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Senate

The Senate met at 10 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:

Lord God, Sovereign of this Nation, we praise You for the gift of authentic hope. More than wishful thinking, yearning, or shallow optimism, we turn to You for lasting hope. We have learned that true hope is based on the expectation of the interventions of Your spirit that always are on time and in time. You are the intervening Lord of the Passover, the opening of the Red Sea, the giving of the Ten Commandments. You have vanquished the forces of evil, death, and fear through the cross and the Resurrection. All through the history of our Nation, You have blessed us with Your providential care. It is with gratitude that we affirm, ''Blessed is the Nation whose God is the Lord.''—Psalm 33:12.

May this sacred season culminating in the Holy Week before us, including Passover, Good Friday, and Easter, be a time of rebirth of hope in us. May Your spirit of hope displace the discordant spirit of cynicism, discouragement, and disunity. Hope through us, O God of hope. Flow through us patiently until we hope for one another what You have hoped for us. Then Lord, give us the vision and courage to confront those problems that have made life seem hopeless for some people. Make us communicators of hope. We trust our lives, the work of the Senate, and the future of our Nation into Your all-powerful hands. In the name of the Hope of the World. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning the Senate will conduct a period for morning business until 12:30 p.m., to accommodate a number of requests on both sides of the aisle. It is still the hope that the omnibus appropriations conference report will be available for consideration today. Senators should be aware that rollcall votes are possible throughout today's session of the Senate. The Senate may also consider any other legislative or executive items that can be cleared for action. At this time I think it is safe to say we just are not sure whether or not action will be completed on the omnibus appropriations bill, and if not, what other action may be taken; but I am sure that the appropriators will be meeting and working on this problem and trying to find a solution. As soon as information is received on that, it will be conveyed to the Senators.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 30 minutes.

Mr. THOMAS. Thank you, Mr. President. I ask unanimous consent that in that 30 minutes, I be permitted to speak for about 10 minutes, the Senator from Georgia for about 10 minutes, and the Senator from Texas for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDAMENTAL CHANGE IN THE FEDERAL GOVERNMENT

Mr. THOMAS. Mr. President, we are now well into this year, the second year of this congressional session, preparing to go on a recess, to go back to our districts, do our business. So it is sort of interesting to reflect a bit on where we are and I guess more importantly where we go.

It seems to me that this has been an extraordinary year, a year in which for the first time in 30 years, there has been a great effort to bring about a fundamental change in the operation of the Federal Government. Much of it, I think, results from the fact that the 1994 elections, at least to most of us, had a message. The message was, the Federal Government is too large, costs too much, and it is overregulated. And there are consequences, there are consequences to that.

Obviously, the consequence of being overregulated, one of them, is to keep a damper on the growth of the economy. It has to do with jobs, it has to do with wages. And we all want to change that.

The idea of overspending, of course, has a couple of consequences. One of them is that we enjoy the benefits, we continue to add cost to Government without paying for it, to put it on the credit card—on your credit card. And you will be paying for it.

The other is, of course, it takes more and more money from families, money that was earned by families, sent to the Government when more of it could be used by families themselves.

What has really happened over the 30 years is we tended to go ahead with the Great Society programs in the social arena. We tended to simply discuss here how much more do we put into the

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programs that have been there for a very long time. They are not all bad programs. But certainly after a number of years, there needs be to be a real look at whether or not those programs need to be there, whether, those, programs can be done more efficiently, whether, indeed, those programs can be transferred to local governments, closer to those who are governed, whether they need to be discontinued.

So I am very pleased, frankly, with this year, even though we have not come to closure on as many things as I hoped we would have. We still have an opportunity in this week. And this week has been a good week for that.

Nevertheless, the debate has changed entirely. The debate has changed from one of how much more money do we put into the program, to a real analysis of the program, a real change. Frankly, I guess being a freshman here makes it a little more exciting to help bring about that change, as the Presiding Officer would agree.

But it is something that I think most of us want to do, and we intend to continue to do that. I had the good opportunity this last week, Mr. President, as I often do, to go to schools in my district. I went to CY Junior High in Caspar, WY. They asked me to come and talk a little bit about politics and particularly the primary. I am always happy to do that. I am happy to do it for a couple reasons.

One is, of course, even though we sort of despair about politics and we call them politicians and all those things, politics is the way we govern ourselves. Politics is the way people in Caspar, WY, in my precinct where I am a precinct chairman, have input into what is done in this country, regardless of the party that they are in. So that is what politics is about. Obviously, I have urged young people to learn about it and become involved in it.

The other, of course, is the primary, which is a very interesting aspect of our society, particularly when we generally have two parties, a two-party system. So there is in general a difference between the parties. Indeed, there should be. It is legitimate that there be that. That is what gives people a choice on how they govern themselves.

Of course, generally, Republicans have been more conservative, the Republicans have been for less government, the Republicans have been for moving more government to the States. The Democrats, on the other hand, have generally supported more Federal Government and making more of the decisions there. Both of these are legitimate views. I happen to feel rather strongly about my view. I do not insist, however, that it is always correct.

But it has been interesting this week, I think, Mr. President, to see how many of the things we have talked about just in the last couple of days would tend to show that that is indeed the case.

The farm bill, we talked about the farm bill yesterday. It was a pretty clear choice as to where we go in the future. The choice is basically whether we continue to have a farm program—and I happen to come from a background of agriculture, and I can recall people, when I first got into agriculture in the 1960's, people saying, ''Hey, we have got to get out of this farm program. We have to get so we're producing for the market. We have got to get to doing something where farmers have more choices for themselves.'' We have not done that until now. Now we have an opportunity in this farm bill to move out over a period of adjustment into the marketplace, where we ought to be. It is pretty clear, a pretty clear division. We could see it on the floor yesterday.

Health care—we will work today, we will work this week, we have worked for a very long time on health care. There are some very clear definitions there as to whether we want to deal with health care in the private sector, where people can make their choices, where we have IRA's for health care, where we do something about private insurance, or whether we move, as the administration sought to, 2 years ago, to a Government-controlled program. It is pretty clear.

I think it is really important that we do understand that there are some philosophical differences here that have impact. I used to debate a Congressman from California, Mr. GEORGE MILLER, on issues about land and the environment, but we had to make it clear to begin with that we had a great difference of philosophy, because often we were not really arguing about the bill but arguing about philosophy. GEORGE MILLER would like to have the Government own more land. I tend to say there ought to be a limit, and private ownership ought to be sustained.

Jobs and wages—I think all of us are concerned about that. We see two very different approaches taking place. One is to encourage the private sector. The Republicans are saying we should do something about that, do something about capital gains so people are encouraged and given incentives to invest, to create jobs, do something about overregulation; on the other hand, our friends with a little different point of view, different philosophy, say, ''Look, we ought to get the Government involved here and put these corporations in different categories, and if they behave properly with respect to Government regulations, then we give them some sort of preference.''

I guess, Mr. President, what I am saying is, we talked a bit about differences, about choices. Obviously, no one agrees entirely with everything their party is for, but they find the party that most closely represents their point of view. That is what primaries are about. That is what elections are about. People ought to see where they are—the 10th amendment, the idea of involving the States more.

Mr. President, I think this has been an exciting year. I look forward to completing more of that fundamental change that has been brought about here. One of the final comments I make, it was interesting that the Chief of Staff of the White House was indicating the other day it is up to the Congress to deliver to the President the kind of bill that he wants. Let me suggest that is not exactly the way it is set up, in my view.

Under the Constitution, there are three equal divisions of the Federal Government—judicial, legislative, and executive. Each of them has the authority to make some decisions for themselves, and, indeed, the President has the perfect right to veto, and he should veto. That is his constitutional privilege. To veto does not mean the Congress has to continue to bring everything back until it meets his particular point of view. This is not a unilateral decision. This is a joint decision.

My only point is the White House needs to make some accommodations, as well. The way you make that work is after a couple vetoes, you do not send any more, and there is no opportunity for the President to work.

I hope we do come together. Certainly, we never will all agree. We do have the responsibility to move forward. We do have the responsibility to make the system work.

Mr. President, I hope that we can move on some of those things. We have passed a great number of items in this Congress, all of which have met the same fate at the White House. We will change that. We will have to change that, so that we can move forward and respond to those voters who spoke very clearly in 1994.

I yield to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the remarks of my distinguished colleague from Wyoming. Many of my remarks will reinforce the point he is making. Sometimes we need to step back from the fray to sort of size up the situation we are in.

Here in the waning days of March 1996, over 3 years after the election of President Clinton, I think we can come to the conclusion that the President does not want a balanced budget. He does not want a balanced budget.

Those that might be listening would say, ''Well, how do you come to that conclusion?'' First, this recent budget we received from the President is his ninth attempt—ninth. He promised the American voters in 1992 that he would balance the budget within 5 years. He has yet to take an affirmative step to do that. In the first 2 years, he raised taxes in an unprecedented level—over 200-plus billion dollars. And the first effort he made was to add $20 billion to the deficit. That was his first financial overture to the people of the United States.

Well, we wrangled over that for a period of time, and finally the 104th Congress, this Congress, sent the President

a balanced budget, and he vetoed it. This Congress tried to pass a balanced budget amendment to the Constitution, and he rose in opposition and defeated it. He caused six Members of his own party who voted for the exact proposition the year before to change their votes because he did not want a balanced budget amendment to the Constitution, a discipline that would cause America to have to live within its means.

At the time he and his colleagues said, ''Well, we just have to have the will. We do not need an amendment to the Constitution. Congress just has to have the fortitude and utilize its own jurisdictional powers and pass a balanced budget.'' Lo and behold, we did. And he vetoed it, and he opposed the balanced budget amendment. Then he would not submit a balanced budget. Then the Government closed down twice.

Now we have the latest attempt in his last year of office under this term. He submits his ninth attempt. What does it do? Well, the first thing that happens is that 70 percent of the savings that theoretically would produce a balanced budget occur after he leaves office, if he is elected the second time. So all the work has to occur when he is long gone. As a world statesman, it is sort of like, ''Here, you handle it, America. You take care of it.'' Mr. President, 70 percent of the correctional devices occur after he is out of office.

It makes no structural adjustments in the area of Medicaid and Medicare. In the case of Medicare, he totally ignores his own trustees who have told the President, they have told the Presiding Officer, they have told me, our colleagues in the Nation, that Medicare will write its last check in 5 years. This budget ignores that crisis, and therefore is ignoring all those senior citizens dependent upon that program. Once again, ''Here, you handle it—later. We will look at that after the next election.''

Mr. President, these budgets talk of big, big numbers. They are hard to follow, even if you work on it every day, much less if you are trying to do the things that you are responsible for at home—get the kids up, get them fed, get them to school, get to the job, leave the job, someone is sick, get to the school, to the doctor, back home, one of the parents comes—we know the routine very well, Mr. President. Those families are the ones that are most impacted by the failure of this budget.

What it does to that family, that average Georgia family at home, is it leaves enormous burdens right on their shoulders and backs. That family today makes about $40,000. Both parents work, as I just described, and they have two kids. Under this plan that the President has given us, they are going to take about 20 to 25 percent of the total earnings—gross earnings—of that family and ship it up here to Washington. Another 10 percent—$3,000 to $4,000—comes out to take care of State and local government. This is an interesting figure: Out of the $40,000 they make, they will contribute $6,500 for the regulatory apparatus we have set up in America.

Under this President, it is going up. Just since he has been President, the bill for the regulatory apparatus has gone up $688 in the last 36 months. They are going to get to pay about $2,000 as their share of the interest on our debt, which we just increased last night.

When you add it all up, how much do they have left to do what we have asked them to do for the country? Remember what we asked them to do, Mr. President? We said raise the country, educate the country, feed it, house it, transport it, see to its health. What does this budget that the President has just given us leave for that family to do its work? About half. They have $20,000 to $22,000 to do all the work we have asked them to do and to build their dreams—to build their dreams. That is what this President's budget leaves for them.

When he vetoed a balanced budget, in effect, he took $3,000 out of their checking account—$3,000. Just think what that family could do with that. That is the equivalent of a 10- to 20-percent pay raise in that family. But this President thinks that the $3,000 is better used up here than in their checking account. Sometimes we wonder why people are so frustrated.

When we took that $3,000 out of their account and brought it up here, it reminds us that when they sent Secretary O'Leary and her aides and friends all over the world, flying first class, staying in the best hotels, it cost $3.7 million, which took 739 Georgia families to pay for that travel bill. It took all that they sent up here to pay for that travel bill. To send her to China took 170 Georgia families, my neighbors, just to get her to China. No wonder they are furious. To send her to India, it took 144 Georgia families—everything they have earned and worked for and sent up here went to get her to India. It took 140 families to get her to South Africa.

When the First Lady and her entourage went to Beijing, that took 499 Georgia families to pay for that. Here is the whopper: To send Commerce Secretary Ron Brown and his aides around the country and the world, it took 13,700 Georgia families. We ask them to raise the country, feed the country, house the country, educate the country, prepare the country for the future. And here we have 17,000 Georgia families, and everything they earn, all that hard sweat that came up here just to fund this kind of foolishness. This budget that we just got from the President leaves all that burden and all that apparatus right in place, and it leaves all that pressure on those families. And it is not right.

Sooner or later, the demand for balanced budgets, which leaves those resources in those families, will prevail, despite the opposition of this President.

Mr. President, I yield to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. What is the order?

The PRESIDING OFFICER. The Senator has up to 10 minutes.

Mrs. HUTCHISON. Thank you, Mr. President. I want to commend the Senator from Georgia. He really talked about the effect on people of wasteful, big Federal Government. He did not just talk about numbers on a page that do not relate to anything. He talked about how much it costs to have a bureaucrat waste taxpayer dollars, how many Georgia and Texas families it takes to pay for the waste in Government, families that do not have the ability to waste money because they are working so hard to do the things for their children that they would hope to do. So I thank the Senator from Georgia for bringing this into a debate about people and the effect on people's lives.

Balancing the Federal budget is not about the runaway Federal deficit, or the debt ceiling, or even about temporary Government shutdowns. It is about the future of our country, about what America will be like tomorrow and the next day and a generation from now.

Most Americans believe they are better off than their parents. But it is amazing how many Americans do not believe their children will be better off than they were. The American dream has always been about progress, about growth from one generation to the next, about generational improvements, that our children will have more opportunities, more choices, better lives than their parents. Why is it, for the first time in history, that a generation of Americans have lost hope, have lost confidence in our future? The answer is that too many people are in Washington, DC, making decisions about how to spend our money. For too long, Washington has spent more than it takes in.

I was listening to the radio this morning, and a man called in and he said, ''I remember a quote about Thomas Jefferson.'' Thomas Jefferson was brought the Federal budget, and his budget advisers put it on his desk. Thomas Jefferson had one simple question: ''Do we take in more than we spend? That is the only question that matters because if we do not take in more than we are spending, take it back, do something with it, that is the only question that you have to answer right.''

Thomas Jefferson said what we should be saying today instead of too many people in Washington spending our tax dollars the way they see fit and many times for the wrong reasons.

The President's budget proposal asks for $600 million for increased audits

and enforcement and $850 million, on top of the $4 billion already spent, to improve tax collection procedures. Americans want the Federal Tax Code to be made simple, fair, and uniform. But they really do not want billions more to be spent on IRS bureaucrats.

The President's budget fails to institute real work requirements for welfare recipients. It also guarantees that illegal immigrants will be able to receive food stamps. By refusing to sign the welfare reform legislation that Congress has sent to him twice, the President guarantees that welfare dependency will continue in the country and that the American people will continue to foot the bill. The working American will continue to foot the bill.

I believe that is why Republicans were elected in 1994—to end politics as usual. For decades, politicians came to Washington and put Band-Aids on a bad situation until the next election.

That is not what we are here for. We were sent here to offer real long-term solutions—not for the next election but for the generation.

That is why we are trying hard to do what we said we would do and balance the budget. It is why we sent a balanced budget to the President. But he has vetoed that balanced budget. The balanced budget is not about numbers. It is about people just as the Senator from Georgia was just saying.

I think of parents with children in high school afraid their children will not be able to attend college because they cannot afford the interest rates for college loans. I think of the newly married couple that wants to buy their piece of the American dream—a new home—but they are not going to be able to afford the interest rates on the mortgage. I think about working people in their forties and fifties who are trying desperately to set aside that little bit of extra money they are earning for their retirement security. And yet in the budget that the President has submitted it does not even allow homemakers to set aside $2,000 a year for IRA's like those who work outside the home are able to do. They are not even thinking about one-income earner couples that are sacrificing so that one spouse—the homemaker—will stay home and raise children. And I think of senior citizens who are depending on Medicare but are afraid that it may not be there when they really need it.

These are real people with real concerns and real fears. Unfortunately, instead of hope, President Clinton hyped the status quo. Instead of inspiring Americans to have confidence in their future, instead he incites fear.

It is wrong to ask that American people live within their means but not ask the Federal Government to do the same. Is it wrong to demand that Washington stop wasting taxpayer dollars? Is it wrong to demand an end to politics as usual?

That is what we are demanding—a return to principle instead of politics; a commitment to the next generation instead of the next election.

We are 4 years away from a new millennium. The year 2000 should be a new beginning. Where will we be in the year 2000? As we look forward to the year 2000, where will we be starting with what we need to do today?

As that ball drops in Times Square, and people all over our Nation are celebrating a new beginning, will we be firmly on the path to a balanced budget, and a growing economy? Or will the deficit still be eating away at the working people's livelihood in this country? Will we have reformed the welfare system, or will it continue to undermine the work ethic destroying families and ruin the very lives of people who are receiving welfare? Will we have reduced the excessive tax burden on the American family leaving them with more of their money in their pockets or will we continue to have taxes that takes people's extra money so they cannot put it away for saving for their retirement? Will we have reformed Medicare so that our future generations will know that it will be there for them so that it will be stronger? Or will we have continued on the path that we are on now? And will Medicare be 2 years away from going out of business so that seniors in this country really will have to fear whether it is going to be there for them?

In short, Mr. President, will we have continued business as usual for these 4 years that we have been elected to make change, or will we have kept the promise that we made to the American people?

I hope that in the year 2000 we will have said this year there is no more politics as usual, no more excuses, that we kept our promises in 1996 so that in the year 2000 when we are celebrating a new beginning we will indeed have a strong and thriving economy, and that we will have American families with the hope that their children will be able to have a better life than they have had just as so many generations in the past have been able to hope.

Mr. President, the time to prepare for a new beginning in a new millennium is right now, and we are missing that opportunity with a budget by the President that does not speak to tax fairness and equity for the working families of this country. We are trying to make a difference.

The President has vetoed welfare reform. He has vetoed a balanced budget. He has vetoed middle-class tax cuts. All of the things that he promised and all of the things that we promised—and we are trying to deliver—have been vetoed by the President.

The time is now for us to put partisanship aside and do what all of us said we would do for the American people—balance the budget. That is our commitment. And, Mr. President, we have a chance to keep our promise. And that is what we are trying to do.

Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized to speak for up to 20 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for as much time as I need.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ROLE OF GOVERNMENT

Mr. DORGAN. Mr. President, this is, it seems to me, a time to talk about change in this country. I think the central question is what kind of change will make this a better place in which to live?

We have had a lot of struggles in our history in this country about what the role of government is. Is there a role for government? What kind of government, and how much government do we want? We have struggled over the decades with that question.

I go back to the early 1900's which relates to the struggle we had over the question of food inspection. I have told my colleagues this before. Some know it because of the readings they have done. But even then we began the struggle over all of these issues.

On the issue of food inspection, Upton Sinclair wrote a book at the turn of the century. He did an investigative book on his discoveries in the meat, packing plants, I believe in Chicago, where he discovered that in the meat packing plants they had rats running around the plants. And they were trying to, of course, control the problem of rats in the meat packing plants. That is a pretty big problem. So they would put out bread laced with arsenic and lay it around the meat plants. And the rats would eat the bread, and die. And they would throw the rats and the bread and the meat down the same chute, and out comes mystery meat on the other side sold as sausage in some location somewhere in America to an unsuspecting consumer. Rats, arsenic, poison bread, meat and sausage.

Upton Sinclair wrote about that—about the outrage of that, about the threat to this country's health as a result of that. And guess what happened? The debate in this country turned quickly to the question of how to stop that. How do we prevent that? How do we assure ourselves that our food supply is safe?

We created in this country a level of government that says we are going to inspect food so that when you eat food you are not going to eat mystery meat laced with bread and arsenic that was used to poison rats. Even then we had people who said it is none of government's business; let the private sector decide. Well, arsenic and rats in meat are the public's business.

Oh, we have gone several stages from that. And in the mid-1960's half of America's senior citizens had no health care. They reached an age where they were not working. They reached retirement age, and did not have any money; nothing really to speak of. And they had no health care coverage.

I remember driving one fellow to the hospital some 55 miles away when I

was a teenager—an old fellow that lived by himself, had no one, had nothing, had no insurance, and was very sick. And my father, who could not take him, asked me to take him to the hospital. I drove him there. They said, ''Do you have money, or insurance?'' Of course not. They took him in anyway.

But back then half of American seniors had no health coverage at all. In the mid-1960's we had a discussion about that in this country, and we decided that we would develop a Medicare Program.

A lot of people—90 percent of the majority party now—in Congress voted against it and said we do not want Medicare the first time we voted on it. Some are still bragging they voted against it.

Do you know something? Ninety-nine percent of American senior citizens are now covered by health care. I am proud of that.

Do we have some problems with Medicare? Yes, we do. Should we fix it? You had better believe it.

