Vista in San Diego County and Fountain Valley in Orange County, CA, open burning may only be conducted by notifying the fire department or obtaining a permit. An individual who fails to comply with the code can be found guilty of a misdemeanor.

In addressing open fires, the fire prevention code of New York City, states: It shall be unlawful for any person to kindle, build, ignite, or maintain any fire upon any land or wharf property within the jurisdiction of the city of New York.

Violation of the code results in money fines or imprisonment.

So, it is clear that authority already exists for States and localities to control or limit the burning of flags under their ability to protect the safety of their residents. And while this only covers one form of desecration—burning—where a flag being desecrated belongs to someone else, or the United States, State laws against larceny, theft, or destruction of public property can be invoked against the offender.

In addition, S. 1335, the Flag Protection and Free Speech Act of 1995, introduced by Senators McCONNELL, BENNETT, and DORGAN, would create new statutory penalties for damage or destruction of the flag. I support S. 1335 as an effort to punish the reprehensible conduct of flag desecration in a manner consistent with the Constitution.

S. 1335 would prohibit flag desecration or damage of the flag in three circumstances. Where someone destroys or damages the flag with the intention and knowledge that it is reasonably likely to produce imminent violence or a breach of the peace, under S. 1335, such actions would be punishable with fines up to $100,000 and 1 year of imprisonment.

The McConnell legislation also created new penalties where an individual intentionally damages a flag belonging to the United States, or steals a flag belonging to someone else and damages it on Federal land. In either situation, the individual could be subject to penalties of up to $250,000 in fines and 2 years of imprisonment.

By creating tough criminal penalties for desecration of the flag through statute, we punish reprehensible conduct without having to amend the Constitution. Moreover, in a Congressional Research Service analysis of the Flag Protection and Free Speech Act of 1995, the American Law Division opined that S. 1335 should survive constitutional challenge based on previous Supreme Court decisions.

Mr. President, desecration of one our most venerated objects—the American flag—is deeply offensive to me and most Americans. But I do not believe we need to modify our Constitution in order to protect the flag. We can protect the flag with existing laws and through the enactment of new criminal penalties for damage and destruction of the U.S. flag without having to alter our guiding document, the U.S. Constitution.

Mr. KERRY. Mr. President, I went to Vietnam because another Congress told me I had to go to protect freedom—including the first amendment—and defeat communism. I went; and I am honored to have served, but, here I am—today—forced to come to the floor of the U.S. Senate to fight for freedom once again and engage my colleagues in a debate about a flag burning amendment.

Those same colleagues—one hand—want to amend the first amendment for the first time in 200 years and abridge our most basic freedom in the name of patriotism—and on the other—cut benefits for veterans which is—in my view—the most unpatriotic thing we can do.

This is the ultimate irony. Over the last few months—they have come to this floor with endless speeches about preserving this democracy—their agenda does exactly the opposite. It honors veterans with the most destructive budget to veterans that I have ever seen in my years here. My Republican colleagues came to the floor with Medicaid cuts this year that would have eliminated coverage for 4,700 Massachusetts veterans—2,300 of them under the age of 65, disabled, and ineligible for Medicare coverage. The remaining 2,400 are over 65 and 1,200 of them are in nursing homes.

Mr. President, if we vote to amend the Constitution and symbols of our Nation to the level of freedom itself, and we chip away at the first amendment to protect the flag—then what next? What other symbol do we
raise to constitutional status? We all have special symbols to us that represent America and democracy, but to give them constitutional status is, at best, an extraordinary overreaction to a virtually nonexistent problem. According to the Congressional Research Service, there were three—three—incidents of flag burning in the United States in 1993 and 1994. That is not exactly a major problem in our country.

Even Roger Pilon of the Cato Institute, in a recent editorial, said that, and I quote:

This issue is left-over from the dimmest days of the Bush administration, when a desperate grasp for symbols masked an abject want of ideas.

And it was Ronald Reagan who said, as my colleague from Kentucky, Senator McConnell, pointed out in his editorial yesterday in the Washington Post, “Don’t be afraid of freedom; it is the best weapon we have.” But here we are again—debating a constitutional amendment to abridge that freedom.

Mr. President, I, like everyone in this Chamber, abhor seeing anyone burning the flag under any circumstances. It hurts me to see it. It has always hurt me. I thought it was wrong in the Vietnam era, just as I do now, but I never saw the act of flag burning—nor could I ever imagine seeing it—as unconstitutional. To burn the flag is exactly the one constitutional right, the one fundamental exercise of constitutional rights—and we cannot fear it, stop it, or set a precedent that abridges basic freedoms to show our outrage about it.

What we must do is tolerate the right of individuals to act in an offensive, even stupid manner.

Mr. President, as a former prosecutor I know that most flag burning incidents can be prosecuted under existing law. If a person burns a flag that belongs to the Federal Government—that constitutes destruction of Federal property, which is a crime.

Mr. President, 54 years ago last week, was the day that Franklin Roosevelt said would “live in infamy.” And I ask: Do we honor those who have served their country so ably, so bravely—do we honor our veterans by changing the first amendment, by trimming out fundamental freedoms they fought for?

In fact, I suggest that if we pass this constitutional amendment, this day will go down—once again—as a day that will live in infamy. For it will be the day when the greatest country on Earth limited the basic freedoms because of the stupid, incentive, hurtful acts of a very few people on the fringes.

We are better than that, Mr. President. We are smarter than that. We are smart enough to honor our Nation, our liberty, and our veterans without sacrificing our freedom.

In a political analysis, I think if Congress and the country want to do something serious to help our veterans, then we should focus on the quality of veterans benefits, the ability of veterans to have access to health care—on the POW/MIA issue and issues like Agent Orange. These are the serious bread-and-butter and health issues for those who sacrificed so much for America, and I’m working hard to make sure that America keeps its contract with our veterans.

But I do not believe that keeping the faith with our veterans means changing the first amendment for the first time in 200 years.

Mr. President, the Constitution is hardly a political tool to be pulled from the tool chest when someone needs to tighten a nut or a bolt that holds together one particular political agenda.

This is not an easy vote for me. I’ve been told that there are veterans in my State—in Massachusetts—who feel so strongly about this issue that they will follow me all over the State if I vote against this amendment; but let me make it very clear that to me the flag is a symbol of this country, it is not the country itself. The Bill of Rights is not a symbol; it is the substance of our rights—and I will not yield on that fundamental belief and I will not yield in my deep and abiding commitment to the men and women who served this country and sacrificed so much for the freedoms symbolized by the Stars and Stripes.

I thank my colleagues and I yield the floor.

Mr. Dodd. Mr. President, the Members of this body should not risk the desecration of our Constitution simply to express outrage against those who desecrate the flag.

The issue before us today has absolutely nothing to do with condoning the behavior of those few who choose to defile one of our most cherished national symbols. Every Senator is troubled when someone burns, mutilates, or otherwise desecrates an American flag. There is no question about that. The issue is whether we tinkers with the Bill of Rights to enable/militate or encourage extremists who openly express their contempt for our flag.

I am very reluctant to amend our Constitution. In over 200 years, we have only amended that fundamental text 27 times, and we have never amended the Bill of Rights. In my view, we should not risk undermining the freedoms in the Bill of Rights unless there is a compelling necessity. I do not believe that the actions of a few flag burners has created that necessity.

Throughout our history we have recognized that the best remedy for offensive speech is more speech, and not a limitation on the freedom of speech. Supreme Court Justice Oliver Wendell Holmes expressed this idea very eloquently in Abrams v. United States, 250 U.S. 616, 630 (1919):

[When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out.]

Clearly, flag burning has not fared well in the marketplace of ideas. Across this country, Americans are quick to express their disdain for those who desecrate the flag. The powerful symbolic value of our flag remains unsacred.

In the past, I have supported Federal statutes designed to balance the need to protect the flag with the freedom of speech. In 1989, I joined with other Members of Congress to help pass the Flag Protection Act. In my view, that legislation was a measured response to this issue. Regrettably, the Supreme Court struck down that statute in United States versus Eichman.

This year, Senator McConnell has offered a more narrowly crafted measure. I will support that amendment and urge my colleagues to do the same.

We should continue to try to address this issue statutorily, rather than through the more dramatic step of amending the Constitution.

In closing, I urge my colleagues to oppose this amendment to the Constitution. We should continue to speak out against those who would desecrate the American flag, but we should not weaken its power by undermining the freedoms for which it stands.

Mr. Pello. Mr. President, today, the Senate is undertaking the solemn task of considering an amendment to our Nation’s Constitution. Indeed, the proposed language we are considering would, according to the Supreme Court and numerous legal observers, amend the Bill of Rights, the very core of personal liberties and freedoms enshrined and protected in our national charter.

The Congress has considered this issue before and while it has asserted to statutory protection of the flag, it has not amended the Constitution for the same purpose, positions that I supported. I do so again today, believing that the flag would be cherished and revered and find deliberated acts to desecrate it offensive. I also believe that the flag can be protected without infringing upon our first amendment guarantee of free expression.

In the Congress’ last attempt to do so our approach was rejected by the Supreme Court. I believe that this time, more than the creation of constructed statutes protecting the integrity of the flag offered by Senators Biden and McConnell today stand a much better chance of passing constitutional muster and hope that my colleagues will join me in supporting them.

However, when it comes to amending the Constitution to prohibit flag desecration, I simply believe that that approach goes too far. The principles enshrined by our Founding Fathers in the Bill of Rights have not been altered in over 200 years and I cannot support the effort to do so here. Make no mistake: I love and respect the American flag.
and all that it symbolizes. Nevertheless, as I have often said, I simply believe that our flag will wave more proudly if as we seek to protect it, we also protect the Bill of Rights.

Accordingly, I cannot support the proposed constitutional amendment to prohibit flag desecration.

Mr. BRADLEY. Mr. President, our American flag is best protected by preserving the freedom that it symbolized. I cannot support a constitutional amendment which would limit my freedom. At the same time, I believe that anyone who burns the American flag is an ungrateful lowlife who fails to understand how special and unique our country is, and I tremendously respect those New Jerseyans who support this amendment and have urged my support with great dignity and conviction.

Like most Americans, I revere the flag as a symbol of our national unity. I want it protected from abuse. That is why I strongly supported the Flag Protection Act of 1989, which is also why I enthusiastically support and today urge passage of another law that would make it illegal for someone to burn a flag, if the act itself would incite violence.

In our system, the first amendment is what the Supreme Court at a particular time says it is. The Court has said that the Flag Protection Act violates freedom of expression. A future Supreme Court may reverse that decision. Although I wish the Supreme Court had ruled the other way, it did not. The question now is whether protecting the flag merits amending the Bill of Rights.

In making the decision to oppose this amendment, I consulted my heart and my mind. My heart says to honor all those who died defending American liberty. My heart conjures up images of the marines holding the flag on Iwo Jima, the crosses in the fields at Flanders, the faces of friends who never came back from Vietnam.

My heart says, what a nation believes in, what it will preserve, what it will sacrifice for, fight for, die for, is rarely determined by words. Often people cannot express in language their feelings about many things. How do I know?

Because I struggle with it every day. Remember the pain you felt when the Challenger exploded before your eyes? Remember the joy you felt when World War II and the Korean war ended? Remember the shock you felt when you learned of the assassinations of President Kennedy and Martin Luther King? Remember the feelings of attachment you had to In Memory, the Statue of Liberty, the U.S. flag?

These are symbols and shared memories for places, events, and things that tie us to our past, our country, and to each other, even when there are no words at all. When someone gives respect and recognition to them, we are moved, sometimes to tears. When someone demeanes them or shows disrespect, we are outraged.

My heart says honor the flag, and I do. My mind says, when our children ask why America is special among the nations of the world, we tell them about the clear, simple words of the Bill of Rights, about how Americans who won our independence believed that all Americans are endowed by nature and by God, with the freedom to worship and to express themselves as they please. We found these truths to be self-evident before any other nation in the world did, and even before we created the flag to symbolize them.

Our Founding Fathers believed that fundamental to our democratic process was the unfettered expression of ideas. That is why the amendment that protects your right to express yourself freely is the first amendment, and politicians should never put that right at risk.

Now if this constitutional amendment passes, we will have done something no Americans have ever done: amend the Bill of Rights to limit personal freedom.

Even if you agree with the flag amendment, how can you know that the next amendment will be one you will like? You cannot. So let us not start where you begin chipping away, where does it stop? Do not risk long-term protection of personal freedom for a short-term political gain.

America's moral fiber is strong. Flag burning is repugnant, but our Nation's character remains solid. My best judgment says we are in control of our destiny by what we do every day. We know the truth of Mrs. Barbara Bush's words that America's future will be determined more by what happens in your house than by what happens in the White House.

I have traveled America for over 25 years. I know we still have standards, insist on quality, believe in hard work, honesty, care about our families, have faith in God.

A rapidly changing world looks to us to help them define for themselves what it means to be free. Our leadership depends more than ever on our example. This is the time to be confident enough in our conscience, courageous enough in our actions, and proud enough in our spirit to condemn the antisocial acts of a few despicable jerks without narrowing our basic freedoms.

My mind says that the best way to honor those who died to preserve our freedom is to protect those freedoms and then get on with the business of making America a better place.

I took an oath to support and to defend the Constitution of the United States. Each Senator has to decide in his own mind and in his own heart what he feels he must do, to fulfill the promise he made to preserve and to stand by the Constitution. Different Senators will arrive at different answers. For me, this amendment does not preserve the Constitution. To the contrary, it constrains, narrows, limits—makes it less than it was before. To preserve means to keep intact, to avoid decay, and this amendment would leave freedom of expression less intact, less robust, more in a state of decay. To support an amendment which would, for the first time in 204 years, reduce the personal freedom that has been guaranteed by the Constitution would be, for me, inconsistent with my oath. I will never break my oath.

Finally, in his dissenting opinion on flag burning, Justice Stevens warned us about using the flag "as a pretext for partisan dispute about meaner ends." Politics can be a mean business, but it can also be a glorious business. Sometimes an event has unexpected consequences. Let's be frank; there is no consensus on both sides of this debate. So let me tell you what I believe about patriotism.

Patriotism—I know how it feels to be proud to be an American. I remember flying the flag back in 1960, when the United States Olympic basketball team defeated the Soviet Union in the finals—

I remember standing on the victory stand, with the gold medal around my neck, chills running up and down my spine, as the flag was raised and the national anthem played.

I was proud to have won—for myself and for my country.

Patriotism—it is like strength. If you have it, you do not need to wear it on your sleeve.

The patriot is not the loudest one in praise of his country, or the one whose chest swells the most when the parade passes by, or the one who never admits we could do anything better.

No, a patriot is one who is there when individual liberty is threatened from abroad, whether it is World War I, World War II, Korea, Vietnam, or even the wrongheaded action in 1963—yes, that, too. All those who served in these conflicts were defending liberty as our democracy chose, in its sometimes fallible way, to define the need to defend liberty.

But you do not need a war to show your patriotism. Patriotism is often unpretentious greatness. A patriot goes to work every day to make America a better place—in schools, hospitals, farms, laboratories, factories, offices. And for my country.

I know how it feels to be proud to be an American.
Our Constitution has been amended only 17 times since the adoption of the Bill of Rights in 1789. The Bill of Rights itself has never been amended. A constitutional amendment is an extremely serious step, which is justified only to address a grave national problem. I think a constitutional amendment is directed at an extremely small number of cases that have had no discernible impact on the health or security of the Nation. As the Port Huron Times Herald pointed out on October 15, 1969:

"Less than a handful choose flag-burning as their means of protest. It is so distasteful a display that no clear-thinking citizen could endorse it."

We should not agree to amend the Bill of Rights, which protects our most basic freedoms, to address the extreme behavior of a few erratic individuals.

I also do not believe that the proposed amendment is likely to succeed in actually protecting the flag in any substantial way. As I have said before, it would be extremely difficult to bar it by statute, without amendment to the Constitution. If a constitutional amendment was finally adopted, it might even encourage it.

Mr. President, the proposed amendment does nothing for a set of ideals of human freedom that are embodied in the Constitution and the Bill of Rights, and symbolized by the American flag. There are a handful of individuals who hold these ideals in such disrepute that they choose to express their views by burning a copy of the Constitution—or the flag—and tearing it up. The Supreme Court has ruled that however despiseful this action may be, our Constitution protects these misguided individuals in the expression of their views—just as it protects the expression of hateful and despicable ideas by other misguided individuals.

As much as I revere the flag, I love the Constitution, the Bill of Rights, and the principles that are embodied in them. In a 1969 Washington Post article, I indicated that it was no coincidence that Vietnam—eloquently explained the vital importance of the principles of freedom embodied in our Bill of Rights.

Mr. Warner stated:

I remember one interrogation where I was shown a photograph of some Americans protesting the war by burning a flag. "There, the officer said, "People in your country protest against your cause. That proves that you are wrong."

"No," I said. "That proves that I am right."

In my country we are not afraid of freedom, even if it means that people disagree with us."

I cannot let the desppicable actions of the few who choose to express their misguided impulses by attacking our flag cause me to amend the Constitution and the Bill of Rights that have served us so well for 200 years. To do so would be to enable those few individuals to achieve something that no power on earth could possibly accomplish for over two centuries—to force us to modify the basic charter of our liberties that are guaranteed in the Bill of Rights.
I recognize that amending the Constitution is serious business. That is why we took the intermediate step of fashioning a Federal flag protection statute in the wake of the Court’s decision striking down Texas’s State law. When we crafted a Federal statute, we had no choice but to move forward with this flag protection constitutional amendment.

Mr. President, I urge my colleagues to vote in favor of this constitutional amendment and to authorize the Congress to enact legislation to protect our Nation’s great flag. I am optimistic that this measure can be passed by the requisite two-thirds majority of the Senate today and will be submitted to the States for prompt ratification.

Thank you, Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I am proud to join Senators HATCH and HERRLIN to urge passage of the proposed constitutional amendment granting Congress the power to prohibit the physical desecration of the flag of the United States.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world’s greatest democracy, the American flag should be treated with respect and care—nothing less.

As I strongly do—that the American flag should be protected, respected, and paid the proper reverence it deserves.

Thus, this flag has become a source of inspiration to every American wherever it is displayed. For these reasons and many others, a great majority of Americans believe—just as I strongly do—that the American flag should be treated with respect and care—nothing less. Unfortunately, no one shares this view.

In June 1989, the Supreme Court ruled that the Flag Protection Act of 1986, which prohibited flag-burning, was unconstitutional. This decision, a 5-4 ruling in United States versus Eichman, held that burning the flag as a political protest was constitutionally protected free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech. We have to say is overwhelmingly unpopular with a majority of Americans citizens.

When considering the issue, it is helpful to remember that prior to the Supreme Court’s 1989 Texas versus Johnson ruling, 48 States, including my own State of Maine, and the Federal Government, had anti-flag-burning laws on their books for years.

Whether our flag is flying over a ball park, a military base, a school or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great Nation was built on. And our flag has come not only to represent the stories of our Nation’s past, but it has also come to stand as a symbol for hope for our Nation’s future.

Let me just state that I am extremely committed to defending and protecting our Constitution—from the first amendment in the Bill of Rights to the 27th amendment. I do not believe that this amendment would be a departure from first amendment doctrine.

I strongly urge my colleagues to uphold the great symbol of our nationhood by supporting Senator HATCH and the flag amendment.

Thank you very much.

Mr. KEMPThorne. Mr. President, I rise today to express my firm support for Senate Joint Resolution 31. As an original cosponsor of this resolution proposing a constitutional amendment to prohibit the desecration of the flag, I believe enactment of this resolution is an important step in restoring the right of this society to protect the symbol of our Nation.

Mr. President, the people of Idaho have clearly expressed their desire to be able to protect Old Glory. I am pleased to note the Idaho State Legislature strongly endorsed and gave its approval 2 years ago. In asking the Congress to present an antiflag desecration amendment to the States for ratification, the Idaho Legislature stated, “. . . the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American idea.”

Some have claimed the passage of this resolution will weaken the sanctity of the first amendment. To these people I would ask, was the first amendment weak during the first 198 years after its ratification? Until the Supreme Court ruled flag desecration to be protected free speech in 1989, 48 States and the Federal Government had statutes which penalized an individual for desecrating the flag. I do not believe the time is right for the Federal Government to move forward with this flag protection constitutional amendment. What we are attempting to do today is to preserve our past.

In fact, I believe it is interesting to note that the Supreme Court specifically noted in 1974 Smith versus Gougeon that flag desecration was not protected speech under the Constitution. In overturning a Massachusetts State law which protected the flag, the Court ruled that the problem was the vagueness of the State law, not the underlying principle of the law. The Court went on to note that nothing prevents a legislature from defining with substantial specificity what constitutes forbidden treatment of United States flags. The Court further noted that the Federal flag desecration law, which was in effect at the time, was acceptable because it prohibited “only acts that physically damage the flag.” This law remained in effect until the Court’s 1989 ruling.

As a member of the Senate Armed Services Committee, I have had the opportunity to meet the men and women of our Armed Forces around the world. These individuals put their lives on the line regularly, so that we may live in peace and safety. And while they are serving us, the American public, they do so under the Stars and Stripes. For those who are stationed overseas, the flag represents the rights and freedoms which they stand prepared to defend, even while on foreign ground. It also represents passage to a resolution to the Idaho which proudly awaits its return when their duties are completed. For those who have finished their service to their country, the flag is a constant
Mr. President, I do not believe any of us here today wants to limit or restrict the right of Americans to speak out in an appropriate manner. In fact, most Members of this body on both sides of the aisle have taken advantage of this right to speak out against Government policies, and, undoubtedly, will continue to do so whether or not they are Members of the Senate. I simply believe the physical mutilation of the flag falls outside the range of speech which should be protected. I also believe the citizens of the United States should have this opportunity to decide for themselves, whether they also feel the flag deserves special protection. That is what this resolution is all about. And it is this principle that I ask my colleagues to support today.

Mr. President, I rise today in support of the resolution to amend the Constitution of the United States to protect the American flag. We have recently revised the language in order to address the concerns of a few colleagues. They have voiced reservations about allowing behavior toward the flag to be governed by a multiplicity of State laws. The language we have added to the amendment establishes that Congress, and not the States, must adopt a uniform standard for prohibited conduct as well as for a definition of the "flag of the United States." I believe the amendment as it now stands is strengthened by these revisions.

Although much has been said about how this amendment will put a muzzle on the first amendment, this is not true. The adoption of this amendment will not diminish the first amendment protections which have flourished, including unpopular opinions and political speech. I do not expect this to change once the amendment is adopted.

The opponents have raised the argument against this amendment on the decisions of the Supreme Court in two opinions. First is the case of Texas versus Johnson, a 5-to-4 decision, in which the Court held that a Texas statute protecting the flag was unconstitutional because it offended the Court's concept of free speech. Second is United States versus Eichman, in which the Supreme Court, again in a 5-to-4 decision, struck down a content-neutral protection for the flag. While I appreciate the efforts of the Senator from Kentucky, I do not believe that a statute would be upheld under the strict scrutiny of the Supreme Court. The Court in Eichman was clear that no statute would pass muster if it singles out the flag of the United States for protection against contemptuous abuse.

S. 1335 invokes the fighting-words doctrine, and seeks to punish any proximate and reasonable indication that the conduct we are attempting to prohibit is directed specifically at a particular individual. It has been suggested that a statute which is facially neutral or content neutral could survive the strict scrutiny of the Supreme Court; I do not believe that is so. First, for the statute to be truly facially neutral it would have to ban any and all forms of destruction of the American flag. Second, a facially neutral statute which did not permit an exception for disposal of a worn or soiled American flag by burning would not be desirable nor acceptable to most Americans.

Unfortunately, the unconstitutional statute to be truly content or facially neutral, it could not allow for any intentional destruction of the flag, including the burning of a worn or soiled flag. Any variation from completely neutral language would undermine the entire statute and, in all likelihood, would be found to be in violation of the first amendment under the Court's strict scrutiny test.

During the debate surrounding this amendment, a question has been raised as to precisely what conduct is prohibited under the amendment. It has been claimed that by using the term "desecration," we would outlaw almost any use of the flag or its image outside of displaying it in a parade or on a flag pole. I think that this is an incorrect and unfair interpretation of the conduct we are attempting to prohibit.

Those who interpret the language as overly broad have suggested that this amendment would prohibit for example, the burning of a worn or soiled flag. Although these acts which I find despicable, I find acts such as spitting, urinating, wearing the flag as underwear to be equally outrageous. Unfortunately, under the limitations some have suggested to the amendment, these acts would be allowed. I do not think that this is what the American people had in mind when they supported this amendment.

Since the Supreme Court persists in striking down State and Federal statutes, regardless of how carefully crafted those statutes are, we have no alternative. The only avenue which remains is to provide protection for the American flag from desecration is through the procedure required to amend the Constitution of the United States. This procedure is difficult, and for very good reasons. The last time an amendment was ratified was almost 4 years ago; that was the 27th amendment, which took over 200 years to ratify.

Because of the sanctity of the Constitution, I do not take lightly an amendment, but I also stated we have no alternative. I believe that the citizens of this Nation do not want to see the Constitution amended in most instances, but I also believe that they have shown through their actions that they regard protection of the American flag as an important issue. Those actions include the grassroots support of groups such as the Alabama Department of Reserves Officers Association of the United States, which passed a resolution urging the U.S. Congress to pass this amendment.

I urge my colleagues to vote in favor of passage of this resolution. By voting in support of this resolution we send this matter to the States and let the people in each State make the final decision on this important matter.

Mr. SPEAKER. Mr. President, I approach any constitutional amendment with hesitancy—especially one involving the first amendment.

At the outset, I believe there is a major difference between an amendment seeking to change the text of the first amendment—as is now pending in the House of Representatives on free speech—and one to overrule a decision of the Supreme Court of the United States.

For me, a 5-to-4 decision on flag burning does not merit the difference due the language of the Bill of Rights. There is nothing in the text on freedom of speech requiring protection for flag burners. While their speech will still be protected, their acts will be prohibited.

In a somewhat analogous context, I have opposed an amendment to the Constitution to overturn the Supreme Court's decision in Buckley versus Valeo, which extended the protection of freedom of speech to an individual who spends unlimited amounts of his own money for a candidate for public office.

It is accepted that freedom of speech is not absolute or unlimited. Justice Oliver Wendell Holmes articulated the classic statement that a person is not free to cry fire in a crowded theater. In a similar vein, the Supreme Court has interpreted the first amendment to exclude from its protection incitement to
imminent lawless action, fighting words, obscenity, libel and invasions of privacy.

Based on the precedents and general principles of constitutional interpretation, it is my judgment that Texas versus  

J rorrected text. The burning of the flag is conduct—not speech. I have great respect for robust debate to the extreme. But a speaker may express himself or herself with great vigor without insults or expressions that would be reasonably interpreted as fighting words.

Since I studied Chaplinsky versus New Hampshire in law school, I have been impressed with the import of the fighting-words doctrine. In Chaplinsky, the defendant was criminally charged when his speech angered a mob and almost caused a riot. He claimed his speech was protected by the first amendment. The Supreme Court unani-

mously rejected his argument, holding: the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and  

punishment of which have never been thought to raise constitutional problems. These include the lewd and obscene, the profane, the libelous, and the insulting or ‘fighting’ words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such a character as reasonably to be condensed with the purpose of inciting or stirring up commotion and violence.

I take a back seat to no one in protecting constitutional rights and civil liberties. For that reason I have stood against those who have sought to strip the Federal courts of their jurisdiction to hear constitutional cases involving subjects such as school prayer and busing. I have opposed efforts to break the separation between church and state and to weaken the exclusionary rule. Earlier this year, I opposed proposals in the counterterrorism bill to expand wiretap authority and to deport aliens using a false document in violation of the basic norm of due process.

Our law acknowledges and respects expectations. People have real, legitimate and reasonable expectations that the flag of the United States will be treated with honor and respect.

Some of the Supreme Court’s most liberal Justices, the greatest defenders of our civil liberties, have forcefully held flag burning is not protected speech. Chief Justice Earl Warren:

J ustice Hugo Black, the ardent exponent of first amendment absolutism: I t passes my belief that anything in the Federal Constitution bars a State from making the act of desecration of the American flag an offense.

J ustice Abe Fortas articulated: the reasons why the States and the Federal Government have the power to protect

the flag from acts of desecration committed in public.

The Bill of Rights has a special sanctity in establishing our Nation’s values. There is no part of the text of the Bill of Rights which I would agree to amend.

While substantial deference should be given to Supreme Court decisions on constitutional interpretation, there are some circumstances where amendment is warranted, especially on split decisions like the 5 to 4 vote in the flag-burning case.

Like fighting words in Chaplinsky, libel in Sullivan, incitement of imminent lawless action in Brandenburg, and invasion of privacy in Cantrell, my judgment is that flag burning is not constitutionally protected by the first amendment.

Mr. COHEN. Mr. President, I have lamented on a number of occasions the erosion of civility in our public discourse. This erosion has had a negative impact on our politics and on the relationship between the Government and the citizenry. The heightened level of rhetoric, the slash-and-burn tactics, and the accusations of bad faith, such as the pursuit for politicians to communicate with each other and to communicate with those we represent. It has made it more difficult for reasonable people to reach agreement and far too easy for unreasonable voices to dominate the debate.

The breakdown in the tone of our discourse is symptomatic of a wider problem which many have described as a deterioration of civil society. Our civil society is the collection of public and private institutions, and accepted moral principles, that bind us together as a community of citizens. Civil society is what makes us a nation of community, rather than merely a group with common voting rights.

There is abundant evidence that our civil society is fraying around the edges. People lack faith in the capacity of government to act in the interest of the people. There is a growing lack of confidence in our public schools—one of the great unifying forces in our country. Americans are less engaged in fewer communal activities than we once were. We are much more apt to stay at home to rent a video, communicate on the faceless Internet, or channel-surf on cable TV, than we are to cheer on a basketball team, or watch a parade—or even join a bowling league, as one Harvard professor’s study revealed.

It is against this background that today we consider the constitutional amendment to prohibit desecration of the American flag. The argument for protecting the flag is a weighty one: The U.S. flag is a unique symbol of our nationhood. When our troops go to battle for our Nation, they march under the banner of the flag; each day when our children go to school, they pledge allegiance to the flag; when a national leader or world dignitary dies, the flag is flown at half mast; when one of our athletes wins a gold medal at the Olympic Games, the flag of the United States is raised; when a soldier or police officer dies, his or her coffin is draped with the flag; when immigrants are naturalized, they salute to the flag.

In this diverse Nation, respect for the flag is a common bond that brings us together as a nation. Our common reverence for the flag is part of what makes us citizens of a country, not just individuals that happen to live in the same geographic location.

There is also no denying that when the flag is burned, desecrated, despoiled, or trampled upon, the potency of the flag as a symbol is denigrated. When the flag is burned, whether by an Iranian fundamentalist during the hostage crisis or by American protestors here at home, we are rightly outraged because these acts represent a direct affront to our Nation. By tolerating flag desecration, we are condoning actions that undermine the flag.

Critics of the flag amendment have reminded us that because flags owned by the Government are still protected under current law, this amendment would only restrict what individuals can do with flags that they own personally. But the flag is not a mere piece of property like a car or television, it is more than the fabric and dye and stitching that make it up. The design of the American flag is what makes us citizens of a country; it represents to all of us; in a sense, it is community property. “We the people” maintain part ownership of that flag and should be able to control how our property may be treated.

This is not a very radical principle. Federal law already controls what we can or cannot do with our own money. Anyone that “mutilates, cuts, defaces, disfigures, or perforates” a dollar bill can be fined or put in jail for 6 months. Similarly, in O’Brien versus United States the Supreme Court upheld the conviction of a protestor that burned the draft card on the ground that the Government had a substantial interest in protecting a document necessary for the efficient functioning of the selective service system. Why is our interest in protecting currency or Government documents any stronger than protecting our greatest national symbol?

Opponents of the flag amendment also maintain that it trivializes the Bill of Rights by carving out an exception to the first amendment. This argument is based on the classic libertarian belief that truth can only emerge from complete freedom of expression and that the Government cannot be trusted to distinguish between acceptable and unacceptable forms of action or speech. This first amendment absolutism, however, is contrary to our constitutional traditions. The First Amendment is not a guarantee of unbridled speech that may be regulated or banned by the Government according to our Supreme Court precedents is lengthy: libel, obscenity, fighting
words, child pornography, deceptive advertising, inciting speech, speech that breaches personal privacy, speech that undermines national security, nude dancing, speech by public employees, infringements of copyright, and speech on public property, to name a few.

And consider how narrow the flag amendment’s restriction of speech really is and how little it limits our ability to protest against the Government. Even if the amendment is enacted, it will not prohibit an American soldier who is a Vietnam War veteran, who had a brother killed in the line of duty, to burn the flag. This amendment will not prevent the expression of the belief that the American flag will tarnish its value, both those who desire to don the robes of martyrdom and those who cherish the ideas for which it waves and for which they are willing to pay the ultimate sacrifice. This amendment does not consist of a dictatorial tyrant exercising power over enslaved subjects; rather it is the act of free people exercising their sovereignty power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, “We the people” will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by the people that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in other cases, and it is not clear that this case falls within any one case.

I do not believe this flag amendment sets a bad precedent by carving out an exception to the first amendment or that the people will act irresponsibly by amending the Constitution in a frequent or cavalier fashion. For one thing, the Constitution, in its wisdom, makes that too difficult to do. Also, the people understand the value of liberty. They understand that the only way for truth to emerge is through the expression of ideas. They understand that it is a slippery slope from government-controlled censorship to tyanny. I am confident that it will be the rare occasion that the people make an exception to our general tolerance for free expression by targeting a form of expressive activity for special treatment. And I am confident that our national character will be improved, not weakened, by the protection of our unique symbol of nationhood.

I agree with Justice Stevens’ opinion in Texas v. Johnson. The value of the flag as a symbol cannot be measured. Even so, I have no doubt that the interest in preserving that value for the future is both significant and legitimate. Similarly, in my considered judgment, sanctioning the public desecration of the flag will tarnish its value, both those who cherish the ideas for which it waves and for which they are willing to pay the ultimate sacrifice. This amendment does not consist of a dictatorial tyrant exercising power over enslaved subjects; rather it is the act of free people exercising their sovereignty power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, “We the people” will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by the people that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in other cases, and it is not clear that this case falls within any one case. Why is it that we have no qualms about deferring to the value-judgments made by unelected jurists but we become squeamish when making such judgments through our most solemn act of self-government—amending the Constitution? It is the very act of self-government that gives the flag its value. The amendment on free expression must always remain indifferent or neutral to the issue of whether we have a flag amendment. It is a form of expressive activity for special purposes.

I have spoken on this issue before. I am not one of those who burn the flag, and I do not believe this amendment will make our nation less free. On the contrary, I am confident it will improve national character. I am confident it will deter those who desire to don the robes of martyrdom, exhibit one narrow, repulsive form of expression. The process of amending the Constitution does not consist of a dictatorial tyrant exercising power over enslaved subjects; rather it is the act of free people exercising their sovereign power to impose rules upon themselves. By enacting this amendment through the process set forth in article V of the Constitution, “We the people” will be determining that the message being expressed by those who burn the flag is not worthy of legal protection. The amendment represents a subjective, value-laden judgment by the people that our interest in preventing the damage that flag desecration inflicts upon our national character outweighs the meager contribution that flag burning makes to the advancement of knowledge and understanding of ideas. The Supreme Court balances interests in this manner in other cases, and it is not clear that this case falls within any one case.

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Cohan is dead, and even if he was still with us, I doubt he could do better than a C-minus with this assignment.

I said there was a deeper reason. And there is.

you can't destroy the flag. Nobody ever has.

The British tried it twice and gave up for ever. The South ripped the flag in two and slipped over their half, but we glued it back togeth-er with the blood of Gettysburg and Chattanooga. The flag always came through, just like the song about it says.

The Kaiser couldn't damage it. Hilter couldn't; Mussolini couldn't; Tojo gave it a really good try, but he couldn't. The flag survived the Chosen Reservoir and the Mekong muck.

And after all of that, we think we need a constitutional amendment to protect it from some crazy-eyed young idiot with a Bic to flick and a mouth full of narcotics anti-government claptrap? We think that one match and a TV camera can do something that 200 years of world-class thugs couldn't do? I hope we have more faith than that.

Once in one of my lengthening number of yesterdays, it was my job to remove flags from the caskets of fallen soldiers and fold them and present them smartly to mothers and widows. Those were always emotional moments.

But I never thought I was handing over THE flag in exchange for a young man's life. Both I and the woman behind the veil knew that the flag worth dying for is the big one you can't see or touch but you know is there. Right up there under God, like it says in the Pledge of Allegiance.

The only kind of help that flag needs from Congress is a nation worthy of it.

That concludes his writing. It was in the Plain Dealer earlier this year. I think that pretty much says it all.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 8 seconds.

Mr. GLENN. Mr. President, I could not add a whole lot to that.

Let me say this. I do not know how we administer this thing if we have done it pur-posefully. I always thought we were supposed to be one Nation—one Nation—not a nation that passes amendments that says we are going to break this up and let 50 States make up their own minds about how they want to treat the flag. I think that is our job here, and I think we do it for the Na-tion right here. I think it is a mistake to let all this go out to the States.

I remember back in 1976 we were cele-brating the Bicentennial and we had bikinis, flag bikinis advertised in papers. I remember once watching a rock and roll concert that year, and it was quite a spectacle. It was one to make your blood boil, because the lead guitarist, who was bare from the waist up, did not have a shirt or anything on, but he is good humming and bang- ing away on this thing. Pretty soon his pants started to slide down, and, lo and behold, you guessed it: He had flag shorts on. The audience went wild.

I find that more objectionable than I do some of the things we are talking about, to protect the flag how he is burning it. I do not know whether body fluids get spilled on the flag in situa-tions like that, with the bikinis or whatever. But I find that reprehensible. Is that covered under something like this? We are leaving this up to 50 different States, yet we quote a Pledge of Allegiance that says “one Nation”— one Nation, not a Nation of 50 separate Nations, yet we have our own rules about how they want to treat the flag—“under God, indivisible, with liberty and justice for all.” We do not say just for some and not for others, and we do not say the flag should have different treatment in different parts of the country either.

So I disagree with this approach that says there is such a big problem out there we somehow need to do something, passing a constitutional amend-ment to take care of a nonproblem, really. There is not a great, huge rash of flag burnings out there that showed disrespect for the flag. I was told there were none last year. Then I was cor-rected, that we would take care of each and every instance who vis-ited me in my office a few days ago last week, and they said, no, they could verify there were three flag burnings this year.

We have just under 270 million people in this country. That means one of-fense for every 90 million people. I really do not see that as being a tremen-dous problem for our country. We have a solution here out looking for a prob-lem to solve. That does not make much sense to me.

The flag symbolizes the freedoms we have. It is not the freedoms them-selves. It is not the freedoms them-selves, and those are the things that are the heart of both sides of this issue, both sides of the aisle love and defend the flag, and if anyone came in here and tried to burn a flag right here there would be enough peo-ple to attack that person. I can guaran-tee that, that we would take care of it. That is the way most of these things will be taken care of back in our individual States.

Without a doubt, the most important of the values are covered in the Bill of Rights. If we put the Bill of Rights together, you know some of the States were prepared to not ap-prove the Constitution of the United States. In that very first amendment we cover some very, very sacred things. We say in that very first amendment, “Congress shall make no law respect-ing an establishment of religion or pro-hibiting the free exercise thereof; or abridging the freedom of speech”— which is deemed to mean both excep-tions—“or of the press; or the right of the people peaceably to assemble, and to petition the Government for a re-dress of grievances.” That is all there is in that article. It covers those things, but how important they are. Without that, we would not have had a Constitution of the United States.

My time is up, Mr. President. If any-one wishes to look at my remarks in more detail, the CONGRESSIONAL Record of last Friday has it complete. My time is up and I yield the floor.

The PRESIDING OFFICER. Who yields time?
Cooper, who, of course, was Assistant Attorney General. The amendment on any other subject or mode of conduct, precisely because the flag is unique. Moreover, the difficulty in amending the Constitution serves as a powerful check on any effort to reach other conduct, let alone speech which the Supreme Court has determined is protected by the first amendment. This amendment does not allow Congress to prohibit any thought or point of view, but rather one narrow method of dramatizing that thought or viewpoint—by prohibiting one form of conduct; regulating action, not speech. No speech and no conduct; other than physical desecration of the American flag, can be regulated under legislation that would be authorized by the amendment.

As former Assistant Attorney General Charles J. Cooper testified, flag desecration would place us on a slippery slope of restrictions on constitutional protection of expression for the thought we hate, we have been on it for a long time. The sole purpose of the Flag Protection Amendment is to restore the constitutional status quo ante Johnson, a time when 48 states, the Congress, and four Justices of the Supreme Court believed that the flag was inviolate. Moreover, the difficulty in amending the Constitution serves as a powerful check on any effort to reach other conduct, let alone speech which the Supreme Court has determined is protected by the first amendment. This amendment does not allow Congress to prohibit any thought or point of view, but rather one narrow method of dramatizing that thought or viewpoint—by prohibiting one form of conduct; regulating action, not speech. No speech and no conduct; other than physical desecration of the American flag, can be regulated under legislation that would be authorized by the amendment.

I, like Earl Warren, Abe Fortas, Hugo Black, and Justice Stevens, believe the Constitution empowers Congress to protect the flag from physical desecration. But the Supreme Court twice has made clear that the statutory protection of the flag is such that it is not physically desecrated, and that the amendment will be struck down under its interpretation of the Constitution. We have no choice here. Once the Supreme Court, by the narrowest of margins—5 to 4—orders us otherwise, and slams the door on us—and they did so twice—only the people can reverse that decision. And in this process as prescribed under Article V of the Constitution, it is now up to the Senate to give the American people the opportunity to do so, if they so choose.

By sending this amendment to the States for ratification, the Senate opens the door to no other amendment, or statute, precisely because the flag is unique. There is no slippery slope here. The flag protection amendment is limited to authorizing the Federal Government to prohibit physical desecration of a single object, the American flag. It thus would not serve as a precedent for any legislation or constitutional amendment on any other subject or mode of conduct, precisely because the flag is unique. Moreover, the difficulty in amending the Constitution serves as a powerful check on any effort to reach other conduct, let alone speech which the Supreme Court has determined is protected by the first amendment. This amendment does not allow Congress to prohibit any thought or point of view, but rather one narrow method of dramatizing that thought or viewpoint—by prohibiting one form of conduct; regulating action, not speech. No speech and no conduct; other than physical desecration of the American flag, can be regulated under legislation that would be authorized by the amendment.

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THE AMERICAN FLAG DESERVES LEGAL PROTECTION REGARDLESS OF THE NUMBER OF FLAG DESECRATIONS IN RECENT YEARS

The Clinton administration testified that, in light of what it refers to as "a few isolated instances [of flag burning], the flag is amply protected by its unique stature as an embodiment of national unity and ideals." [Testimony of Mr. Dellinger, June 6, 1995 at p. 1] I find that comment simply wrong.

First, aside from the number of flag desecrations, our very refusal to take action to protect the American flag clearly devalues it. Our acquiescence in the Supreme Court's decisions reduces its symbolic value. As a practical matter, the effect, however unintended, of our acquiescence equates the flag with a rag, at least as a matter of law, no matter what we feel in our hearts. Anyone in this country can buy a rag, at least as a matter of law, no matter what the public feels. Anyone can desecrate "a" flag but not "the" flag. To that, I simply say: Untrue.

Second, as a simple matter of law and reality, the flag is not protected from those who would burn, deface, trample, defile, or otherwise physically desecrate it.

Third, whether the 45-plus flags whose publicly reported desecrations between 1990 and 1994 of which we are currently aware, and the ones which were reported as far this year, represent too small a problem does not turn on the sheer number of these desecrations alone. When a flag desecration is reported in local print, radio, and television media, potentially millions, and if reported in the national media, tens of millions of people, see or read or learn of them. How do my colleagues think, Rose Lee, for example, feels when she sees a flag desecration in California reported in the media? The impact is far greater than the number of flag desecrations.

Physical desecration of the American flag has occurred every year since the Johnson decision. I do not believe there is some threshold of flag desecrations during a specified time period necessary before triggering Congressional action. Certainly, critics of the amendment cite no such threshold. If it is right to empower the American people to protect the American flag, it is right regardless of the number of such desecrations in any 1 year. And no one can predict the number of such desecrations which may be attempted or performed in the future.

If murder rarely occurred, would there not be a need for statutes punishing it? Espionage prosecutions are not everyday occurrences. Treason prosecutions are even more infrequent, but treason is defined in the Constitution itself and no one suggests we repeal that provision or treason statutes. Our distinguished colleague from Alabama, Senator Heflin, also responds to the criticism that there are too few flag desecrations to justify an amendment by noting: "in my judgment, it is simply the number in a given year in which we are interested."