But should we decide to retreat on the things we have done to make this a better country—food inspection and health care and dozens of other areas? I do not think so. I do not think it really does much good to suggest that somehow all of government is unhealthy or unholy and does nothing to protect people. Government is our teachers. Government is our police force. Government is our fire department. Government is the food inspectors, the air traffic controllers. A lot of folks do a lot of good work.

Now, we are reducing the size of government, and we should. There are fewer people working for the Federal Government today than have been at any time since John F. Kennedy. Why? Reinventing Government, headed by AL GORE, the Vice President, developed by Bill Clinton. Reinventing government is reducing the size of government. Do not believe me? There are 200,000 less people working for the Federal Government now than there were 4, 5 years ago. We have program after program after program that has been abolished or disbanded because it did not work. Other programs are reduced. Some programs that are important are expanded.

That is what we ought to do. We ought to use good judgment to see what works and what does not. Let us get rid of what does not work. We ought to ask two questions about everything we do in Congress: Do we need it? Can we afford it? And if the answer is yes, let us go and do it as a country.

I am a little confused, I guess, about some of the things that I have heard in some discussion today, and I have certainly heard a lot of it previously, about what an awful place this is, America has gone to hell in a handbasket. Gee, this country is just in terrible shape. And then we have folks out running for President who want to build a fence between the United States and Mexico and keep the Mexicans out. And we have folks from every other country of the world who want to come to this country. We have a serious immigration problem.

Why would that be? Is it because this place is such an awful place to live? No, it is because this place is still a remarkable country, a country filled with people with enormous strength and vitality and interest to make this a better place.

How do we make it a better place? Do we make it a better place by calling for changes that say, well, let us decide to retract our commitment to Medicare; let us decide it is not important for a poor kid to have an entitlement to a hot lunch in the middle of the day at school; let us decide that is not important; let us decide that what we really need to do is cut the Star Schools Program which is designed to try to boost our country in math and sciences and education; let us cut Star Schools by 40 percent, and let us increase the star wars program by over 100 percent because we want to build more missiles and put an astrodome over America with missile defense and we want to do it much faster with much more money than the generals and admirals think is appropriate because these folks know better about that, so increase that spending 100 percent and cut Star Schools investments by 40 percent. Does that advance this country's interests? I do not think so.

Maybe build some orphanages, as a welfare solution. Maybe give every poor kid a laptop, take their lunch away but give them a laptop. And the other one is term limits. If you can just have term limits, you would solve all the problems. I tell you, it is hard not to laugh out loud to see people walk in this Chamber who served here 30 years and vote for term limits and say, ''Yes, the problem is I have served here too long so stop me before I run again, except the term limit I want to vote for will not apply to me.''

That is what they say. It is hard not to laugh out loud when you see that. They do not believe that. And it is wrong not to deal with the real issues.

Do you know what the real issues are, in my judgment? The real issues I think you can categorize in about three areas. Kids. That is our future. Jobs. There is no social program in this country more important than a good job that pays well. Jobs. How do we get jobs? How do we expand jobs and create jobs and have an economy that provides more opportunity? Kids, jobs, and the other issue is values.

Those are the core issues I think we have to address. We can run around on dozens of other issues. I just heard discussions about the balanced budget amendment. We ought to pass a balanced budget amendment. But anybody who thinks they are going to get a balanced budget through this Chamber that loots the Social Security system by taking the Social Security trust funds to the tune of nearly $700 billion in 7 years is dreaming.

I am not going to vote for that. I did not come here to vote to loot the Social Security trust funds. We ought to balance the budget honestly. The Social Security trust funds are dedicated only to be used for Social Security, and to use them for other purposes is dishonest budgeting. To those who say, well, we could not get it through the Chamber of the Senate, I say I voted for a constitutional amendment to balance the budget, one that said the Social Security trust funds will have a firewall; you cannot use Social Security trust funds as operating budget revenues because it is dishonest. Guess what. The folks who said they wanted a balanced budget voted against that because they wanted a balanced budget amendment in the Constitution that created a constitutional opportunity for them to misuse $1.2 trillion in Social Security trust funds over 10 years.

No wonder it did not get through the Senate. It is the goofiest idea I ever heard—tell people we are going to take money out of your paychecks, called Social Security taxes; we are going to put it in a trust fund; and we promise we will get it in a trust fund dedicated only for that use. But now we have decided to put in the Constitution a provision that says we are going to use hundreds of billions of dollars of the trust funds as offsets against other operating revenue. And by the way, what are our priorities for the revenue and expenditures on the rest of the budget? Well, we say, while we balance the budget let's provide a tax cut. Let's provide a very large tax cut for people with very large incomes and let's provide a minuscule tax cut for all the rest. It seems to me maybe people are bound to be a little skeptical about that.

So what do you do about the central issues that I think really relate to people's lives? Kids, what about our kids, jobs and values? When people in my hometown sit down to have supper—we call it in Regent, ND; we sit down for supper—and you talk about your circumstances, what is important? What is important is how are your kids doing. What kind of opportunities are your kids going to have. It is also important, how are we doing? Do we have more income now? We are working harder. Are we making more? How are we doing? What kind of economic opportunity will we have?

And then the issue of values. There is a collapsing kind of value system, coarsening language, difficulty with what our children see on television, more crime, and a whole series of related issues that I think fall under the heading of values. But let me talk just for a moment about kids.

The first issue with kids that matters most to this country, in my judgment, is not all the peripheral antigovernment nonsense. It is, do you have in this country the best education system in the world or do you not? Because if you do not, we will not win. Our country ought to dedicate itself at

every single level of Government, and we ought to dedicate ourselves in every home with every set of parents and in every school that America is going to have the best education system on the face of the Earth. American kids are going to be the best educated kids in the world. That ought to be the central debate.

Now, most of education is run by State and local governments. It is not run by the Federal Government. We play a peripheral role. We play a role of providing financial aid to college students largely, plus we have some title programs—title I which moves some money to school districts to help some of the disadvantaged kids. But education is largely a function of State and local government. We must, it seems to me, as a country, not necessarily with a central plan but as a country in which all of us work together, decide our goal is to have the finest education system on the face of the Earth. That is the way this country will succeed and win in the future.

I have told my colleagues before, and I am going to again because I think it is so illustrative, the first week I came to Congress some years ago I walked into the office of the oldest Member of the House, Claude Pepper, and I will never forget what I saw on the wall behind his chair. Two pictures. One was Orville and Wilbur Wright making the first airplane flight down at Kitty Hawk, and Claude was an old fellow, wonderful old fellow at that point. He had an autographed picture of Orville Wright making the first flight autographed to Congressman Claude Pepper, an autographed picture to him before he died, and then he had a picture of Neil Armstrong walking on the Moon autographed to Congressman Claude Pepper. I thought to myself, here is the person who has an autograph of the first American to leave the ground and fly and the first person to step on the Moon. What is the significance of leaving the ground to fly, and flying to the Moon? Education, massive investments in education, so that this country led the world in technological achievement in dozens of areas from airplanes to television to medicine—you name it. Education; it is the key to this country's future.

Second, with respect to kids, is welfare. I know people talk about welfare in this Chamber with respect to able-bodied people who will not work. Able-bodied people on welfare ought to go to work. We offered a program called Work First, which I am enormously proud of, that says to people, ''If you are down and out and disadvantaged we will give you a hand up and a helping hand, but your obligation is to get up and out and get a job.''

But understand the reality of welfare. Two-thirds of the welfare payments in this country go to kids under 16 years of age. A young boy named David spoke at a hearing I went to some years ago, a 10-year-old boy from New York who lived in a homeless shelter. He said, ''No 10-year-old boy like me ought to have to lay his head down on his desk in the middle of the afternoon at school because it hurts to be hungry.'' Welfare largely relates to America's children as well. One in four children in America under the age of 3 is living in circumstances of poverty. We must have a welfare system that says to able-bodied people, ''We are going to help you get a job because you cannot, as able-bodied persons, remain on welfare indefinitely.''

But we must also have a welfare system that understands kids and the needs of kids. It is not their fault they were born in circumstances of poverty. And those who parade around these Chambers and say, ''By the way, let us retract the entitlement for a poor kid to be able to get a hot lunch in the middle of the day of school,'' do no service for children. Let us care about kids, educate them, help them become better educated citizens for the future of this country.

With respect to jobs, we can talk about a hundred other issues but there is no social program that we will discuss in the 104th Congress that is as important to this country and as important for Americans as a good job that pays a good income.

We have seen what causes the anxiety. The chief executive officers of America's corporations increased their compensation 23 percent last year; last year alone, a 23-percent increase for the people at the top. But guess what? For 60 percent of the American families now, when they sit down for supper at night and talk about their lot in life after 20 years, they are working harder and they are making less money. When you adjust their income for inflation they have less purchasing power now than they had 20 years ago.

How can all that have happen? Last year we had the largest trade deficit, merchandise trade deficit in the history of this country; the largest merchandise trade deficit in history. That means jobs are leaving, not coming. It means we are competing with 2 or 3 billion other people in the world, some of whom will make 12 cents, 18 cents, 50 cents, or $1 an hour, working in unsafe plants that are dumping pollution into the air and water. That is not fair competition and we should not have to deal with it. We must deal with the issue of jobs and do it now. We must bring jobs issues to the floor of the Senate and respond in a real way.

Those who come to the floor talking about helping people do no service, especially to working people at the bottom of the ladder, when they also embrace policies that will pull out the rug from under those people on the earned income tax credit, because that is the kind of policy designed to help working people at the bottom of the economic ladder.

Finally, on the issue of values, I think there is general agreement in this Chamber, between Republicans and Democrats, that there is a collapsing of values in this country that is troublesome. There are, perhaps, many reason for it. But the restoration of values starts in the home, in the neighborhood, in the community. It starts with all of us. Television is too coarse, language is too coarse during times when children are watching. There is too much violence on television. America has become too violent a country. We are the murder capital of the world. We are the cocaine capital of the world. We have 23,000 murders and 110,000 rapes every year, and we must respond to it. And that is one of the areas, I think, in which Republicans and Democrats have joined in trying to respond in a significant way. But we must understand the collapsing of values in this country is also causing significant concern.

Let me, finally, point out about those who spend a lot of time talking about how awful Government is—and there are plenty of areas of Government that have gone awry, that we must rein in and correct—I applaud those and join them when they want to do that. I would also say it is important for us to talk about what works and what is right. Do you know we now use twice as much energy as we did 20 years ago, but we have less water pollution and less air pollution? We have cleaner air and water than we did 20 years ago, despite the fact we have doubled our energy use. Is that accidental? No, it is not. It is because this Congress decided we are going to start penalizing people who pollute; there is only one Earth to live on, and we want the environment to be clean.

I urge my colleagues to understand, there is a lot of what has been done by people of this country in public policy, ranging from cleaning up our air and water to providing health care for senior citizens, intervening in the lives of young children to provide education and to deal with hunger and nutrition issues, and many other areas that have made this a better country.

As I conclude, let me just say I had a town meeting in which I said to people who, I am sure, listen to all of the talk shows—and everyday in every way we have all these shows that talk about what is wrong with America. They hold up this little thing and say, ''Isn't this ugly? See this? Is this not awful?'' I understand, it is what entertains.

I said, ''Why don't we talk about what works? Let us be positive for a half-hour. Let's talk about only what works in our lives.'' It was a remarkable transformation, because a lot of people talked about a lot of good things in their lives, a lot of things that are improving, a lot of things that are working. Then from that we discovered what is left, what is left for us to do as a people together to make this a better country.

I hope, in the coming months, the challenges that were discussed by the Members of the majority party today and myself and others are challenges we will decide to embrace quickly and

debate in a thoughtful way. What about the future of our children? What about our kids? What kind of jobs and opportunities will we have in the future? How do we address the issue of collapsing values in our country? Those are the central challenges I think we face in our country today.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my understanding, I say to my colleagues, is that I have 10 minutes in morning business. I will not exceed that. I will be very brief.

The PRESIDING OFFICER. That is correct.

NATIONAL DOMESTIC VIOLENCE HOTLINE

Mr. WELLSTONE. Mr. President, for the past 2 weeks I have tried to come to the floor every day, whenever my colleagues would generously allow me a few minutes, to announce the realization of another component of our initiative to prevent violence against women, which the Senator from Utah has been a very, very strong leader in, the national domestic violence hotline. The hotline, which officially opened on February 24, signifies the realization of the key provision of the Violence Against Women Act, passed by the Congress as part of the 1994 crime bill.

The toll free number—I have tried to announce this on the floor over the last several weeks—is 1–800–799–SAFE. This will provide immediate crisis assistance and counseling and local shelter referrals to women across the country, 24 hours a day. There is also a TDD number for the hearing impaired, and that number is 1–800–787–3224.

Today, on the last day of the 2-week period in which I promised to highlight the hotline, I want to take the opportunity to stress how much work still has to be done to fight domestic abuse in our country. On Tuesday of this week, the chief prosecutor in Alexandria, VA, John Kloch, called for tougher strategies against domestic violence in response to a murder of a local schoolteacher, Karen Mitsoff, who was killed early Monday of this week by an ex-boyfriend who had been stalking her.

Miss Mitsoff's former boyfriend, Mr. Senet, reportedly broke into her apartment on March 10 and threatened to kill her and himself. Senet was charged with burglary and then released on a $2,500 bond in a routine hearing.

This past Monday, 1 week after his arrest, he apparently broke into Miss Mitsoff's apartment and fatally shot her before killing himself. Commonwealth Attorney Kloch was quoted as saying:

> This case shows that there are holes in the system. Somehow we failed to stop this. This case clearly illustrates that in many instances, potential threats to women are not addressed with enough urgency.

Let me explain just how urgent these threats to the safety of women and children are.

Every 12 seconds, a woman is beaten by a husband, boyfriend, or partner in the United States of America—every 12 seconds;

Over 4,000 women are killed every year by their abuser;

Every 6 minutes in our country, a woman is forcibly raped;

Severe repeated violence occurs in 1 out of every 14 marriages, with an average of 35 incidents before it is reported;

Roughly 1 million women are victims of domestic violence each year, and battering may be the most common cause of injury to women, more common than auto accidents, muggings, or rapes by a stranger.

According to the FBI, Mr. President, one out of every two women in America will be beaten at least once in the course of an intimate relationship. Let me repeat that. According to the FBI, one out of every two women in America will be beaten at least once in the course of an intimate relationship.

It is estimated that the new hotline, that we have shown and brought out to the floor of the Senate as often as we could over the last 2 weeks, will receive close to 10,000 calls a day.

The first day I came to the floor to talk about the hotline, I shared a story told to me by my wife, Sheila, while she was speaking in southern Minnesota 2 days before the hotline opened. I would like to tell the story again of a courageous woman in danger whose story illustrates how crucial the existence of a national domestic violence hotline will be in saving the lives of women and children in danger.

This woman had been living in New York with her abusive husband and a 5-month-old child. Her husband had moved to New York following their marriage, and he kept his wife and child very isolated there. The husband was very controlling and made it impossible for his wife to socialize, to make friends, or have a job. He checked on her all the time to make sure that she was at home with her baby.

In addition to beating her routinely and savagely, he took out a life insurance policy on her, so she lived in constant fear of being killed.

This woman told my wife, Sheila, that every time she opened the apartment door, she was sure someone would be on the other side with a shotgun.

Her husband had a one-time, out-of-town business deal. He left in the afternoon and planned on returning the following morning. After he left, she decided that it was her only chance to get away. Panicked and pressed for time, she called a local hotline number but found it was disconnected. She was devastated. She called the Legal Aid Society in New York City and was initially told that they could not help her.

Out of sheer desperation, she persisted with Legal Aid and was finally given a local agency phone number. Calling the local agency, the woman informed them she wanted to return to Minnesota. They were able to access a computer and put her in touch with a battered woman's shelter in Minnesota in her hometown. She and her baby were on a plane the next morning before her husband got home.

Mr. President, this woman was lucky; she was able to obtain the information she needed. But how much better it would be if that hotline had been up and running to give her the information immediately. Unfortunately, some women might not have the whole day to track down information. I think this shows how crucial a national network, like the hotline, will be for keeping women and children safe, literally saving their lives.

So today, I ask everyone listening to honor the memory of Karen Mitshoff of Alexandria, VA, as well as all the other women who lose their lives every year at the hands of a husband or a boyfriend or a partner.

I also ask you to honor all of the women who have been hurt at the hands of someone with whom they have had an intimate relationship. Chances are you already know one of those women —a coworker, a sister, a mother, a daughter, or a friend.

I commend innovations like the national domestic violence hotline. I want to support more creative solutions to stopping this family violence. I want all of us to do that, Democrats and Republicans alike. But most important, today I want to remember Karen Mitshoff who lost her life on Monday, and remind everyone that these efforts to stop this violence in our homes must be ongoing.

Mr. President, once again, at the end of this 2-week period, I want to one more time talk about the hotline number. The toll free number of the national domestic violence hotline is 1–800–799–SAFE and 1–800–787–3224 for the hearing impaired.

Everyone has the right to be safe in their own home. Share the number today, those of you who are watching, and maybe you will help someone make themselves safe.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). Under the previous order, the Senator from Utah, Senator HATCH, is recognized to speak for up to 20 minutes.

JUDICIAL SELECTION

Mr. HATCH. Mr. President, I rise to address a subject that I have discussed several times in the past few weeks, and that is the issue of judicial selection. As I said in those speeches, differences in judicial philosophy can have real and profound consequences for the safety of Americans in their neighborhoods, homes, and workplaces. Sound judging is every bit as much a part of the Federal anticrime effort as FBI and DEA agents and prosecutors.

It does the Nation little good to put more cops on the beat if judges put the criminals back on the street. And, I might add, the President overstates the number of police that the Federal Government is helping put on the street.

I see that the President has attempted this week to respond to my speeches through his subordinates. One argument, made by his former White House counsel, maintains that it is really the home State Senators who appoint judges. This argument is just another example of the President attempting to hide from the consequences of his decisions. The last time that I looked in the Constitution, it stated that the President ''shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . Judges.'' Presidents may look to individual Senators to recommend good nominees in each State, but the Constitution itself makes clear that the choice of judges is the President's responsibility and the President's alone.

I do agree with one thing that Lloyd Cutler said in his Washington Post op-ed. It sometimes is difficult to predict what nominees will be like once they ascend to the Federal bench. While the executive branch, as Mr. Cutler said, has ''an extensive vetting process,'' we in the Senate do not. For the most part, a President's nominees usually are confirmed by the Senate. When the people elect a President, they put into office with him his judicial philosophy and the judges he will appoint. But perhaps the Senate does need to spend more resources vetting nominees. Perhaps the Senate should interview each and every judicial nominee as a matter of routine, if Lloyd Cutler is right.

Another argument made by President Clinton's current White House counsel, Jack Quinn, is that there are soft-on-crime decisions by judges appointed by Presidents Reagan and Bush. As I said on Monday, I do not agree with every decision by a Republican-appointed judge or disagree with every decision by a Democrat-appointed judge. Moreover, we all know that prosecutors and police sometimes go over the line, and that it is the job of state and federal judges to correct those mistakes. Unfortunately, sometimes those decisions will benefit criminals that we all know to be guilty.

But what we are talking about here are not a few isolated cases or incidents. We are talking about track records: about the fact that judges appointed by Democrat Presidents, and President Clinton in particular, generally will be softer-on-crime and will be more likely to follow an activist judicial philosophy than judges appointed by Republican Presidents. Just as President Johnson appointed Judge J. Skelly Wright to the D.C. Circuit, a notorious judicial activist, and President Carter appointed, among many others, Judge Stephan Reinhardt of the ninth circuit, a judge who is so activist that the Supreme Court regularly overturns his decisions, so has President Clinton appointed judges such as Judges Baer and Beaty, Judges Michael and Calabresi, and Judges Sarokin and Barkett, whom I will discuss today.

The President seems to think that it is wrong to evaluate the decisions of these judges. ''The point is that it is unfair to evaluate any judge on the basis of any single case,'' writes his counsel in the Wall Street Journal. I disagree. It is only by reading the opinions of these judges that we can make a determination of the kinds of men and women that President Clinton has chosen to send to the Federal bench. Let me also be clear that it is not the result of an individual case that is the problem. The problem with these Clinton judges is the way they reach their decisions—their willingness, perhaps even eagerness, to stretch the law, to expand criminal rights at the expense of the community, to seize on petty technicalities to release defendants, to find new constitutional rights where there were none before. Many of these judges are activists who simply cannot understand that their role as is to interpret the law, not to make it.

But the President's approach—that once a judge is on the bench, and you cannot read his or her opinions—is a convenient one. It is the only way that he can explain his decision to appoint Judge H. Lee Sarokin to the U.S. Court of Appeals for the Third Circuit and Judge Rosemary Barkett to the U.S. Court of Appeals for the Eleventh Circuit. These were judges with crystal-clear track records of being liberal, soft-on-crime activists, when President Clinton appointed them. These two judges, who sit on the second most powerful courts in the land, have displayed an undue and excessive sympathy for the criminals who are destroying our society and who are all too willing to impose their own moral beliefs onto the law and onto our communities.

I led the fight to oppose the confirmation of these two judges because their judicial records indicated that they would be activists who would legislate from the bench. Senators from both sides of the aisle joined me in that fight. I regret to conclude that we have been proven right in our predictions of their activism on the Federal bench.