Our distinguished colleague from Delaware, Senator HATCHELLIN, also responds to the criticism that there are too few flag desecrations to justify an amendment by noting: "in my judgment, it is simply the number in a given year in which we are interested." I think my friend from Utah is absolutely right.

Mr. President, I believe our time is about all up, and I would be happy to yield it back unless somebody wants to speak.

The PRESIDING OFFICER. I might inform the Senator he has 2 minutes and 30 seconds remaining.

Mr. HATCH. I will be happy to yield it back. I understand the other side's time is consumed.

The PRESIDING OFFICER. The PRESIDING OFFICER. If there is no objection, the Senate will stand in recess until the hour of 2:15 this afternoon.

There being no objection, the Senate, at 10:37 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer. [Mr. COATS.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 3093

The PRESIDING OFFICER. Under the previous order, the question is on amendment No. 3093 offered by the Senator from Delaware. Under the previous order, there are 2 minutes of remaining debate time equally divided. The Senator from Utah, Mr. HATCH. Mr. President, I normally would want the distinguished Senator from Delaware to go first, but let me say this. This amendment is doubly flawed. First, it does not offer proper protection to the flag. A veteran writing the name of his or her unit on a flag is a criminal if we pass the statute authorized by this amendment.

Second, when Charlie Young has never written a statute into the Constitution. This amendment is a textbook example of blurring the distinction between our fundamental charter, our Constitution, and a statutory code. We can do this to our Constitution.

The same amendment was rejected 93 to 7 in 1990. And it has not improved with age. There is a better way to protect the flag: vote down the Biden amendment, and then vote for the Hatch-Heflin-Fenstein amendment.

Mr. President, I suggest the absence of a quorum.

Mr. BIDEN. I ask that you withhold that request.

Mr. HATCH. I withhold.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I understand we have 1 minute.

Mr. President, I believe that the amendment of my friend from Utah is fatally flawed. For the first time ever, it puts the Federal Government in the position of the State governments of choosing what types of speech they think are appropriate. My amendment protects the flag, plain and simple. It is straightforward. It does not allow the Government to choose. It defines it. It says the flag cannot be burned, trampled upon. It is very specific.

I ask that my colleagues look at it closely and, hopefully, support it. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3093 offered by the Senator from Delaware. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 5, nays 93, as follows:

[Rollcall Vote No. 597 Leg.]

YEAS—5

Biden Hollings Levin Nunn

NAYS—93

Abraham Breaux Brown

Ashcroft Bryan Burns

Baucus Buyer Bingaman

Bennett Bumpers Conrad

Bond Byrd Campbell

Bomer Craig D'Amato
So, the amendment (No. 3093) was rejected.

**AMENDMENT NO. 3095.**

The PRESIDING OFFICER. The question is on amendment 3095, offered by the Senator from South Carolina.

Under the previous order, there will be 2 minutes of debate equally divided. The Senator from South Carolina is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. Mr. President, let me acknowledge a misunderstanding. When I was asked on Friday about the amendment, because I had been stalking my distinguished majority leader, waiting for him to put up a joint resolution all year long, I was asked about amendments, and I told him I had two. They said you would have to be able to debate them on Monday. I said fine. They said there will probably be a time limitation. I said fine.

In no wise was any inference or reference made to relevance. As a result, I understand the distinguished minority leader is going to ask that we vote it down because, when the two leaders, majority and minority, make an agreement, they have to hold fast to their agreements—except, of course, in this case. You cannot take the position of being none whatsoever, because it is not a mistrust of the minority leader. It has been a mistake.

Similarly, if it has been a mistake with this particular Senator, because if I had been asked if it had to be relevant, we would not have a unanimous consent agreement and would not be voting on the flag.

So we are sort of, as they say in the law, in pari delicto. Point 1: It does not necessarily have to be relevant.

The PRESIDING OFFICER. The time of the Senator has expired. Mr. DASCHLE. Mr. President, I yield from my leader's time, a minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. FORD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. Those having conversations, please take them to the Cloakroom. Others, take your seat. Could I have order in the Senate, please? Will Senators please take their seats or take their conversations to the Cloakroom?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished leader and Members themselves.

Mr. President, I will save the Senate time by withdrawing the one on campaign finance. That is the best evidence that I had relative to the understanding or misunderstanding about relevance.

Point 1: The 10 amendments to the Constitution were originally submitted as 12 amendments, the 11th being the 27th amendment, not relevant, of course, voted on separately. And if a point of order is made, then of course the flag is not relevant to balancing the budget, or balancing the budget is not relevant to the flag. I understand that. But the technical point of constitutional amendments, this has been submitted as a separate article, and on merit I dispute and appeal the ruling of the Chair.

Otherwise, what we have is a glorious opportunity to get No. 1 in the contract performed. They have not been able to get term limitations or the matter of line-item veto or deregulation, and we can go down the list. But you can get, certainly, this No. 1 in the contract by voting today for a balanced budget amendment to the Constitution, word for word, the Dole amendment—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I ask unanimous consent just to get 2 minutes more.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Word for word, the Dole amendment with the Nunn amendment to it with respect to the limitation on judicial power. Otherwise, the provision that the protection in section 13301 of the United States Code of laws is not repealed, that protection being for Social Security. Section 7 of the original Dole amendment repealed that section. We voted just 3 weeks ago, by 97 to 2, to instruct the conference that they not use Social Security moneys. So it brings it crystal clear into view now and into a particular vote.

If you really want a balanced budget amendment to the Constitution, this is a wonderful opportunity, because we had five of us on this side of the aisle sign a letter to that effect.

I yield the floor.

Mr. DOLE. Mr. President, I raise a point of order that the pending Hollings amendment dealing with a balanced budget amendment violates the consent agreement of December 8, which states that all amendments must be relevant to the subject matter of flag desecration.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HOLLINGS. I appeal, Mr. President. I appeal the ruling of the Chair. And, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 8, as follows:

[Roll Call Vote No. 598 Leg.]
Mr. HATCH. Mr. President, the McConnell amendment would displace the flag amendment. It would kill the flag desecration constitutional amendment, the only real way the American people can protect their flag. The McConnell amendment offers a substitute statute. It offers virtually no protection for the flag. It is so narrowly drawn and related to flag desecration in such limited circumstances that it would not have changed the decision in the Johnson case. It does not protect the Johnson case or any other cases that have not involved the breach of the peace or a flag stolen from the Government or a stolen flag desecrated on Federal property.

Finally, we have been down this dead end before. The Supreme Court will not buy any statute, and it will not buy this statute any more than it bought the 1999 Biden flag statute.

How can we look the American people in the eye if we adopt this ineffective substitute? The McConnell amendment will strike it down. How many times must we have the Supreme Court tell us that a statute will not work? So I hope everybody will vote "no" on the McConnell amendment.

I ask for the yeas and nays. The PRESIDING OFFICER. Is there a sufficient second?

I ask for the yeas and nays. The result was announced—yeas 28, nays 71, as follows:

YEAS—28

Akaka         Bennett        Bingaman       Boxer         Bradley       Bumpers       Chafee       Carnes       Daschle       Dodd        McConnell
Abraham       Ashcroft      Baucus         Biden         Bond          Burns        Byrd          Coats        Cochran       Cornyn       Coverdell      Craig         D'Amato       DeWeine       Delph         Dole          Enzi          Exon          Feingold      Feinstein

NAYS—71

Abraham       Ashcroft      Baucus         Biden         Bond          Burns        Byrd          Coats        Cochran       Cornyn       Coverdell      Craig         D'Amato       DeWeine       Delph         Dole          Enzi          Exon          Feingold      Feinstein

Mr. HATCH. Mr. President, the Senate must now decide: Is this picture of the flag being desecrated freedom or an abuse of freedom? The American people know the difference. They are counting on the Senate to understand it too.

Do not talk to me about flag bathing suits or T-shirts.

This is what we are talking about. This is the unique symbol of our country.

Only Congress will be able to protect the flag. If we do not trust ourselves to protect the American flag in a responsible way, why should the American people trust us to do anything?

The Supreme Court made a mistake. The Framers gave the people and this Senate the right to correct that mistake, through the justifiably difficult amendment process.

Let the American people have the right to enact one, uniform law which protects one symbol of this great country and one symbol only—Old Glory.

Mr. DASCHLE addressed the Chair. The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use a couple of minutes of my leader time. I know that people have schedules to keep, but I have not had the opportunity to talk on this amendment. I will attempt to be very brief.

I think everyone understands the repercussions and all the ramifications of the McConnell amendment. This is the first time in history that we would amend the Bill of Rights; the first time in 200 years that we would limit the freedom of speech. And the question really is, why? Last year, three people were arrested or called upon to explain themselves for destroying the flag. In 1993, not one incident of flag desecration occurred.

So, Mr. President, this debate is really about protecting principle versus protecting a symbol. Both are important. Both should be protected. But do we really hold the symbol more important than the principle it represents? Is the flag more important than the freedom it stands for? The flag is important, and should be honored. But our basic freedoms, in my view, Mr. President, are clearly more important. For example, if we held symbols to be more important than the fundamental right of freedom of speech, what about protecting a cross? What about protecting the Star of David? What about protecting a copy of the U.S. Constitution?

The irony here is that we diminish the very freedom the flag represents by protecting its symbol. Shimon Peres, the acting Prime Minister, spoke of the this morning and he reminded us of how critical it was that we understand what a model this U.S. Constitution is for the rest of the world. He said the reason it is such a model is because it represents tolerance. That was his word, "tolerance." And in a democracy, sometimes we must find the strength to tolerate actions we abhor.

As I was growing up, whether it was with a teacher, a Cub Scout leader, or a teacher, we were always taught that the flag does not represent our race, our religion, our ethnicity. It represents tolerance. That was his word, "tolerance." And in a democracy, sometimes we must find the strength to tolerate actions we abhor.
my family, we all recognized that perhaps the biggest difference between this country and so many others is that here we teach, elsewhere they compel. It is important that, as we vote on this amendment, we understand there is a difference between teaching and compelling. Let us leave here with every bit as much resolve to go out and teach the young and teach all in this country the importance of protecting and respecting our flag, but let us not, for the first time in 200 years, undermine the teaching of Rights, and the freedom of speech by compelling people today and abrogating their freedom in the future.

I yield the floor.

Mr. DOLE addressed the Chair.

Mr. PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, during the past several days, we have heard a number of important legal arguments, but there has been very little talk about his personal relationship to the flag itself.

On June 14, 1777, the Revolutionary Continental Congress decided to create an official and distinctively American flag, passing a resolution declaring that, “The flag of the United States be 13 stripes alternately red and white, and the Union be 13 stars, white in the blue field representing a new constellation.”

The colors of the flag were carefully chosen: The red for the sacrifices in blood made by the cause of national independence. The white for the purity of this cause. And the blue for vigilance, perseverance, and justice.

Our Nation was barely 30 years old when it went to war a second time against the British Empire in the war of 1812. As the British fleet attacked Fort McHenry in Baltimore Harbor, the flag waved undaunted throughout the night until the dawn’s early light, inspiring Washington lawyer Francis Scott Key to write the words of the national anthem.

The most tragic chapter in our Nation’s history began when the American flag was lowered at Fort Sumter, after a 33-hour bombardment. The Civil War that ensued gave us Barbara Frietchie, whom the poet John Greenleaf Whittier tells us stood face-to-face, eyeball-to-eyeball, with Stone-wall Jackson: “Shoot if you must, this old gray head, but spare your country’s flag, she said.”

Eighty years ago, in 1915, as Europe stood ravaged by World War I, President Woodrow Wilson established June 14 as National Flag Day. The purpose of Flag Day, President Wilson wrote, was to help us “direct our minds with is hands and heart. His love inspired me when they found me, nursed me to health, and restored my faith in mankind.

... Even now, 50 years later, I am overcome with tears and gratitude whenever I see our glorious American Flag, because I know what it represents not only to me, but to millions around the world. ... Protest if you wish. Simply, evermore, protect our country and our flag, but please, in the name of all those who died for our freedoms, don’t physically harm what is so sacred to me and to countries others.

And, I might add, to those who are now heading for Bosnia.

Stephan Ross right: We must protect that which is sacred to us as citizens of this great country. Our flag is sacred because it stands alone as the unique symbol of the principles and ideals that President Woodrow Wilson knew bound us together as one nation, one people.

Throughout our country’s history, thousands of brave Americans have followed the flag into battle to defend these principles and ideals. Twenty thousand Americans will serve under our flag in Bosnia. As a testament to the great sacrifices made by our fighting men and women, the flag—America’s national symbol—should receive the constitutional protection it so richly deserves.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the joint resolution.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered, and the clerk will call the roll.

The bill clerk called the roll. The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 36, as follows:

[Roll Call Vote No. 600 Leg.]

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The yeas and nays resulted—yeas 63, nays 36, as follows:
The PRESIDING OFFICER. On this vote, the yea are 63, the nays are 36. Two-thirds of the Senators voting not having voted in the affirmative, the joint resolution is rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. Mr. President, I would like to make known the wishes of the majority leader.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. RUSH. Mr. President, while they are resolving this difficulty, let me say a few words about the flag amendment. I ask unanimous consent that I be given a few minutes to say a few words about the flag amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, while I am a West Point graduate and served with the 3rd Armored Division in Germany and the 5th Special Forces group in Vietnam, I am not in favor of flag burning. But I really don’t think the flag amendment is what you are fighting about. I commend you for your independent and thoughtful position as indicated in the Tribune article.

I am a West Point graduate and served with the 3rd Armored Division in Germany and the 5th Special Forces group in Vietnam. I am not in favor of flag burning. But I really don’t think the flag amendment is what you are fighting about. I commend you for your independent and thoughtful position as indicated in the Tribune article.
should be reserved for only the most important governmental issues, and flag burning just is not such an issue.

I was offended to realize that the television commercial I saw this morning flashed the scene of a military funeral and a scene of flag burning as if they were the same thing. By my sense of history they are opposite. Book burning denotes the suppression of ideas by governmental authority. Flag burning involves the offensive and distasteful expression of protest against government. Nigeria does not tolerate that. But I hope America always will.

I commend you for your courage in taking the position which I suppose is probably contrary to what the opinion polls would tell you to do. Sounds like political courage to me. Wish there were more of us in Washington.

Very truly yours.

It is signed by Chris Wangsgard. I did not know Mr. Wangsgard before he responded to the commercial by sending me this letter.

I can report that a majority of the calls that I have received in response to the commercial have been in support of the position that I have taken. I am grateful to Mr. Wangsgard and those who have so responded.

But I conclude, again as I began, Mr. President, with a sincere statement of respect and admiration for my senior colleague and an assurance to everyone in the State of Utah that, whereas we differ intellectually on this issue, I do not know of two Senators who have worked together better to represent their home State than Senator HATCH and I. I know no senior colleague who has been more supportive or more helpful to his newcomer in the Senate than Senator HATCH has been.

I want, now that the issue is over and settled, to take the opportunity to make sure the people of Utah understand the high regard that I hold for Senator HATCH and the highest esteem that I hold for his scholarship and his leadership.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few moments.

I want to thank my colleague for his wonderful remarks. They mean a lot to me, and I have an equally strong feeling toward him and realize that he did this as a matter of principle and conscience. And I could never find fault with people who do that. I naturally differ with him on this particular issue, and I am sure we will have some differences in the future. But by and large we support each other, support our State together in a very, very good way, and I am very proud to serve with him. And I appreciate his service here. He is one of the more articulate, intelligent and hard-working people in this body. I feel honored to have him as a partner as we work together in the best interest of Utah and this Nation.

So I want to thank him for his kind remarks here today.

A VOTE CAST TO PROTECT OUR FLAG

Mr. DORGAN. Mr. President, earlier today, I voted to protect the American flag from desecration. In doing so, I chose a statute rather than a constitutional amendment to achieve this important objective.

For one, most Americans, our Nation’s flag is a symbol of the principles and values which hold this country together. We are appalled and deeply offended when someone burns or in some way destroys this national emblem of freedom.

Brave men and women have given their lives to protect the flag, to preserve as well the freedom and democracy for which it stands. We owe it to those soldiers to keep our flag from desecration. And we owe them our solemn pledge to protect the Bill of Rights given to us by history’s greatest guardian of American liberty: Thomas Jefferson.

But in defending our flag, we should not alter the Bill of Rights, and we should not tinker with language of our Constitution, if a simple, direct law can get the job done.

I cosponsored and cast my vote for just such a law. It protects our flag by punishing those who damage or destroy it. Flag desecration, like shouting fire in a crowded theater, would not be protected by the first amendment.

This law passes every constitutional test, according to scholars at the Congressional Research Service.

Protecting America’s cherished Constitution and Bill of Rights is every bit as important as protecting our beloved flag. We must do both, and take care not to jeopardize one while seeking to protect the other.

It is a delicate balance, and I believe the bill for which I voted, achieves that important and critical balance.

NATIONAL DRUG POLICY

Mr. HATCH. Mr. President, I would like to announce that the Office of National Drug Control Policy has just confirmed that Director Brown will make an announcement at 4:15 today regarding his future career plans. It has been widely reported that he will take a sociology professorship at Rice University in Houston. I wish him well. He is a very fine man.

He was a good selection for this position. I believe he has given his heart and soul to it to the extent that he could. He has done a credible job. But I have to say the administration has barely paid any attention to him and his efforts on this issue.

Unfortunately, under this administration drug control policy is in utter disarray. The number of 12- to 17-year-olds using marijuana has increased from 1.6 million in 1992 to 2.2 million in 1994. The category of marijuana use increased a staggering 200 percent among 14- and 15-year-olds over the same period. One in three high school seniors now smokes marijuana.

I have to say the President has stood up and condemned smoking cigarettes but has not condemned smoking marijuana.

One in three high school students now smoke marijuana. There has been a recent drop by the White House to interdict and push back drug shipments in the transit zone between 1993 and 1995. Drug purity is way up, street prices are down, and the number of drug-related emergency room admissions hit record levels.

Federal law enforcement is under a very severe strain, and at the very time that the technical sophistication of the Cali Mafia is reaching new heights, Frankly, of those one in three high school students that are using marijuana, 30 percent of those who do it will try cocaine in the future of their lives. That is just a matter of fact. It is a statistic we know. And this has gone up so dramatically fast that I am really concerned about it.

The Gallup Poll as released today showed that 94 percent of Americans view illegal drug use as either a crisis or a very serious problem. These people are right. We simply need to do better.

As a start, I urge President Clinton to appoint a replacement director at the earliest possible date. It is vital to our Nation’s effectiveness against drugs that we have a coordinated strategy against drug abuse in our executive branch of Government. Almost 3 years into the administration no nominee has been forwarded to the Senate for the purpose of ONDCP Director for Supply Reduction—in 3 years. This position should be filled immediately as well.

I believe that whoever is appointed ought to use that bully pulpit to let the American people know that we have had it up to here with drug abuse in our country, with this cancer that has been eating away at our children, and which, naturally because of the permissiveness of our society, is resulting in more and more drug use. We have to do something about it.

I wish Director Brown, Lee Brown, well. I like him personally. I know how frustrating it must have been. The first thing they did when he took over the Office of National Drug Control Policy was to cut his staff almost completely. Frankly, it is hard to do this job without the backing of the President of the United States. I really do believe this administration has backed him in the way that they should have backed him. Despite that, he has done the best he could.

I personally want to acknowledge that on the floor. I want to pay my respects to him. I have admiration for the fact that he think his position was the right place, and I think he did the best he could under the circumstances.

I just hope in these next few years—especially this next year—we do something about this simple problem and get a deputy for the next Director as soon as we can, and that we start fighting this issue with everything we have.
I yield the floor.

Mr. MCCAIN addressed the Chair. The PRESIDING OFFICER. The Senator from Arizona.

THE BOSNIA ISSUE

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be general debate on the Bosnia issue between now and the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, it is the intention of the majority leader at 6 p.m. pending agreement by the other side to turn to H.R. 2606, which concerns the use of funds for troops in Bosnia.

Mr. President, it is also the intention of the majority leader to have the vote fairly early tomorrow, sometime around noon.

So I urge my colleagues to come to the floor at this time—between now and any time this evening—to debate and discuss this issue. There will be limited time tomorrow. The majority leader asked me to announce that. So I hope that we can get to the bulk of the debate tomorrow, if we are fortunate.

Mr. INHOFE. Will the Senator yield?

Mr. MCCAIN. Let me just finish if I could, and I will be glad to yield to the Senator from Oklahoma.

Right now, the tentative plans are to vote on both S. 18397, which is the use of funds for troops in Bosnia. Following that, a vote on an amendment by, I believe, Senator Hutcheson and Senator Nickles, and many others—Senator INHOFE, Senator Kyl—on the issue of a resolution concerning Bosnia, and that would be followed, is tentatively scheduled to be followed by a vote on the Dole amendment, the language of which has not been completely worked out.

That is subject to change. There may be amendments, additional amendments from the other side of the aisle on this issue. The Democrat side has reserved the right to propose additional amendments on that side.

I will be glad to yield to the Senator from Oklahoma.

Mr. INHOFE. The question I had was, is it my understanding there will not be debate time tomorrow before the vote will be taken?

Mr. McCAIN. I believe there will be debate time tomorrow but it will be extremely limited. We would like to have the debate and discussion between now and the hour later this evening Members wish to stay in to debate the issue.

Mr. President, it is my understanding that the int. 2606, wish to have general debate on Bosnia until 6, but then from then on, if we take up 2606, continue debate on Bosnia as well as that bill.

So I am not sure we need to restrain Members as far as time of speaking is concerned.

I wish to emphasize that tomorrow morning there will not be sufficient time for every Member to speak on this issue, so again I strongly urge as much as possible to have those statements made this afternoon or this evening.

Mr. President, I yield the floor.

Mr. KYL. The PRESIDING OFFICER. Mr. KYL addressed the Chair. The PRESIDING OFFICER. Mr. Thompson. The Senator from Arizona. Mr. KYL. The Senate floor is shared to begin this debate. I spoke on this floor, I think I was the first Member to speak after the President spoke to the Nation justifying his decision to commit 20,000 ground troops in Bosnia. I indicated my opposition at that time. I wish to reiterate that opposition now and very briefly indicate the reasons why and why I would support at least one and possibly two of the resolutions that will be before us tomorrow.

I was privileged to serve in the House of Representatives during the time that we debated the issue of whether or not to commence the Desert Storm operation. I cannot think of a more serious debate that I participated in while a Member of the House of Representaives. It was an elevated debate in terms of the arguments that were raised on both sides, and I think that everyone felt at the end of that discussion the issue had been thoroughly debated, the arguments presented on both sides, and I think the right result came from that vote.

This is a similar issue, Mr. President. This is undoubtedly the most serious issue which we have had to debate in this Congress. The security interest in the long-term survivability of our country, I suppose one could talk about the balanced budget and those economic issues, but when one considers the possibility of sending young men and women in the Armed Forces into harm's way, all of us I think become very serious about the subject.

On this particular subject, there is no right or wrong in the sense that reasonable people can have differing views. I would like to focus first on what I think we have agreed on, and I would like to say I know that although my colleague from Arizona, Senator McCain, and I may have some disagreement about the ultimate resolution that should be passed in this body, we agree on what we are for, and I think I would also say that in response to Senator Bennett, who said that no senior Senator had offered more assistance to a junior Senator than Senator Hatch had to him, I would suggest that Senator Bennett sends the same kind of assistance to me, and I would wish to commend him for all of his efforts in trying to come to grips with what these resolutions should be all about and how we influence the administration in the 104th Congress in the crafting the sound a policy with respect to Bosnia.

All of us, undoubtedly I could say all of us, are for peace in Bosnia, for an end to the slaughter. Many of us believe we have made a commitment to contributing what we can, that we are steaming in the Atlantic, the planes that are flying under the banner of NATO, the other kind of assistance which we have provided in terms of transport, intelligence, humanitarian assistance, and the monetary assistance that we will be asked to supply in the future.

Second, we are all for the support of our troops. There is no one here who would want to pull our troops out from under our troops once they have been deployed somewhere. Of course, many of us believe the way to support our troops is not to send them in harm's way in the first instance. But once they are there, none of us, obviously, will want to jerk the rug out from under them.

Having said what we are for, peace in Bosnia and support for our troops, I think it is also important for us to say what we oppose. And there are many of us here who oppose what I would characterize as the unreflective and off-handed and premature commitment of troops by the President. Our view is that the President should not have made this commitment, and that is our position. Support for the Hutchison resolution is so important—to express our opposition to that decision.

I would like to discuss why I think this issue arises today. If there were a vote on both sides, and I think the right result came from that vote.

This Senate would have supported it long ago and the American people would be in support of it. But there is no national security interest involved. And when there is no national security interest, I think there is a higher threshold that must be met for the commitment of troops into combat situations. Here there is at best what could be characterized as a national interest. Any time there is a moral imperative to stop slaughter, to stop genocide, I think one could say that there is a national interest in seeing that that is stopped.

That does not mean in every case that the United States would send ground troops or we would have ground troops in possibly 20 or 30 or 40 places on the globe today. We do not. There are many situations that cry out for help but we cannot literally be the sheriff of the world. So the mere fact there is a moral imperative in some sense to stop the slaughter, to stop the genocide in different parts of the world, does not automatically mean the United States sends ground troops.

We often do other things. There was a moral imperative to send humanitarian assistance to Somalia, and we did that. And there are moral imperatives in other places around the Earth which we have taken tested.

This is a moral imperative, but we should not be confused and call it a national security imperative because there is no national security interest of the United States involved here. And because of that, it seems to me there should have been more debate by the Congress and with the American people about whether or not this is one of those occasions in
which we send our people into harm’s way. That debate could not occur before the commitment was made because the President made it, as I said, in an offhanded and premature way. Once he made the commitment, it is very difficult to debate about it because of the confidence that we therefore are embarrassing the President; that we no longer have a foreign policy behind which we stand united in the world and therefore once the commitment was made it is no longer possible to form an alternative policy.

That kind of catch-22 could occur in the future. There are other situations in the world where there is a possibility of commitment of U.S. troops. I have heard, for example, that if Israel and Syria should make peace, United States troops might be sent to the Golan Heights. I do not know whether that is a good idea or not, Mr. President, but I do believe that before a commitment is made we ought to debate that and come to a resolution of that question and the administration act with the advice and consent of the Senate in that matter. I suggest that probably the same thing will happen there that happened here. A commitment in private life will then be told about it later. And because it was already made, we will be told that we cannot really argue about it because it would undercut American foreign policy. That is not sound decision-making and that is why I object to and why I think it is important for us to have a resolution in opposition to the decision the President made.

There are three basic responses that have been made. One is the so-called Hefley amendment. This is the amendment that passed the House of Representatives overwhelmingly. And it is embodied in a sense-of-the-Senate that was incorporated into the Defense appropriations bill as well, but that was a sense-of-the-Senate rather than actual legislation.

This basically says that there should not be a commitment of funds until the Congress has acted affirmatively on the matter, and I think that is wise policy. That is the way it should have been done here. That is, in effect, the way President Bush did it when he sought Congress’ approval to conduct the Desert Storm operation.

The second response to what the President did was the Hutchison amendment. This is an amendment which I have cosponsored which says that we oppose what the President did. It also says we support the troops. But I think we have to express our opposition.

The third resolution is the one that Senator McCain referred to, the Dole resolution, which apparently has not been written yet and therefore obviously I cannot comment on that.

But the point is, Mr. President, in all likelihood none of these three responses will become law. So we will have to do what is necessary to support the troops. And we will do that.

What we are relegated to doing tomorrow when we have our vote is to send a message, and I think the message we send is very important. First of all, it ought to be a message of unity and support of our troops. Second, it ought to be a message of unity and support of the President of the United States through a variety of mechanisms that the United States has already been participating in and will in the future be participating in. Third, it ought to be a message that we oppose this particular commitment of troops both because of the lack of clarity of mission and exit strategy and of the premise for the mission in the first place; and that is that it is essential for U.S. ground troops to be a part of the so-called peacekeeping effort or else it will fail.

As I said before, Mr. President, if this agreement is so fragile that the sine qua non—that without which—for its success is a commitment of 20,000 American ground troops, then it is obvious that it is going to be so fragile to be sustained in any event, and those are the messages I think we should send in the resolutions that we adopt tomorrow.

I think that the bottom-line message should be that the President should not commit American troops at this time, and it is not fair to those who we ask to do the fighting for the United States of America.

And so, Mr. President, we commend those who have negotiated the peace. We praise those who will be doing the fighting. We pray for the recovery of the area in which so much turmoil and difficulty has occurred over the last several years. And we certainly hope that while this mission begins in much controversy, that it can end successfully and without loss of life or casualty to our United States troops.

Mr. President, I thank you, and I yield the floor.

Mr. INHOFE addressed the Chair. The PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wholeheartedly agree with all the comments made by the Senator from Arizona [Mr. Kyl]. He and I have talked about this long and hard, and for many, many hours here on the floor of this body, and it is something that has concerned us.

We expressed the concern in the past when we both served in the other body and serve on the House Armed Services Committee about the problem that we have and are confronted with when the Commander in Chief, the President of the United States, is able to send troops into areas with a total disregard of Congress, of either House of Congress. It is as if we are totally irrelevant.

We are the expression of the American people. We are the ones who are expressing the sentiments, I think, very clearly that the President is having trouble in Oklahoma and I suspect all over the country. The problem that we have is very simple, that the President sends the troops over on these humanitarian missions that do not relate to our Nation’s security, and then he comes back to us and says he wants an emergency supplemental appropriation to pay for it when in fact we would not have incurred that cost if we could have been consulted or been made a part of the decision.

I do not mean this to sound at all partisan because when the decision was made to go to Somalia, it was made in December 1992, which was right after President Bush had left office. He had already been defeated. It was supposed to be for 45 days. In other words, in December, the troops are going to go over and in January they are going to come back. It was to open a roadway for the delivery of humanitarian goods to the people of Somalia who did not want us over there to begin with. I disagreed with President Bush, who was a Republican, like I am, at that time.

Then, of course, right after that, in January, we reminded President Clinton that there were a lot of us who wanted our troops home because the reason originally was to send them over for 45 days. And so, each month thereafter, approximately each month, we sent resolutions to President Clinton saying bring our troops home from Somalia. And he did not do it and did not do it, and months went by, until finally there was the brutal murder of 18 of our Rangers and their mutilated bodies, corpses were dragged through the streets of Mogadishu. Of course, then it was too late and then the American people rose up, and this was enough pressure that we indeed brought our troops back from Somalia.

We sent troops down to Haiti. We were not part of that decision. Haiti was supposed to be considered as the crown jewel of President Clinton’s foreign policy. He said he was going to send the troops down there for 12 months. Then we sent them down in September, and 12 months later—this was past September—they are still not back. Now 3 more months have gone by and things are getting worse down there, not better.

We realize we made a mistake in Haiti. That was not anything that related to our Nation’s security. Indeed, it was to go down there—at least it was reported by the President that we were going to go down and get someone who was duly elected back in office. We have been watching in recent weeks, in recent days of the turmoil that exists there, and we still to this day have troops in Haiti.

Just a few weeks ago, we were asked to vote for an emergency supplemental to pay for Somalia and Haiti and some of the humanitarian causes. Of course, I guess Rwanda was in there, too. It was a $1.4 billion appropriation.

So this procedure the Senator from Arizona, Senator Kyl, was talking about, which is how he put it, because we do not have any voice in it, and yet we have to turn around and vote for a supplemental appropriations to appropriate money that has already been
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spent on a mission that we did not agree with.

What happens if we do not make that appropriation? The President merely then just goes to the military budget and pulls it out of the operating budget which is a very, very fine line we are living down to a level that we cannot defend our Nation on two regional fronts, as it is today. And then we are deleting those very scarce resources and assets, military assets, by these humanitarian gestures.

So I am rising today during this time to really speak on two of the three votes that will be before us tomorrow. The first one, as I understand the order of business is going to be H.R. 2606. Congressman J OEL HEFLEY from Colorado, who incidentally spent the last weekend with me in the State of Oklahoma going around and explaining to the people and participating on national radio and talk shows to let people know just what is happening with the President made a commitment more than 2 years ago to send 25,000 troops in on the ground in Bosnia, and we are now almost out of time. I am not saying anything with respect to how we now to stop the President from doing this. But just on the possibility, remote possibility, as it is, that the President may, since he made that statement, have realized what he is doing in sending our troops over there into that incredibly hostile area, that maybe we can give him an out. So we have two efforts to do that.

The first effort is H.R. 2606, as was passed by Congressman HEFLEY in the House of Representatives. I will read just the preamble to this.

To prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

It is a very simple and straightforward two-page bill. That is all it says. It just says we in Congress are relevant. We in Congress should be heard. After all, we are the ones that appropriate money for our military operations. We are the ones who make the fiscal decisions in this country. The President submits his budget, but we are the ones who get down to the details of those budgets that are consistent with the desires of the American people.

And so I strongly support H.R. 2606. I do not think it is going to pass. But I am going the tell you, it is a defining vote. Come the elections in the future, there are going to be people looking back and saying, we had an opportunity, not just intent of Congress. We already passed one of those. Senator GREGG put that on as an amendment. It was not adopted. And of course Senator HUTCHISON and myself and some others have a resolution of disapproval that we are going to be trying to pass tomorrow. That is important, too.

But this particular bill has the meaning of law, has the force of law. It says that we are not going to appropriate the funds that are necessary for the mass deployment of troops into Bosnia unless it comes to Congress or Congress approves it.

Now, this does not take away any of the powers of the President. It merely says that the President should not do it unless he has the Congress and the American people behind him. I can tell the President, he does not have the support of Congress behind him. He does not have the support of the vast majority of the people in this country; I think they are offended—unless Oklahoma is a lot different than any of the other States.

I was all over Oklahoma this past weekend, and I can share the frustration that people all the way from Lawton, to Anadarko, to Tulsa, that is, how this has been railroaded through and that we have not had a chance to have the American people hear.

You might ask, is it really that hostile of an area? The Senator from Arizona talked about such things as mission creep. You know, we have already had mission creep in this case. This was going to be peacekeeping. Now it is going to be peace implementation. There is a difference between peacekeeping and peace implementation, because peacekeeping assumes that there is peace today, when there is not peace today. Peace implementation means we must implement peace. There is a big difference. That has seemingly gone unnoticed. This thing about mission creep is that it starts out simple and sounds good to the American people, just like, I suppose, Somalia sounded back in December 1992. It sounded like it was very logical and achievable at that time against opening up a road in the area. When was the last time you were there? He had not been there.

So here we have a hostile area, and we are guessing that there are more than 6 million mines in that area. This is not like it was in the Persian Gulf where you could go in and deactivate mines, because it is not a desert. This is ground that is frozen, and the only way to find out is if you drive an M-1 or an armored vehicle on it and activate it. This is the type of hostility that is there.

We hear a lot about the peace talks that took place in Dayton, OH. I say that maybe the wrong people were there. Milosevic was there, but it was my experience in the time I spent in Bosnia that he is not the one calling the shots. It is Karadzic occasionally and, of course, many factions have broken away from him. We are dealing with minor factions—the Croats, the Serbs, and the Bosnian Serbs, and we have the Moslems. In addition to that, you have the Arkan Tigers, a throwoff of the Serbs; the Black Swans, which is related and was at one time a group of Moslems; the mujaheddin is still active; the Iranians are there. We have identified nine sub factions, or rogue elements, that are up in that area where we are talking about having our troops walking down there. These are known to fire upon their own troops, murder their own flesh and blood, just to blame it on one of the other elements.

Mr. President, if you are dealing with that kind of mentality, what would preclude them from firing on our troops to blame somebody else? The administration says, no, we have a couple of ways we can get out of Bosnia. One, they had been there 2 months. It was interesting that the President started out presenting this program and saying, "We are going to send troops into Bosnia for 12 months."
Well, on October 17, during the Senate Armed Services Committee hearing, I said to General Shalikashvili, the Chairman of the Joint Chiefs of Staff, “I do not understand how you can have an exit strategy that is tied to time. I asked, ‘How do you know no man is going to happen 12 months from today? Exit strategies are tied to events and our success in the various efforts there, and whatever we are enduring.’

He said, ‘No, it is going to go 12 months from the 365th day they are coming back.’

That did not sound realistic, and I think a lot of people further down in the bureaucracy were trying to withdraw from that 12-month commitment, until a week ago today when they reaffirmed their commitment. General Shalikashvili said, ‘It is inconceivable that we will be there after 12 months.’

Well, then the President, over the weekend, reaffirmed that. They are talking about an exit strategy on 12 months. What if we go over there and we have something—which I do not think we have—but something that relates to our Nation’s security interests, or our vital interests, so we engage in combat, we get there, and we do what we are supposed to be doing there, to contain the civil war, to protect the integrity of NATO, or whatever they say is worth the cost of hundreds of American lives, at the end of the 12th month, and if they ask us not to leave, what, we come home anyway. What if we are almost there? No, we are going to come home.

I had occasion to talk to people who are very familiar with the Bosnia, the former Yugoslavia, the various cults and ethnic groups and the rogue elements that are up there, and they said one thing people do not understand in the United States is that those people do not think like we do. Their conception of time is not what ours is. General Shalikashvili said the general from Norway, up in the Tuzla area where we are talking about sending our troops—and we are as we speak—he said 12 months is absurd; it is like putting your hand in water and leaving it there for a minute and then when you pull it out, nothing has changed, it is just like it was. And then when I commented to some of the soldiers up there who are familiar with that area, I said, ‘What about the 12 months and being out in that time?’ They said, ‘Are you sure you are not talking about 12 years?’

So these are the unknowns that we are dealing with. These are the rogue elements. This is the hostility, and these are the chances we are willing to take. If you do not believe what I am saying, Mr. President, I suggest that you go back to that meeting of October 17, when we had Secretary Christopher, Secretary Perry both there at the meeting. Then I asked General Michael Rose from Great Britain who was the commanding general in charge of United States forces in Bosnia, certainly there was no greater authority at that time on the conditions in Bosnia than Gen. Michael Rose. He said, if Americans go into Bosnia, they will sustain more loss of lives than they did in the Persian Gulf war. Well, that was 390.

I specifically asked the question, I said, ‘Secretary of Defense Perry, let us assume that all these experts are right and we are going to lose at least 400 lives over there. Is the mission as you have described it, that is to contain the civil war, the protection of integrity of NATO, is that worth 400 American lives?’

He said, ‘Yes.’

Secretary Christopher said yes. I say no. That is the defining issue here. We will have an opportunity to get people on record. I hope the Senators that are preparing to vote on these very significant things understand the seriousness of it.

We have an opportunity to do something to stop it. It is remote. As I said when I began a few minutes ago, maybe we cannot pull it off. If we do, maybe the President, in the case of H.R. 2606, which I strongly support, maybe we can veto it. If we let it sit on his desk until we have the troops over there and then it is too late.

As Senator Kyl and others have said, we are in full support of our troops. That is one in this Chamber that is in support of our troops. The best way to support our troops is not to send them over there in the first place. Those who are over there, a handful, bring them back.

That is essentially what we are attempting to do with H.R. 2606. We are saying we will not appropriate the money to send the troops over unless you come to Congress, present your case to the American people, and sell your case. It is as simple as that.

There is a defining vote. People who vote against H.R. 2606 are saying “No, Mr. President, you go ahead. You do not have to come to Congress. We will go ahead and appropriate the money. We are watching notice we will appropriate the emergency supplemental.”

The same thing with the Hutchison-Inhofe resolution. That is a defining vote. People are going to have to answer to that in years to come—I am talking about U.S. Senators—as to whether or not they were supporting the troops being sent to Bosnia. We all support the troops.

Mr. President, this is probably the most significant vote—these two votes will be the most significant votes we will be voting on. I know a lot of people, the families of the thousands of American troops that are going to be sent over there. This is the most defining vote.

I could not find anyone yesterday in the streets of Anadarko, OK, who thought the mission as described to them is worth the loss of one American life, let alone 400 or 1,000 or whatever it ends up being. I think the American people are solidly behind our effort to stop the deployment, even though it is almost too late now.

The President says this is only going to cost $2 billion. They gave a figure of what Somalia would cost, what Rwanda would cost, what Haiti would cost, and they are off by a few billion and had to come back for supplemental appropriations.

Mr. President, we are going to have an opportunity to vote on three issues tomorrow. Two are resolutions without the force of law; one has the force of law. I think this will be the defining vote on the H.R. 2606. Those who really feel so strongly that the American people and Congress should have to give permission before the President sends the mass deployment of troops into Bosnia, this is the opportunity for them to cast that vote.

I had a phone call last week from Capt. Jim Smith, who I believe is from New Jersey. He is an American hero. He said, “We do not think we can tell the good guys from the bad guys.”

I suggest that is exactly the situation in Bosnia. I know people who are trying to make that into something that is really relating to our Nation’s security. I do not think we can tell the good guys from the bad guys. Take a snapshot in the history of that area in the last 500 years and one is that the Serbs are the bad guys and the next is that the Croats are the bad guys. We have seen the worst of human nature in the World War; we saw what happened when Marshal Tito put together a coalition because he was in the unique position of being a Croat and yet was also a Communist, so he was able to break away from Hitler’s operation where a lot of the Croats went, and held this very fragile country together against Hitler’s onslaught on a ratio, for a 2-year period, of 1 to 8. What I am saying is, this hostile area we went into, was held by 18 Rangers, a force of 18. President Bush had to send in on a ratio of one soldier to eight soldiers. Until you fly over 100 feet off the ground and look down and see the environment and the cliffs and the cave, you cannot really appreciate this.

Unfortunately, the five people who are in charge, the architects of this thing, the various Secretaries, and the President himself, none of them at the time the decision was made had ever been in the region. It is understandable why they might not understand the serious danger that lurks up there for our troops.
I stopped by the training area a few weeks ago and talked to a lot of the troops. I went into the mess hall. I have not been in a mess hall since I was in the U.S. Army, and I enjoyed visiting with all of them. It was very difficult for me to answer the question when they asked me: What is the mission? What is so important over there? I try my best because I am in full support of the troops. I said, if you go over there, you will have a mission. We will have the American people behind you. But I could not answer the question about the mission.

I talked to one James Terry, a young man who would be in the first group. He may be over there now. He is probably part of the logistics team over there. When I came home, I talked to his mother, Estella Terry, in Oklahoma, and I got to thinking that the test that Congressmen heavily used over in the other body was, what do you tell somebody who has lost a son or a daughter or a husband or a wife? What can you tell them they died for? This is the test that the President has failed to meet.

I am hoping that with the two opportunities that I have on voting on the Hutchison-Inhofe resolution of opposition to the deployment of troops and H.R. 2606 to actually stop—the litmus test. We will stop the appropriations so they cannot be sent there in the first place, this mass deployment, and bring those who are there back.

This is very, very significant and probably the most significant vote that we will vote on. There is a third vote, and that is the vote that will come up tomorrow. This is trying to be conciliatory to the President’s plan. I have looked at his plan. I think it is so flawed that it cannot be fixed. I do not think we can fix it. I plan to vote against the resolution that would, for all practical purposes, approve what the President is doing.

Lastly, I will conclude by saying we are behind the troops and the troops are behind us. We are the ones—it says to stand up here and say we support the troops. How can you say we support the troops and send them into the environment just described? I do not think we can do it, and I do not think people are supporting the troops when we do that. We have an opportunity, a last ditch effort, that the opportunity is behind us, and we will have to start watching what is going on, giving full support.

If there is anyone here, Mr. President, who disagrees that the troops are behind us, what we are trying to do, I suggest you look at the veterans groups. A week ago we had a news conference. Every veterans group I am aware of in America was present. We had the American Legion, the DAV. We had the veterans of World War II. We had veterans of Vietnam. We had the Jews—veterans. They were all there and they all stood up and said, we are for the troops, and the best thing you can do for the troops is keep us out of this fight over there that is not our civil war, because we could very well have some causes that would come up where we need to send troops.

We cannot be depleting our reserves. Those like Saddam Hussein and others around the world are looking at our weakened condition now and the fact we are further weakening our military assets by sending them out on the humanitarian gestures.

Mr. President, I suggest we will have an opportunity tomorrow to cast three votes. I think the votes, the right votes, are to vote against the resolution of support for the President and vote for the resolution and the bill that supports our troops and stops the deployment of troops into Bosnia. I yield the floor.

Mr. THOMAS. I rise to speak on the issue that is before the Senate, that has been before the Senate for some time, and I have a question with respect to our role in Bosnia.

This has been going on, of course, for a very long time, nearly 4 years, so we have had a great deal of opportunity to think about it, consider what our role is with respect to this opportunity and, of course, to watch what is happening, watch the tragedy that has, indeed, taken place. So we hear a great deal of conversation about our role in keeping peace, our role in helping to stop the fighting. Everyone agrees. So the question is, do we really do it in this particular incident?

What is our role, then, as a matter of policy, in other places where there are similar problems? What is our policy with respect to civil wars? Our policy with respect to ethnic disturbances? Is it going to be our policy to participate in each of these, where we have troops now in the Golan Heights, where we have troops in Algeria, where we have troops around the world, keeping the peace—or, in fact, creating peace?

Where do we not have a policy of that kind? We asked that question to the administration.

"Well, this is separate. We will make each decision separately." I do not think that is the way it works.

Mr. President, the first concern I have had for some time is with the process that has taken place here. The process has been one that has, either by design or by accident, co-opted the Congress almost entirely. It started 2 years ago. The President said, I think almost offhandedly, "We will put 25,000 troops in to help the United Nations pull out if need be." There was no parley. We had no negotiations. We had, over there, 10. It could have been 40. But 25 it was. So nothing happened, much, with that. And the United Nations continued, through their dual-key arrangement, not to be particularly effective; not effective at all, as a matter of fact. So the Congress acted finally. The Congress acted, and said we want to raise the arms embargo so we can provide an opportunity for the Moslems to defend themselves and create more of an even field. So we did that.

There was no support from the administration for doing that. However, it did cause, I think, the administration to move. So, then they said to NATO, let us bring in some aircraft strikes. We did that, and it did not affect a great deal but it did tend to even the playing field. The Serbs had much of an advantage in heavy weapons.

So the Moslems and Croats got together, which tended also to make the playing field more even, which is really the basic reason the Serbs came to the table. So we said to the administration, What is our policy with regard to this?

"Well, we cannot talk about it now because we are going to have a peace conference and we do not want to get ahead of that." OK. Did that.

Then there was a peace conference and for whatever sticktoitiveness there is in the President’s plan, it is not one that I support. The administration has brought him, the President, to bring it to the Senate, as it was a threat to him, to bring it to the White House, and it was his threat. OK. Did that.

Now, the big movement of troops has not taken place, but American troops are still there. So we had a hearing, not long ago, in the Foreign Affairs Committee, and the Secretary of State was there, the Secretary of Defense, and the Chairman of the Joint Chiefs. I asked, "What, in your opinion, is the role of Congress in this matter of foreign policy and in this matter of troops to Bosnia?"

Frankly, I did not get an answer. Finally, the Secretary of State said, "Well, to provide the money." You cannot have a larger role than that. You can debate the Presidential power, Commander in Chief, debate the money—but there is a role in terms of having support for what we are doing and including the Congress; not coming and telling them what we have already decided to do, but, rather, have a real role.

I was in Bosnia about 6 weeks ago, along with several of my associates here. And we spent a day in Stuttgart with the Supreme Allied Commander. This was 6 weeks ago. I can tell you, in terms of the administration, that decision was already made. It was already made, what we were going to do.
That tough choice. But it is my belief there are alternatives, we will have to make. And, as my friend from Oklahoma said, there will be a number of alternatives and we will have to make that tough choice. But it is my belief we can continue to involve ourselves in the diplomacy. I congratulate those who have done that diplomacy. We can continue to provide support. We can continue to provide airlift. We can continue the peace process. Is it necessary? I believe we do; we have to have 30,000 troops on the ground there. It is a very tough area. This idea that you go in and separate them—this morning I sat in for a little time on the civilian aspect of it. What do you do when you are there? There are representatives of the warring sides, of refugees, who will not be in the sector that they live in. And their property is gone. How do you return that? How do you get a Croatian back into the Moslem area to reclaim his home? They say we are not going to do that. So this morning they are saying we will have to do the policing; we will have to train them on policing; we will have to arm the Moslems. There is a really great deal more to this than separating the areas and separating the zone, and we are obviously going to end up doing it.

The price now talked about is $1.5 billion, plus another $600 million for nation building. If you would like to look at that bigger picture, it will not surprise you. Of course it will. Of course it will. So we ought to really talk about the incremental costs and what that is. But more importantly, Mr. President, and I conclude, what is our role? What is our role in the world? How should we do this in terms of troops on the ground throughout the world? What is the division of understanding here as to what the role of the Congress is? I think most of us are very close to the people we represent. I can tell you that in our response in Wyoming, I think we have had two calls out of hundreds that favor the administration's position, which does not make it right or wrong, but it is an indication of how people feel. So, Mr. President, I hope we come to the snubbing post, and decide what our role is. In my view, that role is not 30,000 troops on the ground.

Mr. President, I yield the floor. Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to take this opportunity, as all of my colleagues are doing the rest of the day, to discuss the need on this very important issue of sending troops to Bosnia and, of course, on the specific resolution before us.

Given the President's obvious intention to move ahead regardless of what ever we decide to do in Congress, I am not sure what the effect, or even the need, is for the resolution before us because it seems to me that the train has left the station.

Of course, we all have a constitutional duty to let our views be known. We have a responsibility to vote on these issues, and even though the President is moving forward it gives some of those of us who object to his doing that an opportunity to express our views.

Of course President Clinton is touting support for his position from former Presidents, including former President Bush. However, the President does not have to tell us that it counts the most—and that is support from the American people. Even former President Bush, in his qualified support, stated,

I still have significant misgivings about this mission itself, about exactly what our troops are expected to accomplish, and about when they can get out and come home. In my view, the answers on these points are less than clear.

President Bush has expressed very well what a lot of Americans are thinking who tell us that they have questions about this or that oppose it. It really is not clear-cut. For instance, what is our role in the world? How do we do in instances similar to this? Is this to be a Grenada or Panama-type of operation that lasts a few days or weeks. As a matter of fact, we know this Bosnia operation will last at least a year and in reality probably multiple years. Last weekend, the President stated that we would be in Bosnia "about a year." Of course, this President is not known for his accurate statements. This begs the question of what is our exit strategy? Well, the only strategy we have is that we will leave whenever the President decides to leave, which is hardly a strategy at all.

We also do not know the cost of the mission. I have seen Pentagon estimates of around $2 billion. Other estimates double that price. And, even this princely sum amounts for only the 1 year we will supposedly be there. Even the troop numbers have been misleading. All we hear the administration talk about is the 20,000 troops on the ground.

Obviously, there are going to be many more troops involved even if they are not there right on the ground. We have no idea what the 14,000 troops are expected to accomplish. And, how many additional U.S. troops are required? So, we are really talking about closer to 40,000 troops, which is a sizeable number of Americans the administration is putting at risk.

The only other question is, are there any support or risk? Well, beyond the obvious ones involved with getting stuck in the middle of warring sides that have hated each other for centuries, we know that up to 6 million landmines are in the area, but we do not have an idea where they are. Major minefields are in or around the area of tuzla, where American troops are to be stationed. That is a fact.
Also, hundreds, and possibly thousands, of Islamic mercenaries who have been helping the Bosnians, and are bankrolled by Iran and others, could now pose terrorist threats to our troops.

Let me say that troops generally who are peacekeepers are in danger in a situation like this, but especially I believe American troops are a special lightning rod that terrorists would love to hit as opposed to maybe troops from other nations.

The resolution is supposed to be an agreement from the Bosnians to remove these mercenaries, but will they be removed? But even with the best of intentions, that will not happen in less than a month.

In addition, there are those that want to train and arm the Bosnians before we do anything. What kind of a message does this send to the other side?

Up to now, I have joined most of my colleagues in providing support for the Bosnian Moslems by reducing, or eliminating, the embargo of arms there. But now we are supposed to be an honest broker, or at least an objective mediator, once the peace agreement is officially endorsed. I must do my best to see how we can be an objective referee when we are arming and training one side of the conflict.

Then we hear the disturbing argument for troops to vote for the resolution in order to support our troops. Well, of course, this argument has absolutely no merit. We all strongly support our troops, and regardless of the outcome of this vote, we will do that just as we did after the very crucial debate and vote on going to the Persian Gulf war even though there was a great deal of disagreement on the sending of those troops at that time.

I was one of only two Republican Senators to oppose the Persian Gulf resolution, and this administration has provided even less of a need to deploy troops in Bosnia, notwithstanding the fact that this is supposed to be only a peacekeeping mission.

The administration argues that NATO and our leadership of NATO is on the line. This just is not convincing to the American people, because none of our NATO allies—nor is the United States—under any kind of national threat as defined by the NATO treaty of 50 years now. Our European allies should be taking a lead in this matter and sharing more of the financial burden. And, yes, the United States should—and can and will—provide support for their effort, including air and naval assets.

Finally, what some are now saying is that the vote on this resolution boils down to helping a President keep his commitments. As a Senator, I have my own constitutional responsibilities, and I believe in the military and in not including a President in a commitment that many, if not a majority, of the people do not believe should have been made in the first place.

So, Mr. President, the bottom line, as far as I am concerned, is there are a number of unanswered questions and a lot of questionable assertions made by President Clinton that simply do not add up to common sense. And, therefore, I cannot in good conscience support President Clinton’s decision to deploy troops to Bosnia.

I thank you. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER: The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support the Hutchison-Inhofe resolution. The Hutchison-Inhofe resolution is very simple. It has two parts.

The first part says Congress opposes President Clinton’s decision to deploy United States military ground forces into the Republic of Bosnia-Herzegovina to implement the general framework agreement for peace in Bosnia-Herzegovina and to its associated annexes.

Section 2 says:

The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general agreement for peace in Bosnia-Herzegovina and its associated annexes.

That is very simple and very clear. I wish to state from the beginning a few parameters around the debate that I am getting ready to make. First, I think there is no politics in the debate on this issue. I truly believe that every Senator is making a vote of conscience. It is a tough decision. It is not easy for anyone. And I do not think anyone’s integrity can be impugned by saying there is some political reason for how that person decides to vote. In fact, as you know, anytime you are sponsoring a resolution or an amendment in this body, if you care about it, you ask people for their votes. You try to talk to them into voting for your issue, especially if it is something that affects your State.

I have not asked anyone for a vote on this issue. I would not feel right asking someone to vote against his or her conscience on something that important. So this is not a matter where you work the floor to try to get support for what you are doing. What you do is take a position and say this is the way I think we should go, and everyone who agrees with you will be on that resolution. And in fact the Hutchison-Inhofe resolution is very clear. I do not know how many votes we will get for the reasons that I have stated. I just have not asked.

Mr. President, I would like to say I respect President Clinton. I think he is doing the right thing. I think he did a good job of bringing people to the peace table to talk. I disagree with his decision to deploy American troops on the ground in Bosnia, but I certainly respect the office and I think he believes he is doing what is right.

I wish to make the point—and it is what I said to the troops I met with last Saturday night at midnight at Killeen, TX, at Fort Hood, as the troops were getting ready to go to the airplanes to take off for Bosnia. I told them that I believe—and I know it is true, it is a fact—that 100 percent of the Senate is going to support the troops.

Now, we are going to disagree on the policy, but we are not going to disagree that we support the troops, and they are going to have everything they need for the security they are deployed in this mission. They will have the equipment. They will have the weapons. They will have the shelter. They will have the electric socks if they need them. They will have the training. And most important, they will have the spirit. They will have the spirit of knowing that the American people may disagree with the fact that they are going, but they support the troops 100 percent because they are giving their time and they are putting their lives on the line. We are the greatest country in the world, and we appreciate every single one of them.

I visited with some pregnant wives. I visited with some new wives, two-day-old babies. I visited with people who had come in from all over the country to say an early goodbye to their loved ones, men and women who were getting ready to take off. They knew I did not want them to go, but they knew I was going to do everything in my power to bring them home safely.

It gives me the greatest feeling in the world to visit with our troops. There is nothing more wonderful than an American in service to his or her country. They have the most wonderful attitude—positive thinking. They are well trained. They are professionals. They are ready to go when the Commander in Chief gives them the call.

So now we must decide if we are going to support what we consider to be a bad decision. I think it is a legitimate question to ask, why oppose now; the troops are on the way. I am opposing now for three reasons. I am opposing because I disagree with this policy, and I wish to discourage future such missions. I disagree with this policy, and I believe it is my constitutional responsibility not to rubberstamp it. I disagree with this policy, and I hope to give the President every opportunity to back away from this decision—the beginning of this debate is not in place—before he does the mass deployment.

If the Serbs in Sarajevo continue to burn the American flag, if they are not committed in body and mind to this peace agreement, I hope the President will say, “No, No, we are not going to deploy American troops if the peace treaty is not intact.”

That is why I am putting this resolution with 27 of my colleagues, to make sure that the President has every opportunity to say there is disagreement in Congress on this issue, and I am not going to send the troops into
harm's way if a peace agreement is not intact. And if they are burning the American flag, the peace agreement is not intact.

So let me take each one of my reasons and flush them out a little bit.

I do not like the policy, and I wish to discourage future missions. I do not want this to be a precedent for the future. The President has said NATO will fall if we do not do this. I disagree with that. I think NATO has a place in the post-cold-war era. NATO was put together as a mutual defense pact when there was a big-time aggressor, the U.S.S.R. There is no big time aggressor, so we must look at our responsibility under the NATO treaty. We must look at the role of NATO in the world we live in today, not the world we lived in in 1945. And we need to say, what is the role? We need to debate it, if we are going to expand it, and we need for Congress to approve it, if we are going to have a new treaty with NATO. And we must think this through ahead of time, not by moving crisis to crisis, not by going to Somalia and saying we are going to try to capture a warlord, and then when we lose 18 rangers walk away, not by going into Haiti without the approval of Congress.

And now we have Bosnia, a civil war in a non-NATO country, and we are told NATO is going to fail if we are not there in a non-NATO country, in a civil war.

Mr. President, that does not pass the commonsense test. We should have a strong NATO. To do that, we must determine what NATO's role is in the future, and we must not act crisis to crisis and send our kids into harm's way for a false reason. We could dissipate our strength if we bounce from one civil war to another across the globe because we do not have infinite resources.

We have finite resources, Mr. President, and we have spent $1 billion in Somalia. We are going to spend $3 to $5 billion in Bosnia. What are we going to do when we are really needed in a crisis that does threaten U.S. security?

What if North Korea, with nuclear capabilities, erupts? What if Saddam Hussein decides to take another march? Are we going to have the resources if we have spent $3 to $5 billion in a civil war where we could have spent less helping the people of Bosnia rebuild their country, which we want to do?

Mr. President, we have not thought this through, and one of the reasons it has not been thought through is because Congress was not consulted. Which brings me, Mr. President, to my second reason for continuing to oppose the President's decision, and that is the role of Congress in the declaration of war, or sending our troops into hostilities.

I do not like to oppose the President on a foreign policy issue, but I have a responsibility as a Member of Congress that was given to me in the Constitution of this country. I want to talk about that because that is a disagreement on this floor. It is not partisan. But many people believe that Congress really does not have a role in this, that the President has the right to do what he is doing.

The President does indeed have the right to command our forces. He is the Commander in Chief, and he has the right to send our troops into a war because Congress gave him that right in the War Powers Act. We did not want him to be hamstrung. We did not want him not to be able to send troops in if American lives were at stake, and if he did not have time to come to Congress.

But, Mr. President, sending our troops into Haiti for 1 year without ever asking Congress' permission, or even asking their opinion, is wrong. That is a violation of the Constitution. And we are getting ready to do it again on Bosnia.

I have the Federalist Papers right here. The Federalist Papers, of course, were written by three people who were crucial in the decisionmaking in writing our Constitution. In Federalist Papers Number 78, Alexander Hamilton, he discusses the role of the President as Commander in Chief, and he is comparing it to the role of the King of England, which, of course, we had just left and tried to make a better country because many people were dissatisfied with a monarchy. So here is what Alexander Hamilton said about the war powers of the President.

The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The King of Great Britain and the governor of New York have at all times the entire command.

Not part—

...of all the militia within their several jurisdictions. In this article, therefore, the power of the President would be inferior to that of either the King or the Governor. Second, the President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederate; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies...

I move to No. 74 by Alexander Hamilton, where he says:

Of all the cares or concerns of government, the direction of war most peculiarly demands the knowledge and judgment of Congress, for it is impossible to distinguish the exercise of power by a single hand.

Mr. President, he was speaking to us. He was saying, do not have one person able to declare the war and to run the war. And James Madison said exactly the same thing: Those who were to conduct war ought not to be safe judges on whether to start one.

James Wilson, a delegate from Pennsylvania, said the checks-and-balances system "will not hurry us into war." He said, "It is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress." He was very clear, as were the others who have spoken on this issue. Did President the President to be able to send our troops into distressed situations without consulting with Congress? They wanted it to be hard. They wanted it to be muddy. That is why they put both people in charge, the President and Congress, and they wanted them to work together so it would be difficult.

Louis Fisher, who wrote an article with some of the quotes that I have just given you, is a professor and an author. He has written the book "Presidential War Power." He says:

It might be argued that 'war power' is not involved because Mr. Clinton will use American forces for peace, not war. 'America's role will not be about fighting a war,' he said. He said he refused to send American troops to fight a war in Bosnia, and 'I believe we must help to secure the Bosnian peace.'

Mr. Fisher says, "Mr. Clinton has already authorized air strikes against the Serbs." He now intends to send ground troops. By making an overwhelming show of force, he says, "American troops will lessen the need to use force." Note the word lessen. Anyone who takes on our troops, he says, "will suffer the consequences."

Mr. President, if that is not the equivalent of what would be considered war when the Constitution was written, what could be more clear? Mr. Fisher goes on to say:

Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

I agree with Mr. Fisher: We are not abiding our part in the Constitution if we let this pass.

The third area of disagreement that is very important for why I continue to oppose this deployment is because I want to narrow the mission. I want there to be a time limit. The War Powers Act is supposed to give emergency capabilities to the President to go in when he cannot come to Congress. This President is asking for a year. That is not an emergency. We have been looking at this situation for 3 years.

We have asked the President to lift the arms embargo. He has refused to do it, and now we are put in the position of knowing that if there is going to be any kind of cease-fire that will last in that part of the world, it has to be when there is parity among the three warring factions. We wanted to lift the arms embargo so that parity would be there now. The President said no. In effect, the President did lift the arms embargo, but he made us the ones who used the arms when we started bombing the Serbs.

So I want to narrow the mission, and I want there to be a time limit so that the expectations will not be there any
further than 1 year. It is the expectations that got us into this mess because the President, without consulting with Congress, went forward and said, oh, yes, we will put troops on the ground, when he had so many other options. But there are many ways that we could have shown our commitment to peace in the Balkans that would have been much more effective than American troops on the ground because now the President says we cannot arm and train the Moslems because they are on the ground precisely. We should have said we would arm and train the Moslems and not put troops on the ground so we would not be taking sides at the time that we were trying to bring parity into the region. And we must consider the last reason that I am going to oppose the President's decision, and that is the Larry Joyce test. One day when I was on the plane going back to Dallas from Washington, DC, a man walked up to me and said, Senator, I""m one of your constituents. My name is Larry Joyce."" And I said, as I normally would to someone like that, ""Well, hi, Larry. How are you doing? What were you doing in Washington?"" And he said, ""I was burying my son in Arlington National Cemetery."" And I said, ""Did he die in Somalia?"" And he said, ""Yes, he did."

And as tears streamed down his face, he said, ""Senator, I went to Vietnam twice as a Ranger man, and my only son, on his very first mission as a Ranger, is not coming home. Senator, I would just like to know why.""

I did not feel good about an answer to Larry Joyce because I do not think our troops should have been doing what they were doing in Somalia. Now, his son did not die in vain because he was doing what he had signed up to do, and he was doing it with honor, and he was a great kid, Casey Joyce, just the kind of young man or the kind of young woman that I see as I visit our bases across the country. But I said that night I would never vote to send our troops into harm's way if I could not give the mother or father a good answer why. Mr. President, sending our troops into Bosnia under these circumstances is not meeting the test. Mr. President, I am urging the President of the United States to reconsider his decision, to make sure that he is sure, before he deploys American troops, that it is a U.S. security interest—not just an interest, which we certainly have and which we can fulfill without American lives on the line. I want the President to reconsider his decision, and I hope that he will. Thank you, Mr. President. Mr. BROWN addressed the Chair. The PRESIDING OFFICER (Mr. THOMAS). The Senator from Colorado. PRIVILEGE OF THE FLOOR Mr. BROWN. Mr. President, I ask unanimous consent that Michael Montelongo, a fellow in Senator HUTCHISON's office, be granted floor privileges during the consideration of the resolution on Bosnia. The PRESIDING OFFICER. Without objection, it is so ordered. Mr. BROWN. Mr. President, I rise in support of the Hutchison motion. I want to share with the Senate the concerns that I bring to a deployment of combat troops into Bosnia. Mr. President, I would, first, like to start with some things I think will be agreed on—at least I think they are facts that will be acknowledged by both sides in this debate. First, the confrontation that we now enter by sending troops into what was the old Yugoslavia is a confrontation that is not new. It is a conflict that is at least 500 years old and, in some respects, goes back 800 years. For those who have talked to the participants, whether Croatian, Bosnian, or Serbian, they well know that those people not only are aware of that conflict, but they can recite to you the names and dates of the battles, the good and bad campaigns of the early years of the 20th century, the various peace agreements. For over 500 years, they remember battles that go back before the founding of our own Nation. This is not a new conflict. It is a conflict that predates even the discovery of America. Second, Mr. President, I think it should be noted that what we enter into is a civil war. We enter into a conflict between the Croats, the Serbs, and the Bosnians, and potentially others. This is different than an effort by Germany to conquer the world. It is different than an effort by the Nazis to impose their will upon the people of the world. It is different than the efforts of the former Soviet Union to spread its influence and control over the world. This is not an invasion of a country, this is a civil war. I think all Members will agree that that is a fair and accurate summarization of the conflict we enter. Third, Mr. President, I think Members would be remiss if they did not honestly note that the members of this conflict, the parties to this conflict, have not had a record of honoring peace agreements. For over 500 years, this conflict has waged, and people have talked about peace, a truce. For over 500 years, consistently, the peace agreements have been ignored. When I talked to our troops in Sarajevo over Thanksgiving, one of the things that they told me—there was a gathering at the Embassy of the enlisted men of the contingent who have been in Sarajevo for some time. One of them paused and said, ""I think I speak for all the people here, I believe, when we say that while we view the Bosnians in this struggle as the victims—and in many ways they have been—all sides have committed atrocities in this confrontation and, frankly, we are certainly on the Bosnians as the others, to break the peace agreement."" Mr. President, it would be a tragic mistake for Americans to go into this conflict without understanding that this peace agreement is not going to last. Fourth, Mr. President, we now have an estimate from the administration that the cost of this adventure will be at least $2 billion. Frankly, Mr. President, where no presentation of how you are going to pay for it. At a time when we are struggling to bring the deficit under control, we now have a proposal to spend $2 billion over the budget. Mr. President, I must tell you, it is my own belief that if we are going to send American troops into an area where we do not have barracks, or quarters, or adequate roads to get them there, or adequate equipment, and they do not have water or essential utilities. The reality is that the cost of this project will be much higher. Fifth, I think most Members would agree that the terrain where American troops will be stationed, around the Turkish border, is ideal for guerrilla warfare. Americans ought to understand guerrilla warfare. Perhaps we were one of the earliest ones who started it in our combat with the British. We did not put on uniforms. We tended to shoot behind trees and behind boulders. The British, and it worked pretty well. The reality is that we did not fight by the rules the British thought we should fight by in the Revolutionary War. Anybody who thinks the Bosnians, Serbs, or Croats are going to fight by our rules in Bosnia is dreaming. Mr. President, let me summarize, because I hope all Americans will be aware of these five factors when they go into it. One, this conflict is over 500 years old. Second, we are interfering in a civil war—not an invasion, but a civil war between the parties that have occupied that country. Three, the parties involved have a history, a continuous history, of not honoring the peace agreements that they enter into. For us to assume that the winter period when they traditionally have truces is going to be a permanent peace is naive, perhaps beyond description. Four, the cost of this to the American people will be at least $2 billion and perhaps more.
Five, the terrain is ideal for guerrilla warfare. Mr. President, specifically, what that means is the terrain is very rugged and very rough. It means that the area is heavily wooded, forest. In military terms, it means our advantages will be around the power of the more personnel carriers and tanks, will be minimized. The roads are extremely narrow and there are over 3 million mines stated to be in the American sector. Who in the world came up with the idea of deploying U.S. troops in that kind of a civil war? Mr. President, this is goofy. We are standing here and debating this question as if it were a real question. This is not a real question. This is a goofy proposal—send American troops to stand in between warring factions that have been at war for 500 years and never honor a peace agreement, under circumstances where we do not have the advantages that our technology provides, and stand in between them as they kill each other? That is not a realistic proposal. That is just plain goofy.

Mr. President, I think every American and perhaps every Member of this body has to answer a question before they get up to vote. The question is basically this: Under what circumstances do you send American soldiers into combat? We have never had a unanimous feeling on that in this country.

Perhaps defending our own shores, though, has garnered the strongest support of any measure. Americans have been willing to shed their blood to defend the shores of our country. We have been willing to shed our blood to defend the shores of our country. We have been willing to shed their blood to defend the shores of our country. We have never had a unanimous feeling on that in this country.

We have never shrunk from defending freedom around the world. First, through alliances, for we had an obligation; second, for a country where we did not have a formal alliance but we saw freedom was at stake that could ultimately affect the ability of Americans to obtain their freedom; we have had times where we have been willing to shed blood to deter aggression. We defended our shores in the Revolutionary War. We defended our freedom through alliances in World War I. We defended our freedom overseas in Korea. We defended countries from aggression in the Cold War. Mr. President, where have we come up with the idea that we would interfere in a civil war? That is without precedence. Deploying American forces overseas to interfere in the middle of a civil war, this takes it to a new height.

Mr. President, the mistakes we made in the past, and Americans have made mistakes in the past, have led to some guidelines. The Weinberger guidelines cannot be applied to Afghanistan or Vietnam. There were a number of factors but the most significant one was this: Before we deploy American troops overseas, before we put their lives in harm's way, before we risk their very lives, we ought to have a clear, achievable, military mission that is accomplishable. I hope Members will ask themselves if they really think this is a clear, achievable, military mission that can be accomplished? Listen to what they are saying. The first task is to mark the border, the area of confrontation, and secure people moving back 2 kilometers on either side. But that border is not meant to close off traffic across it. How can you get people to move through the border all of the time? Mr. President, that is double-talk. If you are going to have a border, and if you are going to have people kept away from it on 2 kilometers on either side, and if you are going to have a policy at the same time that says people can go back and forth at will, how in the world do you expect that policy stick? You cannot. It is unrealistic and undefined right from the start.

Who do you stop? Who do you stop? Do you search everybody? It is not clear. To call in a clear military mission is to play games with words as well as play games with the lives of our troops.

Ultimately, Mr. President, I believe it comes down to this: Are you willing to send American troops overseas and risk the mission that interferes in the middle of a civil war? Are you willing to face their parents, tell them why their son or daughter gave their life?

Are memories so short that Members have forgotten what happened in Vietnam? Does no one remember that we sent hundreds of thousands of American volunteers to Vietnam, as well as draftees, and asked them to put their lives on the line, and our political leaders and the military leaders who were in charge of the risk of making a commitment? I do not know of any American that is proud of that fact but it is the truth. Over 50,000 Americans lost their lives in Vietnam, and for what? Mr. President, I volunteered to serve in Vietnam and I did because I believed in it. I believed we were there to defend freedom worldwide, and whether it was the face of a Vietnamese or the face of a European-American, blood could be proudly spilled to save the freedom mission. Mr. President, our political leaders did not believe that. Our political leaders asked people to give their blood but were not willing to take a chance and make a clear stand. They were not willing to establish a clear military mission.

Mr. President, this is not a PR game. The risks are not good press or bad press. The risks are American lives. The risk is parents losing their child. The risk is a spilling of blood and not standing for a cause.

We made a mistake in Vietnam because our leaders risked American lives for a cause they were not willing to commit themselves to win. Now, not many of us realized that was the case. If you told the people that served in Vietnam their political leaders were not willing to stand up to win the cause they were asked to give their life for, they would not have believed you. Mr. President, where have we come? This is not a PR game. Where have we come from? Mr. President, specifically, where have we come from?

President Reagan deployed troops into Lebanon. We were so concerned about PR that the guards at the gate were not even given the bullets for their guns. Let me repeat that because I think most Americans will find it incredible. We sent full of Marines, and the guards at the gate were not given bullets for their guns because we were afraid of an incident. Instead of suffering bad publicity for an incident we were willing to sacrifice the lives of our troops.

That is what happened. A terrorist truck drove through the gate because the guards did not have bullets to stop him and killed over 250 Americans, or close to 250 Americans. For what? For what? For what? Mr. President, tell me what they gave their lives for.

We made a political commitment that sounded good but we would not stand behind it. It seems to me before we make a political commitment, before we send U.S. troops, we better have a good reason for doing it, and it ought to be important enough for us to stand behind the people who put the uniform of this country on.

Does anybody believe that we will not stand behind the troops that we send to Bosnia? Come on, now. Yes, this will generate press. Yes, there will be a lot of attention. Does anybody really believe we will not stand behind those young men and women who go over? Does anybody believe the cause of interfering in a civil war is important enough to lose their lives?

Somalia should come to mind to some. President Bush deployed the troops. President Clinton expanded the mission. Mr. President, where have we come up with the idea that we would interfere in a civil war? That is without precedence. Deploying American forces overseas to interfere in the middle of a civil war, this takes it to a new height.

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Who do you stop? Who do you stop? Do you search everybody? It is not clear. To call in a clear military mission is to play games with words as well as play games with the lives of our troops.

Ultimately, Mr. President, I believe it comes down to this: Are you willing to send American troops overseas and risk the mission that interferes in the middle of a civil war? Are you willing to face their parents, tell them why their son or daughter gave their life?

Are memories so short that Members have forgotten what happened in Vietnam? Does no one remember that we sent hundreds of thousands of American volunteers to Vietnam, as well as draftees, and asked them to put their lives on the line, and our political leaders and the military leaders who were in charge of the risk of making a commitment? I do not know of any American that is proud of that fact but it is the truth. Over 50,000 Americans lost their lives in Vietnam, and for what? Mr. President, I volunteered to serve in Vietnam and I did because I believed in it. I believed we were there to defend freedom worldwide, and whether it was the face of a Vietnamese or the face of a European-American, blood could be proudly spilled to save the freedom mission. Mr. President, our political leaders did not believe that. Our political leaders asked people to give their blood but were not willing to take a chance and make a clear stand. They were not willing to establish a clear military mission.

Mr. President, this is not a PR game. The risks are not good press or bad press. The risks are American lives. The risk is parents losing their child. The risk is a spilling of blood and not standing for a cause.

We made a mistake in Vietnam because our leaders risked American lives for a cause they were not willing to commit themselves to win. Now, not many of us realized that was the case. If you told the people that served in Vietnam their political leaders were not willing to stand up to win the cause they were asked to give their life for, they would not have believed you. Mr. President, where have we come? This is not a PR game. Where have we come from? Mr. President, specifically, where have we come from?

President Reagan deployed troops into Lebanon. We were so concerned about PR that the guards at the gate were not even given the bullets for their guns. Let me repeat that because I think most Americans will find it incredible. We sent full of Marines, and the guards at the gate were not given bullets for their guns because we were afraid of an incident. Instead of suffering bad publicity for an incident we were willing to sacrifice the lives of our troops.

That is what happened. A terrorist truck drove through the gate because the guards did not have bullets to stop him and killed over 250 Americans, or close to 250 Americans. For what? For what? For what? Mr. President, tell me what they gave their lives for.

We made a political commitment that sounded good but we would not stand behind it. It seems to me before we make a political commitment, before we send U.S. troops, we better have a good reason for doing it, and it ought to be important enough for us to stand behind the people who put the uniform of this country on.

Does anybody believe that we will not stand behind the troops that we send to Bosnia? Come on, now. Yes, this will generate press. Yes, there will be a lot of attention. Does anybody really believe we will not stand behind those young men and women who go over? Does anybody believe the cause of interfering in a civil war is important enough to lose their lives?
the wrong public relations signal. That was the word that came out: We did not want to send the wrong signal. Public relations was apparently more important than the lives of the American servicemen that were on the line. In fact, it was forgotten that a helicopter went down and they defended themselves from attack and they called for reinforcements. And reinforcements tried to come from the airport compound but they did not have armored personnel carriers. And when they sent them from both sides they pinned down the reinforcements, they could not get through to help them. American forces held out as long as they could and, when their ammunition ran out, when their ammunition ran out the Somalis came and hacked them to pieces. And the armored personnel carriers that they requested and had been turned down by the Secretary of Defense for PR reasons, could have saved their lives.

We are not playing games. This is not a PR move. These are real troops and real bullets in a real civil war. We are risking American lives. For what? Because you are going to end a 500-year-old conflict? Do not be silly.

Bosnian civilians, with American troops’ presence, will suddenly honor their peace commitments that they have never honored in 500 years. Someone would like to sell you some land in Florida, if you really believe that. The truth is, I do not believe we have placed a high enough value on the lives of the Americans who serve our country in uniform. The question is not whether or not they should ever risk their lives. No one should go in the line of fire, and when they risk their lives. No one should go in the line of fire, and when they risk their lives. No one should go in the line of fire, and when they risk their lives. No one should go in the line of fire, and when they risk their lives. No one should go in the line of fire, and when they risk their lives. No one should go in the line of fire, and when they risk their lives. No one should go in the line of fire, and when they risk their lives.

It is not wrong to ask them to give their lives and shed their blood for freedom around the world, and we have done it more effectively and more efficiently than any people in modern history. The last line is when you ask Americans to give their lives for nothing. I believe that is morally wrong. I believe it is morally wrong, to have Americans give their lives in Somalia when you do not have a clear military mission and you will not stand behind them.

It is not wrong to ask them to give their lives and shed their blood. It is wrong to ask them to do it for nothing, and that is what we did in Somalia. It is wrong to ask them to do it for nothing in Lebanon, which is precisely what happened. It is wrong to ask them to do it for nothing in Vietnam, when our very leaders would not stand behind the men and women who risked their lives.

I believe it is wrong, it is morally wrong for us to send young people to Bosnia to risk their lives in the middle of a civil war among people who have not honored a peace agreement.

Some would say, if we do it, at least they have had their chance. Tell me how you would feel, looking into the eyes of a parent who had lost his or her only child. “Yes, your son or daughter died, but at least we gave them a chance.” Would it not be fair and reasonable to ask, “Was it a good idea? Did it have reasonable prospects to succeed? Did you do everything you could to protect them?”

Mr. President, what we are faced with is a decision that degrades the value of American servicemen and servicewomen. It says that their blood can be shed on a whim; that they are pawns in a chess game; that their lives are not important enough for us to take seriously.

I believe every person who puts on a uniform has an obligation to this country, and the obligation goes to laying down their very lives. But I think it is wrong for us to think that obligation runs in only one direction.

This country has an obligation to those who serve it as well, and that obligation is to make sure we never put them in harm’s way unless it is on a clear, achievable, military mission, one that we are committed to win. Then I think every American has the right to ask everything in the world from them, everything they can give, because the existence of freedom in this world depends on them. What we see is an effort to cheapen the value of the lives of young Americans who are willing to serve this country. I, for one, will not vote to authorize it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

VISIT TO THE SENATE BY ISRAELI PRIME MINISTER SHIMON PERES

Mr. HELMS. Mr. President, I have the honor, along with Senator PELL from the Foreign Relations Committee, of presenting the new Prime Minister from Israel, Shimon Peres. I ask unanimous consent the Senate stand in recess for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 5:45 p.m., the Senate recessed until 5:52 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Grams).

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE VISIT OF PRIME MINISTER SHIMON PERES

Mr. NICKLES. Mr. President, I would like to join with my colleagues in complimenting our distinguished guest, Prime Minister Peres, for an outstanding speech to a joint session of Congress. I have heard several of them in my years in the Senate. But the Prime Minister’s speech, which called for peace and continued movement in the peace arena, I think is certainly to be complimented. And we are delighted to have him as our guest both in speaking to a joint session of Congress, but also as our guest this evening in the Senate. It is an honor to have him in the Senate.

THE BOSNIA ISSUE

Mr. NICKLES. Mr. President, I wish to speak in opposition to the President’s decision to deploy ground troops and ground forces in Bosnia. First, I would like to thank Senator Hutchison, Senator Inhofe, Senator Brown, and Senator Thomas as well for outstanding speeches. Some of the best speeches that have been made in the Senate have been this evening. Senator Brown just concluded with a very moving speech detailing his opposition to the President’s move. I agree wholeheartedly with their comments.

I also wish to make a comment. I have been to Yugoslavia with Senator Dole. Some people are saying these resolutions are in opposition to each other. I would take issue with that fact. One of the resolutions we are going to be voting on that I had something to do with, or was involved with, said that we state our opposition to the President’s decision to deploy ground troops in Bosnia—very clear, very plain, very simple. We think the President is making a mistake, and we want to be on record of it.

Mr. President, I will go further. I wish that we would have had a similar resolution when the President made the decision to deploy our Armed Forces into Haiti. I think he made a mistake. I have heard others in the administration say that was a success, and maybe that is the way they would define success. But I thought it was a mistake to have the invasion and occupation of Haiti.

I wish that we would have had a chance to debate that and that we would have had a sensible debate on it. We did not have that chance. So I am pleased that we are going to have debate on these two resolutions today and tomorrow. Some of my colleagues said, “Well, we wish we could have had more extensive debate.” I would agree with that. But the President is going to Paris tomorrow evening to sign an accord on Thursday, and not only will the Senate be taking this up but the House will be. So it is important for us to take it up today and dispose of these two resolutions—maybe three resolutions—by tomorrow. Also, Mr. President, I want to make just a couple of comments on how we got here and why I have decided to oppose the President’s decision to deploy the troops as described in the resolution.

In the first place, I mentioned my opposition to the President’s decision on sending troops into Haiti. Senator Brown commented on the President’s mistaken mission in Somalia where the mission moved from a humanitarian mission into that of peace enforcing, or peacekeeping, and a greatly expanded humanitarian role that resulted in the loss of 18 American lives.
But I want to go back a little bit further. I read in President Clinton's book in 1992, "Putting People First"—then candidate Bill Clinton. He stated his administration would “support the recent more active role of the United Nations in areas of conflict spots around the world, and pursue the establishment of a voluntary U.N. rapid deployment force to deter aggression, provide humanitarian relief, and combat terrorism and drug trafficking.”

That is on page 12.

In 1993, the President's proposed PDD-13, an expansion of the U.S. role in U.N. operations, and multinational U.S. forces under a foreign multinational U.N. military command. He proposed creating in the office of the Secretary of Defense an Office of Peacekeeping and Democracy at the Pentagon, talking about having this post be used to coordinate international peacekeeping forces.

I think that is a mistake. I have debated that and raised that on the floor of the Senate in the past.

Let me talk a little bit about my opposition to the President's use and deployment of ground forces in this area. I heard the President's speech to the Senate and his talks about the mission that he talked about. I think this is going to be a “clearly defined military mission.” I do not see any way that anyone can call this a clearly defined military mission. Maybe I am thinking in more simple terms. But clearly defined mission would be similar to the Persian Gulf where you had Iraq invade Kuwait, and we said that invasion will not stand, and we are going to kick them out of Kuwait. An army invaded. We are not going to allow that to stand. We are going to knock the army out. That is what we did. President Bush said that is what our objective was. It had a clearly definable military objective. We built the forces necessary to make that happen, and we executed it. Then our forces came home.

That is not the case in Bosnia. This is a map of Bosnia. This is the country of Bosnia. It is under control partly by the Serbs. It is under control partly by the Moslems. It is under control partly by the Croatians. Each of these areas have different ethnic groups that have been fighting for centuries.

Now we are going to have military forces serve as a buffer all around, all throughout that area. That is going to be a very difficult goal.

How is that a clearly defined military objective? We are going to insert our troops between fighting factions. But we are going to allow people to move back and forth. And then there are all kinds of missions and roles. We are going to allow refugees to return to their homes. In some areas right now they are not complying with the accord that has already been signed. We are going to enforce the Dayton agreement. This President said a U.S.-led accord, the Dayton accord. And all three Presidents signed it. The leaders of the Serbs, the leaders of Bosnia, and the leaders of Croatia signed that agreement. They are not complying with it now. But we are going to put U.S. forces in—almost an Americanization of this conflict. And we are going to have U.S. forces in charge of carrying out the Dayton accord.

Since the Dayton accord has been signed, I hope my colleagues are aware of some of the violations that have taken place. Bosnian Croat soldiers have defied the peace plan by looting and setting ablaze a couple of towns. Those towns were under Bosnian control. And then there was a refugee escape from Croatian control to Bosnian Serb control. They are burning the town. That is not in the Dayton accord, but they are doing it. I guess our troops are going to stop that. Last week the Croats released from jail Ivica Rajic, who was indicted by the International War Crimes Tribunal in The Hague. Such action is in direct violation of the Dayton accord where all sides pledged to cooperate with the tribunal. They released him.

Mr. President, President Clinton has said, well, we are going to put our troops in. Originally, some time ago, he said we would put U.S. troops in. Then, earlier this year, he said we would put troops in to reconfigure and strengthen of U.N. forces in Bosnia. The United Nations has had 30,000 troops there in the Bosnia area. They were not bringing about peace. All sides continued to fight, to move the map around. He said we would commit U.S. forces. He did not ask Congress. He said we will commit U.S. forces to redepoly and reconfigure. Well, that was a mistake.

Mr. President, if you look at this goal, are U.S. forces and the rest of NATO forces now going to be in charge of policing? Are we going to go in and arrest people who are guilty of war crimes?

It seems to me that is what we were trying to do in Somalia. We tried to go in, and because he was guilty of some crimes, and the net result was, yes, we had troops going in harm's way and we lost a lot of lives, as Senator Brown alluded to. We did not provide the military support.

Now the President said, I understand, we are going to send in military support. Is that one of our goals? Are we going to be policemen? Are we going to go in and arrest people for crimes against the other sides? Are we going to enumerate the refugee resettlements? Are we going to tell Serbs in Croat homes they are going to have to get out of those homes, and vice versa, and use force of bayonets?

Are we going to use our forces strictly as a buffer zone in dangerous areas, targets on both sides, allowing people to move back and forth? They may have a violent intent either against the other side that they have been fighting for years or maybe against the United States? Are we going to use U.S. forces to clear mines?

And I know I have some Oklahomans now that are trained in that area, so they are going to go in. We are going to use them to clear certain areas for mines. And what if somebody runs away that is guilty of firing on our troops and happens to evade them over a mine field and so we risk more lives.

And what about this idea—the President said, well, this is a NATO mission, and he also said this is a vital role for NATO because if we do not do it, this is going to show that NATO has no valuable purpose.

NATO was created as a defensive alliance to deter invasion or aggression. America inserted NATO troops from the NATO allies and saying we are going to put NATO in a peacekeeping role in a non-NATO country. Bosnia was not invaded by Russia. It was not invaded by other non-Yugoslav countries. The Serbs certainly did take their fair share of the territory and the Croatians are in there as well, but this is Yugoslavia's civil war. But we are now putting an expansion of the NATO role into moving from a defensive alliance, which we have been the leader and the supporter of, that has proven to be so successful for the last 40 or 50 years, now we are putting it into a peacekeeping role, into a non-NATO country, into an area where the U.N. peacekeepers were not successful and so now we are going to greatly expand NATO's role.

I think we need to discuss that and debate it. Is this what NATO's mission is going to be in the future? It looks like NATO creep, mission creep, to me. And one that I have serious reservations about, very serious reservations about.

Some have said, well, this is important; we need to make sure that this war does not expand. There is lots of potential for this war to expand as a result of this effort. Now a lot of the Serb areas are going to have Russian troops in them, and a lot of Moslem areas are going to have Western troops including the United States. What happens if some Serbs happen to fire on some Moslems and we try to interdict, and so we are against the Serbs, and maybe the Russians are in that quarter—and so there is the possibility of some conflict between United States and Russia.

I hope that does not happen. I pray it does not happen. But I see a lot of potential where there can be some spill-over from this so-called peacekeeping force.

Mr. President, we call this peacekeeping, but really what this is is peace enforcing, so it has moved a giant step against peacekeeping. If it is really peacekeeping, they would not have to be there. If there was peace, they would not have to be there. As Senator Brown mentioned, they have been fighting for hundreds and hundreds of years. How in the world are we going to go in and start this problem in 12 months and then go out?

And what about the 12-month timetable? Is that to say our military objective is going to be totally complete?
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in 12 months or is that a political timetable? Oh, we better get them out before the next election. It sounds a lot more political to me than it does a militarily definable, achievable objective. Oh, in 12 months we are going to get them out and this will happen.

Well, that does not seem to make sense. Is there a militarily definable objective? I do not think so. I think we are in the process of getting bogged down in a lot of nation building.

You say, oh, well, how could that be? If you read the Dayton accord, it talks about a lot of things. It talks about policing the agreement. It talks about buffer zones. It talks about refugees and resettlement. It also talks about establishing a constitution and a democracy and a reviving presidency, a reviving presidency between the Croatians, the Moslems, and the Serbs.