Let us look at what Judge Sarokin has been up to since President Clinton chose to elevate him in 1994. The Senate confirmed his nomination 63–35—a pretty large vote against him—on October 4, 1994. I think that it is safe to say that no Republican President would have nominated a judge like Judge Sarokin, and that if the Republicans had control of the Senate in 1994, Judge Sarokin would never have been confirmed.

Let me tell the American people about the cases of William Henry Flamer and Billie Bailey, which were heard by the third circuit late last year. Delaware versus Flamer; Delaware versus Bailey. This was a case involving two multiple murders in which Judge Sarokin voted to overturn a jury's imposition of the death penalty.

In the Flamer case, on a snowy February 7, 1979, at 8:00 a.m. in the morning, Arthur Smith, the 35-year old son of Alberta and Byard Smith, walked across the street to his parents' house in Delaware. He found them sprawled on the living room floor obviously murdered in cold blood. Both parents died of multiple stab wounds in the head and neck. The medical examiner counted 79 wounds on Mr. Smith's body and 66 wounds on Mrs. Smith's body.

Their car was stolen, a television was missing, chairs were overturned, bags of frozen food were strewn about, and Mr. Smith's pockets were turned inside out. The son—can you imagine what it must be like for a son to discover such violence to his parents in their own home—called the police.

Eyewitnesses indicated that William Henry Flamer, whose mother was Mrs. Smith's half-sister, might be the killer. Police went to his family's residence and found the missing television, frozen food similar to that strewn about the Smiths' home, and a bayonet with dried blood stains on the blade. When police arrested Flamer, they found blood on his fingernails and coat and fresh scratches on his neck and chest.

After he had been read his Miranda rights numerous times and after his arraignment, Flamer confessed. He told police that he and another man brought a knife, the bayonet, and a shotgun, and that he had told Mrs. Smith, his aunt, that his grandmother had experienced a stroke and was missing in order to gain entrance to the Smiths' home.

In early 1980, a jury convicted Flamer of two charges of intentionally causing the death of another person and two charges of felony murder. A jury then sentenced Flamer to death because of several aggravating sentencing factors, such as Flamer's prior criminal record, the age of his two victims, the frailty of his aunt Mrs. Smith, and his exploitation of his aunt and uncle's trust in order to gain entrance to their home.

Flamer had the opportunity to challenge both his conviction and his sentence on direct appeal. The Delaware Supreme Court rejected his appeal and the U.S. Supreme Court denied certiorari in his case twice. Flamer filed for post-conviction relief in State court, but his petitions were denied. Nevertheless, Flamer filed a habeas petition in Federal district court alleging a number of trial errors. Judge Joseph Farman of the U.S. District Court for the District of Delaware, who was appointed by President Reagan in 1985, dismissed the petition. Flamer appealed to the Third Circuit Court of Appeals.

The third circuit consolidated Flamer's appeal with that of Billie Bailey, another multiple murderer convicted by the Delaware state courts.

Bailey had been assigned to a work release facility in Wilmington, but he

escaped and then proceeded to rob a package store at gunpoint. He received a ride to Lambertson's Corner, 1½ miles away from the store. Bailey then entered the farmhouse of Gilbert Lambertson, who was 80 years old, and of his wife, Clara Lambertson, who was 73. Bailey shot Mr. Lambertson twice in the chest with his pistol and once in the head with the Lambertsons' shotgun. He shot Mrs. Lambertson in the shoulder with the pistol and in the abdomen and neck with the shotgun. Both Lambertsons died. Bailey fled from the scene but was spotted by a police helicopter. He shot at the helicopter, but was apprehended.

Bailey was convicted of murder and was sentenced by a jury to death. The jury found that two factors—that the defendant's conduct had resulted in the deaths of two persons where the deaths were a probable consequence of the defendant's conduct; and that the murders were outrageous or wantonly vile, horrible, or inhuman—and they in turn supported the imposition of death. Bailey appealed, but the Delaware Supreme Court affirmed the conviction and the sentence, and the U.S. Supreme Court denied certiorari.

Like Flamer, Bailey filed a writ of habeas corpus in Federal district court, claiming that the jury had considered improper factors when imposing the death sentence. Judge Roderick McKelvie, a Bush appointee, denied the writ.

On appeal before the entire third circuit sitting en banc, Flamer and Bailey argued that the imposition of the death penalty was unconstitutional because the juries had considered an invalid factor: whether the murders were wantonly vile, horrible, or inhuman. It is true that the Supreme Court had held that such a factor is so vague as to be unconstitutional. But in the case of *Zant* v. *Stephens* in 1983, 462 U.S. 862 (1983), the Supreme Court also held that so long as the jury's capital sentence was also based on other, legitimate considerations, then the death penalty is not unconstitutional.

This, of course, was precisely the case with both Flamer and Bailey. In both situations, the juries had found that other factors, such as Flamer's commission of the murder in the course of a robbery, also justified the death penalty. As a result, a majority of the third circuit affirmed the convictions.

Let me add that no one challenged the finding that either Flamer or Bailey committed the horrendous murders. No one showed that either jury was biased or had reached the wrong result. Instead, the defendants were using the writ to raise technical objections in the hopes of delaying the rightful execution of the death penalty. It is abuses of the writ such as these that lead the American people to believe that something is wrong with our courts. It is abuses like these that lead the American people to demand habeas corpus reform.

The American people's belief would only be confirmed if they read the Flamer and Bailey case, because Judge Sarokin was in dissent. Judge Sarokin believed that the defendants had received an unfair trial, even though they had both had the opportunity to fully appeal all the way to the U.S. Supreme Court. He argued that the judge's instructions and interrogatories asking the jury what factors they relied upon in reaching their decision had ''shifted the neutral balance contemplated under the statute and with it, the scales of justice as well.''

According to Judge Sarokin, State judges cannot ask juries why they imposed the death penalty, even though judges do this to ensure that the juries were unbiased. In Judge Sarokin's mind, for judges to ask jurors this commonsense question renders the whole process unconstitutional.

The eighth amendment says only that ''Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.''

Further, Judge Sarokin argued that allowing juries to consider the invalid vile, horrible, and inhuman factor—and who can doubt that these murders were utterly heinous—so infected the juries' considerations as to render them unconstitutional. He reached this conclusion despite the Supreme Court's clear holding in Zant that consideration of one invalid factor does not make the whole decision unconstitutional.

By a 10 to 4 vote, the majority on the court reached the right result, because the Constitution guarantees a fair trial, not a perfect one. Allowing defendants to win reversals on technicalities even when no one disputes that the defendant is guilty and deserves the death penalty would truly undermine the public's faith in our criminal justice system. As the Supreme Court has said many times, and as the majority recognized in Flamer, a harmless error does not render a trial unconstitutional, and there was no showing in this case that any error had influenced the jury's verdict or caused the defendant's any prejudice.

If one needed any more confirmation that Judge Sarokin was wrong, one need only look to the epilogue of the Flamer and Bailey story. Both defendants appealed directly to the U.S. Supreme Court again. The Court refused to grant certiorari in either the Bailey or the Flamer cases, and the Court refused to stay their executions. Both men were executed in late January 1996. Certainly the U.S. Supreme Court thought little of Judge Sarokin's dissent. Unlike Judge Sarokin, the Justices of the Supreme Court thought enough was enough and that it was time to allow the State of Delaware to operate its own criminal justice system.

But Judge Sarokin was willing to overturn the considered judgments of the juries, of the Delaware Supreme Court, of the U.S. Supreme Court, of two Federal district court judges, and of the majority of his colleagues, because the jury did not think about the death penalty the way he wanted them to, and because the judge asked the jury a question. Judge Sarokin believes that Federal judges have a roving mandate to interfere in the operation of the State criminal justice system, just because he found a technicality that no one showed had any influence on the outcome of the trial.

Judge Sarokin suffers from the same problem that Judges Beaty and Baer do—an inability to understand their role as judges. They have not been appointed as Federal judges to legislate from their benches or to act as philosopher-kings. If Judge Sarokin does not like the way that Delaware has chosen to operate its criminal justice system, then he should be running for Governor of the State—but the last place he should be imposing his policy views is from the Federal bench.

Of course, as I said earlier, judicial activism of this sort is not restricted solely to judges appointed by Democratic Presidents. In the Flamer case, Judge Timothy Lewis, who was appointed in the waning days of the Bush administration, also argued that the capital sentences should be overturned. Judge Lewis agreed with Judge Sarokin that the consideration of the invalid factor had an injurious effect on the defendant, even though no such influence on the verdict was shown, and that the judge's interrogatories prejudiced the jury. Judge Lewis also questioned why, quoting Justice Blackmun, ''We should no longer tinker with the machinery of death.'' He called the Nation's system of capital punishment cluttered and confusing and ultimately questioned whether it comported with fundamental principles of liberty and due process.

While one Reagan judge, Judge Carol Mansmann, also joined Judge Lewis, it should be noted that the rest of the Reagan-Bush appointees, joined by one Carter judge, correctly upheld the imposition of the death penalty. The two judges appointed by President Clinton—Judges Sarokin and McKee—did not. I believe that Judges Lewis and Mansmann were wrong, just as Judge Sarokin was wrong. But I believe that their mistake is not representative of a pattern and practice of activism, as it is on the part of Judge Sarokin.

If there can be any more doubt about the activist character of Judge Sarokin, one can find proof in his other opinions. Although I do not have the time to discuss other decisions in detail, I would just note the case of *United States* v. *Baird* [63 F.3d 1213 (CA3 1995)].

In Baird, Judge Sarokin, dissenting, argued that administrative forfeiture of drug proceeds preclude criminals from being prosecuted under the double jeopardy clause. That case involved the seizure of a criminal's drug factory, drug stockpiles, and ill-gotten drug proceeds, in the amount of $2,582. The

Drug Enforcement Administration carried out an administrative forfeiture of the drug proceeds.

Following the DEA's administrative forfeiture, Baird was then indicted for a variety of Federal drug and drug-related crimes. For Judge Sarokin, the administrative forfeiture was enough to opine that if Baird, the drug-producer, had owned the money, then the first proceeding was enough to bar the Government from prosecuting him for the drug crimes.

Judge Sarokin relied on a Supreme Court case, Austin versus United States, that did not even apply to the double jeopardy context. Judge Sarokin showed a willingness to stretch Supreme Court precedent beyond its proper bounds and to read the double jeopardy clause expansively at the expense of law enforcement, and to the benefit of illegal drugmakers and dealers. Incidentally, Baird never even claimed ownership of the money, making Judge Sarokin's result all the more strange.

In Judge Sarokin's strange universe, if the Government convicts a criminal of drug selling, it cannot require the criminal to forfeit the money made through his illegal activity; but if the Government first tries to forfeit the proceeds, then it cannot prosecute the drug seller. Again, Judge Sarokin has shown a willingness to interpret the Constitution expansively to defeat society's legitimate interest in combating crime and maintaining public health and safety.

Judge Sarokin, who I understand will soon be taking senior status, is perhaps second only to Judge Barkett in his continuation of an activist, soft-on-crime approach upon reaching the Federal bench. In 1994, by a vote of 61 to 37, the Senate confirmed Judge Barkett—a nominee that no Republican would have appointed to the Federal bench. I opposed her nomination because, time and again, Judge Barkett as a member of the Florida Supreme Court erroneously had favored lawbreakers and criminals over the interests of the police and of the community to enforce the law. The full record of my concerns is set forth in the March 22, 1994, CONGRESSIONAL RECORD. As I declared there, there were just too many cases, across too wide a range of subjects, where Judge Barkett had stepped beyond the line of responsible judging.

In particular, I warned that Judge Barkett should not be confirmed because of her unduly restrictive view of the fourth amendment that would hamstring the police, especially with regard to controlling drugs. I highlighted the case of Bostick versus State, a case involving cocaine trafficking, in which Judge Barkett adopted an across-the-board per se ban on bus passenger searches, even though Supreme Court precedent clearly called for an analysis of the search based on the particular circumstances present. The Supreme Court of the United States had to grant certiorari and reverse Judge Barkett's soft on crime decision.

I am sorry to say that Judge Barkett's misunderstanding of search and seizure law has only continued. Only now, thanks to President Clinton, her opinions apply to all prosecutions brought in Georgia and in Alabama as well as in Florida. Her ongoing willingness to raise groundless fourth amendment arguments to prevent our Nation from combating the damage that drugs are causing our society is evident in two recent opinions, Merrett versus Moore [Feb. 26, 1996], in which Judge Barkett dissented from denial of en banc review, and in Chandler versus Miller, [73 F.3d 1543 (CA11 1996)], in which Judge Barkett again dissented.

In Merrett, Florida law enforcement officials and the Florida Highway Patrol set up roadblocks on four Florida highways for the chief purpose of locating illegal drugs. On two successive days from 4 p.m. to 10 p.m., Florida police briefly stopped vehicles, checked for obvious safety defects, and examined drivers' licenses and vehicle registrations. While this examination was undertaken, the police used dogs to sniff the outside of each car for illegal drugs. If a dog alerted to the presence of drugs, the car was pulled out of line. As Judge Edmonson, a Reagan appointee, noted for the majority, these searches were minimal and the entire encounter between police and the motorist lasted only a few minutes. Police also moved traffic through without stopping cars when long backups developed.

Of the 2,100 vehicles that passed through the checkpoints and of the 1,300 vehicles stopped, there were few long delays, one car overheated, one minor accident occurred, the dogs scratched a few cars, and one person was bitten by a dog. Judge Edmonson, joined by Judge Birch, a Bush appointee, and Judge Hill, a senior judge appointed by President Ford, properly held that the roadblocks were reasonable under the fourth amendment's search and seizure clause. The intrusion of the search was minimal and was far outweighed by the State's interest in enforcing its traffic laws and in preventing the flow of drugs into our Nation. Indeed, recognizing these facts, the Supreme Court has approved reasonable roadblock searches before for the purpose of checking sobriety, [see *Michigan Department of State Police* v. *Sitz* [496 U.S. 444 (1990)], and for border patrols [see *United States* v. *Martinez-Fuerte*, 428 U.S. 543 (1976)].

But the persuasive reasoning of Judge Edmonson and his colleagues, the decisions of the Supreme Court, and the need to stem the flow of destructive drugs into our society were not enough for Judge Barkett. Judge Barkett voted to grant review of the decision before the entire eleventh circuit, and she wrote a dissent joined by Judges Kravitch and Hatchett, both Carter appointees, when she lost. Fortunately, the six Reagan-Bush appointees, the one Ford appointee, and one Carter appointee voted to keep Judge Edmonson's ruling in place.

Continuing her unduly restrictive view of the fourth amendment's application to drug searches, Judge Barkett declared:

> In my view, permitting law enforcement to stop every vehicle at a roadblock based on the mere possibility that one or more of the vehicles passing through will contain illegal drugs—evidence of a crime completely unrelated to highway safety—is * * * intolerable and unreasonable.

I would have thought that drug use would be a great threat to highway safety, and as I have noted, the Supreme Court has already held that sobriety checkpoints—alcohol is, after all, a drug—are constitutional.

Judge Barkett and her dissenting colleagues also should examine the text of the fourth amendment, which she never even quoted in her opinion. The fourth amendment states that ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.'' Unlike the judges in the majority, Judge Barkett never asked whether the roadblock searches were reasonable. Instead, she sought vainly to say that using roadblocks to search for drugs was patently illegal. But most judges of the courts of appeals, most Justices of the Supreme Court, and, I think, most of the American people, would agree that the minimal search involved here—a stop for a few minutes combined with a sniff by a dog—is certainly reasonable, especially when balanced against the need to combat the influx of destructive drugs in our society.

Judge Barkett also continues to remain suspicious of the efforts of police to defend our communities against crime and against drugs. In Merrett, she declared that she believed that Florida's claim that the roadblock was also used to check for traffic violations was only a pretext for an illegal search for drugs. In Judge Barkett's mind, this raised the fundamental concern that officers will attempt to evade the requirements of the fourth amendment by using a traffic stop to detain someone for a purpose that would not lawfully support a detention.

I believe that our police officers are good people who are laying their lives on the line to protect our lives, our families, and our communities. Like Judge Baer, Judge Barkett sees our law enforcement officers as using any pretext they can to conduct illegal searches. I see them asking for a minimal amount of time to ensure that drugs are not being transported for distribution to our children and to our poor. Judges like Judge Barkett and Judge Baer are all too willing to place legal technicalities as obstacles before our law enforcement officers, who are only trying to take criminals off of the street.

Furthermore, as the majority in the original case noted, and as the Supreme Court has made clear before, roadblocks are often more respective of

fourth amendment values because they are random. They do not rely upon the discretion of the police officer to choose whom to stop and search—all are treated the same. Roadblocks, in the Supreme Court's words, avoid the standardless and unconstrained discretion present in individual stops. [*Delaware* v. *Prouse*, 440 U.S. 648, 661 (1979).]

I presume that Judge Barkett also would find fault with the metal detectors at airports and government buildings, or stops at the border, or customs searches, because even though they are all minimal intrusions into an individual's privacy, they subject everyone to a search without a warrant. Fortunately, Judge Barkett's feelings on this point conflict with Supreme Court precedent, and even though Judge Barkett seems to have always had trouble following the precedent of the Supreme Court, most other Federal judges do not, including the Republican-appointed judges on the eleventh circuit.

Merrett is not the only case in which Judge Barkett has been willing to place obstacles before our Nation's war on drugs, a war in which the administration has been AWOL—absent without leadership. In Chandler versus Miller, a January 1996 case, Judge Barkett again dissented in a case involving drugs and search and seizure. Georgia passed a statute requiring drug testing of political candidates and nominees for State offices. In cases such as *National Treasury Employees* v. *Von Raab* [489 U.S. 656 (1989)], *Skinner* v. *Railway Labor Executives' Association* [489 U.S. 602 (1989)], and last Term's *Vernonia School District* v. *Acton* [115 S.Ct. 2386 (1995)], the Supreme Court has declared that courts must balance the individual's privacy expectations against the Government's special interests in preventing drug use in that area.

In these cases, the Supreme Court has upheld drug testing of drug agents, of railway workers, and of high school athletes. For Judge Barkett, however, these were all narrow exceptions to a general rule in her own mind that no one should be subject to drug testing, including candidates for high public office. In her mind, controlling drug use among the highest public officials involves no immediate or direct threat to public safety, and that there is no showing that waiting to obtain a warrant based on individualized suspicion would cause any dire consequences. In Judge Barkett's words, ''[t]here is nothing so special or immediate about the generalized governmental interests involved here to as to warrant suspension'' of the warrant requirement.

But as the majority correctly held, the Government's interest in preventing drug use among its highest public officials is a powerful one. In the majority's words, the people of a State place their most valuable possessions, their liberty, their safety, the economic well-being, ultimate responsibility for law enforcement, in the hands of their elected and appointed officials, and the nature of high public office demands the highest levels of honesty, clear-sightedness, and clear-thinking. We permit drug testing of drug agents; we permit drug testing of railroad engineers; we even permit drug testing of high school athletes. Judge Barkett would have us believe that the damage that would be caused by drug use in these situations is far greater than that caused by drug use by legislators, by executive branch officials, and by judges. Judge Barkett's reasoning strikes me as unreasonable, and her efforts again appear designed to restrict the tools that our society can use to combat drug use, even in the face of contrary Supreme Court precedent.

Perhaps Judge Barkett's position on the fourth amendment in Chandler was a reasonable one. But no one can claim that her further statements in that case had any grounding in Federal constitutional or statutory law. Not only did Judge Barkett argue that the Georgia statute was an illegal search, she also argued that it was a violation of the candidates' first amendment rights.

I am not making this up.

If you don't believe me, Mr. President, listen to her own words. ''This statute is neither neutral nor procedural, but, * * * attempts to ensure that only candidates with a certain point of view qualify for public office.'' Judge Barkett interprets the drug testing requirement as an attempt to ''ban[] from positions of political power not only those candidates who might disagree with the current policy criminalizing drug use, but also those who challenge the intrusive governmental means to detect such use among its citizenry.''

Such reasoning reeks of the very worst of the moral relativism that characterizes liberal judicial activism. Judge Barkett appears to believe that if one is in favor of drug legalization or against drug testing, why, one must be a drug user. In fact, Judge Barkett appears to believe that drug use is an ideology and that drug testing is, in her words, ''a content-based restriction on free expression.'' If that is so, then does Judge Barkett believe that any effort to prevent drug use is an attempt to suppress the first amendment rights of drug users, and that drug use itself is a form of expression?

Mr. President, this is the 1990's, not the 1960's; America has not been transformed into a Woodstock from sea to shining sea. The first amendment does not protect illegal, harmful conduct, and it does not permit people to plan and encourage illegal conduct. Although this administration has been absent without leadership in the drug area, the American people and the Congress are not. We are determined to prevent drugs from ruining the lives of our young people, and the tolerant attitude of some of the Clinton administration's nominees, who equate drug use with protected first amendment expression, will not stand in our way.

Why is this so important? As a practical matter, the Senate gives each president deference in confirming judicial candidates. A Republican President would not nominate the same judges that a Democrat would, and vice versa. The President has been elected by the whole country and, while this President has been unable to put all of his choices on the bench, there are hundreds of judgeships to fill in order to keep the justice system functioning.

Indicia of judicial activism or a soft-on-crime outlook are not always present in a nominee's record. But, in the cases of Judge Sarokin and Barkett, there were crystal clear signs of their activist mindsets. Yet the President appointed these two judges and pushed hard successfully to get them through the Judiciary Committee and the Senate, despite opposition, largely on this side of the aisle.

We can now view the products of the President's choices. We do not just have two trial judges, Judges Baer and Beaty, who have trouble understanding the role of the Federal courts in law enforcement and in the war on crime. We now can see that President Clinton has sent liberal activists to the Federal appellate courts, where their decisions bind millions of Americans.

Judge Sarokin's opinions, if they garner a majority, are the law in Pennsylvania, New Jersey, and Delaware. Judge Barkett's opinions, if they garner a majority, are the law in Florida, Georgia, and Alabama. Criminals whom they would set free on technicalities can strike again, anywhere, anytime. This makes all Americans potential victims of these judges and their soft-on-crime outlook.

The general judicial philosophy of nominees to the Federal bench reflects the judicial philosophy of the person occupying the Oval Office. We, in Congress, have sought to restore and strengthen our Nation's war on crime and on drugs and to guarantee the safety of Americans in their streets, homes, and workplaces. For all of the President's tough-on-crime talk, his judicial nominations too often elevate the rights of the criminal above the rights of the law-abiding citizen, and undermine safety in our streets, in our homes, and in our workplaces.

The PRESIDING OFFICER. Under the previous order the Chair now recognizes the Senator from North Carolina to speak for up to 10 minutes as in morning business.

Mr. FAIRCLOTH. Mr. President, I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the submission of Senate Resolution 237 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

PRIVILEGE OF THE FLOOR

Mr. GLENN. Mr. President, I ask unanimous consent that Allegra Cangelosi and Patricia Cicero be permitted privileges of the floor while I introduce this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GLENN and Mr. LEAHY pertaining to the introduction of S. 1660 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak for up to 15 minutes.

THE FOREIGN RELATIONS REVITALIZATION ACT RELATING TO TAIWAN

Mr. MURKOWSKI. Mr. President, last night we had several hours of debate and that debate was around the issue of the Foreign Relations Revitalization Act relating to Taiwan. As we addressed the disposition of the conference report, this particular portion received a good deal of scrutiny. There were a lot of words spoken, a lot of technical interpretations. What I am going to do today is simplify that debate by referring to the Taiwan Relations Act as the law of the land. I will also give a brief explanation of the section that was the subject of the debate, but I will use the actual factual language, as well as definitions, not just personal interpretations.

I was surprised by the debate surrounding one provision in particular, and that was section 1601, which states that sections 3(a) and 3(b) of the Taiwan Relations Act supersede any provision of the 1982 joint communique between the United States and China.

I was surprised by the debate because, obviously, a number of people seem to be cloudy on just what ''supersede'' means. Allow me to clear up any misconceptions of that term. The Oxford dictionary refers to the term ''supersede'' specifically as ''overrides, takes precedence over.'' That definition seems pretty clear to me, Mr. President.

The administration indicated it is going to veto the entire conference report, in part because of opposition to section 1601, even though that section only restates reality.

In order to enlighten some of my colleagues on this issue, I have a chart here. I would like to refer to the chart. This is April 10, 1979, section 3(a):

> . . . [T]he United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

Section 3(b):

> The President and the Congress shall determine the nature and quantity of such defense articles and defense services based solely upon their judgments of the needs of Taiwan. . . .

It could not be any clearer, ''solely on their judgments of the needs of Taiwan.'' That is to say, the President and the Congress shall determine the nature, quantity of such defense articles, et cetera. It is crystal clear. The issue is the interpretation of the United States-China joint communique. The previous reference was the law of the land. This is a communique. In the communique, August 17, 1982, the administration pledged, ''to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution.'' Paragraph 6.

This pledge to reduce arms sales over time, for those of us who have labored in this vineyard and those in the defense community, we recognize this as the ''bucket,'' so to speak; that is, after the executive branch implemented the pledge by decreasing the amount of defensive goods and services that would be sold to Taiwan. That is readily understood. That was the specific intent.

This is the communique, the other is the law of the land. But you can see the difference. Congress, and the President, clearly have the authority under the law of the land to designate and determine the nature and quantity of defensive arms provided to Taiwan.

Yesterday in the debate, several of my colleagues claimed that section 1601 nullified the entire basis of United States-China policy.

This simply is not true, Mr. President. I should know, this was my legislation. I know what the legislative intent was. As the original author of this legislation, I know the intent of the legislation is simply to reassert the legal primacy of the Taiwan Relations Act as public law over a statement of policy, such as the joint communique.

It is this intent that so many of my colleagues on the other side, and evidently the State Department, are missing. It reasserts the legal primacy of the Taiwan Relations Act as public law over a statement of policy, such as the joint communique, if the two are in conflict. That puts the burden on the President and the Congress where it belongs.

For example, if the threat to Taiwan is increasing, defensive arms sales may need to go up, and this should not be arbitrarily limited by the bucket. It has not been in the past. The bucket is whether it is inside or outside, and we have seen sales outside. Prior administrations have followed the principle and practice, such as President Bush's decision to sell the F–16's to Taiwan, even though they were outside the dollar limits and, therefore, outside that bucket. It is referred to, basically, as decreasing in the amount of collective arms sales to Taiwan.

The point I want to make today is, more important, that Secretary Christopher, in a letter dated April 22, 1994, to me assured me that this administration's position is as previous administrations; the Taiwan Relations Act as public law takes legal precedent over the 1982 Joint United States-China Communique. That is the issue, does it take legal precedent or does it not? The Secretary of State said it did.

Let me make one more distinction, Mr. President. That communique I referred to, has never been ratified by Congress. The Taiwan Relations Act is the law of the land.

In referring to this letter of April 26, 1994, the Secretary provided that letter and asked me not to release it for the RECORD. I am going to honor that commitment.

But now the administration seems to say it is ready to veto the entire conference report, and one of the reasons, in part, is because of a provision that simply acknowledges their prior position. If they are going to veto it, that is their own business, but let us be up front about the veto, if other rationale is the driving force.

Why is this being selected? I do not know. Has the administration been pressured to change some of its positions? I am sending a letter to Secretary Christopher today asking him to clarify his position: Does the administration stand by the April 22, 1994, letter or not? If not, then why not? It is my hope to share that answer with my colleagues.

This is important, because many on the other side are very uncomfortable now as they recognize what the law of the land says and the fact the law of the land supersedes the communique if the two are in conflict. Very few people seem to have picked up on that difference and it's significance.

Some of my colleagues have asked why this provision was necessary and if it was. My response is simply this: it sets legal precedent. This is a reason I think my colleagues on both sides of the aisle will appreciate. Sometimes it is necessary to remind the executive branch that the Executive policies cannot ignore the law of the land, and that is where we are today. The Taiwan Relations Act is the law of the land.

So, Mr. President, this administration cannot ignore Taiwan's defensive needs nor the role of Congress in determining these needs, even if some in China demand it. That is what this legislation is really all about.

Some of my friends in this body may imply that this language somehow suggests that former President Reagan was wrong when he signed the communique. That is certainly not my interpretation, nor my my intention. But the reality is, this is 1996, not 1982, and this language dictates that if the threat to Taiwan is greater now than in 1982, arms sales may go up accordingly.

So that is where we are, Mr. President. I hope that sheds some light on the debate over this language. I simply stated what was actually written, and hope my colleagues on the other side of the aisle will recognize this.

(Mr. CRAIG assumed the chair.)

THE BUDGET

Mr. MURKOWSKI. Mr. President, I would like to make reference, in my remaining time, to some facts on the budget.

It is rather curious, but in the last 13 months, President Clinton has sent up

to the Congress nine separate budget bills. We have one now, like the others, containing, in my opinion, some fairytale numbers, some rosy scenarios. They propose economics and delays into the next century when the spending cuts are actually going to take place, when it will be reduced.

Mr. President, 60 percent of the President's spending cuts are in the years 2001 and 2002 when we know, regardless of what happens this year, President Clinton will not be in office.

Spending will increase 25 percent from $1.5 trillion this year to $1.9 trillion in the year 2002. Spending will increase 25 percent, and the national debt will rise by more than one-third, from $4.9 to $6.5 trillion.

Think about that, Mr. President. From $4.9 trillion to $6.5 trillion we are increasing the debt. That is like increasing the balance on your credit card or increasing the overdraft, if your bank holds such an overdraft.

Although the deficit drops to $158 billion this year under the President's proposed reelection budget, the deficit goes up to $164 billion next year. This is our annual deficit. This means every year we are spending more than we are generating in revenue. We will spend $164 billion more than we generate in revenue, yet we mandate the American public balance their checking accounts. The Federal Government goes through a budget process. Everything it needs, beyond what it generates in revenues, it gets by adding to the deficit to the tune now of increasing it from $4.9 trillion—that is the total accumulated debt that has arisen as a consequence of the debts each year—we are going to increase that up to $6.5 trillion.

I spent a little bit of time in the banking business before I got in the business of being a Senator from the State of Alaska. Interest costs are, I think, one of the most interesting and underrated considerations in this process, certainly among the more deceptive elements of the President's budget.

This year we are going to spend 14 cents of every $1 of Federal spending on our $235 billion interest bill—14 cents out of every $1 of Federal spending. That costs us $235 billion. Next year the interest costs are going to rise to $238 billion. That is about 14.5 percent of the budget.

Interest is like having a horse that eats while you sleep. It continues throughout the night eventually eating faster than you can feed it. Interest does not employ anybody, does not provide any new jobs, and does not pay any taxes in that sense. It has to be addressed if you have debt. The United States has debt.

There is a rather curious process going on here. I will try and wind this up because I see my friend from Tennessee is on the floor as well. But the administration says that by the year 2002, interest costs are only going to be 12 percent of the budget and interest spending will be down to $223 billion. How is it possible for debt service costs to go down while the debt goes up from $4.9 trillion to $6.5 trillion? Is it lower interest costs? The President assumes flat interest rates at 5 to 10 percent on 10-year notes. So that is not it.

As I said, I used to be a banker. It does not take a rocket scientist to figure out that if the size of your debt rises by a third and interest rates are flat, the amount of interest you are going to pay has to go up.

Why does that not happen under President Clinton? I wonder if we have rejected some of the principles of mathematics. The answer, Mr. President, is hidden in the back of the President's budget. I think this deserves the light of day. During the next several years, trust fund surpluses, especially the surpluses in the Social Security trust fund, rise by nearly $1 trillion. For every $1 of surplus, the Federal Government issues a special debt note—a debt note—to the trust fund that is not counted as interest under our budget rules. I would ask the Chair why. I am sure the Chair would have the same difficulty in explaining it.

But for every $1 of that Social Security trust fund, which is going to be somewhere in the area of $1 trillion, for every $1 of surplus, the Federal Government issues a special debt note to the trust fund that is not counted as interest under our budget rules. That is $1 trillion of debt service not counted in the President's budget.

If you counted the interest we will pay the trust fund on the $1 trillion in new debt we owe the trust fund, as a consequence of that, going into the interest formula, the real interest figure would look more like $350 billion as interest on the debt in the year 2002 instead of $225 billion, which is what the administration would have us basically accept or believe in this proposal.

My point is, Mr. President, the administration projects the interest at 14.5 percent, or 14.5 cents on the dollar, when in reality it is 18 percent as a consequence of borrowing from the trust fund.

Mr. President, I will attempt to pursue this after the recess with some charts that I think will more visually show just what is going on here. The American public better be concerned because, as we look at greater portions of our total budget going for interest on the debt, we recognize we are going to have less for social needs and other priorities in our country.

This must come to a halt. It could only come to a halt by adopting a balanced budget. We still have not been able to convince the White House of the realism of a real balanced budget that will actually cut spending.

I thank the Chair and wish the Chair a good day.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

ORGAN DONOR AWARENESS

Mr. FRIST. Mr. President, I rise today to bring attention to an issue that is literally an issue of life and death. Mr. President, any one of the Senators here today or any member of our families, whether through accident or misfortune, could find ourselves needing a life-saving organ transplant operation tomorrow. If that should happen, we would be placed on a waiting list to join about 43,000 other Americans who right now, this very second, are waiting their turn—or their death if they never get that turn.

Since 1990, the number of people diagnosed as needing an organ transplant has doubled. Today, every 18 minutes a new name is added to this list of people waiting. By the end of this year, the list of people waiting for a transplant will be over 50,000 people long. But those are just the people that we know about, people who are lucky enough to have made it into the medical system, who have jumped through the financial hurdles of diagnosis and have been recommended to a transplant center.

The real numbers are even more staggering: Approximately 100,000 people—100,000 people—need an organ transplant this very year. Yet, only a small fraction of that 100,000 people will receive a transplant to live or to have a better quality of life.

In fact, every day eight people die because a donor, an organ donor, does not become available. We have 100,000 people that could benefit from transplantation, yet only one in five, about 20,000, will actually receive a transplant.

Why? Is it because donors must be a certain age or race or blood type or physical condition? Is it because of outdated State laws or Federal regulations? Or is it because it is difficult to qualify or to designate one's organs for donation? The answer to all three of those questions is no.

The reason can be summed up in four simple words: lack of public awareness. There are no limits for organ donation for any of the reasons I just mentioned. Every person is potentially a donor. Even those under the age of 18 can sign up with a parent's permission. Yet, tragically, there are only about 5,000 actual donors every year. Experts estimate that organ donation could be increased by 80 percent simply through better public education and awareness.

I began my training to become a heart and lung transplant surgeon 22 years ago. At that time, I could only dream of the science and the technology and the medical know-how that today is routinely used to save people's lives through transplantation or to give people a better quality of life. It is no longer an experimental procedure, but a life-saving, life-improving medical operation that is performed routinely in centers all over this country. Yet, today, for people who need a heart transplant, about one out of four die needlessly, senselessly because an organ donor is not available.

Now I am a U.S. Senator, now in a position to change and help people save lives through public awareness; and that is my goal, to bring public awareness in line with the advances in medical science and technology that we have today.

Together with my colleagues, Senator SIMON, Senator DEWINE, and Senator LEVIN, we have just launched a drive to focus congressional attention on organ transplantation and to encourage every Member of Congress to consider signing up as an organ donor. We ask them to do three things: First, learn the benefits of transplantation; second, consider signing an organ donor card; and third, and probably most importantly, discuss their decision with their next of kin and loved ones.

So far, more than a third of my colleagues in the U.S. Senate have done so, and more are adding their names to this list every day. On the House side, Congressman JOE MOAKLEY of Massachusetts is urging his colleagues to do the same. We must continue to do this because just as our list is growing, so too is that list of children and men and women who are waiting for that transplant procedure.

I want to urge today every one of my Senate colleagues and every Member of the House to perform that heroic, lifesaving act, which is selfless, unselfish, and sign an organ donor card to give others a new chance at life. Our goal is 100 percent congressional participation.

The week of April 21 through the 27th is National Organ and Tissue Donor Awareness Week.

That is one month from now. On Tuesday of that week we will be having hearings in the Senate Committee on Labor and Human Resources, dedicated to this issue of public awareness surrounding organ donation, tissue donation, and transplant patients. We can start right here by recognizing that public policy—and we, as legislators—can only do so much. The problem is the shortage of organs. The solution is public awareness. Doing our part, here today, and over the coming months to raise public awareness will go a long way in helping us achieve our policy goals, as well.

The 104th Congress has been unparalleled in the amount of attention that we have been able to focus on the important issues now before our Nation. This is one of them. We have the opportunity to give the most important service you will ever give to fellow Americans. Be a hero. Join the fight, and save a life.

Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

ENVIRONMENTAL POLICY

Mrs. HUTCHISON. Mr. President, over the last 30 years, we have greatly improved the environment in the United States. Our air and water in this country is the cleanest it has been in 40 years. Now we are at a crossroads in environmental policy. We can preserve all of the environmental gains of the past three decades and move forward to assure our children a safer, cleaner, and healthier environment. But we will not be able to do it under the old top-down, command and control solutions from Washington, DC.

This approach is outdated and counterproductive. Rather than advancing our important environmental goals, the Washington bureaucracy and its extremist allies are actually harming the environment. Timber growers have been known to cut trees on the basis of even a rumor that their property might have an endangered species to be listed. Why? In order to avoid having Washington bureaucrats tell them they cannot cut down a tree that they have spent their lifetime harvesting.

In central Texas, the Fish and Wildlife Service originally suggested setting aside an area the size of the State of Rhode Island to protect the golden-cheeked warbler. In order to do that, they told the property owners they could not cut cedar trees. Now, cedar trees have another harmful impact on the people who must have water for our cultivation of lands and to drink, because cedar trees absorb water to a greater extent than most other trees. If you do not cut cedar trees, which our farmers and ranchers are trying to do as much as they can, the water supply dries up, and it affects the water supply of the city of San Antonio and affects the ability of farmers and ranchers to use their land. The size of the area is a ridiculous amount—the size of the State of Rhode Island for one bird, when we could have set aside a reasonable number of acres for its preservation.

In the Texas Panhandle, protecting a bait fish called the Arkansas river shiner may keep both the agricultural producers and municipal utilities from being able to have access to an adequate supply of water, even though there is a thriving population of the Arkansas river shiner in the State of New Mexico. Now, many of my constituents are a little fed up with a Government that gives snakes and salamanders priority over human beings and constitutional rights.

The Endangered Species Act has worked well as a means of focusing attention on the need to preserve plants and animals from extinction. There have been many successes for high-profile species, but the heavyhanded means that are being employed to preserve hundreds of subspecies are increasingly counterproductive. If we cannot rely on the support and cooperation of the people who live with the animals that we want to save, I think those animals chances of survival are not very good. That is why I am making a priority of reforming the Endangered Species Act. We need to forge a new consensus about saving endangered species and making private property owners stakeholders, not adversaries in the process.

The Superfund was created to identify and clean up hundreds of hazardous waste sites around the country, but the regulations written in Washington to govern cleanup are so complicated and cumbersome that almost no cleanup is getting done. Only 291, or about 25 percent, of the 1,238 worst hazardous waste sites have actually been cleaned up.

Where is the money going? Billions of dollars have gone into this. The money has gone to lawyers, consultants, and bureaucrats in Washington. That is where the money has gone that should have been going to clean up these hazardous waste sites. Companies contributing to the cleanup have spent 39 percent of their money on lawyers, 20 percent on negotiations, 9 percent on studies, and 15 percent on cleanup.

It is not just business that is being sued. The Catholic Archdiocese of Newark has been sued for a landfill in New Jersey. The archdiocese purchased land to expand its Holy Name Cemetery and inadvertently became potentially responsible for its cleanup. One landfill site in New York has 600 defendants, including an Elks Club, an exercise gym, two nursing homes and a kennel, which has a septic tank that needs to be cleaned.

Something must be done. We must put the money where it will benefit the public and the environment. This waste will go on and on unless we reopen the Superfund law and put some common sense back into it. Hazardous waste sites are local problems. We want to have a voice at the local level to be sure that the waste site in a town is cleaned up and made safe.

Unlike other major environmental laws, it is all handled by Federal bureaucrats, not the State and local representatives. While the lawsuits have gone on for years and years and the consultants and the bureaucrats argue endlessly about how many parts per million is acceptable, our children are at risk.

The Clean Air Act requires States and localities to meet a series of ambitious new pollution reduction targets in the years ahead. Achieving these goals will make the air we breathe cleaner and healthier. But the Washington bureaucrats have not been content just to set the standards. They are also trying to dictate how to achieve the goals, down to the smallest detail. In order to reduce auto pollution, emission testing requirements are part of the Clean Air Act. Rather than allowing States to decide, Federal regulators have been using threats to force States to set up entirely new automobile inspection networks, completely separate from the existing State auto inspection systems, and it is costing our consumers millions of dollars.

What we need to do, Mr. President, is achieve better protection of human health and the environment by regulating smarter. The fact is, businesses—

big and small—private property owners, and commuters, are spending too much time, too much money, trying to comply with too much paperwork and too many regulations from too many Washington bureaucrats.

If we are going to move forward for a safer, cleaner, healthier future, we must change the way Washington regulates. States and communities should be allowed and encouraged to take a greater role in environmental regulations and oversight. But the improvements we need in Washington go far beyond State and local involvement. We need to plan for the future, not just for today.

Science and technology are constantly changing and improving, but the Federal Government is not keeping up with these changes, and the old regulations are outdated. Extremists in the environmental lobby are trying to keep the status quo. What we want are some immediate changes that will give us better regulations for the environment, to preserve it, and allow people the freedom to use their private properties and cultivate the land at the same time.

Mr. President, I know my time has expired.

Mr. COHEN. Mr. President, I ask unanimous consent that the period of morning business be extended until the hour of 1:30, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I will have 3 or 4 more minutes.

Mr. President, here are the things that I would like to see done to change the regulatory harassment from Washington, DC. Let us put some common sense into the regulation. Let us do a thorough review of the environmental regulations that are now in place to determine what we need, what we do not, and make sure we do not add any new unnecessary, unproductive regulations.

Washington should be required to disclose the expected costs of current and new environmental regulations. I think the public has a right to know how much they are going to cost, and whether they are going to get their money's worth.

Three, in trying to make regulatory decisions involving the environment, the Federal Government should use best-estimate and realistic assumptions, rather than worst-case scenarios advanced by environmental extremists.

Fourth, new regulations should be based on the most advanced and credible knowledge available—in other words, good science. We have a situation where we have seen the devastation of the timber industry in the Northwest. It has cost thousands of people their jobs. Their families and their livelihoods have depended on the timber industry. It has cost every person in America that has built a new home more because timber prices have increased. Why? To protect a spotted owl.