That may sound nice but I think it is more like good on paper in Dayton, OH, but I question that is going to work. If you go back a little bit in history in the former Yugoslavia, where you had several republics, they were supposed to have reviving presidencies. I think that is going to work. Mr. Milosevic was still running Greater Serbia, and he wanted to expand Greater Serbia. That is the reason they moved into Bosnia. So this idea of reviving a presidency is very much a bad idea.

And so we look at the resolutions that are before us. The resolution that I am speaking on behalf of as well as Senator Hutchison and Senator Inhofe Senator Brown, Senator Kyl, and others says we oppose the President's decision to send ground forces into Bosnia to carry out the Dayton accord. I look at the arguments for it, and I think if you look at this map, it looks like a congressional district in Louisiana. And you see a lot of areas. Well, while there are Serbs in this area, they have to move back and the Bosnians will have to take control and Sarajevo Serbs have control in some areas and they say they are not going to give it up.

Does that mean U.S. forces or other forces are going to come in and enforce that? And what if they do not, is it going to be a fight and what if they do not get it up without a fight? And on and on and on. And this is throughout. What if they say, well, before we leave, we are going to raze it or we are going to burn it. And that is what they are doing right now. Or what if there are war criminals and they say, instead of apprehending them, we are going to let them go, as they just did in one case.

And you see a lot of areas. Well, while the Serbs have control in some areas and the Croats have control in some areas and the Moslems have control in some areas and the Serbs have control in some areas and the Moslems have control in some areas and the Serbs have control in some areas, the Bosnians will have to take control and Sarajevo Serbs will have control in some areas and they say they are not going to give it up.

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But I think just because we have deployed ground forces, what happens when we leave? We may be somewhat successful with 60,000 troops. Putting them into an area smaller than the state of West Virginia that is a lot of Westerners. Bosnia is a small area, about 60 percent of the size of South Carolina, a little smaller than West Virginia. It has about 4.5 to 5 million people, so it has a lot of people. But we are going to put 60,000 troops in there.

Well, that does not seem to make sense. Is there a militarily definable objective? I do not think so. I think we are out in 12 months, not that we accomplished our objective, because our objective is not that clear, is not that definable. It just says we are going to be out. That is a timetable for exit, but it does not say anything has to be accomplished. Again, I think it is a mistake. Under Secretary Christopher's own criteria I think it falls on all four categories.

Mr. President, I do not think we should send U.S. ground forces. I think President Clinton has made a mistake. I think if you look back at the statements that this administration has made, even as a candidate, as the policies go back for the last 3 years, they have been talking about putting U.S. ground forces in international peacekeeping efforts. I am afraid we are making a mistake, like at the date in the accord, the date in the agreement.

I see lots and lots of areas that are not going to be building. So I think it is committing United States ground forces into rebuilding a democracy or a government in Bosnia, a government that is very fractured, a government that is very divided, with ethnic divisions, one where there is a lot of hatred, a lot of animosity, and putting United States forces right in the middle. That is not a clearly definable military objective.

And again, I think it is a serious mistake. So I hope that our colleagues will support this resolution.

Mr. President, I ask unanimous consent that an article by Judge Abraham Sofaer that was in the Wall Street Journal, which points out many of the shortcomings of the Dayton accord, be printed in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

**CLINTON NEEDS CONGRESS ON BOSNIA**

(By Abraham D. Sofaer)

President Clinton has appealed to Congress and to the American people to support his policy committing 20,000 ground troops to implement the peace agreement reached between Serbia, Croatia and Bosnia. It is a tribute to the American people that the president is accorded the greatest deference when he calls for the greatest sacrifice. Americans respond, at least initially, to such appeals from their president.

But Mr. Clinton is exploiting this quality. He has presented the agreement and the American role in its enforcement as an accomplished fact, that has yet to be signed by the parties, and numerous preconditions to U.S. involvement have
yet to be fulfilled. He is consulting with Congress, but he is already sending troops to the area without any form of legislative approval. Indeed, he claims that, while he would support Congress’s approval, he plans to go ahead regardless.

Presidents often try to get what they want by leading aggressively. Congress nevertheless has a duty to study carefully the proposed operation and then express its view. The essential first step in that debate is to read the documents signed recently in Dayton. The agreement covers aspects of future in Bosnia, including the division of its governments, the contents of its constitution, the selection of its judges, and the manner in which its police force is to be chosen and trained. Of principal interest to Congress, though, are those aspects of the agreement that create obligations and expectations for the U.S. to fulfill.

Our Obligations

These obligations, when carefully examined in context, carry to the ultimate extreme the policy of forcing a settlement on the Bosnians, rather than attempting to create an internal situation that is militarily balanced. Most significantly, the agreement makes the U.S., through the “implementation force” (IFOR), the military guarantor of the overall arrangement.

The role of U.S. troops cannot be characterized as “peacekeeping.” Even “implementation” understates our obligation. IFOR will be close to an occupying army, in a conflict that has merely been suspended. We are likely to have as many difficulties acting as occupying forces as we had in Korea as the U.N.’s war crimes tribunal is having in attempting to apply its decisions in Bosnia without the political will to enforce them.

IFOR’s military responsibilities are set out in Annex 1(a) of the agreement:

The parties agree to cease hostilities and to withdraw all forces to agreed lines in three phases. Detailed rules have been agreed upon, including special provisions regarding Sarajevo and Gorazde. But IFOR is responsible for marking the ceasefire lines and the “inter-entity boundary line and its zone of separation,” which in effect will divide the Bosnian Muslims and Croats from the Bosnian Serbs. The agreement agrees that IFOR may use all necessary force to ensure their compliance with these disengagement rules.

The parties agree to “strictly avoid commuting, counterattacks, or any unilateral actions in response to violations of this annex by another party.” The only response allowed to alleged violations is through procedures provided in Annex VIII of the Annex, which establishes a “joint military commission” made up of all the parties—to consider military complaints, question troops. But the commission is only “a consultative body for the IFOR commander,” an American general who is explicitly deemed “the final authority in theater regarding interpretation of this agreement.” This enormous power—to prevent even acts of self-defense—will carry to the ultimate extreme any unilateral actions in response to violations of the agreement by any party. The parties agree to “cease hostilities” and “withdraw all forces to agreed lines in three phases.” But the agreement also provides for the U.S. to assume the role could be made untenable if it finds itself isolated. We have not believed in such divisions of political authority. We fought the Civil War to put an end to them.

The agreement makes vague promises about reversing “ethnic cleansing” by guaranteeing refugees the right to return to their homes. Since this is in practice impossible, the West will end up paying billions in compensation awards promised in the agreement. The agreement contains numerous provisions regarding the manner in which Bosnia is to be governed, with checks and balances built in, that are not even defined in geographic terms. But Americans traditionally have not believed in such divisions of political authority. We fought the Civil War to put an end to them.

Mr. NICKLES. Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I listened very carefully to the last several speakers here on the floor, and I find myself almost at a loss as to where to start. If we go through a factual reality check here, on how this situation developed, I do not find it much like what has been thrown about being discussed here on the floor.

One of the speakers this evening talked about our entry into combat and equated it with Vietnam, equated it with Lebanon, where President Reagan—whose name has not been mentioned here although Clinton’s has this evening, that is for sure—put 1,600 troops into Lebanon and said, “We’re going to stabilize Lebanon by making an example there, and that will bring them around.” That is what got us into Lebanon, not us going in and thinking that a little bitty show of force would bring an end to what had been very lengthy combat in Lebanon.

So I think we need a reality check here. The statement that the administration made to the Congress today that is just some sort of a PR stunt does a disservice to the floor of the U.S. Senate and to our Government. It was even questioned as to whether we would stand behind our troops in Bosnia once they are in there. What a ridiculous statement. I find that abhorrent.

Now, statements were made that we were injecting our people into a civil war, we are putting our people into combat. Now, let us get back to reality here. We agree completely that there have been long and historical difficulties in the Balkans. We do not need to run through all those this evening except to say some of these problems literally go back to the time of the Caesars. These are old problems, not any geographical clustering that area led one of the Caesars to split the area that later became Yugoslavia into the East Roman Empire and West

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Roman Empire. That is how the orthodox influence came up into that part of the world.

It has been a caldron of problems that contributed to the beginnings of two world wars. We have always had an interethnic conflict. We have always had a lot of people in our own country, a lot of people in my home State of Ohio representing the different ethnic groups in that part of the world.

President Clinton said we would send 20,000 people here. They are not fighting to be stopped, so we could move in. We are not going to fight our way in. We did not make a commitment to actually send them in until some other things happened.

What were those other things? And these are very, very important. What happened was that over the past 4 years the war has become so difficult for people in that area, that they wanted peace. They asked us to broker the peace. They asked for it. They wanted us to go in. This is not just fighting all these hundreds of years are not just going to keep on fighting. Well, the big difference now is that people who have been fighting all these hundreds of years are not just going to keep on fighting. We did not suggest fighting our way in there. President Clinton has not said we are going to fight our way in there. Quite the opposite. They came to us and said they are tired of war.

My colleagues have asked how can we believe people who have been fighting all these hundreds of years are not just going to keep on fighting? Should we believe them or not?

Bosnia-Herzegovina is an area about one-half the size of the State of Ohio—we are not a huge State; we have about 41,000 square miles of territory in Ohio—Bosnia-Herzegovina is almost 20,000, 19,776 square miles, about half the size of Ohio. In other words, think of Ohio, and Interstate 70 goes across the middle.

If, in that area down between that Interstate 70 and the Ohio River, we had had 250,000 deaths in the last 4 years and two million refugees, and in the last 4 years, would we be ready for peace? That is what occurred over in Bosnia. Even the most ardent warriors over there have become tired of war, of the slaughter and the dislocation of people.

While every individual may not be signed on, 100 percent going to lay down their arms, this is what happened. They came to us. Diplomatic channels said all parties seemed to be ready, have we brokered a peace if it was possible.

I must commend Ambassador Holbrooke. I think he did a masterful job over there, stayed at it, stayed at it, stayed at it, back and forth, one capital to another, one group to another until they had an agreement to go to another place and try to negotiate peace. They came to Dayton. Wright Patterson was selected because the facilities were there providing security, some place to live, some appropriate back and so forth. So they came to Dayton.

Let me give my view. I was very dubious of this whole process at that point. I thought they would come to Dayton and it would be a short-lived conference. And what happened? Well, they not only asked to negotiate, but they, the parties involved, came to Dayton. They, the national leaders, the heads of state, did something I would not have thought possible. They have stayed at Dayton for 21 days, the heads of state stayed there for 21 days negotiating. They finally hammered this thing out, and they initiated an agreement there, all of them. And they will sign it the day after tomorrow.

So it is not our peace, it is their peace, with us making suggestions. But they are the ones who initiated it. They are the ones who asked to negotiate to begin with.

What is our part in it? Our part is to help implement what they have agreed to.

Much was made on the floor a few moments ago about what if they back out and they want it again? They back out and what happens? I will say this, if that happens and if they break the peace agreement that they signed, that they wanted, that we brokered, that they agreed to, it is their failure, not ours. We are not there as the President said, the Secretary of Defense has said, General Shalikashvili has said, General Joulwan in Europe briefed us, to enforce a peace by forcing anyone back across a border. If they have decided this peace is not for them and they are going to start fighting again, our commitment at that point is we tried, we gave you people your chance at this thing, and we are out of there. We are not there to conduct large-scale combat. If that were the case, we would be going in with far more than 20,000 people, in my view.

But let us say they do not back out and peace comes to the Balkans. We will have avoided the possibility of this million refugees moving into Macedonia, down toward Turkey, with all that might entail. We have avoided the possibility of it breaking across borders up toward Europe, maybe into Eastern Europe. And we will maybe, possibly, have peace in that area because they asked for it, they wanted it.

I had doubts when they came to Dayton and I wanted to see two things happen. I said this publicly at the time and talked to the President about it, talked to the Secretary of Defense about it. Two things: First, this agreement could not be wishful thinking. This agreement could not be something where we say, Well, yes, we’re going to go in over there, and, yeah, since they asked for it, we are going to go in and we'll work it out, and then we'll implement it. No, we could not do it that way. I feel that we will be a refuge for disaster. I would have thought a sizable amount against the parties at Dayton really drawing up an agreement in this conference detail, that as I said one night in a meeting at the White House, we have to decide which peach orchard is in what entity when you draw these lines. It had to be in that kind of detail.

A second element was that the firing had to have stopped. That was a commitment agreed to by everybody. The parties had to decide who got the irregulars, and we too will have stopped firing. And then we go in to maintain the peace.

What came out of the negotiations, as far as detail? I brought along a chart. This is a chart they agreed to in Dayton. The detail was to be 1 to 50,000 scale. This is a bridge just a few days ago. This is the separation zone. This area in here is an area that is an interim zone which the troops will move out of and back to these lines, and that is to occur within a stated time period.

What is the accuracy of this? An inch on this scale would be somewhere around 4,000 feet, and the center line that is the demarcation line that we will monitor, shown in the center of this zone, accurate on this scale map to within 50 meters, close to 160 feet. Now, that is pretty good accuracy.

We have the whole of Bosnia and Herzegovina. All of that area has this kind of a map. I could not bring all the maps, because 1 to 50,000 would have an area about half the size of that wall at the end of the Senate Chamber. But our section will be up in this area, around Tuzla, up in this northeastern part of Bosnia and Herzegovina, depicted here.

This is Tuzla, which will be the American headquarters out of which we will operate. We will be operating to keep these zones clear in here. Why do we need to do that? If they said that they wanted peace, they are tired of war, 290,000 people killed, 2 million refugees a small area, if they not all just sit down and say, Stop fighting, and that takes care of that?

One very good reason. The previous cease-fires that they have had in that area have been broken, for the most part, by what are called the irregulars. We were briefed on that when we were over there a few weeks ago. At least 20 percent, and some estimates run as high as 50 percent, of the combatants in this area are what they call irregulars. They are the farmers who go up and shoot, are up there manning a rifle or machinegun a few days, go back to their farms and somebody relieves them. They are not the people who are used to the usual military commands up and down the military structure.

What has happened on most of the past cease-fires, and they have had over 30 of them in these 4 years of war and they have always broken down, is that somebody gets up there, triggers off a few rounds, the firing spreads and so forth and soon the cease-fire has broken down.

So the situation we find ourselves in is we have an agreement. I would not have thought it was possible to reach a
the kind of agreement they did in Day-
ton. It is detailed. The borders are es-
established. It has been initialed. It is laid out on the 1 to 50,000 chart right here. In the local areas, they will have charts to a bigger scale, of course. The firing line is not going to be stopped, and the cease fire held while these negotiations were underway, by and large.

When we go in, it will not be to fight our way in. It will be to go in and man these zones that keep the combatants apart. One reason that is a 4-kilometer wide no-fly zone is that the smaller area would not be used across a zone. There are 2 kilometers on each side of that center mark down the middle of that zone.

We will keep the forces separate. They say—they say, not us—they say that they want peace. We have helped them negotiate an agreement, and surprisingly, it is in enough detail that you can pick out which orchard is going to be where and which road intersection is going to be where. It is in the kind of detail. Where we go over there, we will not go into areas where there is any active fighting that may have popped up again. We are not going to sqelch someone, we are not there to fight a war on one side or the other. We are not to set up a separa-

The question was asked on the floor here, what is our military task? Mili-
tary tasks were agreed to at Dayton. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff and the Secretary of State have re-

Our job will be, first, to go in and su-

Let me add one thing here. Why us? Why do they want our involvement? Why do they say they would not go along with just the other members of NATO unless we were involved? It is rather simple. They trust us and they do not see Europeans in their country and they have said that. This was stat-
ed to us in numerous briefings. They do not trust the others, but they do trust the U.S.

Our job will be, first, to go in and super-

First zones will be marked, then military forces will begin moving out of the zones back into their respective national areas. The Serbs have said that they will have failed the peace agreement that they asked us to negotiate, that they came to Dayton for, for which they asked us to negotiate, that they will have failed, not us. We will have failed the peace agreement that they asked us to negotiate, that they came to Dayton for, for which they stayed 3 weeks, 21 days, and they will sign in Paris the day after tomorrow. 

Now, does this leave us? Well, it leaves us, I think, with reasonable risk. Nothing is without some risk, that is true. Even when we have ma-

If the parties decide that they want out of the agreement—we are al-

So this idea that we do not have clearly defined military tasks is just not true.

Once again, I am still somewhat amazed that everybody agreed to all these things in Dayton and has said that they would cooperate with us. If the parties decide that they want out of the agreement—we are already agreed, the NATO Ambassadors have said, General Joulwan told us dur-

The benefits that can occur for the future are huge. NATO, for the first time, will have been moving out of their normal area. So, in that respect, it is an experiment. What has happened is, our military area that we are going to man as part of this force will be up here in this northeastern part. The British will be up in here. The French will be down around Sarajevo and down in this particular area down here.

Now, what are some of these groups that will be coming in? Well, those are being worked out right now, as to who will do what. But NATO itself will not be responsible—the NATO troops there will not be responsible for all the nationbuilding efforts.

I might add that, as far as risk goes, you know, I wondered one day how many people in the Peace Corps we had lost overseas, so we made an inquiry. It turned out that the Peace Corps, which obviously includes many thousands of people and many places around the world, we have lost 224 people in the Peace Corps that have died overseas in accidents, of disease, whatever. I think that is inter-

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of the world, it is liable to erupt again sometime in the future, and that would not be good for them, or us, or anyone else.

If we cannot begin to see the benefits of peace in a year, then maybe it is impossible. Maybe it is. There is no one for the Balkans. There is no one for them. And there is no one for us. The people of the world come around, it is up and down, but generally up. It is a more peaceful situation than we might have thought was absolutely impossible. They will sign this in Paris. It is their peace. All we do is help them implement it. It is their peace. If it breaks down, it is not our failure; it is their failure. I look forward to the continued debate tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am one of the cosponsors of the Hutchison-Inhofe resolution. It is a brief measure. It makes clear the views of this Senate on the situation. I hope that the body in opposition to the actions and the decision by the President concerning Bosnia.

In clear and unambiguous language, our resolution presents absolute support for the men and women of the Armed Forces who are being deployed under the President's order related to Bosnia. They are and will do their duty, and they have earned and deserve our country's unqualified support to meet their needs.

We also have to support their families while they are away, and no matter what we do or say regarding Bosnia, it is the duty of this Congress to provide for the security and welfare of the families of these men and women in the defense forces.

Now, virtually every Member of this body, I think, has spoken at least once on this tragic situation in Bosnia. What the Senate is doing now is to focus on the challenges and the threats involved in this Dayton plan for the United States and to determine whether we should, for the first time, mire ground forces in this centuries-long conflict in the Balkans.

I have listened with interest to my friend from Ohio. There is no one for whom I have greater respect and fondness. I find that we have come away from the Balkans—traveled the Balkans—together—we have come away with diametrically opposed views.

I was interested in particular when he mentioned that Bosnia and Herzegovina is 20,000 square miles. Mr. President, my State is 566,000 square miles and we are one-fifth the size of the United States. I wonder, if all firing has stopped, how we go about making a decision.

I think we stand a very good chance of doing that. I support the President's move, and I hope that we can send an overwhelming message of support, because I do not want to have the people over there thinking that we are a divided nation back here. That would be the worst situation that we could possibly have.

Mr. President, I am optimistic at this point. I think we have come a long way. We went through negotiations we did not think were possible. They have agreed to it. Heads of state stayed in their rooms 21 days. One day we would have thought was absolutely impossible. They will sign this in Paris. It is their peace. All we do is help them implement it. It is their peace. If it breaks down, it is not our failure; it is their failure. I look forward to the continued debate tomorrow morning.
Bosnia, and I paid particular attention at that time to the remarks of General MacKenzie, who was a Canadian and the commander of the U.N. forces that were then struggling to end the fighting. In an interview about that time, he was asked what he thought about the calls from some in the Congress to take military intervention, or at least send a strong military backup to the Bosnia area, this is what he said, quoting Gen. Louis Mackenzie.

Well, I say it's that if you're going to jump from chapter to chapter 7 of the U.N. charter and move from peacekeeping to force, then you better get the peacekeeping force out first.

Mind you, Mr. President, you better get the peacekeeping force out of there.

Otherwise, you got 1,500 to 1,600 hostages sitting there 300 kilometers from the nearest secure border. You can't combine these two.

And if you're going to get involved in the Balkans, then we better read a bit of history, because we're talking about an area that gobbled up 30 divisions during the last war. Unsuccessfully, by the way, in keeping the peace in Yugoslavia. Unsuccessful in tracking down Tito and finding him in Macedonia. Unsuccessfully, by the way, in keeping the peace in Yugoslavia. Unsuccessful in keeping the peace in Yugoslavia.

So you're talking about a very, very major undertaking.

Not only that; when they leave, with the amount of time this has been going on, on both sides, it's going to break out and start all over again unless you come to some sort of political constitutional solution for that country.

Mr. President, there is no constitutional solution in Bosnia. There is no peace, really, in Bosnia.

It is discouraging that, after the 2 years that this has gone on, and the incalculable suffering by the people of Bosnia, the President has finally acted. And in my view he has made the wrong decision.

Two years ago, following a mission in Bosnia with a delegation of Senators to the NATO south headquarters and the Bosnian president, I came to the conclusion that only a military balance in the region would bring a permanent end to the fighting. This administration consistently opposed that strategy, long advocated by the majority leader, Senator Dole. Now, administration officials define a military balance as a key component of our exit strategy from Bosnia. How is it that aiding the legal Government of Bosnia to defend itself was wrong for so long, and now defines success for this deployment?

American soldiers, air crews, marines, and sailors will now be placed in harm's way because this administration failed to do what so many of us urged—permit the legal Government of Bosnia—permit the people of Bosnia—to defend their country, and their lives.

The question now is whether we will approve putting the men and women of our Armed Forces at risk, to recover from the mistakes and errors of the past.

In October, Senator Inouye and I led a bipartisan delegation to review the NATO peace enforcement plan, and evaluate the situation on the ground in Croatia and Sarajevo. Let me state now that our discussions with military leaders at the United States European Command headquarters in Stuttgart made clear that our troops have been well-trained and well-prepared for what they do not. They do not agree with the President's decision, I applaud the leadership exercised by General Shalikashvili, Admiral Smith, General Crouch, and General Hawley—they have done everything in their power to prepare our troops to protect the Bosnian people.

We may face casualties in Bosnia—every military commander we met addressed the risks there. But we were assured that those casualties will not be the result of indifference or failures by the Department of Defense to do its job to make the force ready. This is a superb force that the President has ordered to Bosnia, will bring credit to the military, and to our Nation, regardless of the challenges of the Balkans, of that I am sure.

But, if the situation in Bosnia was unique, a compelling case for United States intervention might be made. Sadly, the killing, the suffering, and the devastation in Bosnia represents what could be a new and frightening record of civil strife around the world. Even more troubling is that Bosnia may be only a warning bell for severe disruption and conflict in other former Communist nations, including the former Soviet Union itself. We must not forget the fact that we are watching the disintegration of Yugoslavia.

In Africa, Central Asia, and the Far East, we have witnessed, without deploying United States troops, slaughters and tyranny in Ethiopia, Sudan, Mozambique, and Angola. Where we did intervene, in Rwanda and Somalia, our efforts resulted in only a temporary lull in the killing, or in the end, completely failed, as when we tried to mix humanitarian aid with nation building in Somalia.

In Asia, we turned away from any responsibility despite the terror in Sri Lanka, in Burma, and the decade of killing in Cambodia. In Cambodia, peace was accomplished when the parties were tired of fighting, and the United Nations provided a framework for reconstruction, led by Japan and Australia—key regional powers.

The former Soviet Union and associated states are in an entirely separate category of potential future conflicts. Already, we have witnessed fighting in Georgia, Azerbaijan, Tajikistan, Armenia, and Chechnya. We in Alaska watch closely developments in Siberia, and I predict to the Senate that we will see unrest and perhaps the fragmentation of that corner of the former Soviet Empire before the end of this decade.

Many of these nations are artificial. We should recognize that the former Soviet Union, within the former Warsaw Pact, and within the former Yugoslavia, these are not natural nation states. Today in many of the states long simmering rivalries, feuds, and clan conflicts that were suppressed by brutal, authoritarian regimes continue to surface. People did not accept Communist dictatorships, they lived in fear of them. They chafed under that control. And under that control, a nation that erased their traditional boundaries. And now they are acting on desires for self-determination to try to restore the past.

Bosnia is not the first nor will it be the last of such former Communist nations. The precedent set by the President on how the United States will respond to these conflicts will haunt the United States for years to come.

I do not know how this administration reached a value judgment that a life in Bosnia is more significant than a life in Chechnya or Armenia. And I would ask, are the threats to Turkey from unrest along the Black Sea of less interest than the assigned threats to Greece from the unrest in the Balkans?

I really do not know how the President's equation works yet, Mr. President. What future commitments has the President made by this decision to dispatch forces to this region? Based on our discussions with U.S. military leaders in Europe and the hearing before the defense appropriations subcommittee, which I chaired, I found no basis for any claim that a broader war in Europe could emerge from this conflict. We have heard that again here today.

There is simply no likelihood that troops from this 20,000 square mile area will march on Greece, or that Croatia will march on Italy, as a result of this centuries-long hatred in the Balkans.

Any suggestions that this civil conflict will ignite world war III to me is farfetched and irresponsible. And I say this with no disrespect to Secretary Perry and General Shalikashvili. I told them of my conclusions following our trips to Bosnia, in private meetings and public hearings.

This deployment may be more about fulfilling the President's hasty commitment to NATO leaders. It may be one to assert a new dominating role for the United States in NATO affairs.

To me, it is not a commitment to prevent the spread of war to Southern Europe. I find it very interesting that in the past, many on the other side of the aisle scoffed at the domino theory which was raised with regard to Europe, Southeast Asia, or the even the Middle East during the gulf war. It is remarkable now to hear that this civil war in 20,000 square miles of Bosnia may spill over and proliferate into conflict in Greece, Turkey, Romania, or Albania. All have been mentioned here on the floor, Mr. President.

Procedurally, there is no basis in the NATO Treaty for this mission. The NATO Treaty defines a defensive relationship between the signatories focused on mutual defense. This action takes NATO in a new and uncharted direction. The President does...
so now under circumstances where the NATO alliance is described as so weak that America choosing not to participate in this mission could destroy that alliance. Those are not my words. That is what we were told at the NATO headquarters we visited in Brussels. NATO officials told our delegation that defense spending cutbacks by some NATO members have so reduced their military forces that they simply cannot do more than provide token units to the NATO implementation force. If the U.S. were to pull out of the 12-month mission, it is my belief that NATO would collapse. I do not see why we should provide a military force for Europe because of the threat that NATO would collapse. I think that is one of the most remarkable statements I have heard.

Is it true that our allies that we joined together to defend against the monolithic Soviet Union are incapable of containing a small conflict in 20,000 square miles of Europe? We are the world’s only remaining superpower. The budget that I helped present to the Senate that the President approved for the Department of Defense, the President did not cut, but it does not keep pace with inflation. And I say to the Senate that the bottom line is this Nation cannot provide for Europe’s defense and Asia’s defense and the Middle East’s defense. The American taxpayers should not, cannot, and will not shoulder this burden alone. If NATO cannot do this without us, is what is that NATO can do now?

I have probably attended more NATO meetings than any Member of the Senate. But I also am proud to be a leader of NATO that if we did not participate in this mission, NATO would collapse. Mr. President, I will vote for the Hutchinson-Inhofe amendment. I am proud to have worked with them and so many of my colleagues to bring this matter before the Senate. I hope to be able to support also the leader’s resolution. I hope it will come before the Senate. In my opinion, the Senate must not only make a clear commitment to our Armed Forces, which the leader’s resolution will do, but I think we must have a resolution that will go to the President and that he must sign that defines, I say, the v-a-v-is the Bosnian Moslems, but also the exit strategy that we should pursue.

I do not enjoy finding myself in opposition to any President. Our Constitution makes the President the Commander in Chief of our military forces, and he has the authority to command. He has the authority to deploy these forces. But the Constitution gives the Congress responsibility also to provide for our common defense. How can we provide for our common defense if Presidents continue to send our forces throughout the world for humanitarian and peacekeeping efforts to Haiti, to Somalia, or wherever it might be? I believe we are weakening our defense every time we use defense money for peacekeeping measures, and we will pay the price.

I only need to point out the number of ships we are able to build a year. I quote it today, Mr. President. We build about six or seven now, and they have about a 20-year average life. How can we possibly keep a 350- or 400-ship Navy with the current rate of procurement for Naval forces? Or look at the Air Force; it is coming down so rapidly that it will not be long until we will have tanks to send people to war that were built by their grandfathers.

The defense budget is not, as the President said, an overloaded budget. It is an underfunded budget from the point of view of modernization, and that is really the problem we have here.

I do not believe the American people want our troops in Bosnia. I think they want our troops to protect deeply the Bosnian Moslems. They want us to be able to keep our commitments abroad.

I do not believe a majority of the Congress should support the President’s decision to send troops to Bosnia. In fact, last year, Congress did not consult the Congress, or consider our views—particularly the views of some of those who were sent to Bosnia to bring back a report to him.

This decision sets a very disturbing precedent for me, Mr. President. I do not think the debate will change the policy the President has embarked on. I hope that some of our allies are listening, and I hope more people question our becoming involved to save the NATO can do now?

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to $6 billion, not counting what some people believe will be an extensive foreign aid package as we leave.

Now, I think we would have spent something that is equally important, certainly more important than the money that is our credibility. It would have been in vain. We would have paid a price. We would have had another failed mission, Mr. President, at a time when the U.S. military does not need another failed mission because of the leadership that has been provided to them.

So with that definition of success, what is the likelihood of success? I think that if you look to the past or you look to the present or you look to the future, there is very little, if any, likelihood of success. These people have been warring with each other for hundreds of years. We have had 34 cease-fires before this one. No one has made a credible case yet that they are not just taking another pause in the hostilities, because they themselves are creature of the time of a bitter winter when they could not do much anyway.

Also, apparently, none of the parties engaged in this process believe that the other side will be peaceful. We cannot create peace, Mr. President, until the parties themselves want peace, regardless of the actions that we take. Historically, they have not wanted peace for a long time. With the mass murders that have taken place just within the last few years, I do not think that the Croatians and the continued atrocities and ethnic cleansing that continue to go on, those feelings are not going to subside overnight, regardless of what has been put on a piece of paper in Dayton, OH. They are still there. They are going to linger there. Evidently the Croatians and the Bosnians did not think that the Serbs wanted peace. They would not even sit down to the table unless the United States was there. Evidently we do not think the Serbs want peace because one of the conditions that is being talked about so much is that we must equalize the forces. We would not need to be so concerned about that if we did not think the Serbs still had aggressive tendencies and would exercise those tendencies the moment that we left.

What about present circumstances? Are there any indications of success from this policy under present circumstances? We cannot just look and see what has happened since Dayton and come to the conclusion the answer is no to that particular question. We have the leaders over here, some of whom probably are trying desperately to keep from being branded war criminals, making policies and putting things in an extensive document that their very people back in Sarajevo and other places in the area are denouncing and saying they will never live under—certainly not encouraging conditions.

Are we debating whether or not we are nation building, and everyone seems to agree that we certainly do not want to get into nation building. I would suggest it is more than that. It is apparently nation creating. Apparently the document calls for the creation of a new nation, basically divided in half, populated by three ethnic groups which have been warring with each other for centuries.

What is the likelihood that we can go in there and create that kind of new government—or not create it. In all fairness, I must say, it is not our job to create it, but it is our job to monitor and enforce the agreement, whatever that means. Monitor and enforce the agreement. As I understand it, one of the goals is to build down, as they say, the arms on one side of this conflict and build up the arms on the other; presumably those folks who are losing the arms are going to sit back and allow that to happen. Apparently we are to monitor and enforce the understanding with regard to the refugees. As we know, some of these areas and some of these very homes have changed hands going to have people in one group being pushed out by people in another group, going to courts that are being run totally by one group. That is not going to be a very satisfactory resolution to the people who have been involved. If we are supposed to leave a balance of power. If there has ever been an indication where the United States or another country has gone into another area and figured this out from a piece of paper, got the people out, figured out how to create and enforce and leave a balance of power, I would like to know what it is.

Nobody seems to ask the other question: What does a balance of power do? Does that cause people to lay down those arms? Does it cause them to say we cannot fight now because we have a balance of power? I would not think so.

Some points that really must cause one to think have been made because the Dayton accord seeks to do with regard to the refugees. If there is ever been an indication where the United States or another country has gone into another area and figured this out from a piece of paper, got the people out, figured out how to create and enforce and leave a balance of power, I would like to know what it is.

I think it is important that we have a strong NATO. I think it is important what we do, but it is also important that NATO cooperate with us. And they failed to cooperate with us. The Secretary of State went around to the NATO countries hat in hand and asked for support and help to get this policy through that the U.S. Congress, I believe, was very firmly in support of, the President said he was in support of, and I think the American people were in support of. They turned a deaf ear to us.

We have been in position where apparently they have not seen their own national interest and vital interest of these countries very directly involved and convinced us in one fell swoop that it is in our national interest not to send any troops there. Not that we do not have any interest at all, but is our national interest sufficient for us to send ground troops? I think probably what this conflict did was catch us in mid-Redefinition of the role of NATO and our role in NATO. We have built down from over 300,000 troops in the NATO countries to around 100,000 or so now. Obviously, we see a different situation now that the cold war is over. We do not have that big threat of aggression to the NATO countries, we now have the superpower. It is a different world that we live in, no less dangerous world but a different world that we live in.

And the question here is a new one for us. That is, what happens, first, when you are engaging in not an aggressive situation but a so-called peacekeeping situation and, second, it does not involve a NATO country? It does not involve a NATO country.

I certainly believe a case can be made that we can become involved and we could supply logistics, intelligence, and other areas that we obviously have capabilities that some of these other countries do not have, without supplying ground troops.

Should we be the one to initially step forward with a commitment to supply ground troops simply because we want to have some involvement or support in NATO? I do not think so.

So it is too late now with regard to this particular venture. But I think we are going to have to step back and redefine our role there because we cannot afford to let NATO pull us into any kind of conflict over there in another part of the world, that if they had done the right thing in this particular instance we would probably be in much better shape than we are in right now. Another argument that has been made, that is pause for concern to those of us who are opposed to the President’s policy here, is the charge of isolationism. And the charge is made that those who do not support the President are isolationists and do not see our country’s interests go past our own borders. That is not the case. That is not the case at all.

I certainly believe that we must exercise a strong role. One of the things that can be said positively about the United States is that we have taken a strong stand. Unfortunately, I think it is an incorrect stand. But I think it is the fact that he has taken a strong stand.
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If we had taken a strong stand somewhat earlier in this country with regard to this particular area, and others I might add, we would be in a whole lot better shape. We would have a whole lot more credibility, and so would NATO right now.

So I think many of us see that we have to exercise a leadership role. We do live in one world. We say that we do not want CNN running our Nation's policy, and it should not. But CNN is there. It is out there. When we see such atrocities in parts of the world, it affects us. It does not mean that we have to be involved in each and every one, but it affects us as a nation. And when we see in an area where we can take some action, such as lifting an arms embargo, for example, and we sit back year after year and do nothing, I do not think that helps us. I do not think that helps the United States of America and what we are supposed to stand for and what we are as a people. It does not do us any good.

And I think of that is true. But I feel like the policy here at hand is not only misguided, but will wind up fueling the very isolationist tendencies that the supporters of this policy decrie. Because it is isolationism that got us here, because we did not have the strong effort by NATO—and we as a country perhaps made some mistakes in not having a firmer hand in many different respects with regard to this part of the world some time ago.

But now if, as all indications would point toward, this turns out to be a failed policy, if hostilities resume, if we have to leave prematurely or hostilities resume after we have left, having spent billions of dollars and many lives of our young people, that is going to cause people to be very, very reluctant, much more reluctant than otherwise to get into the next conflict where we might have some national interest. And I think our goal should be to find a way to end this with a certain amount of wisdom, discretion. And the President should not come to the U.S. Congress and say that this is a fait accompli, and you should not look to the underlying policy.

That is what we are faced with here.

The role of Congress has been rendered essentially a nullity. As far as these resolutions are concerned, I feel like it is important that we express ourselves. But I think it is even more important than that. If we express ourselves here and the President knows that we do not take to the idea that we are not entitled to look at the underlying policy, if he knows that underlying policy will be debated—any President—and will have to see the light of day and the details will be examined and will not be rubberstamped, even if the troops are on the way, then perhaps it will change some Presidential actions in the future because those things are going to have to occur throughout the rest of our history if we were to assume. It is a much more dangerous world in many respects that we live in today than ever before.

So we have been presented somewhat with two bad alternatives. One is to support a bad policy; and the other is to do something which the administration would urge somehow undermine the effort. And none of us want to do that. And I do not like that policy. I mean by that like that; that Bos'ob's choice.

But on balance, I think it is much worse to establish a precedent that if a President can quietly enough and rapidly enough make commitments and then say they are a fait accompli, the Congress does not have the right or the obligation to look into the underlying action, that is a bad policy and I do not think we should subscribe to it, and therefore, I will support the resolution. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, from the beginning of the present Bosnian conflict during the Presidency of George Bush, I have opposed an immedimate American participation in it in any fashion that would risk the lives of young American men and women.

From the beginning of that conflict, during the Presidency of George Bush, I have favored the lifting of the arms embargo against the Bosnian victims of Serbian aggression, on the premise that it was not only unfair, but immoral to treat identically the aggressors and the victims of that aggression.

The Bosnians, it seemed to me, as it did to most Members of this body, deserved at least the right to fight for their own freedom—a right which they have effectively been denied.

Everything in history and logic and our intuitions told us to oppose the kind of action in which the President is engaged in at the present time. Even the peace treaty we are there in part to enforce is an unjust treaty which leaves the aggressors in possession of most of the areas which they conquered and in which they engaged in some of the most horrible war crimes in recent history.

In 1993, some 2 years ago, President Clinton made what appeared to be a casual remark to our European allies. He promised that American Armed Forces, specifically ground troops, would participate in a Bosnian peacekeeping effort if and when the peace were reached. I am convinced that then, as today, President Clinton did not understand the consequences of that promise, especially as it came as a promise from the leader of the free world.

Mr. Clinton's proclivity to tell people whatever they want to hear at the time in which they want to hear it is well documented here in the United States. But what the American people will perceive simply to be a flaw in the President's three year term is that the rest of the world could precipitate a catastrophe in our foreign policy.

And so, Mr. President, as we meet here this evening, after the President's commitment, not only in abstract terms in 1993, but in concrete terms just a few weeks ago, the question is no longer whether or not we as individual Members of the Senate agreed with that promise or supported the President's policy.

Charles Krauthammer wrote in the Washington Post last Friday:

"It does not matter that we should not have gone into Bosnia in the first place. It now matters only that we succeed.

"And namely, I find that to be the absolute and incontrovertible truth. Let us not fool ourselves that this is an easy task. We are going into Bosnia to create or perhaps to preserve in part a pause in fighting between bitter, 600-year-old enemies. Success will not be easy. But now that we are there, now that we are the leaders of the NATO forces in Bosnia, it is absolutely essential for the future of this country, as well as for the future of NATO, that we succeed. As a consequence, our first task is to define success."

"Are we going to build a parliamentary democracy in Bosnia?"

"Of course not. Are we going to reconcile six-century-old enmities after hundreds of thousands of people have been killed and displaced in a 1-year period? Of course not.

"Then, Mr. President, what is the definition of "success," assuming that the President keeps his commitment to withdraw our troops at the end of a 1-year period?"

"Is it possible that the definition of success, it seems to me, is that when we leave, the Bosnians are able to defend themselves against further aggression; that a peace, not arising out of reconciliation, can at least arise out of a balance of power and a feeling that the acts of the last 5 years cannot be repeated."

"It is exactly at that definition of success that the resolution proposed by our distinguished majority leader, Robert Dole, is aimed. The vague and uncertain promises that the Bosnians be equipped in such a way that they can defend themselves in the agreements in Dayton are sharpened and strengthened in this resolution by the insistence that we assure that these people, these victims, be able successfully to defend themselves at the end of a 1-year period."

"If that is the case, Mr. President, and only if that is the case, will we and our NATO allies be able to leave Bosnia without an automatic renewal of the civil war. And only if we are able to leave without that automatic renewal taking place, can either we or NATO claim to have been successful."

The North Atlantic Treaty Organization has been the centerpiece of the foreign policy of the United States since 1948. It has been and it remains vital to the peace not only of Europe but to the rest of the world that NATO continue to exist. As a consequence, even though NATO may have, as I believe it has done, made an erroneous and unwise commitment, and even though the President of the
United States may have done and has done, in my view, an unwise thing in entering into this commitment, we now must honor it. We must honor it in a way that protects, to the best of our ability, to do so, the security of our troops on the ground during the time that they are there and gives some reasonable degree of assurance that the war will not recommence immediately upon our leaving.

Mr. President, every one of us in this body knows that the Congress of the United States will not and cannot exercise the only full authority it has, and that is to cut off any funding for this Bosnian venture. A Presidential veto on the assumption that there might be a majority in both Houses for cutting off that funding would not be overriden. The President has committed our troops to Bosnia. He is going to carry out that commitment, whatever the oratory on this floor, whatever the resolution that passes this body. We, therefore, must be wiser than the President has been, must try to see it that the troops who are there are there under the best possible circumstances, as undesirable as those circumstances may be. We must try to see that they are there where in this far-off land without the Christmas, is going to be off somebody's daughter that, probably prior to someone's son and there is something about this decision 2 years ago. But there is somebody's son and there is somebody's daughter that, probably prior to Christmas, is going to be off somewhere in this far-off land without the full support of the American people for having them go there. They will have the support of the American people and this Senator's support when they get there, but that does not mean we have to endorse the policy of sending them there.

I do not think it is important that people understand that, yes, we are debating it and, yes, the President made this commitment 2 years ago. But there is somebody's son and there is somebody's daughter that, probably prior to Christmas, is going to be off somewhere in this far-off land without the full support of the American people for having them go there. They will have the support of the American people and this Senator's support when they get there, but that does not mean we have to endorse the policy of sending them there.

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it does not—and when casualties occur? I remember that, too. In Vietnam, Mr. President, very clearly. I remember when there were 2 or 3 a week, and I remember when there were 350 a week coming home dead. The American people, the best of the best in the world, because they never supported it in the first place, and brave young men and women died because of that. That could happen this time, and I cannot believe that we are allowing it to happen again.

When will we ever learn from history? A year ago, it was widely reported that the President offered up to 25,000 American troops to help withdraw the U.N. protection forces from Bosnia. I joined many of my colleagues right here on this floor voicing serious reservations with that proposal. It is strangely ironic that 1 year later the President has committed roughly the same number of troops from the same service elements to enforce a peace agreement of today that has not even been signed. Maybe it will be signed in the next day or so; maybe it will not. But we are already going to send troops, are we not? We already made the commitment. We hear people from all over saying we are not going to support it. So we are going to put our American forces there in harm's way, without a peace treaty that we know will work.

Is that our responsibility? Why? Because CNN carries bloody footage every night from the war? There are other places where blood is let every day, and we are not there—Ethiopia, Somalia. We were in Somalia, but we should not have been there either. There is at least the appearance that when Congress closed the front door on Bosnia deployment, the President decided to sneak around the back door to get the American troops involved. That is what he said. He made an incorrect decision.

The President has stated that our troops will only be deployed to Bosnia for a year. He has not articulated what the specific mission will be. He has not defined a concise timetable or sequence of milestones for achieving our military objectives. How can he possibly say that American forces will be there for a year? He does not know that. Sure, he can pull them out in a year, regardless. All sides know that. So if I were in Bosnia, I would do one of two things. One, I would absolutely harass American forces to try to create as many casualties as I could and get us out, or I would sit back and do nothing and wait for a year. And, in the meantime, during that year, how many Landmines do American forces suffer? How many people die in simple motor vehicle accidents, or airplane accidents, or other combat-related accidents, in the line of duty? Does the President have any interest in the war? We do not know.

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When we debated here—I do not want anybody to accuse me or anyone else who takes the other side that we are isolationists. I was not an isolationist when I served in Vietnam, and I was not an isolationist when I supported every Defense bill. We were talking about the American people. We were talking about the Armed Forces of the United States. It is not what they do, it is what they do because they are trained to do. They do it better than anyone else in the world. That is why we stopped Nazi Germany in World War II. They do it because it is their duty to do it. It does not mean we should ask them to do it. They do not want their sympathy. They go where they are asked. They are the bravest, most ready military force in the world, and they do their duty. They do it better than anyone else in the world. That is why we stopped Nazi Germany in World War II.

The American people overwhelmingly oppose this policy. They oppose the commitment of 20,000 ground troops. Everybody knows that. Look at poll after poll. That is the issue. The White House spin does not cut it. Public relations gimmicks does not work. Nothing is going to change them.

Let me briefly, for the benefit of my colleagues, highlight what I see to be the critical unanswered questions associated with the President’s Bosnia policy: First, what is our exact mission in Bosnia? What are we supposed to do? Are we there to make peace? I ask everyone to listen, are we there to make peace, keep peace, enforce peace, or monitor peace? Which is it? Are we neutral? Are we even-handed, or are we realigned with the Bosnian Moslems? Which is it: Keep peace, enforce peace, very much. The issue here is not whether our Armed Forces should be called upon when necessary to defend our interests abroad; rather, the issue is, when, where, and under what circumstances is it appropriate to deploy U.S. military personnel in and out of the United States. The decision of the President is all about. It is troubling to me that even after 3 years of on-the-job training the President still—still—does not understand the proper role of our Armed Forces.

Mr. President, did you sometime in your meeting 15 or 20 minutes before I came here to the floor. We were talking about the Defense budget. We were talking back and forth, back and forth among Members of both sides of the aisle. A couple of comments were made. Well, we do not think the President will sign this bill. The President is not going to sign, we are hearing, he is not going to sign the Defense authorization bill which provides the support, increases the pay, by the way, of our Armed Forces. The President is talking about making a commitment to go to Bosnia. He is not going to sign a bill to give them a pay raise. That is what is being threatened, hung over our head every day. But he made a commitment to somebody in NATO to protect their interests. We are not even out consulting the American people. Without consulting anybody, he made that commitment.

I think he has a commitment to those he is sending that he ought to do. If he vetoes the bill, he is not supporting him. Anybody that says he did not like everything in it, let me tell you, what is in it is the funding for those people that he is sending.

So when we debated here—I do not want anybody to accuse me or anyone else who takes the other side that we are isolationists. I was an isolationist when I served in Vietnam, and I was not an isolationist when I supported every Defense bill. If he vetoes the bill, he is not supporting them. Anybody that supports every Defense bill, he is not supporting them. Anybody that says he did not like everything in it, let me tell you, what is in it is the funding for those people that he is sending.

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monitor peace, make peace? Are we neutral, are we even handed, or aligning with the Moslems? Does anyone know the answer to that question? No one knows the answer to that question. What is the difference between making it clear to theMoslems, to all the peoples, we are for peace, or monitoring peace? No one knows the answer to that question. The President does not know the answer to that question. It has never been clearly delineated.

Second, why are we deploying for 1 year? Where did that come from? One year—we just pick these guys up, 9-1-1 force, send them over there for 1 year. Why not 10 months? How about a year and a half? Fourteen years, 14 days, 2 years, 11 years—where did 1 year come from?

Can you imagine if Franklin Roosevelt had said after Pearl Harbor, “We will take your boys and send them out for 1 year. If we win the war, we will come back in 1 year. If we lose the war, we will stay there for 1 year.” This is not Franklin Roosevelt in the White House right now. He does not understand, you cannot make a commitment like that. You do not tell your enemies what you are going to do ahead of time. We do not know exactly what the mission is, how do we know how long it will take to complete it? What sequence of milestones have we established to determine our progress?

What happens if after this year, this little arbitrary year goes by, what happens if we have not achieved our objectives—we do not know what the objectives are, but assume we have not achieved them whatever they might be—what do we do then? Pull the plug? Leave and concede that the whole operation was a waste?

How about that phone call? “Mrs. Jones, we stayed there a year, we took thousands of lives; one life, one, is too many; one life. We have already spent billions on military operations in and among the Moslems; does anyone lives or the possibility of lost American lives— and one life is too many. We have already spent billions on military operations in and around the Adriatic. Navy steaming from the North, and 12 years later we left. And 2 years after that, the North Vietnamese tanks rolled back into South Vietnam. We saw it in Somalia. If you do not like the Vietnamese example, you think it is too hard on the President, you look at it. It is easy to get the troops in. It is a little tough to get them out, though.

The troops are deploying to this treacherous terrain in the middle of the war; there is no infrastructure to support tens of thousands of soldiers. Towns that are being vacated by the Serbs under the peace agreement, told they had to vacate, are being burned and sacked and ravaged. Shermanesque burn. Are they going to be living in? Tents? Is there housing over there?

If they are not going to live in tents, and many of the houses are being burned, and we have thousands of refugees that the President says are going to come home, with a shortage of housing, where are we going to quarter our troops? Did anybody think about that?

How are we going to transport the heavy equipment and how do we transport the Serbs with few roads that are in shape to be able to pass on? Are we going to have to build those roads and build those bridges? While we are building roads and bridges, who is going to be protecting the folks that are doing the building of the roads and bridges?

The Senator from Tennessee a short while ago talked about this. At what point do we get sucked into the role of nation building? Nation building? He even used the term, the Senator from Tennessee, Senator Thompson, said “nation creating.” Arbitrarily, we take a map in Dayton, OK, and we say: “Here is a line here. Here is a line over here. If you are a Serb, you live on this side of the line. If you are a Moslem, you live over here. If you are a Croat, you live here. If three of you live in the same town, we will split the town up a little bit.” That did not work in Berlin and it is not going to work here. It is not going to work here. So we are going to have to nation build. What happens when we leave?

What about the Russian brigade that came pilots and learned to fight for the Russians on? Who have they been sympathetic to in the past few months under this President’s policy? Bombing the blazes out of them. Are the Russians going to sit back and allow the Moslems the opportunity to achieve military parity? Are they going to let that happen with their clients, the Serbs? I don’t think so.

And what happens—I am asking a lot of interrogatories here, but there are a lot of lives at stake, and we ought to ask these interrogatories. If we had asked them in the Vietnam war, we would not have lost 58,000 people. What if the Russians do not view us as being evenhanded, and they take action against the Serbs? What if they do attack our troops? What happens then? What happens when the Russians and the Americans have a flareup over who is supporting whom? What happens then? How do we increase the military capability of the Moslems without involving or jeopardizing the security of American ground forces?

I remember this debate a couple of years ago. We were talking about it during the Bush administration. We were talking about it during the Clinton administration. The words “ground forces in Bosnia was like raking your fingers across a blackboard. It just sickened you to think of. You could just feel how much it hurt just to think about it. I never believed that we would get to this point. Yet here we are.

Even if the U.S. forces are not actually delivering the weapons, and even if they are not training the Moslems, how do we avoid being linked to the Moslems? The President knows we are linked to the Moslems. They know that. So, ironically, you have a situation where it could be beneficial to the Moslems to instigate some attack and blame it on the Serbs. Or vice versa. It could happen. Do we do that? Is Lebanon all over again? Do you remember Lebanon?

(Mr. BROWN assumed the chair.)

Mr. SMITH. Another question. What about the thousands and I mean thousands—of Iranian fundamentalists who are already in the region supporting the Bosnian Moslems? They are not exactly our best friends, Iranian fundamentalists. How do we defend against terrorism or sabotage from the Moslems who are already in the region?

Do you see what we have put our American troops into? Is that what they are trained to do? Is that why they went to Ranger school? Is that why they joined the Marines and became pilots and learned to fight for the security of their country? Is that what they did it for? Is that what they were trained to do?

Since I have had a lot of “what abouts”, what about the Serbs? How do they fit into this mosaic, this very fragile mix? How will they view the buildup of Moslem military capabilities? Are they going to be supportive? Or are they going to be threatened? Will they be emboldened to reignite hostilities against the Serbs, knowing that U.S. troops are in their corner either directly or indirectly? Who knows?

Let me go to the final question. What about the cost, not only in American lives, but the possibility of cost-American lives and one life, one is too many; one life. We have already spent billions on military operations in and around the Adriatic. Navy steaming...
hours, rescue operations, no-fly-zone enforcement, offensive military operations, and now the preliminary ground deployments have been enormously expensive. This has been taxing the military over and over again. Mr. President, 911 in Cuba, 911 in in Iraq, 911 in in Bosnia. You think those dollars do not come from somewhere? You think they do not come out of training? Or housing? Or something? Some military equipment? Flying hours? You bet they do.

What is the President supposed to do? Cut the defense budget. Do not give them the $7 billion; we do not need it. Cut it. Do not sign the defense bill. Threaten us. We have been threatened for the last 3 months by administration personnel here, and I know because I am on the Armed Services Committee and I have been involved in those threats. “We are not going to sign it if you do not do this or you do not do that.”

The administration estimates the 1-year cost in dollars will be an additional $2 billion. How are we going to pay for this? What other programs will become the bill payer? How is readiness going to be affected? How will this deployment affect our ability to fight? We have two major regional contingencies, as called for in the Bottom-Up Review conducted by this President? That means two major contingencies. It means, for example, if war broke out in the Persian Gulf, it would not just be Bosnia. I believe the President has articulated a clearly defined mission. I do not believe he has articulated a rationale. And I believe as deeply in my heart as I can that it is a terrible, terrible mistake to send American troops to police this region, to intercede and to take sides in a centuries-old conflict.

And if we get out of there and we do not take casualties and we accomplish it, God bless us. I hope that happens. But is it worth the risk? And the answer is, no, it is not, and the American people know it.

We are taking sides in this case. We are not going in there as strictly peacekeepers. We have already taken sides, just as we did in Somalia, and we paid for it when one of the warlords, Aided, attacked our troops, just as we did in Lebanon when we took casualties. In each case, we paid a terrible price—a terrible price.

When are we going to learn from the mistakes of the past? When are we going to learn from history? I hate to say this, but I like to call it like it is. It is something that just makes it worse for me, and people are going to accuse me of taking a cheap shot. And I am not; I am just stating a fact.

This President, when he was called to go to Vietnam, went to Europe and protested the war. He now is ordering these people into combat—possible combat, possible harm’s way—without a mission clearly defined and without the support of the American people. There is no small irony there, Mr. President.

If we authorize this misguided deployment, and I know we will, or, even worse, if we acquiesce in it, and I know we will, we are just as culpable for its consequences as the President who sent them there—just as culpable.

I ask my colleagues to think it over very carefully. Are you prepared to accept the responsibility for what may occur there? Are the potential costs worth it in dollars, in lives? What do we gain? If we are successful—and I think any reasonable person would say we might have a few years of peace, maybe, if we are lucky—we have a lot to lose, a whole lot to lose.

I have two teenaged sons. I can tell you I will have weighed the pros and cons. They are not of military age yet, but they are not far away. No matter how I do the math, no matter how I do the math, each time I come up with one inescapable conclusion: We should not be sending America’s finest to Bosnia.

And I have to ask myself, would I want to send them there? If the answer to that question is “no”—and it is—then I am not going to send anybody else’s there with my vote.

Bosnia is not our home. It is a terrible tragedy. It is not our security in jeopardy. It is not our fight.

When I think of the blood that we shed for Europe over the years, what is the deeper role of the United States in the continent of Europe, half of it, how could we be criticized for passing on this one? Mr. President? Does that make us isolationist? Give me a break. We cannot afford, nor do we have the moral authority, to be the world’s policeman. The world’s leader, yes; the world’s policeman, no.

This is a European conflict. The Europeans themselves ought to resolve it, they can resolve it, they can do what they have to do with NATO—not at all to do with NATO. It is a phony issue. The NATO charter does not even mention Bosnia. They are not members of NATO. NATO talks about collective security; collective response when one of the nations of NATO are attacked. It has nothing to do with NATO. Do not listen to that phony argument. It is not about isolationism. It is about internationalism. It is about the deeper role of the United States in international affairs. That is what it is about: the proper role of the Armed Forces in international affairs. It is about keeping faith with the men and women who so selflessly serve our Nato forces in uniform day in and day out, deployed all over the world. That is what this is about.

During this century, we spent hundreds of billions of dollars defending Europe against communism and against fascism. We sacrificed hundreds of thousands of American lives in Europe in World War I and World War II. Then, after we finished, we spent billions more under the Marshall Plan to rebuild Europe and the Cold War. We maintained a robust military presence in Europe throughout that Cold War, and we equipped our NATO allies with sophisticated state-of-the-art aircraft and weaponry. And they used it, and with their forces to end this conflict, if they think they can end it.

We have done our part. We have done it. How can anybody accuse us of being isolationist? We have not support sending American forces into Bosnia after all we have done for Europe? We have earned the right—we have earned it—to sit this one out.
There is no reason that our allies cannot begin assuming a more direct role in European security, and certainly no reason they cannot handle the Bosnian peacekeeping mission on their own. It is another 20,000 of their troops. That is all. And, if not, if this operation is on the floor of the Senate debating. They are the ones who will be away from their families at Christmas, missing their kids—not us. They are the ones who will be vulnerable to millions of landmines all over that are set there by all sides of the conflict. They are going to be vulnerable to anti-American fundamentalists roving the countryside. They are the ones who are going to be subjected to bitter hatred of combatants who have lost their friends and families butchered before their eyes.

Peace and reconciliation in Bosnia is a lofty goal, and I give the President credit for wanting it, as we all want it. But is it something that American sons and daughters should die for? Is it? Because that is the question. There is no other question that we deal with in this debate that matters except that one when you make that vote.

Is it something that those men and women should die for, whether they do or not? And let us pray they do not, but the question is, is it something they should die for? And I submit with the greatest respect to the President, the Commander in Chief, and to my colleagues, the answer to that question is no, it is not.

Let me end on one final observation. I vigorously oppose this policy, as I have said. But irrespective of the outcome of this debate, I will do everything in my power to ensure the safety and security of our troops. Reasonable people can disagree on policy, as many of us do here today, but I will tell you one thing, if this President sends them there, which he is going to do, this Senator is not going to be silent. I will vote, that is a vote, that decides and decides to veto the defense bill of the United States of America.

No, this Senator is not going to be silent. This Senator is going to speak up head to head with this President if he sends them there. That is not going to happen without the American people being fully aware of what is going on. As Americans, we must support these men and women, whether we disagree with the policy of the President or not. If he sends them there, we have to support them. But we do not have to give him cover by saying he said he was going to send them there; therefore, let us vote and give him the cover. We must understand that it is a mistake. Maybe he will change his mind. This is the chance we have, the only chance we will have. We must support them and provide a unified base of support to ensure their safety and expedition. It is not like when I was in Vietnam and read about the protests. They have earned it. They are the best.

That is the sad, bitter irony of this whole debate. These are the best, the best of America that are going into harm's way. These are not criminals. They are not people who are dregs of society somewhere, castoffs, failures. These are the best. These are the people who go to the military academies, who are the first in line, as do all of my colleagues. These are the best that we are sending into harm's way, and they will have my support if they go, but I will be doggone if I am going to cave in because somebody made a commitment 2 years ago that was wrong, that will put them in harm's way.

Mr. President, in closing, just let me say, I pray that God watches over our men and women in this policy that I bitterly oppose, and I hope that my colleagues will rise to the occasion and send a very strong message, and that message is sent here in this Hutchison resolution because it says very clearly that we oppose you going, we oppose sending troops, Mr. President, but we will support them if you send them.

That is a responsible action, and I hope that the President will heed the debate here and change his mind before it is too late. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I thank you very much.

I think it is very important on an issue of this magnitude that Members of the Senate take the time to outline why they have come to the conclusions they have. I serve as a member of the Armed Services Committee. We have had a number of hearings dealing with the requirements of the President of the Senate who is currently in the chair, I have gone to Bosnia, to Sarajevo, and have seen the area.

At one of our recent Armed Services hearings, I referenced a Time magazine with a photograph of a young soldier. There was a caption on the front of Time magazine, and the question was, ‘‘Is Bosnia Worth Dying For?’’

So I referenced that and asked that question to the officers who were there who were advocating that they supported this decision. And they told me that we are beyond that question, that is not the question today.

I do not believe that a lot of Americans, nor do I believe that a lot of American parents who have sons and daughters in the military, believe we are beyond that question. But in the discussion that took place at that Armed Services hearing, we were told that the President of the United States leadership and, No. 2, European stability. Those were the two vital interests. It was not the question of whether Bosnia is it something that American men and women should die for? Is it? Because that is the question. There is no greater peril could there be than what could put our European counterparts, with regard to Bosnia, the conflict that is taking place there, is that a situation in which you feel the United States should take a leadership role? We were supposed to go in there and resolve that? And I am paraphrasing, but they said no, that is our problem. That is in our European backyard. We, the European countries, must solve this problem. And the United States of America hangs in the balance, just like the greatest respect to the President, Mr. President, I vigorously oppose this policy, as I said. But irrespective of the outcome of this debate that matters except that one that we oppose you going, we oppose it.

If he sends them there; therefore, let us vote and give him the cover. We must understand that it is a mistake. Maybe he will change his mind. This is the chance we have, the only chance we will have. We must support them and provide a unified base of support to ensure their safety and expedition. It is not like when I was in Vietnam and read about the protests. They have earned it. They are the best.

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to deny us the weapons for our boys so that they can defend themselves and their families on our soil." But that is what the United States was doing. So much for neutrality. But the allies continued to say, no, no to lifting the arms embargo. So they stayed with a failed policy.

Here is the incredible leap of logic that I just have a hard time grasping. And that is that with this failed United Nations policy, as carried out by our allies, the same ones who said that it was their problem to solve, we are now told causes a real question of U.S. leadership. The failed policy in Bosnia is carried out by the allies, but now we are told it is a U.S. leadership dilemma.

Warren Christopher, the Secretary of State, in fact, said the placement of our troops into Bosnia is the acid test of U.S. leadership. Well, I have to question why we must put 20,000 troops into Bosnia to meet the acid test of U.S. leadership. And that, given what we have been told about U.S. leadership in the world, let me just discuss a few items that the United States is doing.

American forces are enforcing the no-fly zone and economic sanctions in the Balkans. American military personnel are enforcing the no-fly zone and economic sanctions against Saddam Hussein. The American troops are helping to restore democracy in Haiti. And 40,000 American troops are preserving peace on the Korean Peninsula. And the 100,000 American military personnel are in Europe fulfilling our commitments to NATO. America took the lead in negotiating the Bosnian peace agreement. And that is significant.

When I was in Bosnia, I saw Ambassador Holbrooke, and I saw his tireless efforts to bring about the settlement. We are the world's only military superpower. We are the world's largest economy. So how in the world does someone tell me just discuss a few items that the United States is doing.

When I was in Bosnia, I saw Ambassador Holbrooke, and I saw his tireless efforts to bring about the settlement. We are the world's only military superpower. We are the world's largest economy. So how in the world does someone tell me that what are the acid test of United States leadership when you consider what the United States was doing.

I asked the administration if there would not be a great temptation in that instance, with an overwhelming force, if they would not feel compelled to snuff the conflict right then, but if fighting breaks out, we leave. If that is a paradox.

Therefore, I think that shows you the flaw of this strategy. Instead of putting the troops in there that says, if there is a fight, we would immediately leave, we should have a containment strategy in the surrounding area so it cannot leave. You lift the arms embargo and you allow the Bosnians to defend themselves and, if it spreads, you have the borders and you stop it. We had options, Mr. President.

But with regard to this situation, like Senator Smith stated, there will be no doubt there will be no doubt in my mind that the support of the United States troops, the finest military personnel in the world. They are the finest, and we will do all that is necessary, in the event that they are sent to Bosnia, to make sure they have the equipment, to make sure they have whatever they need. In Somalia, we saw a problem because, for political reasons, they were not given the equipment they needed. That will not happen. We support our troops wherever. We support them.

The last point is the Dole-McCain amendment that was perfecting resolution that says in the event the troops are sent, there is going to be a list of reporting requirements to
Congress so that we are not left out of milestones that must be met so that mission creep does not happen. I have not seen the final language of that because I believe it is still being worked on, but I believe that will be the intent.

I am a cosponsor of the Hutchison amendment because, Mr. President, the terrible dilemma that we are in is that the options that had merit were not exercised with our allies. And I underscore, with, because we must work with our allies. We have been through too much together for us to not work today and in the future with our allies. But we now find ourselves in the situation where a commitment has been made, and I respectfully and strongly disagree with that action.

With that, Mr. President, I yield the floor, and 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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPThorne). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I want to share some additional thoughts with Members of the body with regard to the deployment of troops in Bosnia.

Some activity that our busy schedules may have missed articles that appeared in the New York Times and Washington Post, but for those who continue to probe this question and try and analyze whether or not this is a wise move, I wanted to share these quotes.

The first one is from the New York Times, December 3, 1995. It is a page-one story. The headline is: “Foreign Islamic Fighters in Bosnia Pose Potential Threat for GI’s.”

The second paragraph reads: “The American tanks do not frighten us,” said a fighter, standing under a black flag covered with Arabic script. “We came here to die in the service of Islam. This is our duty. No infidel force will tell us how to live or what to do. This is a Muslim country, which must be defended by Muslims. We are 400 men here, and we all pray we will one day be martyrs.”

With the cease-fire in Bosnia, these militantly Islamic volunteers known as mujahdeen, who fought alongside Bosnian Government soldiers against Serbs and Croats for much of the war, have turned their attention to what they see as the other, often internal, enemies of the faith.

They are even suspecting in the shooting death last month of an American civilian employee of the United Nations. Many of these 3,000 to 4,000 men are veterans of the war in Afghanistan and are often in barefoot, dirty conditions hostile to violent Islamic groups struggling to overthrow the Governments in Egypt, Algeria, Saudi Arabia and throughout the Arab world. They are the zeal to enforce a militant form of Islam that most Bosnian Muslims themselves do not espouse, the fighters, distinctive in their flowing black beards, force United Nations vehicles off the road, smash bottles of alcohol in shop windows and warn Christian families at gunpoint to leave Bosnia.

The mujahdeen have also vowed to kill five British citizens in retaliation for the Oct. 5 killing, by British United Nations troops, of a mujahdeen fighter who pointed a loaded pistol at them.

The killing of the fighter, a Bosnian Muslim named Elvedin Hodzio who had joined the mujahdeen, is the kind of event United Nations officials say could easily trigger violent clashes between the Islamic militants and American troops. The British are now locked in a war of nerves with the mujahdeen troopers.

Five days after the shooting, a rocket-propelled grenade was fired at a United Nations estimation. Both sides were shooting at each other over a recent position. The team’s armored car was destroyed, but those inside escaped with slight wounds. Two weeks later a British United Nations patrol in the town of Zavidovici was surrounded by about 12 dozen heavily armed mujahdeen who threatened to kill the soldiers until Bosnian Government troops intervened.

On Nov. 18, William J efferson, a native of Camden, N.J., employed by the United Nations, was found shot twice in the head near a British United Nations camp. Officially, the British said he was killed by the mujahdeen, who may have mistaken him for a British citizen.

Most British aid workers, whose homes have been attacked and spray-painted with Arabic slogans, have left Zenica. The few who remain ride in unmarked convoys, go out only to work, and stay out at night. And the British Overseas Development Administration office in Zenica has placed armed guards out front and removed its signs.

“This is worse psychologically than the shelling,” said Fred Yallop, the administration director.

The clash with the British has also pointed out to many aid workers the strength of the mujahdeen and the weakness of the local authorities.

“The problem,” a senior United Nations official said, “is that the local authorities have no control over these mujahdeen. They are all wanted in Egypt on terrorism charges. Western diplomats and United Nations officials say could easily trigger violent clashes. The mujahdeen and the weakness of the local authorities.

“The problem,” a senior United Nations official said, “is that the local authorities have no control over these mujahdeen. They are all wanted in Egypt on terrorism charges.”

Many mujahdeen fighters carry Bosnian identity cards and passports, although they do not speak the language. And Western aid workers who report the frequent theft of jeeps and vehicles by mujahdeen troopers say the Bosnian police are powerless to stem the violence.

“We see them drive by in vehicles that were stolen from international organizations and the U.N.,” said a British aid worker, who insisted on remaining unidentified.

The mujahdeen here are based in a four-story yellow building that was once a factory in the village of Podbreze, three miles north of Zenica, in what would be the American sector of Bosnia, and they are among the Muslim volunteers who came to Bosnia as refugees from Iran in 1992. The fighters are revered in the Arab world, and videotapes that extol their bravery and dedication are sold on street corners from Aden to Cairo.

The mujahdeen served as shock troops for the Bosnian Army and have suffered severe casualties in front line actions and Croatian positions. All view the West, despite the scheduled deployment of some 60,000 NATO-led troops, as an enemy of the faith they have vowed to defend their lives.

“The American soldiers will be just like the U.N. soldiers,” said a fighter wearing a black turban. “They walk in and take what they want.”

“They will corrupt the Muslims here, bring in drugs and prostitution. They will destroy all the work we have done to bring the Bosnians back to true Islam. The Americans are wrong if we think we will stand by and watch them do this.”

The Bosnian-Croat Catholics who live near this mujahdeen camp, one of about 10 in Bosnia, have suffered some of the worst harassment. Many have been beaten by mujahdeen fighters and robbed at gunpoint. More than half of the Catholic families in this village have been driven from their homes. When the police arrive, they flee, fearing they will be immediately seized by the Islamic militiamen.

Jazo Milanovic and his wife, Ivka, sat huddled in their home not far from the village waiting for the police. At the house of their next-door neighbor, mujahdeen fighters were carting out household items. The fighters would finish their looting before the police arrived.

“They walk in and take what they want,” the 68-year-old farmer said, “and the one time I protested to them they fired a burst over my head. The bullet holes are still in the wall. We will all be forced out soon.”

But it is not just the mujahdeen who have gained a foothold in Bosnia. There are at least 10 Islamic charities in Zenica, including one run by the Iranian Government, that many Western governments view with deep suspicion. The charities have budgets in the tens of millions of dollars and work to build militant grass-roots organizations in Bosnia.

Relief International, a young Egyptian foundation that is outlawed in Egypt, is one such group.

The 40 Egyptians who work for the charity in Bosnia are all wanted on Egyptian terrorism charges. Western diplomats and United Nations officials say the charities, along with the mujahdeen, have combined to create a powerful movement in Bosnia that could be inimical to American interests here.
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"We are all code red," said Airman Elahamalawy, who works for the Egyptian charity. "If we ever go back to Egypt, which we will not, our names come up bright red on a computer printout of who we are and we should be immediately arrested."

Mr. BROWN. Mr. President, the point of the article, and the reason I share it with Members, is simply to make a clear point. This is not a benign action. This is an effort to have the United States send forces to Bosnia. There are serious problems that have not been resolved by the peace agreement and where there are forces that can inflict harm on American troops.

I understand and appreciate American civilians working for the United Nations and the fact that they are willing to face danger, face combat, but it would be foolish for any Member of this Senate to think that we are sending people into an area that has been cleared of danger because of the peace agreement.

Mr. President, I also ask unanimous consent to have printed in the Record a similar article from the Washington Post dated November 30.

There being no objection, the article was ordered to be printed in the Record as follows:

[From the Washington Post, Nov. 30, 1996]

FOREIGN MUSLIMS FIGHTING IN BOSNIA CONSIDERED "THREAT" TO U.S. TROOPS

( stringstream)

The Pentagon is seriously concerned about the threat posed to American peacekeeping troops in Bosnia by several hundred Muslim fighters who come from outside the country but are based in the Bosnian region that the U.S. military will control, officials said yesterday.

While land mines, bad roads, soupy weather and disgruntled rogue paramilitary groups also are listed as likely hazards for western troops, it is the freelance groups of religious zealots that particularly worry military planners.

U.S. officials called the non-Bosnian Muslim fighters "hard-core terrorists." Some U.S. officials said they believe some of those Muslims were the ones who killed an American civilian working for the United Nations and who was found with a suicide note on his body.

Mr. BROWN. Mr. President, I want to share with Members a concern that I had early on when we began to deploy U.S. forces into Bosnia by the way of aircraft. I was concerned about the ground rules and the rules of engagement with regard to aircraft, I specifically raised with the administration a series of questions as to what we would do if Americans were attacked while they were performing routine air patrols. Frankly, my concern was that we would be further into trouble that had happened in Vietnam. Because our actions in Vietnam is relevant, let me summarize that briefly.

U.S. troops were deployed in Vietnam but not given the rules of engagement that allowed them to quickly respond. If a forward air patrol spotted enemy troops on the ground no action against those troops could be taken unless you had been fired on. They could be carrying in supplies or ammunition that we would like to destroy. I recall one particular unit was carrying the North Vietnamese flag. That was not enough to allow engagement of combat or use of airstrikes and naval gunfire in the coastal regions.

What was required was for the air patrol plane to fly low enough so the troops were attempting to fire on you. Once the troops fired on you, then you were allowed to call in an airstrike. That airstrike called for approval by a variety of commanders before a response could be made.

The quickest I ever had a response that allowed action was 2 hours. One time it was over a day before we got a response. In the north, when our fliers went on missions, we had the Pentagon schedule the majority of those flights, and they dictated the road of ingress and the path of egress, and dictated the flight level at which you could leave. If you did not finish a target, you would go back into the circle for retargeting, done in Washington, not in the field. Generally, the Vietnamese knew how long that cycle took and they knew when you would be coming back. They knew you would be coming in at the altitude you would be addressing, at the course you would be taking into the target, and the course you would take away from the target. Mr. President, we set our people up for turkey shoots.

So I thought it was a legitimate question to ask specifically what the rules of engagement for our missions into Bosnia would be. As Members will recall, in Vietnam we ruled out of some of the best targets. I know of Secretary McNamara’s book. I read it. He goes to great length to talk about all the targets he allowed. He left out that the most important targets were ruled off limits. I thought a legitimate question was, if we were attacked by forces from Serbia, would we retaliate against the supply depots, against the bridges, or against the forces that originated the attacks or supported the attacks on the American troops? That is what I asked in the previous discussion.

This was a series of discussions on October 5, 1993, before the U.S. planes were shot down.

Senator Brown. Can you assure me that if our troops are fired on, they will have the right to return fire?


Mr. BROWN. Can you assure me that to bomb supply bases of troops that attacked our troops?

Ambassador Oxman. Senate, I think you know there is no question we would call for rules of engagement which would permit NATO forces to defend themselves and carry out the mission.

Senator Brown. Let me be specific. In Vietnam, key bridges were put off limits, bridges that carried troops and vital supplies to the North Vietnamese troops. They used those supplies to attack American troops, and yet these key bridges were put off limits, and our planes were not permitted to attack some of the most valuable targets of the enemy. Can you assure me that the policy will not be the same policy if we send troops to Bosnia?

I found it difficult to get an answer, other than "they would have the necessary rules of engagement to defend themselves in order to carry out that agreement."
they were in the locations where our flights were going. We had detected the radar from those units, and we still or- dered our planes to fly the missions, and one of our planes was shot down. We are all aware of that.

But I think some Members have forgotten is what we did in retaliation. My concern had been, in the Oc- tober 1993 hearing, that we would not respond, that we would give a message that Americans are a punching bag and will be punched back. For those Mem- bers who have forgotten, let me review what happened.

They shot down our plane, even though we knew the missiles were there and did not cancel the mission. We did not go after the missiles. We did not go after the installation. After the plane was shot down, we did not go after those locations. We did not bomb the bridges that brought those missiles to the front. We did not bomb the sup- ply depots where they came from. So what did we do when they shot down our plane was nothing. Now, can you come up with reasons for not doing anything? Of course you can. But what I want to call to mind for the Members is this: What kind of message do we send to people who would attack American forces? Does it encourage them to attack us, thinking we will not fight back? What kind of message does it send to the parents of Americans who might die in combat to know that our warriors are not even cared enough about our troops to defend them and retaliate when they are attacked?

Mr. President, I think the administra- tion was remiss in, one, not making sure that we moved against installa- tions that would fire SAM missiles against us and, two, when it happened, not following up and retaliating against those who did. What you have, in my belief, is a callous disregard for those who wear the uniform of the United States. They deserve to be de- fended and protected and stood by. It is a mistake for us to put them into com- bat unless we are willing to stand with them, and that is part of the problem of this mission. It is not speculation; it is what happened in Bosnia already by this administration—Americans were fired on, and the plane was shot down, and we turned our back on those who wear our uniform in terms of protect- ing or defending them.

So, Mr. President, I want to follow up. First, I want to pay tribute to the Secre- tary of State, the Secretary of De- fense, and the Chairman of the Joint Chiefs of Staff. I have made an effort to get all the information I could about this mission, and they have been, frankly, quite helpful in responding. They have taken a great deal of their time to not only try and respond to the questions, but to be helpful in provid- ing information. I think that is to their credit. I have great respect for all three of them.

I want to share with the Senate, spec- ifically, a question and an answer that I had asked because I think it goes to the very heart of this issue of when we stand by our troops when they are in the field.

This was submitted to Secretary of State Warren Christopher on October 17. I received the answer today.

**Question**

If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full support of the Serbian government in Belgrade, will we re- taliate against Belgrade?

**Answer.** As specified very clearly in the Dayton agreement, IFOR will have the authority to take actions to cut off supply lines from Serbia itself.

That is pretty specific. If they attack us, will we go after those who attacked us?

The response is: * * * IFOR will have complete freedom of movement throughout Bosnia.

That is helpful. It does not respond to the question, but I think it is helpful. But let me share the response to the more specific aspects:

IFOR commanders will operate under pro- cedures and rules of engagement that allow them great flexibility in determining the proper response to a violation of the agree- ment or a threat to IFOR. This would help ensure that violations are dealt with effec- tively and further violations deterred.

It goes on in the concluding para- graph, specifically, with regard to my questions as to whether we will go after them if they attack our troops. This is the Secretary of State:

I cannot speculate now on what the United States would or would not do against Serbia or Cro- atia if and when I determined that violations of the peace accord were supported from outside Bosnia and Hercegovina. Such decisions would be made based on the particulars of the situation.

Mr. President, I want to submit that entire question and response so the record is complete.

I ask unanimous consent that it be printed in the Record at this point.

There being no opposition, the mate- rial is ordered to be printed in the Record, as follows:

**QUESTION FOR THE RECORD SUBMITTED TO SECRETARY OF STATE WARREN CHRISTOPHER BY SENATOR HANK BROWN, COMMITTEE ON FOREIGN RELATIONS**

**Question.** If we receive information that attacks in violation of the peace agreement by Bosnian Serbs have received the full sup- port of the Serbian (Yugoslav) government in Belgrade, will we retaliate against Bel- grade?

a. Will strikes into Serbia or Croatia, should they violate the terms of the peace agreement, be considered off-limits if the safety of American troops is jeopardized?

b. Will our Rules of Engagement allow the authority to take actions to cut off supply lines from Serbia itself?

c. Will strikes into Serbia or Croatia, if necessary to ensure the protection of Amer- ican troops, be authorized?

**Answer.** As specified very clearly in the Dayton agreement, IFOR will have the authority to take actions to cut off supply lines from Serbia itself; however, if the Serbian government in Belgrade then retaliates against IFOR, this would help ensure that violations are dealt with effec- tively and further violations deterred.

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CONGRESSIONAL RECORD — SENATE

S 18427

December 12, 1995

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the question be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Mr. COHEN. I listened with interest to the presentation of the Senator from Colorado who is now occupying the chair. He delivered it with great passion. That passion stems from his experience of having been in the fields of Vietnam and having witnessed the kind of policy that we pursued there—in leaving, in many cases, our troops without either the military or moral support that they deserved.

He spoke with eloquence and passion, and I think his words should be given serious consideration by all of our colleagues as we deliberate and debate this issue tonight, tomorrow, and beyond.

If you watch the evening newscasts, it is very clear our troops are heading into Bosnia as we speak. The anchors are there cataloging the various vehicles that are rolling by, the numbers of troops, the feelings and sentiments of the men and women who are being sent, the reaction on the part of the citizens that they are being sent to help defend. And various commentaries being offered by military leaders who have served in the past as part of the U.N. force.

It is interesting to get their different perspectives in terms of both the mission and how long it might be before we complete that mission. So our troops are in Bosnia, and we have to ask the questions: How did they get there? Why? Why is this happening? Where will they leave? How will we measure their success?

I think it is quite clear that the road to Bosnia has been paved with good intentions and poor judgment. The road has been littered with mistakes. We can point to those in the past. I say that the early recognition on the part of a united Germany of Croatia was one of those initial mistakes. I think the new united Germany at that time was feeling its power, its diplomatic initiative, and that prodded a number of countries to follow suit too quickly in recognizing Bosnia-Herzegovina.

The West fell in line to applaud its— the Germans—diplomatic initiative. When we went to break out the Europeans, who were steeped in Balkan history, said it is a local issue. It is really not our problem. It is a domestic civil war. These tribes as such, these factions, have been making war for centuries. We are not going in.

So the United States was not about to intervene where Europeans feared to tread. If we had any inclination to do so, if the Bush administration had any predisposition to going in to help solve what that particular war, it was discouraged from doing so by domestic politics.

After all, President Bush had come off of a major victory in the Persian Gulf. He was riding very high in the polls at that time but the charges were he was too interested in foreign affairs, he had neglected domestic issues. The Nation was suffering, and therefore he should turn his gaze away from world affairs and concentrate on domestic issues.

So if there were any inclination, and I am not sure there was at the time, but if there were any inclination on President Bush's part to intervene in any significant way in that war, he was discouraged from doing so.

UNPROFOR, the U.N. peacekeeping force was sent in. I have spoken on this floor on a number of occasions, written articles for the Washington Post and other publications, suggesting—not, not suggesting, but declaring that it was an inappropriate mission for U.N. forces to send blue helmets into that region. It was inappropriate to send these brave, heroic people wearing blue helmets and flak jackets and carrying war weapons that was so mired in conflict at that time. It was an inappropriate mission for them to perform. It was a "Mission Impossible," in many ways, for them to perform. But those soldiers performed that mission as well as they could, given their circumstances. But they were put directly in the midst of an ongoing war and asked to keep the peace.

They were attacked without retaliation. They were taken hostage. They were humiliated by the warring factions who demanded a pay tribute, that they give up half of their fuel, half of their food, half of their weapons, whatever it was, to gain access to the starving population that they were sent to help feed and clothe.

They were tied to weapons storage sites to prevent any kind of attack by the United States or Western allies.

We had the anomalous situation—and the presiding officer, Senator Brown, touched upon this—we had the anomalous situation of the military leaders on the ground saying, "Please send in the cavalry, send in air support, attack the people who are attacking us." But, of course, the planes did not come and the relief did not come because they received some hot air excuses from U.N. diplomats who held the keys to the "Mission Impossible." It was a dual-key arrangement, which amounted to dual nonsense to those on the ground.

So, we watched the situation unfold with heroic blue helmeted soldiers carrying out their mission as best as they could, as atrociously as the atrocity until we could no longer stand it.

The final blow came when the artillery shell was launched into Sarajevo, killing 69 innocent people and wounding some 200 others. We continued to watch the evil of ethnic cleansing, and all the while the world stood by, praying for peace while the innocents were slaughtered.

There were some in this Chamber, I point specifically to Senator Dole, the majority leader, who said we should lift the embargo, unilaterally if possible, unilaterally if necessary, and strike, if necessary, in order to prevent the Serbs, at that particular time, from continuing their assault upon safe havens, so-called safe havens. Lift the embargo and strike, or simply lift the embargo and let it go beyond.

And on each occasion he was rejected.

The administration said no, you cannot do this and you should not do this. Our allies have said no. The President
has said no. The United Nations has said no, it would endanger the UNPROFOR forces who are on the ground. By the way, United States, you do not have any forces on the ground so do not be so quick to lift, or to lift and strike. It would endanger the UNPROFOR forces, and it would lead to more slaughter. And if we should act unilaterally, then NATO would dissolve, the U.N. forces who were there would leave, the United States would no longer have any credibility, and we would have to lift the embargo on oil that exist on Iraq and other countries who have engaged in, certainly, unfriendly behavior.

So, under the threat that we would endanger NATO, that NATO would dissolve, nothing was done. The slaughter continued and the regions were cleansed of their undesirables.

Last spring, President Clinton made a pledge to commit up to 20,000, perhaps as many as 25,000 troops to aid the extra-U.N. forces. If it became necessary. That really was a shot across the Senate's bow at that time, saying, “If you are going to insist on lifting the embargo over the objection of the President, over the objection of our allies, then the United Nations, then I am making a commitment as Commander in Chief. I will commit 20,000 American troops, ground forces, to help extricate the commitment as Commander in Chief. I do not have the unilateral power to send troops to Bosnia, or does Congress have the power? That is a debate that cannot be resolved and will not be resolved during the course of this particular discussion.

Who has the power depends upon who lays claim to it, who takes possession of it, who runs with it. I know the Senate, that no one at that time talked on the United Nations, then I am making a commitment as Commander in Chief. I will commit 20,000 American troops, ground forces, to help extricate the United States from that situation.

The President made publicly that was a pledge he made publicly. I think, perhaps to his surprise, President DOLE—strike that for the moment—Senator DOLE said, “I agree. If we have to get U.N. peacekeepers out of there in order to allow the Bosnian Moslems to defend themselves, that is a decision we will support.”

But that was the marker that was laid down. We are going to commit U.S. forces on the ground in order to extricate the peacekeepers in the event the United Nations would not lift the embargo or our allies decided the United States was no longer interested in pursuing a multinational approach and therefore said, “We are getting out.” We would help get them out. So, Congress retreated. We retreated on that issue. We waited. We delayed. We debated. We did nothing, until finally we saw one atrocity too many. We would strike, and we did strike, but we would not lift. And we saw an immediate reaction once we decided to apply it. The President sent off his chief negotiator, Secretary Holbrooke, to then hammer out a truce.

Again, we hesitated. All of us in this Chamber and the other Chamber as well, we hesitated. “Don't interfere with the President. He conducts foreign policy. Don't cut his legs off with a preemptive vote of disapproval. Allow him to conduct this effort.” And we backed away. Once again, we deferred.

We deferred because, No. 1, we assumed, or at least thought, perhaps the negotiations will fail on their own weight. Perhaps the negotiations will be unsuccessful. So why should we take action at this point on a preemptive basis to say, no matter what you achieve at in the way of negotiation, we disapprove your sending American troops to help keep that truce? So we did nothing at the time.

Also, we should be very candid about it, if we had taken so-called preemptive action to assert our constitutional authority, our control over the purse strings, saying, “No funds appropriated under this heading will be expended for the deployment of ground forces in Bosnia,” and the negotiations then failed, Congress did not want to accept the blame for it. So we backed away and we waited.

Now, I mention this all by way of a preface to the debate over constitutional power. Who has it? Does the President have the unindulged, unilaterals power to send troops to Bosnia, or does Congress have the power? That is a debate that cannot be resolved and will not be resolved during the course of this particular discussion.

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The fact is, Congress has yielded its powers to the Executive over the years. “Don't vote to strike. Don't vote to lift. Don't vote to disapprove before the negotiations. Don't vote to disapprove after the negotiations.” Much of what we say and do really does not matter at all, does it? Because the President has said, “I really am not too concerned about whether you approve or disapprove, because I am going anyway. I do not need to get it approved.”

Even if the House and the Senate were to vote overwhelmingly to disapprove the sending of American troops to Bosnia, the President has already indicated they are going in any event. “It is my prerogative. It is my power. I am going to keep the commitment I made to the NATO allies and I don't really.”

He cares, of course; I am oversimplifying. He cares, but not enough to say that he would abide by the decision of the Congress. As a matter of fact, during hearings in the Armed Services Committee last week, the Secretary of Defense, Secretary Holbrooke, and the Chairman of the Joint Chiefs of Staff, were there to testify, and they were very candid about it. I specifically asked the question: In the event that Congress should pass a resolution disapproving the sending of American forces into Bosnia, the President does not intend to be bound by that decision, does he? And the answer was a very clear, "No."

The next question that follows onto that, of course, is, well, what if Congress fashions a resolution that imposes certain conditions, or seeks to define the mission with greater clarity to remove some of the confusion and the ambiguities that exist in the documents that were signed and negotiated in Dayton? Would the President in any way constrain conditions? And, of course, ultimately the answer is no. Secretary Perry was very clear, very direct. If he felt that any resolution passed by the Congress in any way posed a danger to our troops, he would flatly say so. And the President that he not abide by it. We got into something of a semantic dual with the Administration witnesses saying they will not ignore it, but they certainly will not abide by it.

So this entire debate on what we are going to pass in the way of a resolution has no ultimate, no practical, consequence in terms of preventing the troops from going there. More will be going shortly this week that is going to raise these issues this evening because it is in stark contrast to what took place back during the debate on the Persian Gulf war. I have a whole sheaf of notes, I was going to quote from speeches that were made at the time, on the other side. That might seem to be a bit unfair, hitting below the intellectual belt on the eve of a vote. But I sat this afternoon reading through their statements, and I was struck by the fact that we have a whole sheaf of notes, delivered by the intensity of the charges that were made at the time should President Bush ever neglect to come to Congress to get its approval. Some suggested he would be impeached, or should be impeached.

In all candor, President Bush was not eager to come to the Congress. I recall on at least two, possibly three, occasions going to the White House with a group of Senators and Congressmen to urge that the President that he come. I was on the Joint Chiefs of Staff, and urging the President to come to Congress to get our approval. The President's advisers at that time said, “He really does not need your approval. He has approval from the United Nations.” I do not know how many of us have sworn allegiance to the U.N.