Mr. President, what has happened is that reports have come back that, in fact, the spotted owl is not going into extinction, that it has been spotted in places nearby. So we have had a devastation of an industry, a devastation of people's lives and their livelihoods, their jobs, and whole communities have been ruined, when we did not even have good, sound science.

In Texas, in the city of Big Springs, 15,000 people had to move a reservoir to protect a conclo snake that was later determined to be prolific in a county nearby. They spent $6 million in taxpayer money—the money of hard-working people—to move a whole reservoir in order to accommodate a snake that was not really endangered.

So, Mr. President, it is time to restore common sense to environmental law. This is how we would move forward for a cleaner, safer future for our country, and to protect private property rights and jobs as we do it. We can work together to keep endangered species, to clean air and water, and clean hazardous waste sites. We can do all of these things and still have a thriving economy.

Mr. President, that should be our goal, and that is why we are trying to reform Superfund, reform the Endangered Species Act, and make the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act good for people as well as animals and the environment. We need to work together so we can live together in safety.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized to speak for up to 15 minutes.

APPOINTING MEMBERS TO CERTAIN SENATE COMMITTEES

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 236, submitted earlier today by Senator DOLE and Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 236) appointing Members to certain Senate committees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COHEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 236) was agreed to, as follows:

S. RES. 236

Resolved, That, notwithstanding the provisions of the Standing Rules of the Senate, the following Members are hereby appointed to the following Senate committees:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Bennett and Mr. Wyden.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Abraham and Mr. Wyden.

COMMITTEE ON THE BUDGET: Mr. Grams and Mr. Wyden.

SPECIAL COMMITTEE ON AGING: Mr. Warner and Mr. Wyden.

THE PASSING OF DAVID PACKARD—INDUSTRIAL GIANT

Mr. COHEN. Mr. President, last Tuesday, an industrial giant died, David Packard, a former Deputy Secretary of Defense during the Nixon administration. I have a letter sent to me as chairman of the Seapower Subcommittee by the Secretary of the Navy.

I ask unanimous consent that this letter to me be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, March 27, 1996.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Seapower, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, David Packard passed away Tuesday, March 26, 1996. I would like to submit the following statement for the Congressional Record.

We are deeply saddened by the passing of a great American and a true friend of the Department of the Navy, David Packard.

David Packard, together with his friend and Stanford University classmate, Bill Hewlett, sparked the development of the high technology industry from a one car garage back in 1938, to a giant in the electronics industry as the Hewlett-Packard Company. He set a new standard in management style that became known as ''the HP Way'', which emphasized ''management by objective, rather than by directive'' and encouraged employees to work toward common goals by giving them a wide range of freedom in which to operate. He created more than just a company, he created an industry and a management philosophy.

Mr. Packard served as Deputy Secretary of Defense under Secretary Melvin Laird where he developed a reputation for candor and independent thinking and a tendency to challenge political influence on defense decisions. He was part of a team that is considered by many to be one of the strongest teams ever to run the Defense Department.

A decade ago he made another huge and enduring contribution to good government. He chaired the Packard Commission, which recommended a revolution in defense procurement procedures through the application of standard business practices. His recommendations are still being implemented today. They enable the military to modernize more quickly and at a lower cost.

Although he was one of the richest men in America, he lived modestly. He donated the bulk of his wealth to a foundation that has given hundreds of millions of dollars to Stanford University, the Monterey Bay Aquarium, and other charitable causes.

David Packard was a giant in industry, in public service and philanthropy. We will miss him greatly.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

THE PASSING OF EDMUND S. MUSKIE

Mr. COHEN. Mr. President, last Tuesday, the State of Maine and the entire Nation mourned the loss of a political giant, Edmund S. Muskie.

From Maine to California, the newspapers are filled with long stories detailing and encapsulating the life and times of Ed Muskie and his accomplishments. There were columns that appeared in the New York Times, the Washington Post, the Boston Globe, the Bangor Daily News, the Portland Press Herald—all across the country.

While each of the articles was written from the unique perspective of the authors, there were common elements in each one of them. The articles spoke of Senator Muskie's intellect, which indeed was muscular. They spoke of his integrity, which was unquestioned. They spoke of his candor, which was unmatched. They spoke of his courage, which I think was incomparable.

He took on some of the most powerful interests in this country and, never once, did he ever flinch, he never sought favor, and never acted out of fear. He was indeed a brave heart.

He was careful, and some say he was cautious.

I read a tribute recently, which I will quote:

> Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed; refraining when he saw doubt, but when once decided, going through with his purpose whatever obstacles opposed. His integrity was the most pure, his justice the most inflexible I have ever known, no motives or interest or consanguinity, or friendship or hatred being able to bias his decision. He was indeed, in every sense of the words, a wise, a good, and a great man.

These words were not about Ed Muskie. These are the words of Thomas Jefferson assessing the character of George Washington. But they might just as well have been said about Ed Muskie.

In Ecclesiastes, the question is asked, ''What is best for men to do during their few days of life under the sun?''

Well, it was clear from the very beginning what the answer was for Ed Muskie. He was not born to be a spectator or a bystander. He did not come into this world to sit in a darkened theater and express his approval or rejection of those on stage.

He knew, as Justice Holmes before him knew, that ''Life is action and passion, and we must share in that action and passion at the risk of being judged not to have lived.''

Ed Muskie was at the very center of the action of his days—whether it was on the civil rights legislation, or protecting the environment, or waging the fight to control the budget, as chairman of the Budget Committee, or promoting America's role in a dangerous world, as the Secretary of State.

When he was on the Senate floor in full-throated debate, and when he blended that magnificent mind of his with the rhetorical power and grace of the orator, then he became one with the poet Hopkins, who said, ''What I do is for me; for this I care.''

Dr. Robert Sheehan once wrote, ''The world belongs to those who laugh and cry. Laughter is the beginning of wisdom, the first evidence of the divine sense of humor. Those who know laughter have learned the secret of living.''

Well, Ed laughed a lot. He had a wry, down-east Yankee wit. He loved a good cigar, a good story, and he loved a good joke.

While passion was his virtue, it was also said to be his vice. He had a cool, cerebral intellect, but he also had a quick and, some would say, also Vesuvian temper, particularly when he witnessed an injustice being done, an act of hypocrisy or unfairness being inflicted. He had little tolerance for character assassination.

We are all familiar with that fateful moment in New Hampshire when he was standing on a flatbed during a snowfall. Ed Muskie decided that he had enough of the dirty tricks that were being practiced upon him at that time, enough of the daily diatribes that appeared in one of New Hampshire's newspapers. But, of course, he was not the only object of attack that week. He rose on that day to denounce the attacks against his wife, Jane, as being mean and cowardly. There was one prominent journalist, David Broder, who wrote that Senator Muskie appeared to be crying during that time—although, to this day, there is some question as to whether they were actually snowflakes falling or streaming down his cheeks, as opposed to tears.

But it was a moment in history—a turning point in his campaign for the Presidency because many, after that moment, judged him to be too passionate to be President.

There is some irony in the retelling of this story and this event because, some 16 years later, another Democratic candidate for the Presidency was thought to be too cool, too bland, and bloodless in his response to a question about what he would do if his wife had been raped.

So we have come to learn that politics is not a sport where the rules are always well defined, or indeed consistent.

Some people who have run unsuccessfully for the Presidency are broken by the experience. Defeat never shattered Ed Muskie's love of politics and his love for this institution. He possessed an inner self-confidence and self-awareness of his place in the uncompleted puzzle of existence. It was a serenity which permitted him to continue to serve nobly in the Senate and then later as Secretary of State.

Mr. President, back in 1976, I had given consideration to running against Senator Muskie. I was then a young Congressman from the Second Congressional District of Maine. I was being urged, indeed, to run against Senator Muskie. I was pondering. I thought about it for a long time. I retreated to Sugarloaf Mountain in Maine to contemplate whether or not I would take this great step. I had with me at that time a book called ''Zen and the Art of Motorcycle Maintenance'' written by Robert Pirsig. It was one of the most intellectually challenging books I think I had read at that time.

As I was reading through the book, the decision really clicked into my mind. I came across the words of Pirsig when he said:

> When you try to climb a mountain to prove how big you are, you almost never make it. And even if you do, it's a hollow victory. In order to sustain the victory you have to prove yourself again and again in some other way, and again and again and again, driven forever to fill a false image, haunted by the fear that the image is not true and someone will find out. That's never the way. . . .

I knew, upon reading these words, that I was in danger of letting my own ambition race beyond my abilities and that even if I could defeat Ed Muskie—and the polls showed me doing that—I knew in my heart that I would need a fistful of four-leaf clovers and a whole lot of money. Even then in my heart of hearts I knew that it would be a tough race for me to run, and that, even if I were to win—which was always in doubt—the State of Maine and this country would not have been well served. He was by far a superior man, and history has proven that to be the case.

So I declined to enter the race. I called Ed Muskie and told him of my decision—never revealing at that time that I had been reading ''Zen and the Art of Motorcycle Maintenance'' which helped me reach that conclusion.

John Kennedy once remarked that when the high court of history sits in judgment on each of us, recording in our brief span of service whether we fulfilled our responsibilities, our success will be measured by the answers to four questions:

First, were we truly men of courage?

Second, were we truly men of judgment?

Third, were we truly men of integrity?

Fourth, were we truly men of dedication?

As history judges Ed Muskie, the answer to each of these questions is an unqualified ''yes.'' These are the very qualities that characterized his service in Government. He will be remembered as one of the finest public servants to ever have graced the Governor's Mansion in Maine, the U.S. Senate, and the Office of Secretary of State.

Tomorrow when he is laid to rest in Arlington National Cemetery, Ed Muskie will be in the hearts and in the minds of the people of Maine and this country and shall remain there for generations to come.

Mr. President, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

WELFARE REFORM

Mr. ROTH. Mr. President, it has been 37 months since President Clinton outlined his welfare reform goals. On February 2, 1993, he told the Nation's Governors he would announce the formation of a welfare reform group within 10 days to work with the Governors to develop a welfare reform plan. But welfare reform was not enacted that year nor the following year.

Fourteen months ago, President Clinton declared at a joint session of Congress that, ''Nothing has done more to undermine our sense of common responsibility than our failed welfare system. It rewards welfare over work. It undermines family values.''

In response, the new Congress passed welfare reform twice in 1995. H.R. 4, the Personal Responsibility and Work Opportunity Act of 1995, received bipartisan support in both the House and Senate as it was being drafted. Yet, 10 weeks ago, President Clinton vetoed welfare reform for a second time. With a stroke of his pen, President Clinton wiped out the welfare reform American families need and expect. By vetoing welfare reform, President Clinton has accepted the status quo in which millions of children are trapped in a vicious cycle of dependency.

Two weeks after he vetoed H.R. 4 President Clinton once again pledged his support for welfare reform in his 1996 State of the Union Address.

The President also declared that, ''the era of big government is over.'' But his actions contradict his words.

On February 6, the Nation's Governors issued their own bold challenge to reform the welfare state. The Governors' unanimously adopted a bipartisan—I emphasize ''a bipartisan''—blueprint for returning the power and authority over the welfare system, including Medicaid, to the States. Since then, the Finance Committee has held three hearings on the welfare and Medicaid proposals forwarded by the National Governors' Association. The Governors specifically built upon the welfare reform conference report rejected by the President.

On February 28, Secretary Shalala testified for the administration on the Governors' proposals. Once again, we found that the administration has an incredible capacity to blow hot and cold air at the same time. While lauding the Governors for their effort, Secretary Shalala opposed every major provision of the bipartisan proposals.

The Nation's Governors assembled again this week, this time in Palisades, NY, for a National Education Summit. The purpose of this meeting was for the States to share their ideas and strategies for introducing new technologies, standards, and assessments to improve the education of our children.

The Governors invited the business leaders who will help develop the new learning systems which will combine education and technology. The Governors also invited President Clinton to address the summit and, who no doubt, pledged his support and commitment to our children's future.

But among all of the dignitaries, there was an uninvited and unwelcome guest at the banquet. Medicaid, the uninvited guest, will consume much of the necessary resources intended for education and will leave only scraps for the education of our children.

The insatiable appetite of Medicaid spending is limiting the ability of the Governors to fully fund education as they wish as Medicaid's share of State spending has nearly doubled in just 7 years. Its share has grown from 10 percent of State spending in 1987 to 19.4 in 1994.

During this same time, the share of State spending for elementary and secondary education dropped from 22.8 to 20.3 percent. Higher education's share dropped from 12.3 to 10.5 percent.

In 1990, Medicaid spending replaced higher education as the second largest State spending category, exceeded only by elementary and secondary education.

If present trends continue, Medicaid will soon pass elementary and secondary education as well. As shares of total State spending, both elementary and secondary education and higher education are at their lowest point in memory.

Between fiscal years 1993 and 1994, elementary and secondary education grew by just 2 percent. In comparison, Medicaid grew by more than 12 percent.

These alarming trends have consequences in other vital services as well. Transportation's share has dropped from 10.6 percent of State spending to 8.9 percent. The broad category of all other which includes public safety, investment in infrastructure, and many other services has declined 3 percentage points.

Another hidden threat of Medicaid is how State government is funded. Medicaid forces States to borrow more to finance the cost of education.

States cannot sell bonds to finance Medicaid, so the cost and burden of borrowing is passed on to other budget categories.

In 1987, 6.4 percent of bonds issued were to finance higher education. In 1984, 19.2 percent of bonds were used to fund higher education. This debt, of course, is ultimately passed on to our children. Even worse, as Medicaid spending consumes even greater shares of spending, leaving less for education, the cost of education may well rise beyond the ability of many families to spend their children to college to all.

The consequences of the failed welfare system are realized in many ways. It spreads its ill effects throughout society.

Now we find that unlimited entitlement spending threatens our democratic institutions as well. Mandatory Medicaid spending is draining State and Federal budgets. Governors and State legislatures are no longer in control of their State governments—they are being held hostage by the demands of Federal bureaucrats.

Mr. President, if we truly care about the education and future of our children, we must enact authentic welfare reform. Medicaid is the largest welfare program and the threat of its uncontrolled growth is spreading. Without welfare and Medicaid reform, whatever President Clinton promised for education last Wednesday in New York, is certain to be consumed by Medicaid tomorrow.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent for roughly 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PACIFIC NORTHWEST SALMON RESTORATION

Mr. GORTON. Mr. President, the Columbia River is the crown jewel of our Pacific Northwest. Its waters passing through our dams light our cities and towns. Its waters held back at times by those dams have saved thousands of lives from destructive floods. Its waters spread on our dry land have made the desert bloom and provide food for millions of people around the world. At the same time, that magnificent Columbia River has been the home to the most munificent runs of salmon anywhere in the lower 48 States of the United States of America.

Now that very civilization that has built those dams and used these waters so constructively threatens the future of these wonderful salmon runs. What should we do? How should we see to it that we both have the benefits of power and of irrigation and flood control and at the same time preserve and strengthen and restore these wonderful runs of salmon?

I think it is becoming more and more evident what we should not do. In the last 5 years, Federal bureaucrats here in Washington, DC, have billed us in the Pacific Northwest $1.5 billion for salmon restoration, half a billion dollars last year alone, and we have not seen any positive results at all. In spite of this investment, an investment the people of the Pacific Northwest have not begrudged, the results are nothing. The results are a continued decline in our salmon runs. These costs are welcomed by the people of the Pacific Northwest, but the results are not.

I am convinced that this failure of Washington, DC, bureaucrats means that we cannot succeed if we continue to do business in the same way that we are doing it at the present time. I believe, and I believe firmly, that we can do a far better job in the Pacific Northwest if we are allowed to make the decisions that affect our lives and affect our resources.

Personally, I am totally committed to restoring an abundant salmon fishery in the Columbia and the Snake Rivers. Healthy and strong salmon

runs are vitally important to our economy, to thousands of people whose livelihoods rest on them. But there is something more important even than those who are professionals in these fields. Salmon are a distinct part of our society and of our culture. Everyone who grows up in the Pacific Northwest has his favorite stories—his or her own big catch, the thrill of the child catching that first salmon, or just of a summer cookout with the family with salmon on the grill. I would find it unacceptable that my grandchildren would not have in their lifetime the same opportunities that I have had.

I have also to confess that my thinking, along with that of many in the Pacific Northwest, has grown and expanded over the years to emphasize the vital importance of native salmon runs. We have spent much of our time building hatcheries and creating artificial runs where native runs once existed. Those hatcheries are important. They are an important supplement. But we now recognize that it is vital that we strengthen the native runs and help restore them at the same time.

I am convinced that the people of the Pacific Northwest are willing to pay money, money literally in the hundreds of millions and billions of dollars that has already been wasted, in order to restore these salmon runs, but at the same time the people of the Pacific Northwest want that money to be spent effectively. They also want the amount of money they are going to spend to be predictable, and they want it to be spent in a scientifically credible fashion.

Last November, the National Academy of Sciences, the most prestigious institute of science in the free world, came up with a set of reports indicating what we know and what we do not know and suggesting some courses of action. That report has been almost totally ignored by the Federal bureaucrats who are in charge of spending our money and telling us what to do.

So I believe we need a change. I think we need to change a system that has failed and come up with a system that will work. I believe that that system is most likely to be developed by the people who are going to pay the bills and benefit from any success and pay the penalty for any failure.

Mr. President, do you not agree that the people of our region are better capable of answering these questions than the bureaucrats here in Washington, DC? Should not authority over how we deal with these runs be turned over to us, collectively—our sportsmen, our commercial fishermen, our citizens in cities and towns, our irrigators and farmers, our Indian tribes? Are they not going to be able to come up with a better answer to this question than we have gotten so far from Washington, DC?

Mr. President, I am convinced that is the case. I am convinced that this Congress should require a significant amount of money to be spent on the restoration of our salmon runs, should allow our people to spend more, if they wish to do so, should allow us to come up with a predictable number of dollars for this effort, and then, most vitally, should allow us, using the best science we can possibly find through these wonderful national and international scientists, to decide how best to spend that money so that we, you and I and all of us from the Pacific Northwest, may be able to pass on to our children and grandchildren the wonderful heritage of an abundant fishery at the same time that we preserve power for our cities and towns, water for our farms, rivers for our recreation, and safety for our citizens.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to proceed as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIG GOVERNMENT OVER? NO, BIGGEST GOVERNMENT EVER

Mr. GRAMM. Mr. President, we have received last week the President's official budget for 1997 and for the next 6 years thereafter. I would like to take some time this afternoon not to do the standard presentation that we all make, where we take the President's budget and say what in it is phony, what is smoke and mirrors, and what in it has no hope of coming true?

If people took the President's budget this year and did that, I think they could make a magnificent presentation because the President's budget is based on optimistic assumptions that things are going to get better without any change in policy to make them better.

But that is not what I want to do this afternoon. What I want to do this afternoon is to talk about the President's budget proposal from a point of view that we don't use enough, and that is, if we assume that everything in the President's budget is valid, if every word in here is backed up by sound policy, if everything the President assumes will happen will happen, if we grant the President every benefit of the doubt, then let us look historically at the kind of America that this budget will produce. That is what I would like to do for a few moments here this morning.

I would like to set it in historical perspective by using a series of charts. On this first chart I compare expenditures on national defense starting the day that World War II ended. So I look at the decade of the 1940's after World War II, the decade of the 1950's, 1960's, 1970's, 1980's, and then I look at the Clinton budget as projected for the next decade, in his own numbers.

To simplify the comparison and avoid the impact of inflation or overall growth in the economy, I have decided to look at budget expenditures as a percentage of the total production of the American economy. So when I am going through these numbers, think of it as the Nation's overall income, the value of everything we produce and sell, and how much of that is going for these particular purposes.

Looked at in this way, this chart shows that in the second half of the 1940's, from 1945 to 1950, 7.9 cents out of every dollar earned by every American was spent on national defense. As the cold war accelerated, that grew to 10.6 cents out of every dollar. It fell off some in the 1960's to 8.9 cents out of every dollar. In the 1970's and 1980's, it was 6 cents out of every dollar.

If President Clinton's budget is adopted exactly as it is written, if every word in it turns out to be backed up by sound policy, and if everything it assumes will happen happens, under his policy we will, in the decade of the Clinton budget, be spending 3.4 percent of the Federal budget on national defense.

There are several important points here. First of all, that is the lowest expenditure on national defense—3.4 cents out of every dollar earned by every American going to national defense—since the 1930's.

Second, that is 43 percent less than we spent in the decade of the 1980's, and if every penny that has been cut out of defense had gone to deficit reduction, we would have a balanced Federal budget today.

Let me state it in another way. The whole peace dividend for winning the cold war, which allowed us in real terms to spend about $150 billion less on defense every single year, every penny of the peace dividend has been seized and spent by Government. This is the first major victory in the history of America where the fruits of that victory—whether it was the Civil War, World War I or World War II—this will be the first time in American history that when the conflict ended we did not give the money back to the people we took it from to fight the conflict. Every penny of the peace dividend will have gone to Government and will have been spent on nondefense programs.

The second point I want to make is about social spending. Again, beginning the day World War II ended and for each of the decades, I have the percentage of all of the income in America that was spent by Government on nondefense programs, basically social programs with the overwhelming preponderance entitlement programs. Again, the level was 7.4 percent in the 1950's, it rose to 10.2 percent in the 1960's, rose to 14.6 cents out of every dollar earned by every American spent by Government on social programs in the 1970's. That rose to 17.1 percent in the 1980's and, under President Clinton's budget, if we met every savings proposal that he has, if all of his assumptions came true about saving money—and it would be the first budget in history where that ever happened—even under the best scenario,

President Clinton has promised the largest expenditure on social programs in the history of the United States of America. By his own numbers he will spend 17.3 cents out of every dollar earned by every American in Washington DC, through the Federal Government, on social programs.