But we, over a period of time, were able to persuade him that it was important. I think from a constitutional point of view, he had the obligation to get our approval. Even from a political point of view, it was an imperative that he come and get our approval because you should never send American forces into war, or into the danger of a war zone in which they might be forced into war, without the solid support of the American people. And, if you put our troops in such a dangerous position, if you send them off to war without the broad support of Congress—after all, we reflect the views of our constituents—without the broad consent, you can anticipate what will happen.

When people start to die, when they start to be flown back to Dover in their
flag-draped coffins, CNN cameras will be there to capture that. And the hearts that beat so loudly and enthusiastically to do something to intervene in areas where there is not an immediate threat to our vital interests, when they see images that had been beaten to a pulp, they will see the coffins, then they will switch, and they say: “What are we doing there? Why are our young men and women dying in that region?” And the President at that time needs to have the support of the Congress to say, no, once we commit our troops to a region, we have to stand behind them. And the worst thing you can do to American credibility—once you send them into battle and the casualties start to mount—is to leave, to quit and leave before the mission is completed. That will do more to undermine America’s credibility as a world power, as a superpower, as a reliable ally, than anything we could possibly do.

So that is the reason it is important, it is critical, for a President to build the support for the deployment prior to making the decision—not the inverse, not putting the troops there first and then coming back and getting support. You have to build the support, give the reason why we American people that it is our solemn duty and responsibility to take action. And when people start dying, when sons and daughters start dying, we are still going to carry through on the mission. If he does not do that, then he is going to be nakéd unto his enemies, because the fact of the matter is, unless you have Congress on record in support of such action, when the public turns Congress will be in full pursuit. And that will not bring credit to this institution. It will not bring credit to the United States.

That is why I urged at that time President Bush to come to the Congress. He did so, and he was able by a very astute and persuasive the Secretary of State and the House—a larger margin in the House but a very thin margin here in the Senate—that it was in our national security interest to see to it that Saddam Hussein did not remain in Kuwait, and that he did not stand astride the oil fields of the Middle East and threaten to go all the way to Riyadh in Saudi Arabia.

We talked about the implications of a tyrant, a dictator of his magnitude, standing astride the oil fields of the Middle East and threatening to go all the way to Riyadh in Saudi Arabia.

Dole, Senator Lieberman, and others—Senator McCain. It was not a bipartisan that was shared during the Persian Gulf war even though there was a much greater identifiable national security interest there than in the case of the Balkans. Here there is a clear national security interest. But it is hard of the magnitude and the immediacy as posed by the Persian Gulf war.

So what do we do at this point? They are over there. More will be there later this week. What we have to do is to lend our support to the troops. We are not going to undercut them at this point as they are going into a very dangerous mission. We intend to support them but to do so in a way that makes it clear why they are going, what they will do, and when they and we will know that it is time to come home.

So we talk about exit strategies—word code, “exit strategy.” Basically it is defining the mission so you can measure success, so you can say at the end of their tour of duty that the commitment they made was exactly what the price they are being asked to pay in recognition to achieve a certain identifiable goal.

There is some confusion about this. And that is why this debate is important. That is why it is important that we pass a resolution being as definitive as possible of what we call that President is going to ignore it. Whatever we say, it is important that we try to define what we believe the application is, and should be.

Secretary Warren Christopher made a statement while in Dayton, and he indicated—at least to me the statement indicated—that the mission was to “assure the continuity of the single state of Bosnia-Herzegovina, with effective federal institutions and full respect for the sovereignty of its neighbors.” Mr. President, no such state has ever existed. What he was saying is that we are about to build a nation upon the ashes of a failed nation. No such nation ever existed for any period of time. Almost simultaneous with its recognition as a separate state, war broke out. There has been no single separate state with effective federal institutions whose sovereignty is respected by all neighbors on all sides.

So is this going to be our mission? We raise this issue because that answer is no. That is not our mission.

That is nation building, but nation building is not something we are supposed to be sending our troops to do. So there is to be no nation building. That is not going to be our task. There will be a serious mission to achieve a certain identifiable goal.

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former Defense Under Secretary Paul Wolfowitz—would you trust any of these individuals to declare their inventory, would you rely upon that?

Brent Scowcroft said he would not trust any of them. I do not know how many of you would trust any of them. The history is not replete with accurate assessments and declarations made by any of the individuals involved, any of the leaders, any of the troops.

Yugoslavia, the former Yugoslavia, in fact, is renowned for having hundreds, if not thousands, of underground caves and caches where thousands of weapons are stored. So now they are going to say, we have them around the in X, Y and Z and you can go in and take a head count for yourself and we will agree to build down.

Very few people believe that is going to be possible. So the next question is: well, if we cannot really guarantee that there is going to be an arms reduction that will result in some sort of military equilibrium, then we have an obligation to see to it that the Bosnian Moslems are put in a position that, when we leave, they will be capable of defending themselves. Well, that means we are going to arm them in the alternative.

What the resolution of Senator Dole, Senator McCain, Senator Lieberman, and others says is we really have that wrong. If you are talking about an exit strategy, the best we can hope to do is maintain a truce, a cease-fire for a year—I will talk about the year’s timeframe and then leave. That is the best we can hope to do. And during that time, we have to see to it that the Moslems are going to be in a position to defend themselves when we leave, if war should break out. Otherwise, we cannot claim we have been successful in our mission.

If I had my druthers on this, I would do it in reverse. I would say, let us put the parties in a relative state of equilibrium now, let us build up the Bosnian forces now and then see if we can get them to agree to reduce to roughly equal levels and then leave. At least you would have a real incentive at that particular point for everybody to negotiate in good faith.

Right now, we know from listening to the administration and to others that the Bosnian Serbs do not want us to arm the Moslems. The Croatsians do not want us to arm the Moslems. Our NATO ally does not want us to arm the Moslems. Article after article is now being written: Do not arm the Moslems; they have plenty. And, by the way, you do not want to upset the stability that has been achieved.

The question that we have to remove in terms of our policy. Are we going to use fig leaf phrases to hide our naked ambiguities? Is that what we are about? Saying, well, we have this commitment on this side and a lot of opposition to it, so let us put it out there. In the event we do not get the arms reduction, we will see to it they are able to defend themselves.

Well, how and who? Who is going to provide the weapons? Under what circumstances, under whose aegis? Are we really fooling anyone? I quoted from a soul singer recently: Who is zooming who? Who are we zooming when we say there are totally neutral on this mission, that we are totally neutral and not favoring one side or the other? We ought to be up front about it. I know that causes concern for many, saying if we in fact are going over to help make sure the Bosnian Moslems can defend themselves, we leave ourselves in danger.

That may be the case. That may be the case. But I would submit to you, Mr. President, and to my colleagues, leaving this in a state of suspended ambiguity also puts our troops in danger. We have to be very clear of what we are about. And so the resolution that will be offered tomorrow will in fact seek to define that our goal is to make sure that at the end of this period of time, it 12 months, when we leave, the Moslems will be in a position to at least be on a relatively equal playing field.

Now, is it going to be 12 months or not? Our colleague, Senator Warner, asked me during the hearings last week. He suggested to Secretary Perry that he was troubled by the 12-month timeframe; there seemed to be some political overtones to that.

Let me say here, as I said before during the hearings, not for a moment do I think that President Clinton made the decision to send troops into Bosnia for any political purpose. There is absolutely no political benefit that I can perceive that will come from that decision. There is not much of an up side, as we say in politics, from that kind of decision. A lot of down side to it. And so he is taking a very big risk. He is exercising what he believes to be leadership in this instance.

We can challenge that or question that, but he is exercising leadership coming from the Oval Office. And so I do not for a moment question his motivation. I think he is doing it because he thinks it is the right thing to do, which is not to say there will not be political implications and overtones come next September and October. It is an election year.

Hopefully—and we are going to pray on this and b heck and hope on this and be prepared for this—but hopefully we will never have a major confrontation between any of the major parties and U.S. troops. It would be an act of folly on their part in terms of the firepower we can bring.

But that is not the kind of conflict we can anticipate. If there are going to be any attacks launched against the NATO forces, U.S. forces in particular—and we assume there will be efforts to try to-seems to-the world our number one goal is to be—they will come in the form of terrorist attacks, they will come in the form of landmines, they will come in the form of car bombs like we saw in Beirut, they will come in the form of a sniper's bullet. Those are the kind of things that we can anticipate will take place.

Should we start to suffer significant casualties between now and next September or October, if the President will be under pressure to pull the troops out. So I raised the issue with Secretary Perry. And to his credit, he was absolutely direct. He did not try to circumvent and he did not try to hedge and he did not fudge or try to exaggerate or downplay any kind of issue. He simply responded to my question:

I said: Is it unreasonable for me to assume that come next October a tranche of 2,500 troops will be coming home? He said: Not at all. In fact, they intend to start bringing the troops home next October, November, and December.

So, really, it is not a truly 12-month mission, it is going to be, at least partially, a 9-month mission. I raised the 9-months because Secretary Perry said in response to Senator Warner: “Nine or ten months would have been a time one could have been quite suspicious about. But let me assure you that the question never came to mine, it was never raised to me by the President, of lowering this time from 12 down to 9 or 10 months.”

So, now at least we understand the troops will be coming home in September or October or certainly by November or December. I say that. It is a reality. It does not question the President’s motivation in sending them in. But it raises the issue, if we are really planning on that kind of a strategy of getting them out starting in September or October, then that really does accelerate the timeframe in terms of what we have to do in order to complete the mission.

So we have to be very clear on what we are seeking to do. If you ask any of the leaders in that region and say we will be out of there in 12 months, not to mention 9 months, they will shake their head and say, “No, no.” The President of France said that we will be there for 20 years. A Canadian commander who has been there as part of the UNPROFOR forces has said that our grandchildren will be there, if we really are serious about carrying out a mission to help build a nation.

But, of course, that is not what we are going to do. We are simply going to maintain a cease-fire to keep the warring parties apart for a period of 9 months-plus.

So, Mr. President, I will not take any longer this evening to discuss this issue. It is getting late. It is not much of an audience that is going to be influenced by whatever I say this evening. But I do think it is important to try to spell out what we believe to be the goal of our forces there. And I make it as clear to the American people as we can, so that if things go awry, if things do not work out as the administration hopes and we pray they work out, that...
we will at least have defined what we believe the mission to have been and, hopefully, shape the administration's thought process on this so it does not get expanded.

We are worried about mission creep, that once we get there, once an incident starts to take place, once bullets start flying, once there is an action and reaction, once someone is attacked and we respond, that we do not start engaging in mission creep and start to indulge ourselves with the added burdens that come about under that kind of pressure.

The Chinese leader Mao said, "Power comes out of the end of a gun barrel." Power in this country does not come at the end of a gun barrel; it comes at the end of Pennsylvania Avenue and Capitol Hill. Power, as I suggested before, belongs to whomever claims it and exercises it.

Congress has chosen not to claim the power of deciding when to deploy American forces when our Nation is not under attack and when our vital national interests are not immediately at stake. So, we are where we are because we were not willing to risk the consequences of action. We have deferred, we have debated, we have waited, we have talked, and we have let the President take us to where we are today.

So our duty, as I see it, is now to define the role that our men and women must now play.

Mr. President, I yield the floor.

PROHIBITION ON FUNDS FOR BOSNIA DEPLOYMENT

Mr. COHEN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 2606, involving the use of funds for troops in Bosnia, and that the Senate now turn to its immediate consideration, with no amendments in order to the bill or motions to recede.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2606) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of a peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law.

The Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, I further ask unanimous consent that the bill be advanced to third reading and that final passage occur at 12:30 p.m., on Wednesday, December 13, with para-

THREE BUSINESS

Mr. COHEN. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE REV. DR. RICHARD C. HALVERSON

Mr. DODD. Mr. President, I was deeply saddened by the passing of Dr. Richard C. Halverson, our friend and our Chaplain who served the Senate with distinction for 14 years. Dr. Halverson was a shining example for us all—he embodied all that we seek to be in the eyes of our families, our friends, the Americans we serve, and of course, God.

George Bernard Shaw once wrote: "There is only one religion, though there are a hundred versions of it." Mr. President, I would say this is a fitting description of the community Dr. Halverson so gracefully ministered. There are as many different opinions in this Senate as there are Senators. Yet Dr. Halverson, in his kind and gentle manner, was always able to provide the individual counsel and insight that helped us reach decisions on issues both monumental and mundane. Amid the busy hustle and bustle of events here in the Senate, it is not difficult to lose grounding, and it becomes ever more important to remember our place in the universe. Dr. Halverson, through his daily prayers, helped us to keep our perspective.

Of course, Dr. Halverson served all the Senate employees, and those who knew him loved him just as much as he loved them. He was always available to help and guide people in need, people in pain, or people who just needed to talk.

But Dr. Halverson's work extended far beyond the United States Senate and the Capitol dome. He was minister to the Fourth Presbyterian Church in Bethesda, leader of the prayer breakfast movement and World Vision, and deeply involved in several other evangelical organizations. Dr. Halverson reached out to many, and he will be sorely missed.

I want to extend my family's condolences, and during this difficult time wish for them the hope and strength that Dr. Halverson inspired in all who knew him.

TRIBUTE TO THE REV. DR. RICHARD HALVERSON

Mr. MURKOWSKI. Mr. President, tommorow there will be a memorial service for the late Reverend Dr. Richard Halverson. I want to take this opportunity to express my sorrow and sadness over the passing of this man who served not only as Chaplain of the Senate for 14 years, but also as model of the Christian life.

Dr. Halverson came to the Senate after serving churches in Missouri, California, and Maryland. His leadership of World Vision, the Campus Crusade for Christ, Christian College Consortium, and the prayer breakfast movement, established him as a world-renowned figure.

But I always think of him as the Senate family Chaplain. He did not merely try to give guidance and wisdom to Senators. He served all in the Senate, including the family members of staffers at all levels of the Senate.

In moments of great stress, I know many Senators turned to Dr. Halverson for guidance and counsel. And every day, when Dr. Halverson opened proceedings with the prayer, he gave us strength and perspective in understanding the responsibilities we hold as Senators.

I am proud to have known Dr. Halverson and can truly say that I will miss him. I know that his family can be comforted in knowing that today he is with God.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go", as the British put it, with our pop quiz. Remember—one question, one answer.

The question: How many millions of dollars in a trillion? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the enormous Federal debt that is now about $12 billion shy of $3 trillion.

To be exact, as of the close of business yesterday, December 11, the total Federal debt—down to the penny—stood at $4,988,568,481,765.63. Another depressing figure means that on a per capita basis, every man and child in America owes $18,936.69.

Mr. President, back to our quiz (how many million in a trillion?): There are a million million in a trillion, which means that the Federal Government will shortly owe five million million dollars.

Now who's in favor of balancing the Federal budget?

ERNIE BOYER—A GIANT IN EDUCATION

Mr. KENNEDY. Mr. President, the death of Ernie Boyer last week has deprived the Nation of one of its greatest leaders in education. Throughout his long and distinguished career, Ernie was unsurpassed as a champion of education, and I am saddened by the loss of a good friend and great colleague.

In the history of modern American education, Ernie Boyer was a constant leader, working to expand and improve
educational opportunities for all Americans. His breadth and depth of knowledge and experience in all areas of education was unsurpassed.

As Commissioner of Education under President Carter, he helped to focus the attention of the entire nation on these critical issues. He wrote numerous books in support of improvements in elementary, secondary, and higher education. He was a key member of many national commissions, and was a constant source of wisdom and counsel to all who would listen to him. Congress concerned about these issues.

Ernie once said he wished he could live to be 200, because he had so many projects to complete. He accomplished more in his life than anyone else could have done in 200 years. They may not know his name, but millions of people—young and old—have better lives today because of Ernie Boyer. Education has lost its best almanac.

Mr. President, I ask unanimous consent that an article about Ernie Boyer from the New York Times and excerpts from the Current Biography Yearbook be printed in the Record.

The section of the material was ordered to be printed in the Record, as follows:

[From the New York Times, Dec. 9, 1995] Ernie L. Boyer, who helped to shape American education as Chancellor of the State University of New York and as the States Commissioner of Education and as President of the Carnegie Foundation for the Advancement of Teaching, died yesterday at his home in Princeton, N.J. He was 67.

Boyer had been suffering from lymphoma for nearly three years, his assistant, Bob Hochstein, said.

Dr. Boyer also was the author of a number of reports for the Carnegie Foundation, a nonprofit policy study center in Princeton that has often set the nation’s education agenda.

In 1987, when he detected that one of the major ills of higher education was that research was elbowing aside teaching, he wrote the book that inspired Dr. Boyer’s report, “A Nation at Risk.” The book stimulated the present college movement that holds that much research is pointless and even harmful insofar as it distracts teachers from students.

In The Boyer developed this theme in another book, “Scholarship Reconsidered” (Carnegie Foundation), in which he maintained that teaching, service and the integration of the various disciplines should be recognized as the equal of research.

Another of his reports, “High School: A Report on Secondary Education” (Harper & Row, 1983), had an impact even before it was published. When officials at the United States Department of Education learned that Dr. Boyer, a former Federal Commissioner of Education, was working on a report describing the inadequacies of secondary public education throughout the nation, they decided to start their own study, which came to be called “A Nation at Risk.”

Published a few months ahead of Dr. Boyer’s report, “A Nation at Risk” was frequently described as a national wake-up call, spelling out the failure of the public high schools to provide students with basic knowledge and skills.

Dr. Boyer’s report helped focus the ensuing discussion on the requirements for high school graduation, improving teacher certification and lengthening the school day.

Because the study had been underwritten by a sizeable grant from the Atlantic Richfield Foundation, Dr. Boyer was able to back up his ideas with financial resources. In 1966, he dispersed $600,000 to 200 schools that were seen to be striving for “excellence” and two years later $350,000 to 25 high schools that were perceived to have improved their curriculums, teacher training and community ties.

Boyer also characterized the nation’s most urgent education problem was high schools. Pointing to the dropout rate among minorities, he expressed fear that “the current move to add more course requirements will lead to more failure among inner-city students unless we also have smaller classes, better counseling and more creative teaching.”

He also felt that education improvements were bypassing too many impoverished children, with consequences for the future of the nation. He thus became an advocate for prenatal care for teen-age mothers, and more day care with summer classes and pre-school education.

Amid his other works, whose titles reflected his concerns were “Campus Life” (1990), “Ready to Learn” (1991) and “The Basic School” (1989), all published by the Carnegie Foundation.

Boyer had been working on a book, “Scholarship Assessed,” in which he was attempting to establish a means of measuring the success of an academic service so that they could be better rewarded.

In a statement released yesterday, President Clinton said: “The nation has lost of its most dedicated and influential education reformers. Ernie Boyer was a distinguished scholar and educator whose work will help students well into the next century.”

A compelling orator who never tired of his role as an evangelist of education, Dr. Boyer was a sought-after lecturer on such issues as the importance of institutional integration from a campus, overseeing academic management (“Bureaucratic mandates from above can, in the end, produce more confusion than they prevent.”) pointability of teaching in civic and government in schools (“Civic illiteracy is spreading, and unless we educate ourselves as citizens, we run the risk of drifting unwittingly into a new Dark Age.”)

He was also a busy consultant, in recent years having advised governments like the People’s Republic of China on educational policy.

Ernest LeRoy Boyer was born in Dayton, Ohio, on Sept. 13, 1928, one of the three sons of Clarence and Ethel Boyer. His father managed a small family furniture store and ran a mail-order greeting-card and office-supply business from the basement of the family home. Dr. Boyer once said that the most influential figure in his early life was his paternal grandfather, William Boyer, who was head of the Dayton Mission of the Brethren in Christ Church and who directed him toward “a people-centered life.”

Dr. Boyer attended Greenville College, a small liberal arts school in Illinois, and went on to the University of Iowa, where he received his master’s and doctoral degrees from the University of Southern California. He was a post-doctoral fellow in medical audiology at the University of Iowa Hospital. He then taught and served in administrative posts at Loyola University in Los Angeles, Upland College and the University of California at Santa Barbara. At Upland College, he introduced a widely emulated program in which the mid-year term, the month of May, would be eliminated so that students did not attend classes but pursued individual projects. It was at Upland that he decided to devote his career to educational administration.

In 1965, he moved east to join the vast SUNY system as its first executive dean. Five years later, he became Chancellor of the institution and its 64 campuses, 350,000 students and 15,000 faculty members.

His 7-year term was a period of innovation. He established the Empire State College at Saratoga Springs and four other locations as noncampus SUNY schools at which adults could study for degrees without attending a traditional 12-month academic year.

Dr. Boyer served on commissions to advise President Richard M. Nixon on education and President Gerald R. Ford. In 1977, he left SUNY after President Jimmy Carter appointed him to lead the State Commission on Education, thus becoming the first Commissioner before Congress elevated the position to cabinet rank.

Toward the end of the Carter Administration, Boyer indicated that Congress had failed to elevate the Commission on Education to a cabinet-level department, Dr. Boyer accepted an invitation to succeed Alan Pifer as president of the Carnegie Foundation.

He expanded the scope of his position to go beyond the study of higher education and to study education at every level, bringing the research and the four-year college on the earlier years of a child’s education.

Even when confined to a hospital bed last month, Dr. Boyer continued to keep up on developments in education, reacting to an announcement by the University of Rochester that it was downsizing both its student body and faculty in order to improve quality and attract better students.

“I think we’re headed into a totally new era,” he said. “After World War II, we built ourselves on a university system based on expansion. Research was everything, and undergraduates were marginalized. Now, time is running out on that.”

Later in November, responding to the appointment of William M. Bulger, the long-time president of the Massachusetts State Senate, as President of the University of Massachusetts, Dr. Boyer deplored the trend of naming prominent politicians to lead colleges and universities.

“It is disturbing to see university leaders chosen on the basis of their political strengths,” Dr. Boyer said. “A university president with strong academic credentials and who became a leader on the great issues in a way that a political leader cannot.”

“If you appoint political figures to these offices,” he continued, “you have more political voices being heard, but they’re being heard already. You need the other voices. Without the voices with strong academic credentials behind them, you can even imagine a time in the future when a politicized university administration and a politicized board of trustees would be hugely impatient with academic freedom.”

Dr. Boyer held more than 130 honorary degrees, including the Charles Franks Prize in the Humanities at the University of Iowa Hospital.

He is survived by his wife Kathryn, and four children, Ernest Jr., of Brookline,

[F]rom Current Biography Yearbook 1988

BOYER, ERNEST L.  

One of the most influential and respected members of the American educational establishment is Ernest Boyer, who since 1970 has served as president of the prestigious Carnegie Foundation for the Advancement of Teaching. Along the way, he has managed to accumulate more than sixty awards, trustee- ships, and honorary degrees. Since 1983 he has been Senior Fellow of the Woodrow Wilson School, Princeton University. As the head of the Carnegie Foundation, he automatically assures that any topic he may choose to address will achieve a prominent place on the national educational agenda.

Boyer's concerns range beyond the confines of the classroom to such urgent issues as the care in the last years of life and for adult education away from the campus. Under his leadership, the Carnegie Foundation has issued two major critical studies of adult education, one on high schools and colleges. Boyer is now training his sights on the earliest years of a child's education, including prekindergarten, as a key to fulfilling the important mission of the Carnegie Foundation for the Advancement of Teaching.

While a graduate student Boyer worked as a teaching assistant at the University of Southern California and as an instructor at Upland College, where he became chairman of the speech department. After a year spent at Loyola University (Los Angeles), where he was director of forensics, he became professor of speech pathology and audiology and academic dean at Upland in 1966. His post-graduate research in medical audiology confirmed the effectiveness of a new surgical technique for treating otosclerosis, a disease of the middle ear.

In 1960, reaching what he later recalled as one of the "crucial crossroads" in his life, Boyer switched from teaching and research to administrative work when he accepted the position of academic dean at Santa Barbara, administering projects funded by twenty-eight prominent educators, including the Carnegie Foundation for the Advancement of Teaching.

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I am fearful, however, that as we close out this session we will also close down the provision for aid to dependent children that dates back 60 years to the Social Security Act of 1935.

If this should happen, and it very likely and for all the wrong reasons, welfare reform will be the monstrous political deception embodied in the term Welfare reform.

In my lifetime there has been no such Orwellian inversion of truth in the course of domestic debate. “Welfare reform” in fact means welfare repeal. The repeal, that is, of title IV-A of the Social Security Act. Everyone is to blame for this duplicity, everyone is an accomplice.

For practical purposes, we can begin with the celebrated Contract With America, which pledged that within 100 days, a Republican House would vote on 10 bills, including:

3. Welfare reform. The government should encourage people to work, not to have children out of wedlock.

This in itself was unexceptional, especially the second clause. By 1994, the nation had become alarmed by an unprecedented rise in illegitimacy, to ratios altogether ahistorical—from practically nil to almost one-third in the course of a half-century. Since illegitimate children commonly end up supported by Aid to Families with Dependent Children (AFDC), a causal connection was inferred. Not proven. We know desperately little about this great transformation, save that it is happening in all the industrial nations of the North Atlantic.

Undeterred, the new House majority promptly passed a bill which repealed AFDC. Such an act would have been unthinkable a year earlier, just as repealing Old Age pensions or Unemployment Compensation, other titles of the Social Security Act, would be today. At minimum, it would have seemed cruel to children. But the new Republican House was entirely reversing the terms of the debate. Instead of aiding children, AFDC was said to harm them. Last month, a Republican Member of the House remarked on the importance of child care:

...because our welfare reform package is going to remove people from welfare and get them to work. We understand that child care is a critical step to ending the cruelty of welfare dependency.

What once was seen as charity, or even social insurance is redefined as cruelty. This happens. Social problems are continuously redefined. Malcolm Gladwell of The Washington Post has noted that, “In the 19th century, the assumption had almost always been that a man without a job was either lazy or immoral. But following the depression of the 1890's, the Progressives 'discovered' unemployment. Which is to say, a person failing because of societal failure was the problem. This redefinition has wrought what would once have seemed miracles in the stabilization of our economy. Mass unemployment is now history. On the other hand, such cannot be said for the attempt to dissociate welfare dependency from personal attributes, including moral conduct. As we would say in the old Navy, I am something of a plank owner in this regard, since I have been associated with the policy planning staff of the Department of Labor. We picked up the onset of family instability in the nation, in this case among African Americans. Interestingly, this followed our having failed to establish that macroeconomic problems were the source of the trouble. In the event, I was promptly accused of Blaming the Victim. For the 30 years that followed there was an awful tyranny of guilt mongering and accusation that all but strangled liberal debate. One consequence was that when a political force appeared that wished to change the terms of debate altogether, established opinion was effortlessly silenced and displaced. Again, Gladwell:

But if anything is obvious from the current budget fight and the commitment to scaling back welfare and Medicaid while lavishing extra billions on the Pentagon, it is that this once formidable confidence has almost disappeared.

This is what has given Washington's current re-examination of the size and shape of government its strange ambivalence. In most revaluations of the deficit quo has to be dragged from power, kicking and screaming. In this revolution, the defenders of the status quo can be almost persuadably, with the shrug and indifference of those who no longer believed in what they stood for either.

This was painfully evident in the Senate. On August 3, 1995, the Republican majority introduced a Welfare reform bill which abolished AFDC. That same day, the Democratic minority introduced a competing Welfare reform bill—which also abolished AFDC. On the minority side the enormous fuss is being made about a little extra child care, some odd bits of child nutrition aid, perhaps a little foster care. Literally arranging flowers on the coffin of the provision for children in the Social Security Act. Coming from devious persons this would have been a conscious strategy—distracting attention from what was really going on. But these were not, are not, devious persons. Sixty years of program liberalism—bill for you, bill for me—had made this legislative behavior seem normal. The enormity of the event was altogether missed.

I hope this is not mere innocence on my part. The Washington Post editorial page has been unblinking on this subject. An editorial of September 14 described the bill on the Senate floor as “reckless,” adding with a measure of disdain: “Some new money for child care may . . . be sprinkled onto this confection.” Those seeking to define welfare repeal as welfare reform by impoverishing the Republican measure should have known better. But I truly think they did not. In recent years, child care has been something of a mantra among liberal advocates for the poor. For all its merits, it has awesome defects, which are the defects of American social policy. The most important is that it creates two classes of working mothers: one that gets free government provided child care, another that does not.

The Clinton administration arrived in Washington sparking with such enthusiasm. At this time, I was chairman of the Committee on Finance, charged with producing $500 billion in deficit reduction, half through tax increases, half through program cuts. I thought deficit reduction a matter of the first priority, as did my fabled counterpart in the House, Dan Rostenkowski, chairman of Ways and Means. In the end, we got the votes. Barely. Fifty and the Vice President in the Senate. But all the while we were taking on this large—and as we can now say hugely successful—effort, we were constantly besieged by administration officials wanting us to add money for the Social security program. Immunization was a favorite. Rosty and I were baffled. Our cities had had free immunization for the better part of a century. All children are vaccinated by the time they enter school. It is imperative that these vaccinations be repeated regularly.

My favorite in the current political discourse was something called family preservation, yet another categorical aid program—there were a dozen in place already—which amounted to a dollop of social-insurance money to some monopoly in child care.

Undoubtedly one more program would do the trick. The New Family Preservation Program was included in the President's first budget, but welfare reform was not. In fact, the administration had no welfare plan until June of 1994, a year and a half after the President took office. At the risk of indiscretion, I ask unanimous consent to have printed in the Record at this point a letter I wrote to Dr. Laura D'Andrea Tyson, then the distinguished Chairman of the Council of Economic Advisors.

There being no objection, the letter was ordered to be printed in the Record, as follows:


Dr. Laura D'Andrea Tyson,
Council of Economic Advisers, The Old Executive Office Building, Washington, D.C.

DEAR DR. TYSON: You will recall that last Thursday when you so kindly joined us at a meeting of the Democratic Policy Committee you and I discussed the President's family preservation proposal. You indicated how much you support the measure. I assure you of my full support, but went on to ask what evidence there was there of any effect. You assured me there was such data. Just for fun, I asked for two citations.
The next day we received a fax from Sharon Glick of your staff with a number of citations and a paper, “Evaluating the Results,” that appears to have been written by Frank Farro and Craig N. Lossik for the Study of Social Policy here in Washington and Harold Richman at the Chapin Hall Center at the University of Chicago. The paper is entitled “An Evaluation of the Illinois Family First Placement Prevention Program: Final Report.” This was a large-scale study of the Illinois Family First Program, a new initiative authorized by the Illinois Family Preservation Act of 1987. It was “designed to test effects of this program on the capacities of children and other outcomes, such as subsequent child maltreatment.” Data on case and service characteristics were provided by the Illinois Department of Children and Family Services. The study was conducted by the Illinois Family First Program. The results are quite clear.

At the 1992 conference on Welfare Reform held in November, James Q. Wilson of the University of Chicago, the paper is quite different in style, and its Democratic variant, was more critical of the Republican proposal, and its Republican variant, was more critical of the Democratic proposal. Wilson began by insisting on how important it was to ask questions as conservatives asked. He then set forth three precepts.

The great strength of political conservatives is that they have great vigor that something or other is known in an area of social policy which, to the best of my understanding, is not known at all. It is quite possible to live with uncertainty; the possibility, even the likelihood that once is wrong. But beware of certainty where none exists. I see the danger of certainty with great concern that others may not think about the tattered principle of states’ rights. Even when it allows the states some freedom, it does so only at its own peril. Government is needed to protect individuals, rights, and to control the acts of individuals, whether criminals or not. Welfare politics in Washington is driven by national advocates, and attach conditions. Welfare politics is large scale.

This great debate is over, how, and at what cost we can change lives—if not the lives of this generation then those of the next.

He then set forth three precepts. The first is precisely where Will began:

First precept: Our overriding goal ought to be to save the children. Other goals—reducing the cost of welfare, discouraging illegitimacy, preventing poverty—are worthy. But they should be secondary to the goal of improving the life prospects of the next generation.

Second precept: National politicians have to say how to achieve this goal on a large scale. The debate that has begun about welfare reform is largely based on untested assumptions, ideological posturing, and perverse priorities.

Third precept: All of the above. The new precept is that national politicians have to say how to achieve this goal on a large scale. The debate that has begun about welfare reform is large scale.

What we worry about is the underclass. There has always been an underclass and al- ways will be one. But of late its ranks have grown, and its members have acquired vast new political clout. It has become a political threat, or menace to society, capable of inflicting harm beyond their own ranks. The means for doing so—guns, drugs, and auto- mobiles—were supplied to them by our in- tervention program results in a sharp increase in the number of cases, and in what measures at all. This seems to me perilous. It is quite possible to live with uncertainty; the possibility, even the likelihood that once is wrong. But beware of certainty where none exists. I see the danger of certainty with great concern that others may not think about the tattered principle of states’ rights. Even when it allows the states some freedom, it does so only at its own peril. Government is needed to protect individuals, rights, and to control the acts of individuals, whether criminals or not. Welfare politics in Washington is driven by national advocates, and attach conditions. Welfare politics is large scale.

This great debate is over, how, and at what cost we can change lives—if not the lives of this generation then those of the next.

He then set forth three precepts. The first is precisely where Will began:

First precept: Our overriding goal ought to be to save the children. Other goals—reducing the cost of welfare, discouraging illegitimacy, preventing poverty—are worthy. But they should be secondary to the goal of improving the life prospects of the next generation.

Second precept: National politicians have to say how to achieve this goal on a large scale. The debate that has begun about welfare reform is largely based on untested assumptions, ideological posturing, and perverse priorities.

Third precept: All of the above. The new precept is that national politicians have to say how to achieve this goal on a large scale. The debate that has begun about welfare reform is large scale.

What we worry about is the underclass. There has always been an underclass and always will be one. But of late its ranks have grown, and its members have acquired vast new political clout. It has become a political threat, or menace to society, capable of inflicting harm beyond their own ranks. The means for doing so—guns, drugs, and automobiles—were supplied to them by our intervention program results in a slight increase in placement rates (when data from all experiments are combined). This effect disappears once case and site variations are taken into account.

In other words, there are either negative effects or no effects.

This is nothing new. Here is Peter Rossi’s conclusion in his 1992 paper, “Assessing Family First Programs.”

``Evaluation of the Illinois Family First Placement Prevention Program: Final Report.” This was a large-scale study of the Illinois Family First Program, a new initiative authorized by the Illinois Family Preservation Act of 1987. It was “designed to test effects of this program on the capacities of children and other outcomes, such as subsequent child maltreatment.” Data on case and service characteristics were provided by the Illinois Department of Children and Family Services. The study was conducted by the Illinois Family First Program. The results are quite clear.

At the 1992 conference on Welfare Reform held in November, James Q. Wilson of the University of Chicago, the paper is quite different in style, and its Democratic variant, was more critical of the Republican proposal, and its Republican variant, was more critical of the Democratic proposal. Wilson began by insisting on how important it was to ask questions as conservatives asked. He then set forth three precepts.
public money to churches (even though they are more deeply engaged in human redemption than any state department of social welfare) or to enshroud those churches that do get public money with constraints that vitiate the essential mission of a church.

Finally, to Wilson’s point that any welfare program significantly funded from Washington will be run “uniformly, politically, and ignorantly.” I don’t disagree. The Family Support Act of 1996 had two basic premises. The first was that welfare could not be a way of life; that it had to be an interlude in which mothers learned to be responsible and fathers learned to pay child support, and also that this goal was to be pursued in as many different ways as State and local governments could contrive. I would like to think that I am not the only total freedom still in Washington who recalls that in debate we would continually refer to the experiments being carried out by a liberal Democratic Governor in Massachusetts, Michael Dukakis, and a conservative Governor in California, George Deukmejian. Our expectations, very much under control I should say, were based on the careful research of such programs by the Manpower Demonstration Research Corporation based in New York.

On December 3rd, Douglas J. Besharov of the American Enterprise Institute, the third of the conservative analysts I will cite, wrote in support of the welfare measure now in conference, stating that the experience of the JOBS program under the Family Support Act showed just how innovative and responsible States can be. He said:

Since 1992, the federal government has allowed States to innovate and experiment with their welfare systems through the waiver process. According to the Center for Law and Social Policy (CLASP), as of last week, 42 states had requested waivers and well over half had already been granted.

As some will know, earlier this year I introduced the Family Support Act of 1996, seeking to update the earlier legislation, given seven years experience. In the November issue of The National Journal, in which I am referred to as the “champion” of “left-of-center advocacy groups,” this measure, which got 41 votes on the Senate floor, is simply dismissed: “Warren’s bill in principle a vehicle for defending the status quo . . .” Dreadful charge, but not unwarranted. The status quo is meant to be one of experiment and change. And it is. So state: the idea of changing welfare has even taken hold in New York City.

Now to what I think of as a constitutional question, the source of my greatest concern. I have several times now, here on the floor, raised an event which took place in the course of a “retrial” which the Finance Committee held last March 18 at the Wye Plantation in Maryland’s Eastern shore. Our chairman, Senator Packwood, asked me to lead a discussion of welfare legislation, the House bill, H.R. 4, having by then come over to the Senate where it was referred to our committee.

I went through the House bill, and called particular attention to the provision denying AFDC benefits to families headed by an unwed female under 18 years of age. I said that these were precisely the families we had been talking about in the Family Support Act. The welfare population is roughly bi-modal. About half the families are headed by mature women who for one reason or another find themselves alone with children and without AFDC benefits. They are without AFDC insurance, just as unemployment compensation is income insurance. Or, if you like, social insurance, which is why we call it Social Security. These persons are typically in and out of the system within 2 years. The other AFDC families, rather more than half, begin as AFDC families. Young women with children typically born out of wedlock. These are the families the Family Support Act was concerned with. There are millions of families in just this circumstance.

A few days later, a colleague on the Finance Committee came up to say that he had checked on this matter at home. In his state there were four such families; two had just moved in from out of state; one family imagine the state welfare commissioner asking if the Senator wanted to know their names. Here is the point as I see it. Welfare dependency is huge, but it is also concentrated. That portion of the caseload that is on welfare for two years or less is more or less evenly distributed across the land. But three-quarters of children who are on AFDC at a point in time will be on for more than five years. They are concentrated in cities. In Atlanta, 59 percent of all children received AFDC benefits in the course of the year 1993; in Cleveland, 66 percent; in Miami, 55 percent; in Oakland, 51 percent; in Newark, 66 percent; in Philadelphia, 57 percent.

By contrast, there are many States that do not have large cities and do not have such concentrations. The Department of Health and Human Services has estimated the number of children who would be denied benefits under the 5-year time limit contained in both the House and Senate welfare bills, now in conference. For California, 849,300. For neighboring Nevada, 8,134. For New York, 300,527. For neighboring Vermont, 5,503.

If welfare were a smallish problem—if this were 1955, or even 1965—an argument could be made for turning the matter back to State Government. But it is now so large a problem that governments of the states in which it is most concentrated simply will not be able to handle it. On December 3rd, Lawrence Mead had an excellent article in the Washington Post in which he described the recent innovations in welfare policy, all provided under the Family Support Act. His article is entitled: “Growing a Smaller Welfare State: Wisconsin’s Reforms Show That To Cut the Rolls, You Need More Bureaucrats.” It begins:

The politicians debating welfare reform would have us believe that their efforts will greatly streamline the current system, help balance the nation’s books and reverse the long decades of unwinding the welfare of the poor. What they aren’t telling us is that, at the state and local level, the federal cuts in welfare payments are so profound that we haven’t shrunk—the size of the welfare bureaucracy.

Mead’s point is one we understood perfectly at the time we enacted the Family Support Act. The cheapest thing to do with chronic welfare dependent families is simply to leave them in welfare rolls. They are far in ways that Wilson speaks of is labor intensive, costly and problematic. A nice quality of the Wisconsin experiments is that job search begins the day an adult applies for welfare. But this takes supervision. Mead notes that high performing areas of the state “feature relentless followup of clients to see that they stay on track.” The term client is important; it is a term of professional social work. This sort of thing is not for amateurs. Most importantly, he concludes:

Even with Wisconsin’s successes so far, important questions remain unanswered: What happens to the people who were formerly on welfare rolls? Are they worse off than before? Can they sustain themselves long term? Anecdotes don’t suggest great hardship, but nobody knows for sure. And an argument is being made that the poor can flourish in inner cities where the social problems are far more serious? In Milwaukee, which has half the state’s welfare caseload, the success has been far more modest than in the rest of the state.

These questions need answers before a case can be made that Wisconsin is the model on which other states should base their reforms. But this much is clear: Wisconsin’s fusion of generosity and stringency does represent what the voters say they’re looking for.

In Milwaukee, 53 percent of children are on AFDC in the course of a year. I have been taken to task for suggesting that the time limits in the House and Senate bills will produce a spate of the number of children such that the current problem of the homeless will seem inconsequential. So be it; that is my view. I believe our present social welfare system is all but overwhelmed. Witness the death of Elisa Izquierdo in Brooklyn. If 39 percent of all children in New York City were on AFDC at some point in 1993, I would estimate that the proportion for Brooklyn would have been at least 50 percent, probably higher. Hundreds of thousands—I said several hundred of thousands—of these children live in households that are held together primarily by the fact of welfare assistance. Take that away and the children are blown away. The winds of December 6 administration has hardly cooled since the welfare conference agreement will force 1.5 million children into poverty. To say what I have said before here in the Senate: The young males can be horrid to themselves, horrid to one another, horrid to the rest of us.

By way of example, or analogue, or what you will, I have frequently referred to the Federal legislation that
It is very likely next week there will also be a conference report on welfare reform. I think we have about concluded the conference. [T]he original bill passed in the Senate by a vote of 67 to 27, and we retained most of the Senate provisions in the conference, and I ask my colleagues on both sides—this bill had strong bipartisan support—to take a look at it. Eighty-eight percent of the American people want welfare reform. We will have it on the floor, we hope, next week. We hope the President of the United States will sign it. In my view, it is a good resolution of differences between the House and the Senate. We still have one or two minor—well, not minor—issues in disagreement we hope to resolve tomorrow, and then we hope to bring it up by midweek next week.

What is one to say? The Senate bill did indeed have “strong bipartisan support.” If we do get a conference committee report, it will pass and will, I am confident, be vetoed. What I fear is that the repeal of the Social Security Act provision will return as part of a general budget reconciliation, and that bill will go on the floor. Would it do so, the Democratic Party will be to blame, and blamed it will be. It will never again be able to speak with any credibility to the central social issue of our age.

We will have fashioned our own coffin. There will be no flowers.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(Messages at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 325. An act to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.


The message also announced that the Speaker has signed the following enrolled bill:

ENROLLED BILLS SIGNED

S. 790. An act to provide for the modification or elimination of Federal reporting requirements.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).
concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: A. Peter Burleigh.

Post: Ambassador to Sri Lanka and The Maldives.

Contributions, amount, date, and donee:
1. Self: $200,000, HRCF; and $250,1293, HRCF (Human Rights Campaign Fund).
2. Spouse, N/A.
3. Children and Spouses: N/A.
5. Grandparents: deceased.

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John Raymond Malott, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: John R. Malott.

Post: Malaysia.

Contributions, amount, date, and donee:
2. Spouse: Hiroko Malott, $100.00, 2-19-92.
5. Grandparents: deceased.

Kenneth Michael Quinn, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Cambodia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth M. Quinn.

Post: Cambodia.

Contributions, amount, date, and donee:
1. Self, $500,000, SpringSummer '92 Richard S. Williamson.
2. Spouse, Le Song Nguyen Quinn (Joint contribution).

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3. Children and Spouses: Davin Quinn, Shandon Quinn, and Kelly Quinn, none.
4. Parents: George K. Quinn—deceased, Marie T. Quinn—deceased.
5. Grandparents: Michael and Mary Farrell—deceased. Charles and Grace Quinn—deceased.

William H. Itoh, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.


Post: Thailand.

Contributions, amount, date, and donee:
1. Self: $30,000, 10/29/92, DNC; $35,000, 2/28/93, DNC; $25,000, 12/27/93, DNC; $25,000, 12/27/94, DNC.
2. Spouse Melinda: none.
5. Grandparents: deceased.
7. Sisters and Spouses: no siblings.
8. Frances D. Cook, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Oman.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Frances D. Cook.

Post: Ambassador, Sultanate of Oman.

Contributions, Amount, Date, and Donee:
2. Spouse, N/A.
3. Children and Spouses: N/A.

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: James Franklin Collins.

Post: Pakistan.

Contributions, Amount, Date, Donee:
1. Self, Thomas W., Jr., none.
2. Spouse, Margaret Q., none.
3. Children and Spouses: Names: Suzanne Deidre and Benjamin Thomas, both unmarried, none.
5. Grandparents: Names: All deceased.

Richard Henry J. ones, of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Richard Henry J. ones.

Post: Ambassador to Lebanon.

Contributions, amount, date, donee:
1. Self, none.
2. Spouse, none.
4. Parents: Dailey M. Jones, none (deceased?).
5. Grandparents: B.O. Jones, none (deceased?).