So, when our President says the era of big Government is over, and when we are trying to assess what that really means, I do not know what he means when he says it but his budget spends 69 percent more on social programs, as a percentage of the income of all Americans, than we spent during the decade the great society programs began under Lyndon Johnson.

Taxes: Beginning the day that World War II ended, the American people have borne the following tax burdens. From 1945 to 1950, on average, Americans paid 16.5 cents out of every dollar they earned in taxes to the Federal Government. That has steadily risen, and under President Clinton's budget, if fully implemented, we would have the highest Federal tax burden in the history of the United States of America.

Under President Clinton's budget, if implemented, Americans would send 19.3 cents out of every dollar earned by every American, on average, to Washington to be spent by the Federal Government.

Let me sum this up on these three charts. President Clinton's budget calls for the lowest level of expenditure on defense since World War II—since the 1930's, the highest level of expenditures on social programs in the history of the United States of America, almost 70 percent higher as a percentage of our national income than we had in the mid-1960's at the peak of the Great Society, and Clinton's own budget calls for the largest tax burden in American history.

This is what the tax burden looks like if you plot it out, adding up State and local government. What you see by this chart is that, if implemented, President Clinton's budget would give us the largest tax burden ever borne by Americans at any time in the history of our country.

The President talks about a tax cut in his budget, but what really happens in his budget is that the tax cut is sunsetted and ends while the tax increases continue. By the time you get to the year 2001, we have actually a tax increase in the Clinton budget.

But now, to get down to why all this is relevant. What difference does it make that the Clinton budget has the highest social spending in American history? What difference does it make, other than to the taxpayer, that it has the highest tax burden in American history?

What I have plotted here is economic growth. This represents the rate of growth in the production of income and opportunity and jobs in America. These numbers are very revealing.

In the 1950's, the American economy grew at 4 percent a year on average. What that means is that in the aggregate, the average family in America was seeing its income grow by roughly 4 percent a year.

In the decade of the 1960's, that grew to 4.4 percent, most of that growth in the first half of the 1960's.

By the 1970's, it was down to 3.2 percent.

In the 1980's, it was down to 2.8 percent, and in President Clinton's own optimistic assumptions, with his Government spending burden and his tax burden, his own budget concludes that, on average, for the next 10 years, we would have 2.3 percent economic growth, meaning that, whereas in the 1960's the average family could look forward to its income growing at 4.4 percent a year, under the President's program of taxing and spending, the average American family will be able to look forward to economic growth at roughly half the rate that we experienced in the 1960's.

Why is that relevant? Let me give you a figure. If the American economy for the next 20 years grew at 4 percent a year, which is about the rate it grew in the fifties and sixties, rather than at the rate that it will grow under the Clinton budget by his own assumptions, that would mean that the average family of four in America 20 years from now, would have $40,157 more of income than they will have at President Clinton's growth rate.

Why is this budget proposed by the President so destructive? It is so destructive because it is giving America a future that is shortchanging the people who do the work and pay the taxes and pull the wagon in America. It is giving American families an economy that is growing at roughly half the rate it grew in the 1950's and the 1960's.

What that means is that when families sit down around their kitchen table every night and they dream the American dream and they make hard choices to make it come true, only roughly half as many families are going to achieve the American dream under the Clinton budget as would have achieved the American dream if we could go back to the kind of economic growth that we had for the first 20 years after 1945.

What really happened in the 1960's, and it happened roughly in 1965 when you look at the figures, is that America made a decision—a decision that was never debated and that there never was one single vote on it—but we made a decision that has profoundly affected our country. Prior to that point, for all of the 20th century, the American economy had grown at over 3 percent a year. From 1950 to 1965, the American economy had grown at over 4 percent a year. But beginning in the mid-1960's, we traded in an economy growing at 4 percent a year for a Government that has grown at 9 percent a year ever since.

Since the mid-1960's, the American Government has grown twice as fast as the income of the average American family and, in recent years, three times as fast.

The net result is we have had a decline in jobs, in growth, and opportunity. When you ask Americans, ''Are you confident your children are going to have a brighter future than you had?'' and when over 60 percent say no, they clearly perceive what is happening in America.

I am opposed to the President's budget. I intend to work to defeat it. I intend to adopt an alternative, because I do not want the highest growth rates in American history for social programs. I do not want the highest tax burden in American history, and I do not want the lowest level of opportunity for working people in this country that we have ever had in the history of the United States of America. That is what this budget promises.

Budgets represent a vision for the future. They define a relationship between the Government and the people. The relationship that is defined in the Clinton budget is a relationship of Government getting bigger, of Government spending getting larger, of taxes getting higher and of opportunity getting smaller. That is not the future that I want.

Let me conclude by reminding my colleagues and anyone who might be listening that the President earlier this year vetoed a budget that balanced the Federal budget. The President vetoed a budget that, because it balanced the Federal budget, would have brought interest rates down by 2 percent, that would have saved the average family in my State in Texas $2,754 a year on their mortgage payments because of lower mortgage rates, and would have given an average family of four a tax cut of $1,000 a year which they could have invested in their own family, in their own future. If we had adopted that budget, we would not be looking at the lowest economic growth rate in American history.

I think it is vitally important, Mr. President, that we reject the Clinton budget, not because it is phony, not because most of its figures are made up, not because the numbers do not add up—all that is true—but the reason we should reject that budget is because it does not paint a future that America wants. Americans do not want higher Government spending, higher taxes and less growth. They want less Government. They want more freedom.

Our job is to see they get it. That is why I am opposed to the Clinton budget. That is why I am in favor of balancing the Federal budget by cutting spending. I thought it was important to come over today and talk about these numbers and give this speech because later this afternoon we are going to be voting on a spending bill that spends $4 billion more than we set out in our appropriations earlier this year. The President is saying that he is going to veto this bill because it does not spend $8 billion more than we set out in our appropriations earlier in the year.

Somehow there is a disconnect between what we are saying in Washington and what we are doing. If we want the return of jobs, growth and opportunity—if we want to restore the kind of opportunity that was routinely available to America when the Presiding Officer of the Senate was growing up and when I was growing up—we are going to have to change the way we do business.

We are going to have to spend less of the taxpayers' money in Washington, so that the taxpayer can keep it, so the taxpayer and the taxpayer's family can spend it, so that they can invest it in their future and, therefore, America's future. That is the difference between the Clinton vision and the vision of Republican Members of the House and the Senate.

I yield the floor, and I thank my colleague. I want to apologize to him. During the speech of our colleague, Senator GORTON, I had walked into the anteroom, and he did not see me here on the floor. I am sorry for the inconvenience.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Texas for those comments. We try on the floor to respect those who have arrived earlier. I had not known that the distinguished Senator from Texas had been awaiting recognition. I walked in; he was not on the floor. But I learned a little by listening to Senator GRAMM, which I do when I listen to Senator GRAMM. I have had occasion to listen to Senator GRAMM a great deal over the past year and have learned from the Senator over the course of the last year in other activities I have undertaken.

THE OMNIBUS APPROPRIATIONS BILL

Mr. SPECTER. I have sought recognition, Mr. President, to express my chagrin and disappointment that we are apparently not going to have an omnibus appropriations bill, but later today are going to proceed with another continuing resolution. Perhaps it is appropriate on April 1, on April Fool's Day, that Washington, DC, again looks like a collective group of April fools unable to pass a budget, and on April Fool's Day unable to finish the business of the preceding year, 1995.

Within the past hour I have come from the conference of the House and Senate where very strenuous efforts have been made for the past several days to find a compromise on appropriations.

I have the honor to chair the Senate Subcommittee on Labor, Health and Human Services. Perhaps I use the wrong word when I say it is an ''honor.'' It has been really an embarrassment that we have not been able to bring a bill, the legislation, to fruition for funding which should have been in place by last October 1. But that bill has been tied up for a variety of reasons, with equal blame apportioned on both sides of the aisle, while we have been in gridlock on a number of matters.

For many, many weeks I have been pressing very hard to try to get the matter resolved, have been working with Chief of Staff Leon Panetta to find offsets, have scheduled a series of hearings with the Secretaries of the three Departments—Labor, Health and Human Services, and Education—and we finally brought the bill to the Senate floor and finally got it passed by a very substantial number, 79 to 21.

The key part of that bill was a bipartisan amendment worked out by the distinguished Senator from Iowa, Senator HARKIN, and myself, Senator HARKIN being the ranking member of the committee. We passed that amendment 84 to 16. During about 20 hours of conferencing, Mr. President, I think we had been able to finally thread the needle to find a bill which would probably have been signed by the President and which was acceptable to the House of Representatives.

That is pretty hard to do in Washington, DC, today. There is considerably more flexibility in the U.S. Senate in trying to arrive at accommodation. We passed the bill which had the amendment which Senator HARKIN and I had constructed and fashioned, which added $2.7 billion to some very important functions, to education, worker safety, and to health and human services.

Notwithstanding that addition, the President had sent word that he wanted some $484 million more. Well, we were at the break point with the bill which we conferenced with the House of Representatives when we had called for $2.7 billion more in spending.

Let me point out that that $2.7 billion was endorsed by both leaders, Senator DOLE and Senator DASCHLE, 37 out of the 53 Republicans voted for the amendment, 37 Republicans voted for it and 16 voted against it, more than two-thirds of our Republican body voted for it, which is a very, very strong showing, given the constituency of our Senate caucus, and the amendment received all of the 47 Democratic votes. So, when we went to conference with this bill I thought, Senator HARKIN thought, Senator HATFIELD thought, that we were within range to have it signed by the President. We were not sure, but we thought we were within that range.

We also constructed the bill so that it would be agreed to by our House colleagues. We were not sure about that either. It was very, very tough on negotiations. Finally, the House Labor, Health and Human Services conferees approved the bill by a vote of 6 to 5. You cannot get any closer than 6 to 5. But what we were veritably doing is running between the raindrops in a hurricane to find something which would satisfy our House colleagues and something which might be signed by the President.

Regrettably, that is all for naught or mostly all for naught—mostly for naught or probably for naught—because when we do not get the bill and have a 3-week hiatus, it all unravels.

Senator Baker was the majority leader when I first came to this body. I learned a great deal from Senator Baker. One of his famous statements—we were here at 11:30 one night. We were on the finance bill. There were 63 amendments pending. Senator Baker said, ''We're going to proceed and finish this bill because amendments, like mushrooms, grow overnight.'' We stayed through until 6:30 in the morning. We had some accepted. We had half a dozen votes. Many dropped by the wayside. We finished the bill.

The dynamism in the U.S. Senate and the House is, if you do not push to get it through, it all unravels. We were on the verge of getting it through. I compliment our distinguished colleague, Senator HATFIELD, for his prodigious work in shepherding this matter through and would note his consternation and amazement when he heard last night that we were going to have a continuing resolution. That was not known by the chairman of the Senate Appropriations Committee, who was chairing the conference.

I think it is very regrettable because, if we were going to have the time to present this bill on the floor today, or perhaps tomorrow—it would not be unheard of or out of line for us to work on a Saturday, even if it would mean a day less of the recess. That has happened before.

These matters just do not coalesce until the very last minute. If there is more time for argument, more time for discussion, and more time for disagreement, when we finally work it out, it is an accommodation and a compromise. Nobody is really happy, and if you have more time to argue it some more, you expected to be in session last night until past midnight and then again today.

With that pressure on, we were on the verge of having an omnibus appropriations bill, which I think would have concluded the matter. It is with considerable chagrin and considerable disappointment, speaking for myself, that we are not finishing. I think it is with considerable chagrin and considerable disappointment that the American people are watching the process and seeing April 1 come and seeing a bunch of ''April fools'' in Washington, DC, at both ends of Pennsylvania Avenue, unable to get the matter done. There is a responsibility in both Houses, a bicameral responsibility, and a responsibility on both sides of the aisle—Republicans and Democrats are equally at fault—and responsibility at both ends of Pennsylvania Avenue, because there is no easy compromise and no meeting of the minds without an elaborate, inordinate thrashing process where the White House always wants more and some here always want less. We are on the verge of getting it done.

I think it is very regrettable we did not conclude it.

Mr. President, when we added the $2.7 billion included in the Specter-Harkin amendment, we were able to add to some very, very important programs on education—that is a priority, second to none—and important matters on worker safety, important matters on Health and Human Services.

I know my distinguished colleague from Rhode Island is on the floor waiting to speak, and I will not go through the detail which I would have. Sometimes on Friday afternoon at 1:30 there is nobody seeking recognition on the floor. Instead, I will have printed in the RECORD this chart which shows a comparison, a transition, as to where the appropriations process had been, how we made the additions, how we came to the accommodations and compromises, and finish within $20 million, which is a small fraction of the $2.7 billion, we came in $20 million under the $2.7 billion, and actually only $14 million, because a $6 million addition was added by Congresswoman PELOSI on an education program, which I thought was fine.

So we did the job. Regrettably, it is not altogether finished. Hopefully, a good part of this work will last, and we will be able to build on this when we come back, to finish this omnibus appropriations bill.

There are a few outstanding matters on language and a few other outstanding issues, but I think they would have been resolved fairly quickly had the pressure been maintained to finish this, without the talk of a continuing resolution.

I ask unanimous consent that this chart be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Fiscal year 1995	House	Specter/Harkin floor amend.	Senate	Conference, proposal, 3/27/96	Conference 3/27/96 vs. Senate	Conference, proposal, 3/28/96	Conference 3/28/96 vs. Senate
Labor:								
School to Work	$122,500	$95,000	$91,000	$186,000	170,000	(16,000)	170,000	(16,000)
Dislocated Workers	1,228,550	867,000	333,000	1,200,000	1,100,000	(100,000)	1,100,000	(100,000)
One-Stop Career Ctrs.	100,000	125,000	18,000	110,000				
Summer Youth Jobs	867,000	0	635,000	635,000	635,000	0	625,000	(10,000)
Adult Training	996,813	830,000	154,300	900,000	850,000	(50,000)	850,000	(50,000)
OSHA	311,660			289,000	289,000	0	289,000	0
Total, Labor	3,626,523	1,917,000	1,231,300	3,320,300	3,044,000	(166,000)	3,034,000	(176,000)
HHS:								
HRSA:								
Consolidated Health Centers	756,518	756,518		759,623	759,623		759,623	0
Natl Health Service Corps	120,185	120,185		115,000	115,000	0	115,000	0
Health Professions	278,977	278,977		235,669	260,162	24,493	260,162	24,493
Pediatric Emergency	10,000	11,000		10,500	11,000	500	11,000	500
Ryan White, Title II	198,147	250,147		198,147	250,147	52,000	250,147	52,000
Health Care Facilities	10,000	10,000		10,000	20,000	10,000	20,000	10,000
SAMHSA	2,180,668	1,883,715		1,800,469	1,859,146	58,677	1,859,146	58,677
AHCPR	135,290	94,186		65,390	94,186	28,796	94,186	28,796
HCFA Medicare Contractors	1,604,171	1,604,171		1,584,767	1,604,171	19,404	1,604,171	19,404
ACF:								
Head Start	3,534,129	3,397,429	136,700	3,534,129	3,570,129	36,000	3,570,129	36,000
Social Services BG	2,800,000	2,520,000		2,310,000	2,420,000	110,000	2,311,000	1,000
Child Welfare Services	291,989	277,389		268,629	277,389	8,760	277,389	8,760
Admin. on Aging:								
AOA Research	25,630	0		4,991	2,850	(2,141)	2,850	(2,141)
HHS Office of the Secretary:								
HHS Gen'l Dept. Mgt.	88,150	96,439		96,439	98,439	2,000	98,439	2,000
Office of Minority Health	0	27,000		20,000	27,000	7,000	27,000	7,000
Inspector General	89,456	73,956		79,162	79,162	0	79,162	0
Total, HHS	12,123,310	11,401,112	136,700	11,092,915	11,448,404	355,489	11,339,404	246,489
Education:								
Goals 2000	371,870	362,000	60,000	350,000	350,000	0	350,000	0
Title I (Total)	7,228,116	7,010,113	814,489	7,328,000	7,228,116	(99,884)	7,228,116	99,884
Basic Grants	(5,968,235)	(5,405,895)	(700,228)	(5,960,089)	(5,792,897)		(5,968,235)	
Concentration Grants	(663,137)	(1,044,945)	(114,261)	(805,459)	(905,459)		(663,137)	
BIA Set-Aside	(66,984)	(65,160)		(68,339)			(66,984)	
Drug Free Schools	465,981	200,000	200,000	400,000	366,000	(34,000)	400,000	0
School to Work	122,500	95,000	91,000	186,000	170,000	(16,000)	180,000	(6,000)
Charter Schools	6,000	8,000	8,000	16,000	16,000	0	18,000	2,000
Ed. Technology	22,500	25,000	10,000	35,000	48,000	13,000	48,000	13,000
Voc. Ed Basic Grants	972,750	890,000	82,750	972,750	953,105	(19,645)	972,750	0
Perkins Loans	158,000	0	58,000	158,000	75,000	(83,000)	93,297	(64,703)
SSIG	63,375	31,375	32,000	63,375	31,375	(32,000)	31,375	(32,000)
Impact Aid	728,000	693,000		691,159	693,000	1,841	693,000	1,841
Bilingual Education	206,700			150,000	167,000	17,000	175,000	25,000
Prison Literacy	5,100	4,346		5,100	4,723	(377)	4,723	(377)
Pell Grants	6,178,680	5,423,331		4,814,000			4,967,446	153,446
Max Grant		(2,440)		(2,500)			(2,470)	
Howard University	204,663	174,671		174,671	182,348	7,677	182,348	7,677
Ellender	3,000	0		2,760	1,500	(1,260)	1,500	(1,260)
Libraries	144,161	131,505		131,505	132,505	1,000	132,505	1,000
Total, Education	16,734,235	14,916,836	1,356,239	15,344,055	10,284,667	(245,388)	15,344,055	0
Related Agencies:								
Corp Natl Comm Service	214,624	196,270		201,294	198,393	(2,901)	198,393	(2,901)
Fed Med Conciliation Service	31,344	32,896		32,396	32,896	500	32,896	500
Social Security Admin	3,125,356	2,946,197		2,785,875	2,760,875	(25,000)	2,736,375	(49,500)
Railroad Retirement Board	90,816	90,816		89,094	89,955	861	89,955	861
Total, Related Agencies	3,462,140	3,266,179		3,108,659	3,082,119	(26,540)	3,057,619	(51,040)
Scorekeeping Adjust:								
1% Cap Perf. Awards	(30,500)			(30,500)	0	30,500	(30,500)	0
Direct Loans Admin				460,000			420,000	(40,000)
Totals	35,915,708	31,501,127	2,724,239	33,295,129	27,859,190	(51,939)	33,164,578	(20,551)

Mr. SPECTER. I yield the floor.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF DAVID PACKARD

Mr. CHAFEE. Mr. President, 3 days ago in Palo Alto, CA, a very remarkable and truly great American died, David Packard. David Packard deserves ranking with the most innovative and outstanding builders and manufacturers in our Nation's history.

He and his partner, Bill Hewlett, were the fathers of the electronic industry in Silicon Valley. Starting just 60 years ago, literally, in a garage, David Packard and Bill Hewlett began building an innovative audio oscillator

under the name of the Hewlett-Packard Co. How did they choose the name Hewlett-Packard? To decide whose name came first, they flipped a coin, and Dave lost. His name came second. From that humble beginning, just 60 years ago, grew a company that today has more than 100,000 employees and sales last year of $31.5 billion. It is a worldwide leader in the electronics industry.

What a success story. A great part of the success, Mr. President, of Hewlett-Packard has come about because of the management style which could be called managing by objective, namely, setting goals and giving employees wide latitude in achieving those goals. This was the style that Dave Packard believed in deeply. Obviously, it works.

But David Packard's achievements went beyond his success with Hewlett-Packard. He was a philanthropist who did much more than write out a check. He became deeply involved with the projects to which he contributed.

A case in point: The Lucile Salter Packard Children's Hospital in Palo Alto, which the Packard family gave to Stanford University Medical School and which I have had the privilege of visiting. This is a children-friendly hospital, built for children, and one in which children can feel safe at home. Dave and Lucile Packard made sure that was the way it was built. Let me give an illustration: The registration desk in this hospital when you come in—usually, a very forbidding structure—has peepholes in it at a child's level, so when a child comes in with his or her parent, the child can look through the peephole and see what is going on behind this forbidding desk.

The Packards founded and funded the Monterey Bay Aquarium, first opened 11 years ago, in 1985. Dave Packard was deeply involved with the innovations at that aquarium. He designed and built, in his own workshop, some of the wave-generating equipment that is in that marvelous aquarium. The Monterey Bay Aquarium, with an annual attendance of over 1.5 million people every year, is the second-most popular aquarium in the United States of America.

In his book called ''The HP Way,'' Dave wrote the following: ''The word 'philanthropy' is derived from a Greek word that means 'lover of mankind.' '' I think this is the phrase that best describes David Packard. It was his enduring belief that his efforts, both individual and corporate, could make this world a better place for all to live in.

In 1969, David Packard became Deputy Secretary of Defense, and that is when I came to know him, because I was, at the time, appointed Secretary of the Navy. My distinguished colleague from Virginia also came to know Dave Packard at the same time, when the distinguished Senator from Virginia was appointed Under Secretary of the Navy. For 3 years I had the privilege of working with Dave Packard and came to admire him greatly. He had the ability to cut right to the heart of a problem. He was laconic. He was not a great talker or backslapper. Indeed, he had a semi-gruff-appearing visage, but he was extremely fair, and he was helpful if one ran into a problem. Most of all, he wanted to see the job done and done well.

He made extremely valuable contributions to our Nation as Deputy Secretary of Defense, especially in the procurement area. During the years we were together in the Defense Department, my wife Ginny and I came to become friends with David and Lucile Packard. It was a friendship we greatly valued. They were truly a team—and a wonderful one. Lucile was a lovely lady in every way.

Dave was always a bit bemused by the abundance of aides and assistants one had in the Pentagon. I remember him commenting that he and Bill Hewlett ran Hewlett-Packard Co. sharing one secretary and one office.

Always a good athlete and an outdoor sportsman, Dave played basketball and football at Stanford, and later, while working for General Electric in Schnectady, NY, in the depths of the Depression, in 1935, he made a few extra dollars a week playing professional basketball. A hunter and fisherman since boyhood, he maintained those interests throughout his life, and was a major contributor to conservation organizations.

Dave Packard was an extremely thoughtful person and would go out of his way to help an individual. I was the beneficiary of his kindness in many areas, many times, including a special tour for Ginny and me of the aquarium, by he and Lucile, contributions of his, and his personal appearances at various political fundraisers for me in San Francisco and hospitality at his Palo Alto home.

In his death, I feel like a great oak tree has fallen in the forest. I have lost a real friend, and our Nation has lost a unique and extraordinarily constructive and thoughtful patriot.

Mr. WARNER. Mr. President, I add my comments to those of my distinguished colleague and my former boss in the Department of the Navy, Secretary JOHN CHAFEE of Rhode Island. Those are days that neither of us will ever forget.

It is interesting to go back in history. When President Nixon was searching for a Secretary of Defense—and I will test the recollection of my colleague—there was much thought about one of the most famous Members, contemporary Members of the Senate, Scoop Jackson, taking the post. Senator Jackson did consult with the President, but there came a time when Jackson felt he could fulfill his goals with the Senate. They were extraordinary goals, which, indeed, he did fulfill, and that is by continuing in the Senate. But Jackson pointed this out to Secretary Laird, then-Congressman Laird from Wisconsin, ranking member of the Defense Subcommittee on Appropriations. I remember Laird saying that it was difficult for him to give up a life in the House of Representatives and in the Congress and representing his State, which he loved so dearly. But he did it.

But, as a condition, he said, ''Mr. President, I want to pick my team in the Department of Defense,'' thereby deviating—and at that time I was in the transition office of President Nixon—from the White House sort of selecting the principal deputies. It was Melvin Laird who selected David Packard, and it became known as the Laird-Packard team. We must also remember that, at that time, our Nation was engaged in the peak of the war in Vietnam, and the responsibilities on the leadership in the Department of Defense were enormous, particularly that of Secretary Laird, who had to be before the Congress with great frequency, and all across the Nation, to answer the question, ''Why must we continue in this war?''

I spoke briefly today with Secretary Laird. He remembers that Dave Packard and Melvin Laird were the architects of Vietnamization under the guidance of President Nixon. That was the first time this Nation began to focus on how, with honor and dignity, we could begin to allow the Vietnamese people—South Vietnam—to assume the burden of the war and to begin the withdrawal of the American forces.

I remember so well Secretary Laird telling me, when he arrived at the Pentagon, that there was not a single plan as to how, eventually, the United States could turn over the burden of that war to others. They worked together. The responsibilities on Dave Packard were greater than on any Deputy Secretary of Defense, because of the war. It was a team. As was mentioned, Packard was awesome. He was awesome in size—over six-foot-four, in perfect physical condition, proportionately. He was awesome not only in physical stature but in intellectual ability. His hallmark was humility. Would the Senator not share that opinion?

Mr. CHAFEE. Yes. He certainly was awesome. He was a big six-foot-four. He took charge. He had what you might call ''command presence.''

Mr. WARNER. That is correct.

Mr. CHAFEE. I remember, when I first got in the Pentagon, the phone rang from Mr. Packard, and I stood up before I answered it.

I would like to say one other thing. I remember Secretary Laird saying this when he was seeking a deputy. He asked all through the business world, and he knew what he wanted. He wanted somebody who could handle the procurement side of the Pentagon. Mel Laird and David Packard worked out what you might call a ''Mr. Inside and Mr. Outside'' team, in which Mel Laird would deal with the Congress. He knew George Mahon, head of the Appropriations Committee, intimately. He knew

Senator ''Scoop'' Jackson, and so forth—

Mr. WARNER. And Senator Stennis, of course.

Mr. CHAFEE. Senator Stennis, of course. Mel Laird would handle the legislative side of matters, the appropriations, the relationships with the White House and with the Congress. That is no easy job. Dave Packard was assigned what you might call the inside of the Pentagon. He was the man that we would consult with on procurement problems. We were deep into procurement problems—the F–15, the F–14, the 963 destroyers, the 688 class submarines, and on and on it went. Those are the matters we would report to David Packard on. He would watch over how we were doing and whether we were coming in on cost, whether we were meeting our milestones in the construction, and the whole process.

Mr. WARNER. On that, we also want to mention Senators THURMOND, Tower, and Goldwater.

Mr. CHAFEE. Yes, and Margaret Chase SMITH.

Mr. WARNER. Who all had great reverence for him. I remember one contract very clearly. It was a contract for the new antisubmarine aircraft, the S–3. At that time, the contractor was having severe financial difficulties. Packard called me in and he said, ''Look, we are not going to award this contract until you determine that there is a financial program by which this contractor can go through and assume the enormous responsibilities of the carrying costs of this contract.'' I worked under the tutelage of Dave Packard for some several weeks, and, finally, we made the decision to give that contractor the opportunity to build it. They did build that plane, and it became a workhorse of the U.S. Navy. That contractor today, although merged, is still one of the major contractors in national defense. But he wanted to give the opportunity to the industrial base to prove itself. He held them accountable, I say to my friend from Rhode Island, in those days.

I ask unanimous consent to have printed at the conclusion of our colloquy today a statement by the former Secretary of Defense, a former Member of the U.S. Congress, Melvin Laird, who contributed quite a documentary on Dave Packard upon learning of his death.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. Laird told me today, in a saddened voice, that he had just talked to Dave not more than a week ago, as they did almost every week of their lives after leaving the Pentagon. They were like brothers. That is one of the rich heritages of those privileged to have served in Federal service—bringing, from all across America, people to work in the departments and agencies of the Federal Government, and the forming of lifetime friendships as a basis for that public service.

So I say to my friend, I am privileged to join with him. I think the Senator covered his contributions in the field of health and, indeed, the military services. They have their own educational facility now for the purpose of preparing young men and women for doctors and medical assistants.

Mr. CHAFEE. Actually, I did not touch on that.

Mr. WARNER. That is an important contribution.

Mr. CHAFEE. I failed to mention that. The Uniformed Services Medical College.

Mr. WARNER. That was his dream.

Mr. CHAFEE. It came from Dave Packard. He was the principal proponent of it. He felt we were having trouble getting physicians in the military service forces, and that we had these major research hospitals and outstanding hospitals, Walter Reed and Bethesda, and we needed our own medical school, which we did get.

Mr. WARNER. You touched on the procurement reform. Each time Congress goes back in an effort to try to strengthen procurement reform, they go back time and time again to that report.

I want to conclude with a personal note. Back to the word ''awesome.'' There was a certain amount of trepidation each time we had to encounter David Packard. One of the principal avenues to soften him was his lovely wife, who was called Lou. She was a statuesque, beautiful woman, and very quiet and dignified. She, and she alone, could handle Dave Packard. That is my recollection.

Mr. CHAFEE. Well, the Senator is absolutely right. There was a certain trepidation when you got a call that ''Mr. Packard wants to see you in his office.'' I would hustle around to see if I missed out somewhere, or if I left something undone that I ought to have done. It was sort of like when you were in school and being called to the principal's office. I tell. It kept you on your toes.

Mr. WARNER. Indeed it did.

We should also mention that the concept of the All-Volunteer Force originated under Secretaries Laird and Packard. We accept it today, and it has worked far beyond the expectations of any of us. But there was a lot of concern when we initiated that. Would we see a precipitous dropoff in the ability of the United States to attract quality young men and women to the uniformed services? They were the men that had the vision to give us the opportunity to prove it, and it has worked. And it has worked well.

So the achievements of the Laird-Packard team were monumental and—with the exception of the present company of the Senator and myself—they were able to draw from all quarters of the United States the finest to come and serve in the Department of Defense in the three military departments. The introduction of greater responsibility for women in the military services indeed was during that period of time. They laid the foundation for the service academies being opened to women.

As I remember, as I succeeded Senator CHAFEE, one of the last things on my watch was opening up Annapolis to women. And that has worked exceptionally well.

So, Mr. President, it is a privilege for me to join with my former boss and dear friend to say these brief remarks on behalf of our lost company.

I thank the Chair. I thank the Senator.

EXHIBIT 1

REMARKS OF FORMER SECRETARY OF DEFENSE MELVIN LAIRD

A giant of a man in every way, David Packard helped me in the '50s as a young congressman when I was ranking member of health, education, and welfare and labor developing the university programs for NIH, Health and Education research. He also helped me as my deputy while I was serving as Secretary of Defense. His contribution in both cases was monumental.

We established the draft lottery system and created the All Volunteer Service, ending the draft, managed the orderly withdrawal from Vietnam, an organized the Defense Department procurement policies.

His contribution to our nation and the world will be an everlasting memorial to him.

He was a true friend, a great contributor to the best things our nation stands for. We all will be forever in his debt, a true friend for whom I will always have the deepest love.

Mrs. FEINSTEIN. Mr. President, David Packard is a legend in California, and will forever remain a treasured part of California's proud history.

A man of humble beginnings, through sheer ingenuity and determination, David Packard became one of the most influential entrepreneurs in American business.

One of the original cofounders of computer giant Hewlett-Packard, he was considered the patriarch of hi-tech's famed Silicon Valley. His innovation sparked the technology revolution that put California on the map as the information leader of the world.

But it was his leadership that inspired generations of hi-tech wizards to break new ground and reach new heights. He truly believed that nothing was impossible if the spirit to succeed was there. And David Packard believed in the American spirit.

David Packard set a standard of excellence for business schools all over the world with his ideas of ''management by objective'' and ''management by walking around.''

And he put a human face on success by never climbing out of the reach of the people who worked for him. ''The HP Way'' broke barriers between management and employees, fostering teamwork and a pride of ownership that reached every level of his company.

David Packard also served his country as Deputy Secretary of Defense under President Nixon, and, with his wife Lucile, was unmatched as our Nation's most dedicated and generous philanthropist. The David and Lucile

Packard Foundation last year distributed more than $116 million to more than 700 recipients.

His contributions to Stanford University, my alma mater, leave a legacy that will touch many future generations, who will stand on his shoulders and continue to lead this Nation to new heights of excellence, compassion, and greatness.

David Packard will be sorely missed.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to proceed as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHITEWATER

Mr. BOND. Mr. President, as we are working on many important matters, including wrapping up of the appropriations conference, on which we, unfortunately, are not able to close all sections today, we also are, I hope, going to resolve the issue of whether the Whitewater Committee is extended.

There have been a lot of questions asked. What has Whitewater found? Why are we here?

I have a very lengthy analysis which I will make available, because many people who have not had the pleasure and the privilege—as the occupant of the Chair and I have had—of sitting through the lengthy hearings may not appreciate what we have learned and how many more questions there are.

Mr. President, the investigation of the matters involving financial land transactions of the President, the First Lady and top officials in Arkansas, and subsequent actions by these officials, or their subordinates to interfere with, obtain information about, or delay investigations into those matters has come to be known generally as Whitewater.

From the beginning of this episode, we saw efforts to mislead Congress or to deny information. My first encounter with this matter came over 2 years ago when, before the Banking Committee, the Deputy Secretary of the Treasury misled us in answering my question as to when the White House was first advised of the significant nonpublic information that a criminal referral was pending in the investigation of the financial irregularities in Arkansas. He said they were not. They were.

The most recent example was the unexplained, mysterious reappearance of the critically important billing records of Mrs. Clinton's law firm, which, although subpoenaed more than 2 years ago by the independent counsel and the Resolution Trust Corporation and this past fall by the Whitewater Committee, only found their way to all of us in January 1996.

Investigation of records further demonstrated that Mrs. Clinton—and other representatives of the White House—had not spoken truthfully about her involvement with the failed savings and loan in Arkansas and, in specific, her transactions involving one of the most egregious and costly land transactions utilized to loot the savings and loan known as Madison Guaranty in Little Rock, AR.

Throughout this process, many of us have had questions about why the administration has been so deeply involved in what appears to be improper efforts to cover up and interfere with the Arkansas activities investigation. Had the role of the President and the First Lady been limited solely to an investment in a failed land development—as the White House initially contended, and was contended in the campaign of 1992—it would not have made any sense for so many officials to risk charges of perjury or obstruction of justice. The cost to many of these individuals for activities involved in this coverup have been significant, as colleagues on the other side of the aisle have noted. The cost of legal counsel has been burdensome for many.

More important, however, is the fact that the broad Washington misconduct has led to resignations of the White House counsel, a Deputy Secretary of the Treasury, a general counsel of the Treasury, as well as a rapid turnover in the post of White House counsel ever since.

Indeed, the nature and extent of the activities directed by the White House toward the investigations in Arkansas made it incumbent upon us to determine what happened in Arkansas that was potentially so dangerous that they warranted these extensive coverups.

Although the committee is still reviewing the delayed production documents and has not been able to interview central figures in Arkansas, it appears that the Whitewater matter involves substantial abuse and misuse of gubernatorial power in Arkansas, the use of official positions for private gain, possible violations of Federal tax laws in the reporting of deductions, and active legal representation by the First Lady of individuals and institutions involved in fraudulent activity resulting in the significant losses to the savings and loan insurance fund and the rest of the taxpayers.

So far in Arkansas, there have been nine guilty pleas. These include guilty pleas by the real estate appraiser who appraised a fraudulent land value on land in one of the scam transactions; a judge who defrauded a Federal agency; two bankers who attempted to bribe a Federal loan agent; three Madison employees who made false statements to defraud a Federal agency; and a friend of the Clinton's who had concealed cash payments to the 1990 Clinton campaign.

In addition, as most of us know, there is, right now, a criminal trial underway against the Clintons' major fundraiser, who was also a former business partner and the President's key political ally, who is now the Governor of Arkansas. Indictments are pending against the Clintons' friend and former business partner and criminal indictments against two Clinton supporters for concealing cash payments to his 1990 campaigns.

Mr. President, we have learned this. We have learned this in the course of hearings. I set this out today not because the investigation or the hearings have concluded. We have not answered all of the questions that need to be answered. But some of my colleagues on the other side of the aisle in this body—and on the Whitewater Committee—have said we have not learned anything, that there is not anything there.

Well, Mr. President, there has been a tremendous amount of smoke with the recent revelations of the documents that just mysteriously have started appearing in the last several months. We have found out why they all hang together. The documents—the billing records of Mrs. Clinton at the Rose Law Firm—would have told us, would have enabled us to phrase our questions and come to an earlier resolution. These were taken out of the White House. Webster Hubbell had them and apparently gave them to Vince Foster, and then somehow, mysteriously, they just appeared in the book room, in the reading room of the White House in January. They were under subpoena. They were under subpoena. And, lo and behold, they just turned up.

The assistant in the White House who picked them up initially realized in January that these were records that had been subpoenaed, and she brought them forward. Notes of a never disclosed, heretofore secret meeting in the White House between White House lawyers and Government officials and the defense attorneys representing the Clinton's personally—notes from this meeting which told about so many interesting activities—all of a sudden started appearing from everybody's files 2 weeks before the hearings were to conclude.

Those memos, those notes, suggest possibly that the meeting engaged in efforts to obstruct justice by tampering with witnesses. The billing records themselves show that Mrs. Clinton and others did not speak truthfully about her role in Madison Guaranty representation and in her work on Castle Grande. We have been unable in the Whitewater Committee to interview central witnesses to these transactions because they have been subpoenaed to testify in the trial being conducted by the special prosecutor in Little Rock. I hope that we are near to an agreement to extend the life of this committee so that we can complete the analysis of all the documents that have just turned up, so that we can determine whether the author, Mr. James Stewart, of ''Blood Sport,'' may have had access to relevant documents that we have been denied, so that we will be able to question people who may be able to give us direct testimony on many of the things that we have now seen by strong circumstantial evidence, though it is only circumstantial

evidence. I believe there is clear evidence of wrongdoing. There is clear evidence that we have not been told the truth in political campaigns, in press statements by the White House, and in sworn testimony to us, to the committee, and to others.

Mr. President, I had a draft report prepared that represents my views of what we have learned as of the current time on the Whitewater Committee, and also listing the questions that must be answered by the committee before we can close this; questions like: Who placed Mrs. Clinton's subpoenaed records in the White House book room? Where were they for the years that they were under subpoena but not brought forward? Was there obstruction of justice by the White House officials who met and as a result of that meeting people visited a key witness in Arkansas? Did the White House improperly receive confidential information about the SBA investigation into certain wrongdoings in Little Rock? Was there witness tampering by the White House response team? Did some of the people who have in the past testified that they lied to their diary come up with other falsehoods that are totally inconsistent with written records?

These are questions that must be answered.

Mr. President, I send this report forward, and I ask if anyone would like to receive a copy of this report, please contact my office.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER CONTINUING APPROPRIATIONS—HOUSE JOINT RESOLUTION 170

UNANIMOUS CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the debate on House Joint Resolution 170, further that debate on the joint resolution be limited to the following, Senator HARKIN 15 minutes; Senator BYRD 15 minutes; Senator HATFIELD 15 minutes. I further ask unanimous consent that no amendments be in order, and that immediately following the expiration or yielding back of time, the joint resolution be read a third time, and that the Senate proceed to vote on passage of the joint resolution, with no intervening action, provided the following Senators be recognized to speak following the vote: Senator GRAHAM of Florida, this Senator, and Senator KENNEDY of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Further, Mr. President, I ask unanimous consent that that agreement be in effect notwithstanding the receipt of the papers from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Let me indicate, I hope this can all be done by voice vote. I know there is one request on the other side for a rollcall vote. I think it is a simple extension. The appropriators worked all through the night. It is no one's fault they did not finish everything, because they have been working with the White House. I hope that we do not punish our colleagues who had to leave earlier in the day. So perhaps after the debate we could have a voice vote. But if necessary, I guess we will have a rollcall vote.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, this joint resolution provides continuing appropriations until April 24, 1996, for the departments and agencies of the Federal Government normally provided for under the five appropriations bills that have not yet been signed into law.

Special provision has been made for a labor-management matter at the Federal Aviation Administration, for the Federal payments to the District of Columbia, for a matter relative to the Auburn Indian Restoration Act, and for economic assistance to Bosnia.

Adoption of this joint resolution will extend funding authority for the departments and agencies concerned for another 3½ weeks, enabling the appropriations committees, the joint leadership, and the White House to continue discussions on the omnibus appropriations bill now in conference, and reach agreement thereon. We have already made a great deal of progress on the omnibus bill.

Mr. President, most of our issues have been resolved and major portions of the bill have been closed. But there are still some significant matters requiring leadership attention that will need to be discussed during the recess and resolved when we resume the conference on April 15. I have indicated that I will convene that conference on that date, April 15, at some hour during that afternoon.

I am confident that our discussions will be fruitful and we will produce a bill that the President will endorse. That is our goal. I yield back the remainder of my time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished chairman of the appropriations committee has made a most appropriate and eloquent and all-embracing statement concerning the conference report, concerning the continuing resolution.

Mr. President, this resolution will continue the operations through April 24, 1996, of those departments and agencies for which full-year appropriations for fiscal year 1996 have not yet been enacted. As Senators are aware, five of the regular thirteen appropriation bills have not been enacted: Commerce/Justice/State, the District of Columbia, Interior, Labor/HHS, and VA/HUD.

As Senators also know, an appropriations conference has been ongoing over the past several days on H.R. 3019, an omnibus appropriations act, which would provide full-year funding for all of these departments and agencies. That measure contains approximately 1,500 pages of bill language, and while I greatly credit Chairman HATFIELD, Chairman LIVINGSTON, and the other House and Senate conferees on the intensive effort that has been underway to complete action on this measure, several issues still remain in a number of the chapters which have caused us to reach the point of bringing this short-term continuing resolution to the Senate for its consideration.

In addition to the extension of the date of the present continuing resolution through April 24th, House Joint Resolution 170 would also provide the District of Columbia with its full payment for the entire fiscal year and, importantly, would provide the $198 million requested by the President in funds for assistance for Eastern Europe and the Baltic States. The need for these funds is immediate, and I support their inclusion in this short-term continuing resolution.

Mr. DASCHLE. Mr. President, the Senate should not be considering the 12th continuing resolution of this fiscal year. Congress should have completed work on the fiscal year 1996 budget last October, when it was supposed to have been completed. It is indeed unprecedented and outrageous that Congress has so utterly failed to address this year's budget in a timely fashion.

It is unprecedented in the history of this Nation to find ourselves 6 months into the fiscal year with four appropriations bills unfinished. This Senator finds it all the more outrageous that the Senate is considering another short-term continuing resolution when it could have easily completed its work this week.