James Franklin Collins, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador at Large and Special Advisor to the
Secretary of State for the New Independent States.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles H. Twining.
Post: Ambassador to the Republic of Equatorial Guinea.
Contributions, amount, date, and done.
1. Self, none.
2. Spouse, Irene Verann Metz Twining, none.
4. Parents: Charles Twining (deceased), Martha Twining (deceased).
5. Grandparents: Isaac and Sarah Twining (deceased), Harry Caples (deceased); Margaret Caples (none).
7. Sisters and Spouses: N.A.
Post: Ambassador-at-Large and Special Advisor to the Secretary for the New Independent States.
Contributions, date, done, and amount.
1. Self, none.
2. Spouse: Dr. Naomi F. Collins Contributions.
   09/90—Dollars for Democrats $15.00
   10/90—Dollars for Democrats 15.00
   07/91—Dollars for Democrats 20.00
   09/91—Mikulski for Senate 25.00
   11/91—Emily’s List 25.00
   11/91—Maryland Right to Choice 25.00
   01/92—Democratic National Committee 10.00
   02/92—Feinstein for Senate 25.00
   02/92—Ferraro for Senate 25.00
   03/92—Mukulski for Senate 35.00
   04/92—Mukulski for Choice 25.00
   09/92—Braun for Senate 25.00
   09/92—Precise donee unknown (fund to 02/91—Women to Senate) 50.00
   06/92—Dollars for Democrats 15.00
   01/93—Democratic National Committee 25.00
   05/93—DCCC (Democratic Congressional Campaign Committee) 15.00
   06/93—Bruce Adams for County Coun- cil 25.00
   10/93—Maryland Democrats 15.00
   11/93—Nancy Kop (candidate for State Legislature) 25.00
   01/94—Mary’s Higher Education Fund 18.00
   01/94—Democratic National Commit- tee 25.00
   03/94—Emily’s List 25.00
   03/94—Bruce Adams for County Coun- cil 25.00
   09/94—Democratic National Committee 20.00
   04/94—Eleanor Carey for Attorney Gen 1994 25.00
   05/94—Pat Williams 30.00
   08/94—Dollars for Democrats 25.00
   09/94—Dollars for Democrats 25.00
   5. Grandparents: Harrison F. Collins, 09/92.
   J ohn Crawford (candidate for Illinois Rep.), $50.00, 09/92.
   Democratic National Committee (Precise date and amount unknown), $10.00.
   7. Sisters and Spouses: None.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon.

Charles H. Twining, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James Franklin Collins.
Post: Ambassador-at-Large and Special Advisor to the Secretary for the New Independent States.
Contributions, date, done, and amount.
1. Self, none.
2. Spouse, Irene Verann Metz Twining, none.
4. Parents: Charles Twining (deceased), Martha Twining (deceased).
5. Grandparents: Isaac and Sarah Twining (deceased), Harry Caples (deceased); Margaret Caples (none).
7. Sisters and Spouses: N.A.
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4. Parents: Charles Twining (deceased), Martha Twining (deceased).
5. Grandparents: Isaac and Sarah Twining (deceased), Harry Caples (deceased); Margaret Caples (none).
7. Sisters and Spouses: N.A.
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Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably four nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of September 5, 22, and October 31, 95, at the end of the Senate proceedings.

The following-named career members of the Senior Foreign Service of the Department of State, in the foreign service of the United States of America, class of Career Minister:

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<th>Name</th>
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<td>Edward Gordon Abington, J., of Florida</td>
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<td>Richard A. Boucher, of Maryland</td>
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<td>Richard D. Clarke, of Virginia</td>
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<td>Rust M. Deming, of the District of Columbia</td>
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<td>Donald Willis Keyser, of Virginia</td>
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<td>Russell F. King, of California</td>
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<td>Bernard C. Meyer, M.D., of Florida</td>
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<td>Helen L. Mullan, of Oklahoma</td>
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<td>Robin Lypne Raphael, of Washington</td>
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<td>Sidney V. Reeves, of Texas</td>
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<td>Charles Parker Ries, of Texas</td>
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<td>Nancy H. Sambawie, of Texas</td>
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<td>Richard J. Shinnick, of New York</td>
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<td>David Welch, of California</td>
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The following-named career members of the Foreign Service of the Department of State, for appointment as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

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<th>Name</th>
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<td>Howard Gordon Abington, J., of Florida</td>
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<td>R. Nicholas Burns, of New Hampshire</td>
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<td>John Patrick Caullfield, Jr., of New Jersey</td>
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<td>Richard A. Christensen, of Wisconsin</td>
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<td>Gene Burls Christy, of Texas</td>
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<td>John Albert Cloud, J., of Florida</td>
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<td>Roger J. Daley, of Ohio</td>
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<td>Robert Emmett Downey, of New Jersey</td>
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<td>James E. Ehrman, of Wisconsin</td>
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<td>Daniel Ted Fantozzi, of Virginia</td>
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<td>Michael F. Gallagher, of Pennsylvania</td>
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<td>Gray N. Gray, of the United States of America</td>
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<td>John Gundersen, of New York</td>
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<td>Douglas Alan Hartwick, of Washington</td>
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<td>Carolle Heileman, of Nebraska</td>
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(To be continued.)
ROBERT S. GELBARD, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-CONSOLEN:

EDWARD GORDON ABINGDON, JR., OF FLORIDA;
WILLIAM D. CLARKE, OF MARYLAND;
RUST M. DEMING, M.D., DISTRICT OF COLUMBIA;
DONALD W. WILKES, KEYSER, OF VIRGINIA;
RUSSELL F. KING, OF VIRGINIA;
DANIEL P. O'NEILL, OF IOWA;
JOHN M. WIEGAND, OF MARYLAND;
BRUCE T. MULLER, M.D., OF MICHIGAN;
RONALD D. NEUMANN, OF VIRGINIA;
RUDOLF VILEM PERINA, OF CALIFORNIA;
SANDY V. REYES, OF TEXAS;
CHARLES PARKER RIES, OF TEXAS;
NANCY H. Saenger, OF TEXAS;
RICHARD J. SHINNICK, OF NEW YORK;
C. DAVID WELCH, OF TEXAS;

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CONSULOR:

MARGARET CORKERY, OF THE DISTRICT OF COLUMBIA;
RICHARD MARSHALL, OF CALIFORNIA;
JANE S. WILSON MESSENGER, OF VIRGINIA;
DAVID SLATTON MEADE, OF CALIFORNIA;
KIIN WAHN, OF MINNESOTA;
ANN G. O'BIRNE, OF CALIFORNIA;
ULIE ANNE O'REAGAN, OF TEXAS;
STELLE MAE, OF NEW MEXICO;
JAMES M. PEREZ, OF FLORIDA;
MIRA PIPLANI, OF VIRGINIA;
CATHY J. ERICKSON, OF WASHINGTON;
CARI ENAV, OF NEW YORK;
STEVEN C. RICE, OF WYOMING;
BRIAN THOMPSON, OF CALIFORNIA;
J. MICHAEL WALKER, OF MISSOURI;
ROBERT WARD, OF VIRGINIA;
MYLAN L. WEISS, OF NEW JERSEY;
LYN M. WHITLOCK, OF PENNSYLVANIA;
JOHN KING WHITFIELD, OF FLORIDA;

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION TO THE CLASSES INDICATED, EFFECTIVE NOVEMBER 28, 1993:

RICHARD MARSHALL, OF CALIFORNIA;
JANE S. WILSON MESSENGER, OF VIRGINIA;
DAVID SLATTON MEADE, OF CALIFORNIA;
KIIN WAHN, OF MINNESOTA;
ANN G. O'BIRNE, OF CALIFORNIA;
ULIE ANNE O'REAGAN, OF TEXAS;
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ROBERT WARD, OF VIRGINIA;
MYLAN L. WEISS, OF NEW JERSEY;
LYN M. WHITLOCK, OF PENNSYLVANIA;
JOHN KING WHITFIELD, OF FLORIDA;
The following-named career members of the senior foreign service of the agency for international development for promotion in the senior foreign service to the classes indicated:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

By Mr. BLUMENTHAL (for himself, Mr. ROY, and Mr. DOLE):

S. 1442. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes; and to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BLUMENTHAL. Mr. President, I introduce the Heflin-Rose Peanut Program Improvement Act of 1995.

Auburn University recently released a study based on the same economic impact model employed by the Base Closure and Realignment Commission to determine the effects of various proposals that were being considered before the Lungar-Army peanut program compromise was reached and made part of the Roberts farm bill, which is part of the budget reconciliation bill. Using the figures and calculations of the Auburn report, the Lungar-Army compromise would result in an industry-wide, negative economic impact totaling $375 million and will cause the loss of 5,400 jobs throughout the peanut industry.

While the Lungar-Army compromise is touted as an effort to achieve a no-net-cost program, in reality it will cost taxpayers $60 million over 7 years. As a matter of fact, the Lungar-Army compromise actually kills the program over 7 years, encourages peanut imports, and cuts peanut farmer income by nearly 30 percent.

Congressman CHARLIE ROSE and I have worked on a peanut program which we feel is a much better bill. This proposal guarantees a no-net-cost program saves some $43 million above what the Lungar-Army compromise saved. Our cost savings come from making foreign importers of peanuts pay the same assessments that U.S. peanut farmers have to pay and uses this money to offset the cost of the peanut program. In addition, to imposing assessments on importers, our proposal directs that the NAFTA and

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN:

S. 1688. A bill to extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes; and to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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December 12, 1995

CONGRESSIONAL RECORD — SENATE

S. 18443

GATT revenue derived from imported peanuts go toward paying for the peanut program rather than reducing farmer income.

The Helfin-Rose peanut program refrains from reducing farmer income by cutting prices. And the amendment maintains the current law loan rate for quota and additional peanuts. Unlike the Lugar-Army peanut program, which would allow unlimited cross-country transfers, the Helfin-Rose bill also measure infrastructure stability by placing certain limited transfers across county lines.

Furthermore, our legislation addresses health and food safety concerns due to the increased level of imports resulting from GATT and NAFTA. The American peanut farmer is held to the highest safety and inspection levels of any domestically-produced commodity. To not require at least an equivalent level of protection from foreign-grown peanuts jeopardizes American consumers.

For example, the Helfin-Rose bill requires that foreign-grown peanuts be inspected to determine whether or not they were produced with pesticides and other chemicals banned for use in this country. This legislation applies the same standards for quality, freedom from aflatoxin and procedures for the inspection and entry of imported peanuts that currently apply to domestically-produced peanuts under Marketing Agreement No. 84.

Peanut farmers strongly support achieving a no-net-cost peanut program. However, this goal can be achieved without slashing farmer income and with consideration to the economic costs on the communities that work and depend on the production of peanuts. If the Republicans are serious about deficit reduction, then this is a plan that saves a significant amount above their proposal, ensures a no-net-cost peanut program, and preserves farmer income while safeguarding American consumers with food safety provisions for imported peanuts and peanut products.

By Mr. McCAIN (for himself, Mr. ROTH, and Mr. DOLE).

S. 1470. A bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under such social security earnings limit for individuals who have attained retirement age, and for other purposes; to the Committee on Finance.

THE SENIOR CITIZENS FREEDOM TO WORK ACT OF 1995.

• Mr. ROTH. Mr. President, today, with Senator McCAIN, I am introducing the Senior Citizens’ Freedom to Work Act. This bill raises the Social Security earnings limit for workers age 65 to $30,000 by the year 2002. I am happy to think that this increase in the earnings limit is fully paid for over the 7-year period. In addition, this bill will protect the Social Security trust fund from disinvestment or underinver-

ment by the Secretary of the Treasury or any other Federal officials.

Under current law, seniors in this age group, who earn more than $11,280 this year, are penalized by forfeiting $1 for every $3 they earn over that limit. When coupled with other Federal taxes, these workers who earn above this $11,280 mark face a 56-percent marginal tax rate.

As I have often said, this is not fair. The earnings limit is a messagingsenior citizens that we no longer value their experience and expertise in the work force. I am happy to introduce this legislation that will provide equity to these hard-working seniors.

I must note that a law that part of the credit for this legislation in the Senate is due to the efforts of the senior Senator from Arizona, Senator John McCain, who has tirelessly championed this cause. I thank him for his work on this issue.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1471. A bill to make permanent the program of malpractice coverage for health centers under the Federal Tort Claims Act, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL TORT CLAIMS ACT MALPRACTICE COVERAGE FOR HEALTH CENTERS EXTENSION ACT OF 1995.

Mr. HATCH. Mr. President, today Senator KENNEDY and I are pleased to introduce S. 1471, the Federal Tort Claims Act Malpractice Coverage for Health Centers Extension Act of 1995. Our bill will make permanent an exemption in current law that provides medical malpractice coverage under the Federal Tort Claims Act [FTCA] to federally funded community health center personnel.

The current law is due to expire on December 31, necessitating speedy consideration of this legislation in the Congress.

I am pleased to announce that the House passed this afternoon a similar bill, authored by my good friend from Connecticut, Representative NANCY J. JOHNSON and I am hopeful the Senate can take up the JOHNSON bill forthwith.

A brief recitation of the legislative history on this issue may be useful to my colleagues at this point.

In 1992, Senator KENNEDY and I worked with our colleagues in the House to treat community health centers [CHC] physicians, nurses, and other personnel as Federal employees under the FTCA for the purpose of defending against malpractice claims.

Substituting the FTCA remedy for private lawsuits relieves CHC’s from devoting their limited program funds to purchase costly private malpractice insurance. Purchase of such insurance had proven an extremely costly burden to the centers, which, I believe, have been doing a marvelous job in providing excellent care in underserved areas on what amounts to a shoestring budget.

The Federal Tort Claims Act, which falls under the jurisdiction of the judiciary Committee, stipulates strict procedural requirements for the consideration of claims. For example, it does not provide for jury trials or the award of punitive damages. These streamlined procedures act to reduce the processing of, and costs associated with, tort claims.

By reducing insurance costs, the more than 500 community and migrant health centers can provide more direct medical services to the 5 million Americans who rely on these centers for their primary health care needs.

In the initial 3 years of our experience under the FTCA, it is encouraging to find that all experience suggests that health centers have a lower incidence of malpractice claims than comparable private insurance providers.

Through fiscal year 1995, it has been estimated that only 10 claims have been filed nationwide against the 119 participating health centers. Thus far, no funds have been required to be paid out under the statute to satisfy claims.

In the Department of Health and Human Services estimates that the 1992 law has saved over $14.3 million to date. This is consistent with the 1992 House Judiciary Committee report on this topic which noted that the savings from the law would far exceed the costs of coverage.

I want to take a moment to discuss the history of this legislation in the 104th Congress.

As I noted earlier, the House passed a similar bill today under suspension of the rules.

The version reported from the House Commerce Committee on September 27 was very similar to the approach that Senator KENNEDY and I were developing. However, that bill recommended a 3-year extension whereas we believed a permanent extension was warranted.

Ultimately, through discussions with our House colleagues, we were able to reach an agreement and the bill that passed the House today makes the FTCA coverage for CHC’s permanent.

The bill that passed the House today also differs from our approach in two other areas.

First, I understand that the House bill makes explicit that centers are not required to operate under the FTCA agnostics. In other words, centers are free to purchase insurance on their own if they so desire. I believe this is appropriate, and have no objection to this provision. It clearly was our intent in drafting S. 1471.

Second, in order to address concerns that our claims experience may be too limited in the first 3 years of operation to predict the adequacy of future reserves, we have provided for a General Accounting Office study of the medical liability risk exposure of centers. If—as seems unlikely based on the past experience and future risk management unforeseen problems develop in this program, this issue can be revisited.

The House bill contains a GAO study provision which is much more detailed...
than that embodied in the bill we introduce today. Again, I have no objection to the House alternative.

Mr. President, in closing, I note that the administration is supportive of this legislation and of making the program permanent. According to a recent administration report supporting extending FTCA coverage: "Our experience to date * * * is sufficiently positive that we believe that it is advisable to adopt FTCA coverage without a time limitation, rather than to continue current sunset provisions."

The legislation that Senator Kennedy and I are introducing today will result in the delivery of more public health services to underserved areas throughout the country, whether these areas are urban or rural. It is no secret to my colleagues that I am a tremendous fan of the work that CHC's are doing, especially in Utah, and I think it behooves the Congress to give them this added tool to help improve health care services in areas in which access has traditionally suffered.

At the bottom line, the 1992 legislation achieved more public health bang-for-the-buck and should be made permanent. It is important that a bill be acted upon in the near future to extend coverage so that centers will know whether or not they have to purchase private coverage for 1996. Therefore, I urge my colleagues to support a permanent extension of the legislation authorizing Federal Tort Claims Act coverage of community health centers.

ADDITIONAL COSPONSORS

S. 881

At the request of Mr. Pryor, the name of the Senator from Minnesota [Mr. Grams] 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 the tax treatment of labor jointly or employee sponsored 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. 901

At the request of Mr. Bennett, the name of the Senator from New Mexico [Mr. Domenici] was added as a cosponsor of S. 901, a bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and re-use projects and desalination research and development projects, and for other purposes.

S. 1166

At the request of Mr. Lugar, the name of the Senator from Tennessee [Mr. Frist] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safeguard infants and children, and for other purposes.

S. 129

At the request of Mr. Kyl, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of S. 129, a bill to amend title XVIII of the Social Security Act to clarify the use of private contracts, and for other purposes.

S. 130

At the request of Mr. Leahy, the name of the Senator from Illinois [Ms. Ros-Lehtinen] was added as a cosponsor of S. 130, a bill to ensure personal privacy with respect to medical records and health care-related information, and for other purposes.

S. 1392

At the request of Mr. Baucus, the name of the Senator from Maine [Ms. Snowe] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such product, and for other purposes.

S. 1414

At the request of Mrs. Hutchison, the name of the Senator from Maine [Mr. Cohen] was added as a cosponsor of S. 1414, a bill to ensure that payments due under program of compensation for veterans with service-connected disabilities, of dependency and indemnity compensation for survivors of such veterans, and of other veterans benefits are made regardless of Government financial shortfalls.

S. 1429

At the request of Mr. Domenici, the name of the Senator from Nebraska [Mr. Kerrey] was added as a cosponsor of S. 1429, a bill to provide clarification in the reimbursement to States for federal, Pell Grant, and current Federal programs during the lapse in appropriations between November 14, 1995, through November 19, 1995.

SENATE JOINT RESOLUTION 43

At the request of Mr. Helms, the name of the Senator from Wisconsin [Mr. Feingold], the Senator from Rhode Island [Mr. Pell], the Senator from New York [Mr. Moynihan], and the Senator from Illinois [Mr. Simon] were added as cosponsors of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

AMENDMENT NO. 3097

At the request of Mr. McConnell the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Amendment No. 3097 proposed to Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. Hatch. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, to conduct a markup of S. 1360, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such product, and for other purposes.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. Hatch. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, December 12, at 2:30 p.m., hearing room (SD-406) on S. 776, the Atlantic striped bass conservation act amendments of 1995. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. Hatch. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. Hatch. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, December 12, at 2:15 p.m. for a markup on the following agenda:

NOMINATIONS

Donald S. Wasserman, to be member, Federal Labor Relations Board.

David Williams, to be Inspector General, Social Security Administration. (Sequential referral. Finance held its hearing on Thursday, November 30, and favorably reported the nominee out).

S. 1224, the Administrative Disputes Resolution Act of 1995. The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. Hatch. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a markup on S. 814, to provide for the reorganization of the Bureau of Indian Affairs, and S. 1159, to establish an American Indian Policy Information Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. Hatch. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to
PRIDE OF HYDEN

(Please note: The PRIDE OF HYDEN article is published in various sections within the document. It seems there’s a listing of sections and statements that need to be arranged or quoted in a coherent manner. However, the primary article, "PRIDE OF HYDEN," is mentioned multiple times with variations that suggest it is part of a series or collection of articles.)

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Meet the session of the Senate for a hearing on Tuesday, December 12, 1995, at 9:30 a.m., in room 428A of the Russell Senate Office Building, to conduct a hearing focusing on “Proposals to Strengthen the SBIC Program.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, December 12, 1995, at 2 p.m. to hold a closed briefing regarding intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, December 12, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to consider S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO TIM COUCH

Mr. McCONNELL. Mr. President, it is my pleasure to rise today to pay tribute to an outstanding Kentuckian and a record-breaking quarterback. Tim Couch ended his high school football career on a high note with a 1-yard touchdown pass during the state quarterfinals. Some may wonder what is so special about this play. Well, that pass will go down in the record books as the one that put the Leslie County High School quarterback over the top as the national all-time leader in touchdown passes. In 4 years, he has thrown an amazing 12,092 yards—an accomplishment that helped earn Tim honors as National High School Player of the Year.

Leslie County is located in the mountains of eastern Kentucky. The last time the national spotlight shone on the small town of Hyden was in 1978, when President Nixon made his first public appearance since his resignation. He was there to attend a dedication of a gym named in his honor. According to local newspapers, residents said it was an exciting day, because everyone in the community knew about Hyden. And now history has repeated itself, but this time the spotlight is shining there because of the youth who's become known as "the pride of Hyden."—Tim Couch.

His final game as Leslie County High School quarterback was a memorable one in many ways. Besides breaking the passing record, Tim faced a consistent seven-man rush, he injured his right ankle trying to block an extra point, and he was sacked five times. But check out his numbers: he completed 17 of 34 passes for 223 yards and 2 touchdowns. After the record-breaking pass, the game came to a halt. Fans and the media stormed the field to ask Tim for autographs and interviews. At that moment, to everyone there, he was the star. "Couch is the best quarterback prospect I've seen in 17 years," doots Tom Lemming, who publishes a national recruiting newsletter. And Jeff Gundy, the University of Georgia's head coach, compares Couch to Peyton Manning. He reminds recruiters of John Elway. "ESPN draft nitwit Mel Kiper Jr. agrees and considers Tim, who is 6'3" and 235 pounds, one of the best quarterback prospects in the nation. And to think that Tim is just 18.

"Everybody around here is just so happy," says Hyden coach Chip Chapman. "When President Nixon made his first postexile public appearance, for the dedication of a grand gymnasium that honors his presidency. "Everybody knew us because of Nixon," says Leslie County High School basketball coach Ron Stidham. "I think we made Hyden—well, if not a household name certainly a place where people know where we are.""
bleeding," says Tim's mother, Janice. "I always had to make him come in before he got frostbite."

Come summer, he would throw footballs all afternoon with his older—by four years—brother, Greg. Tim always pretended to be Joe Montana or Dan Marino. Now, Marino aspires to play with Couch. "I hope I'm still in the picture," says Greg. "I've heard the Dolphin quarterback told Couch when the two met in Cincinnati, where the Dolphins played the Bengals on Oct. 1.

Tim never played baseball. "He told me in ninth grade, 'Dad, I don't want to stand there and let them throw a ball 60 miles an hour at me."

So Eric Elbert, who directs transportation for the county school system, when Greg became the quarterback at Leslie County High, Tim attended practice. The sixth grader was throwing the ball like a rocket," says Eagle football coach Joe Beder, an assistant at the time. "You knew then he would be the quarterback here."

Coach made the high school team as a seventh-grader, backed up his brother as an eighth-grader and became the starting quarterback, when Greg went to play football at Eastern Kentucky (where, after redshirtings one season, he's now a junior reserve). Tim points to the utility pole in the front yard of his family's comfortable two-story home. "When Greg went to college, I used to throw at that light pole," he says. "I'd take a five-steps drop and try to hit a receiver on the other side."

Then he would place two garbage cans next to each other and throw "little fade passes" over the defensive and into the second. "There's not much else to do in Hyden," says Todd Crawford, a physician's assistant who works with the Leslie County team.

So the Hydenites watch Couy. County judge-executive Onzie Sizemore was a star high school quarterback in Hyden in the early 1970s. "Time is the best athlete I've ever seen in Kentucky," says the judge, liberating on Tim down at the county and jailhouse. "He's the best thing that ever happened to Hyden. I just hope he doesn't run for county judge-executive, because then I'm out of a job."

They come from all over Kentucky to see Tim play. He's carried the hope far a mile at the toll booth that guards the Hyden exit of the Daniel Boone Parkway. And when the Eagles play an away game, says the team's son Rick, his favorite target, "last one outta town turns out the lights."

There is a sign outside of town that reads Hyden. Home of Osborne Bros. Stars of the Grand Ole Opry, the Osborne wrote "Rocky Top," which is the football anthem at Tennessee.

Lord God, if Tim goes to UK they'll be namin' babies for him before he plays his first game," says his friend Vic DeSimone. "Every kid in Kentucky will wear a number 2 jersey. DeSimone—a candy manufacturer's rep—dropped by Leslie County High to chat—furrows his brow before giving voice to every Kentuckian's darkest fear. "You wouldn't let him go to Tennessee, would you?" asks Elbert. "I mean, the boy's up to Liberty Baptist and still become a pro."

"Have to take the Fifth Amendment on that one," says Elbert, who later concedes: "If Tim does go out of state, we'll have to move out of state."

Wherever Couch goes, if he plays basketball at all in college, it will be as an afterthought to football, and a great many disappointed people will be left in his wake.

"It's hard for an 18-year-old kid to tell a football coach whom he's grown up adoring that he isn't going to play for him," says Tim, who is still considering Auburn, Florida, Kentucky, Notre Dame, Ohio State and (sigh) Tennessee. "I'm thinking about it all the time," he says of his impending decision. "Even if I just lying in bed, it never leaves my mind."

He has made certain of that. Taped above the light switch in his bedroom is a two-sentence note from a football assistant at Northwestern. "Your talent is God's gift to you," it reads. "What you do with your talent is your gift back to God."

It is the last thing that Tim sees each night when he turns out the lights.

A TRIBUTE TO FRANK SINATRA ON HIS 80TH BIRTHDAY

Mr. Lautenberg. Mr. President, I rise today to honor one of New Jersey's favorite sons, and one of America's great performers. I am celebrating his 80th birthday today: Frank Sinatra. Mr. Sinatra hails from Hoboken, New Jersey and we are proud to call him one of our own.

Mr. President, Frank Sinatra is one of the greatest performers and entertainers in the world, admired not only for his unique style, but for his ability to reach people on a distinctly personal level. As a musician and actor, Mr. Sin-
Frank Sinatra rose from humble, blue-collar roots to superstardom by virtue of a God-given gift: his voice. Through hard work and determination he perfected his talent and sang his way to the top of the entertainment industry. Sinatra dominated the charts from the 1930's through the 1960's. By the 1970's he was an American institution, surviving Elvis, the Beatles, and the rock and roll revolution. Frank Sinatra has performed for audiences around the world. He has influenced virtually everyone who is, or ever wanted to be, a singer. As Harry Connick, J.r., once said, "Frank taught everybody how to sing." A universal entertainer from the old school, he could sing with the likes of Bing Crosby, dance with the likes of Gene Kelly, and act with the likes of Burt Lancaster. From 1941 to 1984 he appeared in 59 motion pictures. In 1953, he won an Oscar for his performance in "From Here To Eternity."

But Frank Sinatra has given more to America than his records and movies. In 1945, he won a special award from the Academy of Motion Picture Arts and Sciences for a short film called "The House I Live In," in which he stressed tolerance and equal rights. He had much to do with the desegregation of the entertainment industry by promoting African-American artists, most notably his friend, the late Sammy Davis, J.r.

During World War II he could not serve because of a punctured ear drum, but he performed for troops overseas and assisted the war effort by selling war bonds. As a young man, he involved himself in politics by supporting President Roosevelt in 1932. He campaigned for Democrats throughout the 1950's. In 1960, President Kennedy asked him to direct his inaugural gala. In the 1970's he supported Republicans and again hosted inaugural galas for President Jimmy Carter. In 1986 he and his wifeArmor made their home in Desert Inn, Las Vegas, NV. Dan Mortensen, I tip my Stetson to you and your dedication.

Dan Mortensen will be 27 years old in 3 days and has accomplished a rare feat in his specialty event saddle bronc riding. He is a classic bronc rider, as is apparent by his three consecutive world titles. Saddle bronc riding is considered the classic event in the sport of rodeo. If you have never had the opportunity, I would suggest that you all take the time to see this event. A good saddle bronc ride is like watching a ballet to a cowboy, as it is a fluid movement between man and beast. In this event, the contestant must stay on a bucking horse for 8 seconds using only the timing of their movement and a bronc rein to keep them in the saddle. The classic style of Dan shows the grace and beauty involved in the sport of rodeo.

The honors that Dan has to his credit are numerous and speak volumes about his dedication to the true American sport of rodeo. Dan won the regular season title for the Montana High School Rodeo Association in saddle bronc riding. In 1989 Dan was awarded the title of Saddle Bronc Rookie of the Year. Four years later, Dan won his first world title in his specialty event.
It was during the finals that year that Dan won not only the average in the saddle bronc event, but set a record in the average. The average is the total score of 10 rounds of riding wild and wooly bucking horses. Truly a world champion accomplishment.

Dan and his wife, Kay, live in the beautiful Gallatin Valley in Manhattan, MT. Residing in this area does take its toll, since it is not the easiest place to make flight arrangements out to the numerous rodeos necessary to win a championship. However, Dan continues to call this home.

Mr. President, I join with the citizens of the State of Montana, and with all that hold our tradition of rodeo dear, in saluting this young man. I congratulate him for his dedication to the great Western tradition and sport of rodeo.

ORDERS FOR WEDNESDAY,
DECEMBER 13, 1995

Mr. COHEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m., Wednesday, December 13; 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 Senator HUTCHISON be immediately recognized to offer a Senate concurrent resolution regarding Bosnia.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. COHEN. For the information of all Senators, the Senate will begin debate on Senator HUTCHISON's Bosnia resolution at 9 a.m., and by a previous order, the Senate will vote on H.R. 2606, the Bosnian resolution received from the House, at 12:30 p.m., on Wednesday.

The majority leader has indicated that he hopes the Senate will be able to vote on Senator HUTCHISON’s resolution and the Dole Bosnia resolution after a reasonable amount of debate during Wednesday's session. All Members can therefore expect roll call votes throughout tomorrow’s session of the Senate. The Senate may be asked to consider any available appropriations conference reports, the State Department reorganization bill, or any items cleared for action.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. COHEN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:47 p.m., adjourned until Wednesday, December 13, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate December 12, 1995:

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

A.E. DICK HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM OF 6 YEARS, VICE LANCE BANNING.

THE JUDICIARY

JAMES P. JONES, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA, VICE JAMES H. MICHAEL, J.R., RETIRED.

CHERYL B. WATTLEY, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 101±650, APPROVED DECEMBER 1, 1990.
IT is obvious that the Administration would like to tioptoe away from Haiti, declar- ing it a success, but unless our objectives in the areas of democratization and economics are more fully achieved, the effort of the international community could easily un- ravel,” said Robert Pastor, President Carter’s adviser on Haiti and his personal mediation there. “Without a concerted effort to bring the opposition into the presidential elections, the outcome will not be stable or legitimate.

The ultimate lesson of Haiti is not that we should stay out of Bosnia. President Clinton did the right thing in Haiti—trying to re- store democracy. Haiti is a better, more se- cure place today because of that. No, the real lesson of Haiti is a humility. Haiti reminds us that with enough troops and money, we can make some difference for the better. But even that limited improvement is easily eroded or overwhelmed by the habits of gen- erations, unless some foreign peacekeepers, international organizations and aid workers are prepared to stay on the job for a long, long time. Bosnia will be no different.

I phoned Lakhdar Brahimi, who heads U.N. operations in Haiti, to ask him what he’s learned there that might be of use in Bosnia. He captured neatly the humbling, ambiguous reality of trying to rebuild failed states. He said: “I look at Haiti and I see 300 years of horrible history. It would be totally naive to think you can put it right with 20,000 troops in a year. With operations like Haiti and Afghanistan (and even the Bosnian community is earmarking on something completely new for itself, and for which it does not yet have all the skills. It isn’t even sure what it wants really). Look for the money the country needs to do it. So we take a country by the hand and accompany it a little bit, while it tries to stand on its own two feet. We don’t do it perfectly, but it’s still useful, even if it doesn’t create paradise. But no one should kid themselves. It’s a constant uphill strugg- le.”


THINK HAITI AND BE REALISTIC ON BOSNIA
(By Thomas L. Friedman)

WASHINGTON—just a couple of months ago when you asked Administration officials actu- ally what a peacekeeping operation would unfold, they would answer: “Think Haiti”—we go in big, stabilize the situation on the ground, bring in civilian reconstruction teams, hold elections and we’re out of there in a year.

Well think again, Haiti is no longer being touted as the model for Bosnia, because the U.S.-led effort to restore democracy in Haiti is deteriorating. As we go into Bosnia we should still “Think Haiti”—but as a cautionary tale about the limits of American power to remake a country. The U.S. military ac- complished its objectives in Haiti—busting the old regime and restoring basic security. But the political, economic and political poli- cies, which accompanied that military mis- sion, are all in jeopardy today.

American officials were convinced when they restored Haiti’s President, Jean- Bertrand Aristide, to power that he really had abandoned his populist, radical impulses. But several weeks ago he suggested that he would not give up power after elections for a new President on Dec. 17. Then he told U.S. officials he would. Then he told his followers: If you want three more years I will not turn my back on you.” Thursday, he said he real- ly, really will step down. In the meantime, though, the other candidates have been afraid to campaign, because it seemed Mr. Aristide might stay on, and the main opposi- tion parties were already boycotting because of the elections the U.S. is supporting.

Mr. Aristide, said Robert Pastor, President Carter’s adviser on Haiti and his personal mediation there. “Without a concerted effort to bring the opposition into the presidential elections, the outcome will not be stable or legitimate.

The ultimate lesson of Haiti is not that we should stay out of Bosnia. President Clinton did the right thing in Haiti—trying to re- store democracy. Haiti is a better, more se- cure place today because of that. No, the real lesson of Haiti is a humility. Haiti reminds us that with enough troops and money, we can make some difference for the better. But even that limited improvement is easily eroded or overwhelmed by the habits of gen- erations, unless some foreign peacekeepers, international organizations and aid workers are prepared to stay on the job for a long, long time. Bosnia will be no different.

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join my colleagues in welcoming to this Chamber the Prime Minister of the State of Israel, Shimon Peres. Mr. Peres journeyed to the United States to help us pay homage to our friend, the late Israeli Prime Minister Yitzhak Rabin, and to demonstrate the unity that exists between our two nations. As Prime Minister Peres addresses this joint session of Congress, we express our appreciation to Prime Minister Peres for his willingness to make this important journey on behalf of the people and State of Israel.

The voice of Prime Minister Yitzhak Rabin has been silenced. Hatred took from our midst a strong leader who believed that the time had come to seek peace in the Middle East. Yet, we gather today with a renewed sense of commitment to pursue peace in that region. It is, indeed, the highest tribute we can pay to Yitzhak Rabin.

Mr. Speaker, the man who addresses us as the new Prime Minister of Israel, Shimon Peres, has served his nation with distinction and honor. He brings to the post a record of distinguished service in office, and the highest level of commitment and integrity. Prime Minister Peres is a strong leader to whom we pledge our full support.

Mr. Speaker, I am proud of our Nation’s longstanding and close relationship with the people of Israel. Our historic and mutually beneficial relationship is a testament to international cooperation. Indeed, it exists as a model for all peace-loving nations of the world. During this period of mourning for the slain hero, Yitzhak Rabin, we remain committed to that relationship.

In the United States, we applaud President Clinton for his continued leadership in the quest for peace in the Middle East. He has demonstrated America’s strong support for this effort, and he stands beside his brother, Shimon Peres, offering a strong arm of support. The leadership of these two individuals and their courage in the pursuit of peace should be encouraged by all Americans and Israelis.

Mr. Speaker, on behalf of the residents of the 11th Congressional District, I take this opportunity to welcome Israeli Prime Minister Shimon Peres to Washington. As he comes before us, we take this opportunity to again convey our condolences during this time of mourning for Yitzhak Rabin. We hope that Prime Minister Peres will carry back to the people of his nation the words of comfort and support. Our support is extended in the spirit of brotherhood and unity.

GIANT HEALTH NET H.M.O. SUES COMPANY THAT GIVES IT A BAD RATING

HON. FORTNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. STARK. Mr. Speaker, the movement to managed care is sweeping the country, and it is vital that patients know whether the HMO’s and other organizations they are being asked to join provide quality care or are financially sound.

A bad sign for consumers is the lawsuit of giant Health Net HMO against the tiny rating firm of Weiss Ratings, Inc. Health Net claims that Weiss analysis of Health Net’s very shaky financial status—a “D” rating—was harmful to the HMO.

Mr. Speaker, the law suit smacks of intimidation. The financial data was very clear. At the time of the rating, Health Net was in bad shape. Weiss has an excellent reputation for spotting companies in trouble. Customers and investors have a right to know. If lawsuits like this succeed in silencing the analysts and critics, there will be no competitive marketplace because the consumer will have no hope of making an informed decision. Ignorant customers do not make good customers—and Health Net’s lawsuit is an effort to keep the public ignorant. The problem is, ignorance in picking a health plan can cause customer bankruptcy or even death.

And they won it in thrilling, heart-quickening style.

Trail by as many as 14 points, the determined Bobcats, led by quarterback Waylon Chapman, stormed back several times, climaxing by a 90-yard drive which tied the score in the game’s final seconds. After matching scores in the first overtime, the Bobcats faced a fourth down play from the 16 yard line. After a scramble, Chapman’s pass fell into the hands of a sliding Phillip Watts in the corner of the end zone.

But, it wasn’t over. Franklin-Simpson had one more chance to win.

After two plays, the stiff Bobcat defense forced a fumble and recovered it to clinch the victory. And, then the real celebrating began. Stunned and emotionally drained, Coach Mike Holcomb captured his team’s thoughts best: “It’s a great feeling for this community,” he said. “They poured their hearts out for this team.”

Yes, it is wonderful for this great community, but it is even a bigger accomplishment for the fine young athletes at Breathitt County High School. They never quit. Their determination, commitment and heroism is something everyone in this country can respect with pride.

Coach Vince Lombardi, in his immortal speech, “What It Takes To Be Number One,” said, “I firmly believe that man’s finest hour—his greatest fulfillment—is that moment when he was working his heart out and he’s exhausted on the field of battle—Victorious.”

The Bobcats have been to the top of the mountain, and as ABC’s Keith Jackson would say, “Oh Nellie,” are we proud.

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He said that his standards did not condemn the entire industry. Nearly half the 385 H.M.O.’s he now rates are in the A or B categories, with another 32 percent in the C rating group.

THE BALANCED BUDGET ACT

HON. J.C. WATTS, JR.
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. WATTS of Oklahoma. Mr. Speaker, the Balanced Budget Act of 1995 could be the best holiday gift that we ever give our children and grandchildren. This legislation could be the first step in paying off the ever-mounting debts we have accumulated for future generations. And this legislation could be the catalyst for new and better paying jobs for America’s workers and for students who will be entering the job market.

But this legislation can be none of these things until the President joins us in our commitment to a true balanced budget.

The Nation’s job-creating businesses are alarmed that the President has not joined the Congress in fiscal discipline to the Federal establishment. Last week, Mr. Richard Lesher, President of the U.S. Chamber of Commerce, wrote to President Clinton to express his views on the veto of the Balanced Budget Act.

I believe that Dr. Lesher has raised important points in his letter to the President, and I would like to share it with my colleagues. Dr. Lesher’s letter follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,

The President,
The White House,
Washington, DC.

Dear Mr. President: On behalf of the world’s largest business federation, representing 215,000 businesses, 3,000 state and local chambers, 1.2 million professionals, and 75 American Chambers of Commerce abroad, I am writing to express our extreme disappointment over your vetoing H.R. 2491, the “Balanced Budget Act of 1995.”

This historic legislation was the culmination of Herculean efforts by Members of Congress and the American people to bring about real fiscal discipline at the Federal level. It reflected a delicate balance between streamlining the Federal government, providing economic stimulus through tax relief to America’s families and businesses, and ensuring that necessary government services remain strong and directed to America’s truly needy.

Large and small businesses alike embraced H.R. 2491 as a means of improving the nation’s economic climate and job creation. Eliminating our nation’s annual deficits will lead to lower interest rates, increased savings and investment, greater productivity, additional and better paying jobs, and an overall higher standard of living for all citizens. Further, tax relief for America’s families and businesses will increase capital investment, preserve family-owned businesses, and moderate outdated tax laws while making the goal of a balanced budget more attainable.

From national polls, to town hall meetings, to the telephone calls and letters the American people clearly believe the tax and spend approach of big government is unacceptable. We agree. If H.R. 2491 is not the answer, it is incumbent on you and your Administration to put forth specific proposals which respond to the call for a seven year balanced budget plan.

The impending fiscal crisis threatens every level and aspect of our lives: from our competitive stance, to our standard of living, to those critical health care programs that nothing escapes its clutches. This moral imperative is too critical to be responded to by political rhetoric and no solutions. All of us must rise above politics and continue to maintain our goal of achieving an agreement to balance the budget for America’s future.

Sincerely,
Richard L. Lesher.

TRIBUTE TO COL. WILLIAM J. DALECKY, USAF

HON. ROBERT K. DORNAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. DORNAN. Mr. Speaker, a friend of the Congress and a long time leader in this Nation’s Air Force fighter aircraft weapons systems, Col. William J. Dalecky, is retiring from the U.S. Air Force on 1 January 1996. His most recent position has been as the Chief, Weapons Systems Liaison Division, Office of the Secretary of the Air Force, Washington, DC. In this position he has been responsible to the Secretary of the Air Force for legislative liaison for authorization of all Air Force weapons systems budget requests.

Colonel Dalecky has had a distinguished career of nearly 26 years of military service. After being commissioned through the U.S. Air Force Academy in June 1969 and graduating 11th in his class, he attended graduate school at the Anderson School of Management, UCLA and was awarded an MBA degree. He then began his flying career as a pilot trainee entered into the Cannon AFB, AB, graduating with distinction in 1971. Colonel Dalecky’s first operational assignment was as an F-4D aircraft commander with the Triple Nickel—555 Tactical Fighter Squadron—Udorn, Royal Thailand AFB. During his tour in Southeast Asia, Colonel Dalecky flew extensively over North Vietnam, logging 200 combat missions.

His next two decades of service continued to contribute directly to the aerospace defense of our Nation. After his tour at Udorn, Colonel Dalecky served as an F-4 instructor pilot at Luke AFB, where he was designated as a Weapons Instructor. In 1981, Colonel Dalecky was selected as the 46th Mission Commander and served two tours at Spangdahlem AFB, then as a T-41 instructor pilot at the U.S. Air Force Academy, instructing cadets in basic flying skills in preparation for pilot training, and finally, as an A- 10 aircraft commander at England AFB. His final operational assignment was as Deputy Commanding Officer and later Commanding Officer of the 52 Operations Group, Spangdahlem AFB. During this assignment, he deployed two of three assigned Wild Weasel squadrons to fight against Iraq, with no losses due to enemy action.

Colonel Dalecky attended the U.S. Army Command & General Staff College at Ft. Leavenworth, KS and the Naval War College, Newport, RI.

Colonel Dalecky also holds an MS degree in International Relations from Troy State University, a masters degree in Military Art and Science from U.S. Army Command and General Staff College, and an MS degree in National Strategic Studies from the Naval War College. Colonel Dalecky has received numerous awards and decorations, including the Distinguished Flying Cross, the Purple Heart, and the Legion of Merit.

Colonel Dalecky is married to the former Elisabeth Houle. They have three daughters, Natalie, Selene, and Amanda.

Colonel Dalecky plans to continue his work in fighter aircraft programs in a civilian capacity in the Washington area. On behalf of my colleagues and the congressional staff who have known and worked with Colonel Dalecky, we wish him and his wife Betty the very best in their future endeavors.

TRIBUTE TO REV. SAMUEL G. SIMPSON

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Rev. Samuel G. Simpson who was honored by friends and members of the Bronx Baptist Church on Sunday, November 12, for his 31 years of service in this ministry in my South Bronx congressional district.

Rev. Simpson has faithfully led the congregation since the beginnings of the church, when it started as a mission of the First Baptist Church, in Brooklyn. That same year the congregation moved their meeting place to 2024 Honeywell Avenue, in the Bronx. The number of worshippers continue to grow and a larger location was secured, in 1970, at 331 East 187th Street.

Born in Jamaica, Mr. Simpson attended West Indies College. Soon afterward, he moved to New Jersey and obtained a bachelor’s degree from Northeastern Bible College. He also holds an M.P.S. from the New York Theological Seminary, a D.F. from Asia Bible College, and a D.D. from Martha’s Vineyard Theological Seminary.

Always anxious to learn, Reverend Simpson broadened his education by completing courses at New York University, New York Institute of Photography, and at Oxford University.

Besides his passion for learning, Reverend Simpson has been an active member in the community. He holds numerous memberships and has presided over many religious organizations. Among these Reverend Simpson was the president of the Baptist Convention of New York, the Metropolitan New York Baptist Association Pastor’s Conference, and of the Bronx Division of the Council of Churches. He continues to preside over the Christian Coalition of the 47th Precinct and is the chairman of the board of the Bronx Baptist Day Care and Learning Center.

Reverend Simpson’s commitment to spread the gospel and to help the members of the community has been recognized by many organizations. The Bronx Council of churches honored him with the “Man of the Year” award. He was also recognized in “Who is Who, Among Black Americans,” and received...
the Community Services award from the Seventh Day Adventist Church of New York City, and the Community Appreciation award from the Bronx Shepherd Restoration. A highly educated man, Reverend Simpson has published numerous works, including, "Seven Beginnings."

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding accomplishments of Reverend Simpson and his untiring service to the Bronx Baptist Church in the South Bronx community.

RETIREMENT OF DONALD ROACH

IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to take a moment to express my congratulations and admiration to Mr. Donald Roach of Indianapolis, IN, as he retires from Allison Transmission.

In his nearly 50 years in the workforce, Mr. Roach served his community and country in several capacities.

A weapons expert in the U.S. Army in the early 1950’s, Mr. Roach brought his military expertise to Allison Transmission in Indianapolis in 1981. He began as a specialist on a battle-tank development project at Allison and then served as Allison’s Audit Coordinator at the U.S. Army Tank Plant in Lima, OH, for the balance of the 1980’s.

Donald Roach would conclude his years of service as a regional account manager, sharing his lifelong experience and expertise with both customers and fellow Allison employees across the country.

Even in this retirement, Donald Roach will remain active in various community service organizations and social clubs, and especially with his family. He has a wife, four children, and many grandchildren with whom he can enjoy the next phase of his life. I wish Donald Roach the best as he reflects on the many memories of the last 50 years.

PERSONAL EXPLANATION

HON. SONNY BONO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. BONO. Mr. Speaker, on the morning of Wednesday, December 6, 1995, I was un-avoidably delayed and missed roll call votes 838, H. Res. 290, the rule for the Securities litigation Reform, H.R. 1058. Were I present, I would have voted “aye” on the rollover call in support of House Resolution 290.

NATIONAL FUEL FUNDS DAY

HON. JOSEPH P. KENNEDY II
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, the safety net for millions of low-income and elderly families striving to keep warm this winter is wearing awfully thin. Budget cuts and funding delays have left the Low Income Home Energy Assistance Program [LIHEAP] struggling to get off the ground as the coldest winter approaches. This year as never before, needy households will not turn on the furnaces to safely warm their homes and make it through the winter.

Today is National Fuel Funds Day. Sponsored by the National Fuel Funds Network, it is a time to remember the more than 285 private fuel funds around the country and to show our support for their work to warm the lives of our fellow citizens. Americans are a generous people. In fact, Americans donated more than $72 million in support of this National’s private fuel funds in 1993 alone. That figure pales, however, in comparison with the more than $1 billion in fuel assistance provided annually by the Federal Government and the magnitude of the cuts currently being proposed for this vital program. The House has recommended eliminating energy assistance from the 1996 budget while the Senate is contemplating more than 30 percent reduction in funding.

Let us remember, then, our private fuel funds on National Fuel Funds Day and support them as they fight against the tide to shore up the safety net for millions of needy American men, women, and children.

1995 ORDER OF EXCELLENCE FOR BEST NURSING HOME

HON. G.V. (SONNY) MONTGOMERY
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. MONTGOMERY. Mr. Speaker, I would like to congratulate the Department of Veterans Affairs and particularly the Tucson VA Nursing Home for being awarded the 1995 Order of Excellence for Best Nursing Home by the nursing home industry journal, Contemporary Long Term Care, which sponsors the annual competition.

The Tucson facility scored first among both public and private nursing homes around the country with fewer than 135 beds. Tucson is the first VA nursing home to win the award. In fact, this is the first time the award has been given to a public facility.

The Tucson VA Medical center serves more than 600 elderly veterans in southern Arizona through a variety of special rehabilitation programs aimed at returning the veterans home or achieving independence. In addition to physical rehabilitation, the center provides in-terim neurologic treatment for dementia and stroke, psychiatric and hospice care, and respite care.

I am very proud that a VA facility has won recognition as a nationally outstanding care provider. Congratulations, Tucson, and the Department of Veterans Affairs.

OPPOSE THE SALE OF ADVANCED MISSILES TO TURKEY

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. SMITH of New Jersey. Mr. Speaker, on December 1, DOD’s Defense Security Assist-
ance Agency notified the House International Affairs Committee of the sale of 120 Army Tactical Missile Systems [ATACMS] to Turkey. Essentially a massive, guided cluster bomb, each missile is accurate at a range of up to 100 miles and delivers 950 small bombs. Many of the munitions fail to detonate, remain on the ground, and become a mortal threat to noncombatants. I rise today to voice grave concerns about this sale and question the rationale and timing of this deal. I also want to point out possible consequences of this sale and underscore the dangers of unconditional military support for an unstable regime which routinely commits massive human rights abuses against its own citizenry.

Mr. Speaker, my main concern about this sale is that Turkey’s regime could use these missiles against civilians as it pursues its ruthless campaign against Kurdish guerrillas. Tragically, Kurdish terrorists have killed hundreds of innocent civilians. Yet in response, Turkey’s military has killed thousands, tortured and maimed countless others, destroyed almost 3,000 Kurdish villages and forced 3 million people from their homes. On December 20, 1995, Human Rights Watch detailed in a 171-page report the Turkish military’s widespread use of United States-supplied equipment in campaigns which inflict death and destruction against civilians. The atrocities detailed in this report and report cites more than two dozen eyewitness accounts and substantiates a June 1995 State Department report which also concluded that U.S. equipment was used to violate the human rights of civilians.

Mr. Speaker, advocates of the missile sale argue that Turkey would not use ATACMS against civilians because of the system’s high cost and because such use can be easily detected. Both rationales are preposterous. Over recent years, Turkey has spent an estimated $7 billion per annum fighting its internal war. The supposed deterrence due to United States detection capabilities also rings hollow given that this administration, despite overwhelming evidence that Turkey uses United States equipment. I am particularly disturbed that the State Department’s Office on Democracy, Labor and Human Rights has lent its support to this sale when it had opposed the sale of ordinary cluster bombs to Turkey earlier this year. The sale of such weapons appears to indicate that the United States Government is willing to ignore Turkey’s ruthless suppression of its Kurdish population because of Turkey’s value as a strategic and economic partner. It is worth pointing out, Mr. Speaker, that the prime beneficiary of this $152 million contract will be the LORAL Corp., which manufactures ATACMS in Camden, AR.

Mr. Speaker, Turkey is undeniably located in a troubled and unstable region of the world. But Mr. Speaker, extending assistance to a fellow member of NATO does not mean we must shut our eyes to their violations of basic human rights. This administration has prioritized the halt of missile proliferation, and I would further question the introduction of advanced missile technology into this unstable region on these grounds.

On October 17 of this year, Mr. Speaker, a New York Times editorial entitled “America Arms Turkey’s Repression” concluded that “[A]ny further [military] aid should carry human
Mr. Speaker, on December 24, national elections will be held in Turkey which will have far reaching implications for United States-Turkish relations and the course of democracy in Turkey. Most observers believe the Islamic-based Welfare Party is poised to win more votes than ever before and will play a significant role in the new government. This anti-Western party has declared its intentions to reevaluate the foundations of Turkey's strategic and economic relationship with the United States. This raises the question of whether United States policy makers have thought about the consequences should Turkish voters bring the fundamentalists to power? If the Turkish military is to retain control of the government, and will play an important role in, if not lead, Turkey's post-election government. This anti-Western party has declared its intentions to reevaluate the foundations of Turkey's strategic and economic relationship with the United States. This raises the question of whether United States policy makers have thought about the consequences should Turkish voters bring the fundamentalists to power? If the Turkish military is to remain subordinate to civilian authorities, then should we not think twice about providing sophisticated weaponry to a regime whose leaders have expressed their opposition to United States interests in the region?

Mr. Speaker, I want to reiterate my opposition to this sale on the grounds that it is immoral and undermines U.S. security interests. Turkey's leaders have not sought to assuage concerns that such weapons would be used internally, by publicly committing to nonuse of this United States-supplied weapon on its own territory, against its own citizens. Mr. Speaker, I believe the sale of ATACMS to Turkey is a mistake we will come to regret. It is shameful that these implements of civilian death and destruction will be labeled "Made in the USA."

REMARKS BY MARVIN LENDER ABOUT THE TRAGIC DEATH OF YITZHAK RABIN

HON. ROSA L. DELAUNO OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Ms. DELAUNO. Mr. Speaker, today I rise to share a statement made by my dear friend Marvin Lender about the tragic assassination of Yitzhak Rabin. A resident of Woodbridge, CT, Mr. Lender was a former national chairman of the United Jewish Appeal and has a long and distinguished record in helping others. He has made countless contributions to community and civic affairs, but has consistently contributed to the Jewish community and the people of Israel. Mr. Lender was the first significant step in the peace process. Rabin had the courage to take this momentous step, beginning the long rocky road that he would travel to achieve peace. He spoke, and you could hear his concern, his emotion and his passion. He concluded his poignant remarks with the Hebrew words so familiar to us, "Ose sholom binomov hu yasef sholom ol yisroayl v'imru omayn." And at the end, which was a beginning, he shook hands with Arafat, symbolizing a time for change and peace. Immediately after the signing, Brian Lurie, executive vice president, United Jewish Appeal, Joel Tauber, president, United Jewish Appeal, and I, flew to Israel and met with the family of Nachon Waxman. I saw his tears and pain as he described the attack that he authorized in an attempt to release a Jewish hostage.

There were many meetings over the last three years—from the day after he won the election, to our meetings in Washington several days ago. He was always focused, determined and very clear about his mission. However, one could see the passion and compassion that this great man possessed. He knew, and so did we, that he was making great progress on the road to peace albeit with great sacrifice and pain. He was deeply hurt by the demonstrations and personal attacks by those who opposed him by the Israelis and America. But he was a man driven by his desire for peace. He did not want the children to die in a war. Little did he know that he would be remembered as the Prime Minister of the Jewish people. And to make matters worse, his family was the first to travel to achieve peace. This was the first in the peace process. Rabin had the courage to take this momentous step, beginning the long rocky road that he would travel to achieve peace. He spoke, and you could hear his concern, his emotion and his passion. He concluded his poignant remarks with the Hebrew words so familiar to us, "Ose sholom binomov hu yasef sholom ol yisroayl v'imru omayn." And at the end, which was a beginning, he shook hands with Arafat, symbolizing a time for change and peace. Immediately after the signing, Brian Lurie, executive vice president, United Jewish Appeal, Joel Tauber, president, United Jewish Appeal, and I, flew to Israel and met with the family of Nachon Waxman. I saw his tears and pain as he described the attack that he authorized in an attempt to release a Jewish hostage.

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Tuesday, December 12, 1995
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sicker and less dependable workers? Are the
medical literature which shows that people
t cost to buy a health insurance policy for a
for people on welfare or trying to leave welfare
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t he would be best suited.
here's a psychological bridge between you and the private sector. At the top of
the bridge is a granite wall 12 feet high and 12
feet thick. Once you walk over that bridge, it's a whole different culture. . . .
The first lesson is in "creative research." Before the officers arrived, they were asked to
fill out a form titled, "Understanding You." McCarthy asks them to identify their
potential skills, assets and interests that may translate to a civilian enterprise. "If you
were a computer programmer. . . ." he says. The group brainstorm about growing
opportunities in law enforcement, leisure, fi-
c. "Child-abuse counseling seems to be a good industry," offers Colonel
McCarthy hands out a reading list: Age Wave, Megatrends 2000, Powershift, What Color
Your Parachute? Under the "primary attack," he says, you have to research companies, figure out what
they need and tailor your résumé, appearance and demeanor to fit. Don't be too
hasty: Get your act together first.
"Look, you're a battleship heading up this
way." He draws a pencil-shaped ship
steam. They are getting it. The U.S. military is
"explode" these "intel" networks, adding more and more lists
to the required. . . .
 hesitate. "Fire all your guns at all the targets. Mass
your fire, just like a column of artillery. Get
ready get organized again."
Networking is next. McCarthy tells them to
run their friends, family, neighbors and acquaintances as if they were intelligence
agents, using the "primary attack" and exploring potential networks that depend on
one's suitability to obtain employment. Anderson is quoted as saying:
"By denying or limiting Medi-Cal avail-
ability, families could be further encouraged to exercise personal responsibility and to
obtain self-sufficiency through full or part-
time work."
This philosophy is frightening. What will
happen when a poor, non-Medicaid person
gets sick? Won't those eliminated simply turn up in hospital emergency rooms? Are they
supporting a lookout job?
Ms. Anderson recommends cutting Medi-Cal
for people on welfare or trying to leave welfare
as a way to prod them into work. What if they have a minimum wage job—how much would
it cost to buy a health insurance policy for a
mother and a child? Is it realistic to expect that
to happen? What about the extensive
medical literature which shows that people
who don't have health insurance tend to be
sicker and less dependable workers? Are the
types of jobs a welfare mom is likely to get the
ones that offer employer-paid health insur-
ance? Of course not.
The reduction in Federal support under the
Republican plan could force States to deny
coverage for nearly 8 million Americans in
2002 alone. California is considering a dra-
matic reduction in eligibility. How will other
States respond? Will they also cut their pro-
gram, to be competitive with California's re-
duced tax expenditures? Who knows—the Repub-
licans have stripped away the Medicaid
 guarantee for the sick, elderly, poor, blind, or
physically or mentally disabled. They will choose the
choice whether to cover these vulnerable citizens.
Statements like Ms. Anderson's point to a
"race to the bottom"—a race which will leave the
most vulnerable in our society sick or dead.

**VIEW FROM CALIFORNIA: THROW PEOPLE OFF MEDICAID TO MAKE THEM GO TO WORK**

**HON. FORTNEY PETE STARK**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 12, 1995

Mr. STARK. Mr. Speaker, the Republican budget cuts Federal support for Medicaid by
an unprecedented $163 billion—over 10 times anything ever enacted by any Republican or
Democratic President. The Republican plan achieves these savings by capping overall spending.
This means that spending growth per beneficiary would fall from the current 7 to 1.6 percent annually—far below the rate of in-
flation. States cannot sustain coverage when Federal funds are increasing at only 1.6 per-
cent by beneficiary. States will be forced to reduce benefits and/or provider payments and
eliminate coverage for millions of people on
Medicaid. A recent column in the November 28 edition of the Sacramento Bee leaves me fearful for
the poor in our California. The author, Mr. Dan
Walters, was commenting on California's plans
for Medi-Cal if the Republican welfare bill be-
comes law.

Currently, more than 5 million Californians
receive their medical care through Medi-Cal. If
the Republican welfare bill becomes law, Cali-
ifornia and other States will have to decide
whether to maintain current eligibility and
make up the shortfall with their own money or
begin cutting caseloads. California may well
slash Medi-Cal recipient rolls by hundreds of

The column reports that Eloise Anderson,
California's social services director, is urging
the Wilson administration to adopt a policy that would focus Medi-Cal benefits on some
subgroups and deny benefits to others. She
advocates a program of varying benefits that
depends on one's suitability to obtain employ-
ment. Anderson is quoted as saying:
"By denying or limiting Medi-Cal avail-
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Republican plan could force States to deny
coverage for nearly 8 million Americans in
Tribute to Rev. Ruben Dario Colón

Hon. Jose E. Serrano
Of New York
In the House of Representatives
Tuesday, December 12, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Ruben Dario Colón who was honored on Sunday by member of the community in celebration of his 45th ordination anniversary at the Resurrection Lutheran Church in the Bronx.

Reverend Colón has lived a life of help those who have needed him. His long and fruitful career as a pastor, counselor, police chaplain, and community activist has touched thousands of individuals in our community. Born in Puerto Rico and a veteran of the Airborne and Special Operations, he spent most of his youth on the island. He attended the University of Puerto Rico and in 1947, he married Mrs. Ramonita Orabona with whom he had a son and a daughter. Years later, he came to the United States and obtained a bachelor’s degree from Aleph University. He also holds a master’s degree from the Lutheran Theological Seminary and completed courses at Fordham University.

Reverend Colón has served as pastor in many Lutheran churches in New York, including the Resurrection Lutheran Church of the Resurrection which he leads today. His ministry is faithfully committed to bringing spiritual enlightenment to the community.

As a psychiatric social worker, Reverend Colón has provided psychiatric therapy for adults and families at various institutions, including Covenant House, the Bronx Psychiatric Center, and the Puerto Rican Children Hospital. He also serves as chaplain at the Veterans Administration Hospital and is a member of the board of the Morissiana Diagnostic and Treatment Center, the New York City and Hospital Corporation.

Among the many honors bestowed upon him, Reverend Colón was sworn in as chaplain of the New York City Police Department with the rank of inspector by former Police Commissioner Benjamin Ward. He is also the first Puerto Rican to receive the Silver Medal of the Academic Society of Arts, Science and Literature of France.

Mr. Speaker, I ask my colleagues to join me in recognizing Rev. Ruben Dario Colón for his remarkable career serving the community and bringing hope to the many individuals he has touched.

Lewis and Eula Allen Celebrate Their Golden Wedding Anniversary

Hon. Carrie P. MEEK
Of Florida
In the House of Representatives
Tuesday, December 12, 1995

Mrs. MEEK of Florida, Mr. Speaker, I rise to pay tribute to a wonderful couple in my district whose exemplary lives evoke the kind of family values and commitment this Nation can really be proud of. Lewis and Eula Allen, an extraordinary couple, celebrated their 50th wedding anniversary last November 29, 1995.

There are two individuals who genuinely epitomize the down-to-earth, human qualities that ordinary Americans, the unsung heroes and heroines of our Nation, have always engendered into their children since time immemorial. I would not feel right at all if I did not share with the Congress the hallmark of excellence and commitment that this couple left to consecrate their godly home in the service of our fellowwomen. The Allens are residents of Dade County since 1945. Into this union were born four God-fearing children, Louis Larry, Francina, and Linda, who is now deceased. Five grandchildren came to bring more joys into the Allen household, Jacob, Maya, Emory, LaDonna, and Louis.

A brief description of what this couple meant to the lives of their children is so compelling as to tug at the heartfelt simplicity and awesome beauty of what countless families all over America give to their children daily, nurturing them into becoming responsible, conscientious, and productive members of society. To the Allen children, Lewis and Eula, transformed their home into an oasis of love and support and encouragement. Incessantly they prayed to have God bless their parents to weather the storms and obstacles that mark up life’s vicissitudes.

With this basic belief the Allens consecrated themselves to rearing their children. As their daughter, Francina, put it succinctly, “mother represents the will of God.” It was she who instilled Judaeo-Christian principles and demanded moral excellence at all times. “Mother was our role model,” she continues, “and exacted from us to do right, to be good and tell the truth—come what may.”

Academic achievement in the pursuit of scholastic excellence was very important to the Allens. Mediocrity was unacceptable. The Allen children were taught to strive to be among the best. While Eula taught her children these life-long lessons, Lewis nurtured in their children’s malleable minds social development and awareness. It was Lewis who sacrificed to bring his children to PTA meetings, and chaperoned their school field trips, took them to football games, and all sorts of kiddie parties as well as taught them how to handle money by bringing them to Burger King on Fridays.

When election time came Mr. Allen, who read the newspaper daily, would gather around the table his wife and children and discuss with them for whom they were going to vote. These family discussions reinforced the power of people’s voting rights, especially when he impressed upon them that at no other time was equality exercised than during election time when the vote of the poor and the humble all over this Nation had the same weight as the vote of the rich and the powerful.

As the children were old enough to exercise their right of suffrage, they looked forward to go to the polls and vote for their chosen candidates, knowing full well the issues and priorities on which they stand.

As we enter into the spirit of this holiday season, the Allen children are mindful of the wonderful times they celebrate with their parents. They are deeply thankful of the gift of love God has showered them through the blessings of such noble parents. I know that there are countless more like the Allens throughout this Nation. I am indeed honored on one hand, and humbled on the other, to have been equally blessed with having the Allen given me their trust and confidence in representing them in the hallowed halls of the Congress. Truly it is people like the Allens that I am honored to be their public servant.

To Lewis and Eula Allen on their golden wedding anniversary, I say: “Warmest congratulations and best wishes. May God shower you with many more years to grace your wonderful union.”

I would like to share with my colleagues a recent article that appeared in the Miami Times celebrating Lewis and Eula Allen’s 50th wedding anniversary.

[From the Miami Times]

The Allens Celebrate Golden Year

(By Traci Y. Pollock)

They grew up together in a small Georgia town. They got married in their late teens and shared the good, the bad and the indifferent days.

And, through it all, Eula and Lewis Allen, both of whom have stayed in each other’s company as they grew older. This Wednesday they celebrated their 50th wedding anniversary.

“Just my age,” joked Mrs. Allen, “there’s no sense of my quitting. I know what I got. I don’t know what’s out there.”

“When you got a good wife, keep her,” advises Mr. Allen.

“And she’s a good cook and she keeps a good house,” Mrs. Allen interjects with a slight laugh.

“She’s got everything good,” Mr. Allen continues, “If you ask about her shortcomings, I haven’t gotten to them yet. I believe through that what the Lord put together let no one separate us.”

The Allens grew up together in Andersonville, Ga., population about 900. At age 19, they married and, a year later, left their hometown to go to the polls and vote for their chosen candidates, knowing full well the issues and priorities on which they stand.

Mrs. Allen wanted to move to Cleveland, Ohio, where her elder brother lived, but, in 1946, the couple decided to move to Miami, where her sister and two brothers resided.

She said that every once in a while she gets a chance to go up North. “I used to work together and went to school together in Georgia,” Mrs. Allen said. “We really got together...
when he was traveling while in the service. We did more communicating then. Then, when he got out, we courted for three years before we got married.

"I had some rough days when I came to Dade County. But I made up in my mind I was going to go through it. I was going to stay hold of my vow, I was going through it, I wasn't going around it or by pass it.

"I made it this far with God's help. I told Him what I wanted to do and that I would need His help. And since I chose to live my life for the Lord, God saved me. And that should be for anyone who wants to do something; they have to make up in their minds to do it.

"I had a lot of sad days, happy days and bad day. We've fussed. We've fought. But I just put them all together and stuck hold to him. And he's been the only man in my life. "I had desires. There were times I wanted to give it up but I would think about my vows, 'for richer or for poorer, through sickness and in health, 'til death do us part.' And he sure ain't rich. He's poor."

Mr. Allen said there was one occasion "when we had come near to separating."

"That was when I had just left the Army and I wanted to move somewhere it wasn't cold. She wanted to go North and I wanted to stay South. I probably would have done better up North, though, but I just don't like the cold weather."

Mrs. Allen describes her husband as an honest and hardworking man, who did not have to rob or steal to provide for the family.

And he says he stayed with his wife because of her positive qualities and her caring ways.

Staying together, they have seen their children, Louis, Larry, Francina Bolden and Linda Mays grow to become productive residents of Dade County. They have watched their grandchildren, Jacob Goldwire, Maya Mays, Ladonna, Emory and Louis James Allen attend school and become active in their community.

And they renewed their marital vows in 1989, on their 44th anniversary.

Asked why they did not wait until their golden anniversary, Mrs. Allen replied with a laugh, "We didn't know we would live that long."
**Chamber Action**

**Routine Proceedings,** pages S18373-S18448

**Measures Introduced:** Four bills were introduced, as follows: S. 1468-1471.

**Measures Reported:** Reports were made as follows:

- H. Con. Res. 42, supporting a resolution to the long-standing dispute regarding Cyprus.
- S. 602, to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from communist domination, with an amendment.
- S. 991, to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished, with an amendment in the nature of a substitute.
- S. 1465, to extend au pair programs.
- S.J. Res. 43, expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.
- S. Con. Res. 14, urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999.
- S. Con. Res. 25, concerning the protection and continued viability of the Eastern Orthodox Ecumenical Patriarchate.

**Measure Rejected:**

**Flag Desecration:** By 63 yeas to 36 nays (Vote No. 597), Biden Amendment No. 3093, in the nature of a substitute.

By 28 yeas to 71 nays (Vote No. 599), McConnell Amendment No. 3097, in the nature of a substitute.

**Withdrawn:**

- Hollings Amendment No. 3096, to propose a balanced budget amendment to the Constitution of the United States.

During consideration of this measure today, Senate also took the following action:

By 91 yeas to 8 nays (Vote No. 598), Senate sustained a point of order against Hollings Amendment No. 3095, to propose a balanced budget amendment to the Constitution of the United States, as being in violation of the consent agreement of December 8, 1995, which states that all amendments must be relevant to the subject matter of flag desecration, and the amendment thus fell.

**Bosnia Deployment:** Committee on Foreign Relations was discharged from further consideration of H.R. 2606, to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law, and Senate began consideration thereon.

A unanimous-consent agreement was reached providing for further consideration of the bill on Wednesday, December 13, 1995, with a vote to occur thereon at 12:30 p.m.

**Nominations Received:** Senate received the following nominations:

- A. E. Dick Howard, of Virginia, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term of six years.
- James P. Jones, of Virginia, to be United States District Judge for the Western District of Virginia.
Cheryl B. Wattley, of Texas, to be United States District Judge for the Northern District of Texas.

Messages From the House:

Executive Reports of Committees:

Statements on Introduced Bills:

Additional Cosponsors:

Authority for Committees:

Additional Statements:

Record Votes: Four record votes were taken today. (Total–600)

Adjournment: Senate convened at 9 a.m., and adjourned at 9:47 p.m., on Wednesday, December 13, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S18448.)

Committee Meetings

IRAN FOREIGN OIL SANCTIONS
Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported, with an amendment in the nature of a substitute, S. 1228, to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

NATIONAL HERITAGE AREAS
Committee on Energy and Natural Resources: Subcommittee on Parks, Historic Preservation and Recreation concluded hearings on S. 873, to establish the South Carolina National Heritage Corridor, S. 944, to establish the Ohio River Corridor Study Commission, S. 945, to modify the boundaries of the Illinois and Michigan Canal Heritage Corridor, S. 1020, to establish the Augusta Canal National Heritage Area in the State of Georgia, S. 1110, to establish the Illinois and Michigan Canal National Historic Reserve in the State of Washington, and S. 1190, to establish the Ohio and Erie Canal National Heritage Corridor, after receiving testimony from Senators Thurmond, Gorton, Coverdell, and DeWine; Representative Regula; Denis P. Galvin, Associate Director for Professional Services, National Park Service, Department of the Interior; Mayor Bruce E. Hagensen, Vancouver, Washington; Mayor Dannel McCollum, Champaign, Illinois; Grace G. Young, South Carolina Department of Parks, Recreation and Tourism, Columbia; Michael Conzen, University of Chicago, Chicago, Illinois, on behalf of the Illinois and Michigan Canal National Heritage Corridor Commission; Thomas H. Robertson, Augusta Canal Authority, Augusta, Georgia; Daniel M. Rice, Ohio & Erie Canal Corridor Coalition, Akron; Lisa M. Jaeger, Defenders of Property Rights, American Association of Museums, on behalf of the National Coalition for Heritage Areas, and R. J. Smith, Competitive Enterprise Institute, all of Washington, D.C.; and Myron Ebell, Frontiers of Freedom, Arlington, Virginia.

ATLANTIC STRIPED BASS CONSERVATION
Committee on Environment and Public Works: Committee concluded hearings on S. 776, authorizing funds for fiscal years 1995 through 1998 for programs of the Atlantic Striped Bass Conservation Act and amends the Act to include provisions of the Anadromous Fish Conservation Act relating to Atlantic striped bass research, after receiving testimony from Jamie Geiger, Assistant Regional Director for Fisheries, Northeast Region, U.S. Fish and Wildlife Service, Department of the Interior; Richard H. Schaefer, Director, Office Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; John H. Dunnigan, Washington, D.C., on behalf of the Atlantic States Marine Fisheries Commission; Mark R. Gibson, Rhode Island Department of Environmental Management Division of Fish and Wildlife, Wickford; Damon M. Tatam, Jr., Tatam's Tackle Shop, Nags Head, North Carolina, on behalf of the Atlantic States Marine Fishery Commission; and Charles Bergmann, Axelson and Johnson, Cape May, New Jersey.

BUSINESS MEETING
Committee on Foreign Relations: Committee ordered favorably reported the following business items:

Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (the START II Treaty) (Treaty Doc. 103–1), with 6 conditions and 7 declarations;

S. 602, to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from communist domination, with an amendment;

S. Con. Res. 14, urging the President to negotiate a new base rights agreement with the Government of Panama to permit United States Armed Forces to remain in Panama beyond December 31, 1999;

S. Con. Res. 25, concerning the protection and continued viability of the Eastern Orthodox Ecumenical Patriarchate;

H. Con. Res. 42, supporting a resolution to the long-standing dispute regarding Cyprus;
S. 1465, to extend au pair programs;  
S.J. Res. 43, expressing the sense of the Congress regarding Wei Jingsheng, Gedhun Choekyi Nyima, the next Panchen Lama of Tibet, and the human rights practices of the Government of the People’s Republic of China; and  
The nominations of A. Peter Burleigh, of California, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without compensation as Ambassador to the Republic of Maldives, James Franklin Collins, of Illinois, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States, Frances D. Cook, of Florida, to be Ambassador to the Sultanate of Oman, Don Lee Gevirtz, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the United Kingdom of Tonga, and Ambassador to Tuvalu, Robert E. Gribbin, III, of Alabama, to be Ambassador to the Republic of Rwanda, William H. Itoh, of New Mexico, to be Ambassador to the Kingdom of Thailand, Richard Henry Jones, of Nebraska, to be Ambassador to the Republic of Lebanon, James A. Joseph, of Virginia, to be Ambassador to the Republic of South Africa, Sandra J. Kristoff, of Virginia, for the rank of Ambassador during her tenure of service as U.S. Coordinator for the Asia Pacific Economic Corporation (APEC), John Raymond Malott, of Virginia, to be Ambassador to the Republic of Malaysia, Joan M. Plaisted, of California, to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati, Kenneth Michael Quinn, of Iowa, to be Ambassador to the Kingdom of Cambodia, David P. Rawson, of Michigan, to be Ambassador to the Republic of Mali, J. Stapleton Roy, of Pennsylvania, to be Ambassador to the Republic of Indonesia, Jim Sasser, of Tennessee, to be Ambassador to the People’s Republic of China, Gerald Wesley Scott, of Oklahoma, to be Ambassador to the Republic of The Gambia, Thomas W. Simons, Jr., of the District of Columbia, to be Ambassador to the Islamic Republic of Pakistan, Charles H. Twining, of Maryland, to be Ambassador to the Republic of Cameroon, and to serve concurrently and without additional compensation as Ambassador to the Republic of Equatorial Guinea; Ralph R. Johnson, of Virginia, to be Ambassador to the Slovak Republic; and certain foreign service officers promotion lists.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:  
The nomination of David S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority; and  
S. 1224, to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, with an amendment in the nature of a substitute.

SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Committee on Small Business: Committee held hearings on proposals to strengthen the Small Business Administration’s small business investment program, receiving testimony from Patricia Forbes, Acting Associate Deputy Administrator for Economic Development, and Don A. Christensen, Associate Administrator for Investment, both of the Small Business Administration; C. Walter Dick, Pioneer Capital Corporation, Boston, Massachusetts; Keith R. Fox, Exeter Venture Lenders, New York, New York; George M. Miller, II, Sirrom Capital Corporation, Nashville, Tennessee; and Stanley W. Tucker, MMG Ventures, Baltimore, Maryland.  
Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:  
S. 814, to provide for the reorganization of the Bureau of Indian Affairs, with an amendment in the nature of a substitute; and  
S. 1159, to establish an American Indian Policy Information Center.

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 on Thursday, December 14.
House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 2757-2764; 1 private bill, H.R. 2765; and 4 resolutions, H. Res. 295, 298, 299, 300 were introduced. Pages H14310–11

Reports Filed: Reports were filed as follows:

H.R. 1747, to amend the Public Health Services Act to permanently extend and clarify malpractice coverage for health centers, amended (H. Rept. 104–398);

H. Res. 296, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 104–400);

Report entitled “Inquiry Into Various Complaints Filed Against Representative Newt Gingrich” (H. Rept. 104–401); and


Recess: House recessed at 10:04 a.m. and reconvened at 1 p.m. Pages H14255–57

Address by Prime Minister Peres: The House and Senate met in a joint meeting to receive an address by Prime Minister Shimon Peres of Israel. Prime Minister Peres was escorted to and from the House Chamber by Senators Dole, Lott, Nickles, Cochran, Mack, Thurmond, D’Amato, Daschle, Ford, Mankulski, Pell, Leahy, Levin, Feinstein, and Boxer; and by Representatives Armey, Delay, Boehner, Gilman, Livingston, Solomon, Burton of Indiana, Calahan, Schif, Lazio, Gehardt, Bonior, Fazio, Kehnely, Hamilton, Yates, Obey, Frost, Berman, and Hastings of Florida. Pages H14255–57

Recess: House recessed at 1:41 p.m. and reconvened at 2:30 p.m. Pages H14263

Bill Re-referred: H.R. 2415, to designate the United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, Texas, as the “Timothy C. McCaghren Customs Administration Building,” which had been referred to the Committee on Ways and Means, was re-referred to the Committee on Transportation and Infrastructure. Page H14266

Caucus and Committee Membership: Read a letter from the Chairman of the Democratic Caucus wherein he informs the House that Representative Hayes is no longer a member of the Democratic Caucus; and read letters from the Speaker wherein he advises the Chairmen of the Committees on Transportation and Infrastructure and Science that the election of Representative Hayes to their committees has been vacated. Page H14273

Corrections Calendar: On the Call of the Corrections Calendar, the House took the following actions:

Passed and sent to the Senate without amendment:

Saccharin notice requirement: H.R. 1787, to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement. Pages H14266–68

Passed and sent to the Senate, amended:

Clean Air Act commuter programs: H.R. 325, to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe. Pages H14268–73

Suspensions: House voted to suspend the rules and pass the following measures:

Federally supported health centers assistance: H.R. 1747, to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers; Pages H14273–77

Trinity River Basin wildlife management: H.R. 2243, amended, to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River (passed by a yea-and-nay vote of 412 yeas, Roll No. 845); Pages H14277–79 (continued next issue)

Don Edwards Wildlife Refuge: H.R. 1253, to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; Pages H14279–81

Federal trademark dilution: H.R. 1295, amended, to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks; (See next issue.)

Compensation of patent owners: H.R. 632, amended, to enhance fairness in compensating owners of patents used by the United States; (See next issue.)

DNA identification grants: H.R. 2418, amended, to improve the capability to analyze deoxyribonucleic acid (passed by a yea-and-nay vote of 407 yeas to 5 nays, Roll No. 847); (See next issue.)
Criminal law technical amendments: H.R. 2538, amended, to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice;

(See next issue.)

Increased penalties for Federal prison escapees: H.R. 1533, to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison;

(See next issue.)

Technology transfer and advancement: H.R. 2196, amended, to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements;

(See next issue.)

Veterans housing and employment benefits: H.R. 2289, amended, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community;

(See next issue.)

Bank insurance fund and depositor protection: H.R. 1574, to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit; and

(See next issue.)


(See next issue.)

National Parks and Refuge Systems: By a yea-and-nay vote of 254 yeas to 156 nays, Roll No. 846 (two-thirds of those present not voting in favor), the House failed to suspend the rules and pass H.R. 2677, to require the Secretary of the Interior to accept from a State donations of services of State employees to perform, in a period of Government budgetary shutdown, otherwise authorized functions in any unit of the National Wildlife Refuge System or the National Park System.

Pages H14281–88

(continued next issue)

Sexual Crimes Against Children Prevention: House agreed to the Senate amendment to H.R. 1240, to combat crime by enhancing the penalties for certain sexual crimes against children—clearing the measure for the President.

(See next issue.)

ICC Elimination: The Speaker appointed Representative Wise as a conferee in the conference on H.R. 2539, to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, and to reform economic regulation of transportation; vice Representative Lipinski, resigned.

(See next issue.)

Resignation: Read a letter from Representative Tucker wherein he resigned as a Member of the 104th Congress.

(See next issue.)

Amendments Ordered Printed: Amendments ordered pursuant to the rule appear on pages H14311–16.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of the House today and appear in the next issue. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 11:15 p.m.

Committee Meetings

CAMPAIGN FINANCE REFORM
Committee on House Oversight: Concluded hearings on Campaign Finance Reform: The Role of Political Parties. Testimony was heard from Haley Barbour, Chairman, republican National Committee; Donald L. Fowler, National Chairman, Democratic National Committee; and public witnesses.

NIGERIA—RECENT DEVELOPMENTS
Committee on International Relations: Subcommittee on Africa and the Subcommittee on International Operations held a joint hearing on Recent Developments in Nigeria. Testimony was heard from George E. Moose, Assistant Secretary, African Affairs, Department of State; and public witnesses.

ATLANTIC STRIPED BASS PRESERVATION ACT
Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on H.R. 2655, Atlantic Striped Bass Preservation Act of 1995. Testimony was heard from Richard Schafer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, NOAA, Department of Commerce; John A. Peterson, Jr., Mayor, Seaside Park, New Jersey; and public witnesses.

PROVIDING EXPEDITED PROCEDURES
Committee on Rules: Granted, by voice vote, a rule waiving clause 4(b) of rule XI (requiring a two-thirds vote to consider a rule on the same day as it is reported from the Committee on Rules) against the same-day consideration of certain resolutions reported during the remainder of the first session of the 104th Congress for consideration of a measure, amendment, conference report or amendment reported in disagreement relating to the following: (1) a bill making general appropriations for fiscal year 1996; (2) a bill or joint resolution making further continuing appropriations for fiscal year 1996; (3) a bill or joint resolution increasing or waiving the
public debt limit; (4) a bill to provide for a balanced budget by 2002; and (5) a bill or resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina.

FOREIGN OPERATIONS APPROPRIATIONS
Committee on Rules: Committee granted, by voice vote, a rule providing for the offering of a motion printed in section 2 of this resolution to dispose of Senate amendment numbered 115 to H.R. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, to be offered by Mr. Callahan or his designee. The rule provides that the Senate amendment and the motion shall be considered as read. All points of order are waived against the motion. The rule provides for 1 hour of debate. Finally, the rule provides that the previous question shall be considered as ordered on that motion to final adoption without intervening motion or demand for division of the question. Testimony was heard from Representative Callahan.

COMMITTEE BUSINESS
Committee on Standards of Official Conduct: Met in executive session to consider pending business.

Joint Meetings
TELECOMMUNICATIONS COMPETITION AND Deregulation Act
Conferees continued to resolve the differences between the Senate- and House-passed versions of S. 652, to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 13, 1995
(Committee meetings are open unless otherwise indicated)

Senate
Committee on Armed Services, to hold hearings on the nomination of H. Martin Lancaster, of North Carolina, to be an Assistant Secretary of the Army, Department of Defense, 10 a.m., SR-222.
Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 901, to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects, S. 1013, to acquire land for exchange for privately held land for use as wildlife and wetland protection areas, in connection with the Garrison Diversion Unit Project, S. 1154, to authorize the construction of the Fort Peck Rural Water Supply System, S. 1169, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, Idaho, and S. 1186, to provide for the transfer of operation and maintenance of the Flathead irrigation and power project, 2:30 p.m., SD-366.
Committee on Environment and Public Works, to hold hearings on proposed legislation authorizing funds for the Clean Water Act, focusing on municipal issues, 9:30 a.m., SD-406.
Special Committee To Investigate Whitewater Development Corporation and Related Matters, to resume hearings to examine certain issues relative to the Whitewater Development Corporation, 10:30 a.m., SH-216.

House
Committee on Agriculture, to consider the following bills: H.R. 2029, Farm Credit System Regulatory Relief Act of 1995; and H.R. 2130, Farmer Mac Reform Act of 1995, 9:30 a.m., 1300 Longworth.
Committee on Banking and Financial Services, hearing on the Treasury Department's use of Federal Trust Funds, 1 p.m., 2128 Rayburn.
Committee on Economic and Educational Opportunities, Subcommittee on Workforce Protections, to mark up the following bills: H.R. 2391, Compensatory Time for All Workers Act of 1995; H.R. 1227, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles; and H.R. 2531, to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, 10:30 a.m. 2175 Rayburn.
Committee on Government Reform and Oversight, Subcommittee on Civil Service, hearing on H.R. 2391, Compensatory Time for All Workers Act of 1995; H.R. 2531, to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, 9:30 a.m. 2154 Rayburn.
Subcommittee on the District of Columbia, to mark up H.R. 2661, District of Columbia Fiscal Protection Act of 1995, 10 a.m., 2247 Rayburn.
Committee on House Oversight, to consider pending business, 11 a.m., 1310 Longworth.
Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight and reauthorization hearing of the Administrative Dispute Resolution Act, 2 p.m., 2226 Rayburn.
Subcommittee on Immigration and Claims, to consider private claims bills, followed by a joint hearing with the Subcommittee on the Constitution, on societal and legal
issues surrounding children born in the United States to illegal alien parents, 10 a.m., 2325 Rayburn.

Committee on National Security, executive, to receive a classified briefing on the proposed deployment of United States ground forces to Bosnia, 9:30 a.m., 2118 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 2726, to make certain technical corrections in laws relating to native Americans; S. 1341, Saddleback Mountain-Arizona Settlement Act of 1995; H.R. 377, Burt Lake Band of Ottawa and Chippewa Indians Act; H.R. 2100, to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; and H.R. 2738, Central Valley Project Reform Act of 1995, 11 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 1745, Utah Public Lands Management Act of 1995; the Conference Report to accompany H.R. 1530, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996; and the Conference Report to accompany 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, 11 a.m., H-313 Capitol.

Committee on Science, Subcommittee on Energy and Environment, hearing on Scientific Integrity and Federal Policies and Mandates; EPA’s Dioxin Reassessment, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, hearing on a recent GAO report documenting misuse of the program’s sole-source contracting authority, management errors, and falsification of eligibility documents, 9:30 a.m. 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Aviation Safety: Should Airlines Be Required to Share Pilot Performance Records? 9:30 a.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing and markup of the following: H.R. 1718, to designate U.S. courthouse located at 197 South Main Street in Wilkes-Barre, PA, as the “Max Rosenn United States Courthouse;” H.R. 2504, to designate the Federal building located at the corner of Patton Avenue and Otis Street, and the U.S. Courthouse located on Otis Street, in Asheville, NC, as the “Veatch-Baley Federal Complex;” H.R. 2415, to designate the U.S. Customs administrative building at the Ysleta/Zaragosa Port of Entry located at 797 South Ysleta in El Paso, TX, as the “Timothy C. McCaghren Customs Administrative Building;” hearing on H. Con. Res. 85, authorizing the use of the Capitol Grounds for an event sponsored by the American Iron and Steel Institute to demonstrate the use of steel building materials in the construction of residential homes; and to mark up H.R. 2620, to direct the Architect of the Capitol to sell the parcel of real property located at 501 First Street, SE, in the District of Columbia, 8:30 a.m., 2253 Rayburn.

Committee on Ways and Means, Subcommittee on Trade, to mark up the Shipbuilding Trade Agreement Act, 10 a.m., 1100 Longworth.

Joint Meetings

Conferees, on H.R. 2539, to abolish the Interstate Commerce Commission, and to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, 2 p.m., S-5, Capitol.
Next Meeting of the SENATE
9 a.m., Wednesday, December 13

Senate Chamber

Program for Wednesday: Senate will consider a proposed resolution opposing the President’s decision to deploy United States troops in Bosnia and stating the Senate’s support for United States troops.

At 12:30 p.m., Senate will vote on H.R. 2606, prohibiting funds for sending United States troops to Bosnia.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Wednesday, December 13

House Chamber

Program for Wednesday: Consideration of H.R. 2621, Concerning Disinvestment of Federal Trust Funds (closed rule, 1 hour of debate);
H. Res. 297, Providing Expedited Procedures for the Remainder of the 104th Congress; and

Extensions of Remarks, as inserted in this issue

HOUSE

Bono, Sonny, Calif., E2340
Burton, Dan, Ind., E2340
DeLauro, Rosa L., Conn., E2341
Dornan, Robert K., Calif., E2339
Gingrich, Newt, Ga., E2337
Kennedy, Joseph P., II, Mass., E2340
Meek, Carrie P., Fla., E2343
Montgomery, G.V. (Sonny), Miss., E2340
Moran, James P., Va., E2342
Rogers, Harold, Ky., E2338
Serrano, Jose E., N.Y., E2338, E2343
Smith, Christopher H., N.J., E2340
Stark, Fortney Pete, Calif., E2338, E2342
Stokes, Louis, Ohio, E2337
Watts, J.C., Jr., Okla., E2339

CONGRESSIONAL RECORD — DAILY DIGEST
December 12, 1995

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