Leaders were in the process of negotiating a number of difficult issues that would have led to a reasonable omnibus appropriations bill that the President could sign. Negotiations were progressing on this bill, and if they were permitted to continue for only a few more days, Congress might be able to complete all of the unfinished business in this year's appropriations process. Because much more work is needed, Congress should have stayed in this weekend or into next week to finish the fiscal year 1996 budget.

But the majority insists on leaving for a 2-week break.

The omnibus bill passed the Senate over a week ago. But the majority did

not schedule its first meeting of the conferees until this Wednesday, more than a week after the Senate passed the bill. As a result, conferees found themselves working late into the night yesterday, actually until 1 a.m. this morning. Still, today they could not complete the people's business, so Congress is off for a 2-week recess.

Instead of working through the difficult issues remaining to be resolved in the fiscal year 1996 budget, the Republican leadership decided to delay with yet another stopgap measure. And the American people will pay the price.

Continued government by continuing resolution spells slow death on the installment plan for a number of critical Government programs. The funding levels are simply too low to adequately fund a number of basic functions of Government. In addition, the uncertainty facing Government agencies and the people they serve has undermined the effectiveness of programs designed to improve our children's education, clean up the environment, and put police on the streets.

Under the 12 continung resolutions this year, education is suffering drastic funding cutbacks. Schools can't plan. Children, teachers, and families are being shortchanged.

Environmental cleanup efforts have been slowed, and superfund sites left unattended.

Because of reductions in the COPS Program, fewer police are on our streets.

Having said that, it is important to note that this continuing resolution does accomplish several important goals that I fully support.

First, the District of Columbia is finally provided in this legislation the balance of its Federal payment for the rest of this fiscal year.

Another provision clarifies that Federal Aviation Administration labor representatives retain their statutory role.

Perhaps most important is the $200 million in reconstruction aid for Bosnia contained in this bill. This money is critically important if the Dayton Accord's peace plan is to be implemented successfully. Bosnia's infrastructure has sustained great damage in its years of war, and this aid is critically needed to help with the restoration effort. I am pleased it was included.

Nevertheless, on balance, this legislation does not deserve the support of this body. I will vote no on this continuing resolution, not because of what it includes, but because of what it does not include—the essential education, environment, and law enforcement services it fails to provide—and because of the mismanagement it represents. Congress should remain in session and finish the real work that should have been completed 6 months ago.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator HARKIN be recognized for his time following Senator KENNEDY in the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time has been yielded back. Without objection, the joint resolution is considered as having been read for the third time.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], the Senator from Oklahoma [Mr. INHOFE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Vermont [Mr. LEAHY], the Senator from Arkansas [Mr. BUMPERS], and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

The result was announced—yeas 64, nays 24, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—64

Abraham	Feinstein	McCain
Ashcroft	Ford	Mikulski
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Graham	Nunn
Bradley	Gramm	Pell
Breaux	Grams	Pressler
Brown	Grassley	Robb
Burns	Gregg	Roth
Byrd	Hatch	Santorum
Campbell	Hatfield	Sarbanes
Chafee	Heflin	Shelby
Coats	Hutchison	Simon
Cochran	Inouye	Smith
Cohen	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kempthorne	Thomas
DeWine	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lieberman	Warner
Exon	Lott	
Feingold	Lugar	

NAYS—24

Akaka	Dorgan	Lautenberg
Biden	Faircloth	Levin
Bingaman	Glenn	Moseley-Braun
Boxer	Harkin	Murray
Bryan	Hollings	Pryor
Conrad	Kennedy	Reid
Daschle	Kerrey	Wellstone
Dodd	Kerry	Wyden

NOT VOTING—12

Bumpers	Kassebaum	Moynihan
D'Amato	Leahy	Rockefeller
Helms	Mack	Simpson
Inhofe	McConnell	Stevens

The PRESIDING OFFICER. With respect to the prospective passage of House Joint Resolution 170, the yeas are 64, and the nays are 24. And the joint resolution is deemed passed.

So the joint resolution (H.J. Res. 170) was deemed passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was deemed passed.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take only a few moments. I know the chairman of the Appropriations Committee has pending business.

Mr. President, I wanted to comment a little bit on the continuing resolution that we just passed—and to express my dismay and perhaps a little bit of frustration at what has happened here in the last week or so, and with this continuing resolution.

I took the floor a couple of weeks ago. I said March madness is in full swing around the country with all of the basketball games going on with the men's final four and the women's NCAA. But beyond that, Mr. President, in school after school in Iowa and across this country school administrators and school boards are wrestling with the decision about which teachers will lose their jobs and which students will not get title I reading assistance.

They are contemplating what vocational educational activities will go by the wayside; how to deal with the cuts in the Safe and Drug-Free School Program. The list goes on.

In my State of Iowa, school districts must send the layoff notices by April 30, a mere 6 days after this resolution expires.

That means school districts will have less than a week to make important decisions about how many teachers they will be able to keep on the payroll, how many kids will be denied the opportunity to improve their reading and math skills. In the next 4 weeks, the uncertainty about the level of funding for our schools will cause problems for many families. Teachers and their families are worried about their jobs and parents are worried about their kids and about being denied the most basic help they can get.

Mr. President, I am not going to read the whole letter, but I have here a letter from a parent of a child who is in the title I program. The letter is dated March 7. These parents are saying that their son has had tremendous help and tremendous improvement because of title I, and she said:

> I wish you could personally follow our son's progress. This program has truly been a godsend for him and for us. We feel confident he can attend future grades with an excellent attitude toward school because of what title I has gained for him—most importantly, his self-esteem and attitude. Yes, he is still going to struggle some but not as severely as it would be without the aid of chapter 1.

For these parents and for our children and school boards and school districts across the country what we are doing today really is not much help.

I have here two articles that were in the newspaper in Cedar Rapids, IA, the

Cedar Rapids Gazette. The first one is dated February 27, and it says ''6 Schools To Lose Remedial Reading.''

''Cedar Rapids district cites expected $350,000 cut in Federal funds,'' in the title I program. That is February 27.

Shortly after that, the Senate adopted the Specter-Harkin amendment, which was supported, I might add, on this floor with a strong bipartisan vote, 84 votes in favor of the Specter-Harkin amendment, to put the money back in for title I and other education programs. So now here is the followup article on March 14 in the Cedar Rapids Gazette. ''Senate Restores Reading Funds.'' And it talks about the Specter-Harkin amendment, that it was approved 84 to 16.

Well, I guess tomorrow there will be another story in the Cedar Rapids Gazette; they will go right back to this: ''Cedar Rapids To Lose Remedial Reading.''

What kind of a yo-yo is this to these people? These are parents like the one who just wrote me this letter about their son who has been in title I, still in title I. What are they to think? What are the teachers to think? How about the school boards? Pink slips are going to be going out pretty soon.

I had the Farm Bureau in here this week. I talked at a breakfast to my Farm Bureau members. After it was over, I had a couple of the people who were there at the Farm Bureau meeting come up to me. They did not want to talk about farm programs. They wanted to talk about what we are going to do about title I, because they serve on the local school boards and they saw what was happening to their funding cuts and how much they needed this program. Their basic question was, ''What should we do?''

I had to answer, ''Well, I thought we were going to get the appropriations bill through that would have the funding for you.'' I was confident we would do that. Well, today, with this short-term CR, we do not have it. We go back down to the lower levels on title I funding.

Mr. President, that is why I voted no on this—not that I wish to shut the Government down, but we were very close to having an agreement. This is the 12th CR of this year—the 12th one. It is a prescription for disaster for our kids. If the cuts in this bill are allowed to continue, the Iowa Department of Education estimates that across the State, 7,300 fewer students will get title I assistance; 200 teachers will be laid off. This scenario will be repeated in every single State and school district across the country: 40,000 teachers will be laid off nationwide as a result of this $1.1 billion cut in title I.

Mr. President, the sixth national education goal calls upon us to ensure that by the turn of the century every adult American will be literate and will possess the knowledge and skills necessary to compete in the global economy, but the deep cut in job training programs in this bill is a retreat from that goal. These cuts could not come at a worse time. You can hardly pick up a newspaper or turn on the evening news without seeing yet another story about downsizing some company, workers are put out of work, dislocations caused by downsizing.

Last year, JTPA assisted 105 workers who lost their jobs in the small town of LeMars, IA; 85 individuals employed in the small town of Sergeant Bluff, IA. The cuts in retraining for dislocated workers means that next year 300 fewer Iowans will benefit from such assistance.

In the Senate, we acted in a bipartisan manner to correct these problems. As I said, Senator SPECTER and I worked together with the assistance of Senator HATFIELD. We crafted a bipartisan compromise to restore most of the cuts to these education and training programs. Again, as I said, the Senate passed the amendment 84 to 16. It was a powerful signal from this body on a bipartisan basis that we wanted to move ahead and fund these programs, get the money out, and send a clear signal to our schools, our teachers, and our parents across the country that we were going to fund these programs.

Well, we were meeting, and I must say that Senator SPECTER sat there day after day in meetings with our House counterparts. I would join him. We had already worked out our differences. We did not have any disagreements. But we could not quite seem to get over a lot of these hurdles.

Finally, we worked out our differences. We had our agreements made. But there were some riders that were attached, riders that more appropriately belong in the authorizing committees, not the Appropriations Committee, that held this up. Therefore, we could not reach an agreement. But we were very close.

Again, I wish to pay my respects and my thanks to the chairman of our Appropriations Committee. I was there last night. We were all dogged tired at about 1 a.m. in the morning, and he wanted to continue. He wanted to finish it, because I know the Senator from Oregon realizes how important these programs are. And he was reflecting the will of this body, the 84 votes that we had, to make sure that we reached an agreement and moved ahead.

I daresay, I do not know how many hours and how many days the Senator from Oregon put in in the last 2 or 3 weeks trying to get this thing put together, working, as I said, to the midnight hour and beyond last night, to make sure we did not have these draconian cuts. All of that work we have done, all the work that we did in a bipartisan fashion in the Senate, all of the work that Senator HATFIELD has done has now been thrown overboard. All of us lost in this bill which continues the draconian cuts of the previous 11 continuing resolutions.

We were close. I am deeply disappointed. I heard last night—we had a break in our conference last night, and I heard some rumblings from people that there was going to be a short-term CR. So I expressed my opinion in the conference last night. I said: Here we are; we are working trying to reach these agreements, coming very close, but if the rug is going to be pulled out from underneath us by a short-term CR, then why are we here?

I feel that if we are going to continue like this, then what use is it of the Appropriations Committee to try to hammer out these agreements. These are tough negotiations. And yet we reached all the numbers. We had no problems with our numbers. We had agreed on all of the numbers. We had agreed on the offsets. We had a few items, as I said, some disagreements on riders which more appropriately belong with the authorizing committee, not the Appropriations Committee, and as the chairman of the Appropriations Committee knows, if the authorizing committees would do their work and get the authorizing down, we would not have the riders on our bill holding us up.

So I thank Chairman HATFIELD for his doggedness and his determination, and I am just sorry that the rug got pulled out from underneath us. Those are not his words; those are mine. But that is exactly how I feel. I hoped before that that would be the last CR. I hope this is the last CR. If it is not, we are really going to be in tough shape, and I think a lot of our school districts around the country now are just going to throw up their hands in despair; they thought they were going to have the cuts. Then they thought they were going to be restored. I know from talking to people in Iowa that they thought they could now go ahead and plan for their schools next year because of that overwhelming vote we had in the Senate. Well, now they do not know what to do.

Mr. President, this is no way to run the Government. This is no way to govern. It is totally and absolutely irresponsible. And all I can say is, I sure hope this is the last short-term CR. I hope the good work we have done on appropriations we can hold onto, that when we come back from the Easter break, rather than starting all over again, we can pick up where we were and hopefully have this resolution done expeditiously so that we can get our funding out for education, worker training, dislocated workers, Head Start, and all the other programs so vital to the future of our country.

Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to express my thanks to the Senator from Iowa for his analysis of the situation we find ourselves in as the Appropriations Committee. I would also like to again reiterate that we have 13 appropriations subcommittees. In other words, we have 13 subcommittees with chairs for each of those subcommittees, ranking members for each

one of those subcommittees. I think our committee is unique in that sense, because we do not bring a bill to the floor unless it has been a bill developed on a bipartisan basis within each of those subcommittees.

Mr. HARKIN, our colleague from Iowa, was formerly chairman of the Labor-HHS Subcommittee of the Appropriations Committee, which now is chaired by Senator SPECTER, of Pennsylvania. So he brought into that partnership that kind of background and understanding, as we have on most every one of our subcommittees. The chair is now being occupied by the Senator from Washington State, who chairs the Interior Subcommittee. His ranking member is former chairman, Senator BYRD.

So, in effect, we have been jointly producing these bills; it is bipartisan, and giving the Senate a very strong position. Then, when we went to conference, we had 40 Democrats and 39 Republicans voting for the Senate product, including both the leaders, the Republican leader and the Democratic leader.

Sure, we knew we were going to be in tough negotiations, but, nevertheless, we had a great number of accomplishments. We had, as the Senator knows, 12 of our 13 subcommittees involved, most of them with language, but with 5 unresolved appropriation bills. We were able to reduce the five to two. In other words, we closed the chapters on three of them. We closed the chapter on a couple of the others that were in the language area. So that, in effect, when we come back on April 15 and we take up the unfinished business of the Labor-HHS, for which the Senator from Iowa is the ranking member, we will have the figures, the dollars, pretty well resolved, as the Senator has said. We are now talking about language, riders.

I wish we did not have them. I wish we would have those issues taken up by the authorizers where they belong. But there is a trend line upward, by the fact that the authorizing actions have become very, very slow. As an example, the Endangered Species Act; 4 years ago it expired. We, in the Appropriations Committee, have been keeping it funded and keeping it going.

I could say that when there was an effort made by a few of my colleagues to convince me, as chairman of the Appropriations Committee, that we should not fund expired authorization programs, I did not have any idea what the scope of that might be, so I went to CBO. I asked CBO to give us a quick analysis of the expired authorizations that we were continuing to fund. Mr. President, $95 billion is what they came up with for their estimate on expired authorizations; a goodly percentage of them in the Justice Department, and particularly those relating to fighting crime—expired authorizations.

So we, in effect, have almost taken on double our responsibility, of not only funding but, assuming that in that funding we authorize for that year, we extend the authorization that has expired. It is not a task that we have desired or we have asked for.

I like to always remind our colleagues, no other committee but the Appropriations Committee has to pass legislation. Every other committee can consider authorization, but there is no basic command to perform. Only the Appropriations Committee must keep the Government running. We have to pass a bill—in fact, 13 of them. So, lots of times, knowing that, we get piggybacked. Others who are finding an inability to either extend authorization or renew authorization or deal with authorizing items come and piggyback on the appropriations bill. We are taking on those duties, but I am saying to the Senator, there are a lot of reasons why this situation becomes increasingly difficult.

I thank the colleagues on the committee. I have never seen a more dedicated group working together on a bipartisan basis to do their duty as I have with the subcommittees of our Appropriations Committee and the staff. I just cannot pay too high a tribute to the staffs on both sides that assist the members. It is a collegial experience.

Mr. President, I ask unanimous consent to proceed as in morning business in order to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD pertaining to the introduction of S. 1662 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield the floor?

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

SENATOR HATFIELD'S PATIENCE, DILIGENCE, AND SKILL

Mr. LAUTENBERG. Mr. President, I would just take 1 minute from my other remarks to say, though this may have been the last major appropriations conference the distinguished Senator from Oregon manages, with his fairly delicate but forceful touch, as I watched him as a member of the committee deal with a number of issues, a number of temperaments, always with his excellent eye on the mission, I marvel at Senator HATFIELD's patience and diligence and skill.

This is no time for eulogies or goodbyes, but he will be missed. That aisle does not separate our friendship in any way at all. As a matter of fact, few issues separate our friendship. But my respect for his ability, for his service to country will be a permanent thing. I hope that it is also recognized in this body of ours that too few times do we have an opportunity to work with someone who has the kind of compassion and concern that is essential if one is to render the best service possible to this country of ours.

I thank the Senator for his sacrifices, for his willingness to bend to the task, and his skill for getting the job done for so many years.

TRIBUTE TO KATHLEEN STANFIELD WEINSTEIN

Mr. LAUTENBERG. Mr. President, I rise today to honor the life of a constituent of mine whose name was Kathleen Stanfield Weinstein.

Unfortunately, she has been in the papers a lot in this last week. Her life was at once ordinary and extraordinary. She was a resident of a town called Tinton Falls in New Jersey. She was a wife to her husband, Paul, and the mother to their 6-year-old son, Daniel. Mrs. Weinstein taught special education classes at Thorne Middle School in Middletown Township in New Jersey.

She was a teacher, the kind of a teacher that we all wish our children had at some point in their education. She had begun a program in which children were given special recognition for committing ''random acts of kindness,'' toward their fellow students and the community—random acts of kindness. Everyone knows that plays on other words. The other words will become clearer in focus as I discuss Mrs. Weinstein's end of life.

Today, Mr. President, the billboard in front of Thorne Middle School reads ''Mrs. Weinstein, Thank You for Your Random Acts of Kindness. We Will Miss You.''

She did not retire, Mr. President. Some days ago while on her way to take a test for a graduate school course, Kathleen Weinstein did what so many of us do ordinarily. She stopped at a local delicatessen in a shopping mall for a sandwich. When she returned to her car, a young man jumped in the car with her, threatened her, saying he had a gun, and abducted her with the car. Some time later, a day or so, her body was found in a wooded area where she had been smothered with her own coat.

Unfortunately, in these times, Mr. President, this kind of event does not seem extraordinary. Indeed, Kathleen Weinstein was an extraordinary woman. At some time during her ordeal she had the presence of mind to reach into her coat pocket and turn on a small tape recorder. She recorded the conversation that she had with her soon-to-be killer, capturing her final conversation.

Kathleen Weinstein pleaded for her life, but not until she had engaged her young—turned out to be 17-year-old—attacker, just turned 17, in what has been described as ''a meaningful conversation about a great many things.''

They talked about the consequences for his young life, and there was still time, she cautioned him, to turn things around. They talked about ''what happens by the decisions * * * that you make.''

The young man did not take her advice. You see, he was about to become 17 years old, and in New Jersey that is the age for a driving license. He wanted a car just like hers. So he took it. In the process, he took her life—a despicable, horrible, outrageous act.

Mr. President, Kathleen Stanfield Weinstein's exceptional character and tragic death have touched the heart of Americans from around the country. It is ironic that a woman dedicated to teaching random acts of kindness to our children should be taken by a single random act of violence. She was ordinary, yet extraordinary. The legacy of her life will continue to touch New Jerseyans for a long, long time to come.

I have an excerpt from a newspaper, the Cincinnati Post, that includes some of the conversation that she had with this young man. I will take the liberty of reading some parts of it.

In a secretly recorded tape she hid in her coat pocket, the teacher is heard doing everything she can to reason with a teen-age carjacker, authorities said. Eventually she breaks down and begs in vain for her life.

She says to him, ''You haven't done anything yet. All you have to do is let me go and take my car.''

The woman's miniature tape recorder clicked to a stop before she was smothered with her own coat and other pieces of clothing, officials said.

She ''valiantly and persistently used every skill and power she had to convince her attacker to simply take her car and not her life,'' [the prosecutor] said.

This 24-minute recording provides the key piece of evidence against the 17-year-old suspect.

Through this article are accurate, precise statements that she made. The attack was described this way:

After her attacker grabbed her from behind and forced his way into her car at gunpoint, she managed to turn on the voice-activated miniature cassette player hidden in a bag.

She said to him, before he killed her,

Don't you understand, though, what kind of trouble you are going to get in? Don't you think they are going to find you? You haven't done anything yet. All you have to do is let me go and take my car. For my life, don't you think I should be concerned and let you take my car? For my life! Do you really want that on your head?

Mr. President I ask unanimous consent that the full article as it appeared in the Cincinnati Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cincinnati Post, Mar. 20, 1996]

TEACHER'S FINAL MINUTES TAPED SECRET RECORDING: SHE BEGS CARJACKER FOR LIFE

When investigators found the body of Kathleen Weinstein, she was still able to tell them about her last moments alive.

In a secretly recorded tape she hid in her coat pocket, the teacher is heard doing everything she can to reason with a teen-age carjacker, authorities said. Eventually she breaks downs and begs in vain for her life.

''You haven't done anything yet. All you have to do is to let me go and take my car,'' Ms. Weinstein tells the boy.

The woman's miniature tape recorder clicked to a stop before she was smothered with her own coat and other pieces of clothing, officials said.

''I have no doubt Kathleen Weinstein spoke to us through that tape,'' prosecutor Daniel Carluccio said as he released transcripts of the tape Tuesday.

She ''valiantly and persistently used every skill and power she had to convince her attacker to simply take her car and not her life,'' he said.

The 24-minute recording provides the key piece of evidence against the 17-year-old suspect-identified only as M.L.—who was caught Sunday driving the women's car. His first name, age and details about his past were on the tape.

The prosecutor read some of Ms. Weinstein's comments but did not disclose any of the youth's taped comments.

He was jailed on murder and carjacking charges. Carluccio said he would seek to have him tried as an adult.

Ms. Weinstein, 45, of Tinton Falls, disappeared Thursday after staying home from her job as a special education teacher to study for a graduate school exam. She was en route to take the test when she stopped to buy a sandwich.

After her attacker grabbed her from behind and forced his way into her car at gunpoint, she managed to turn on the voice-activated miniature cassette player hidden in a bag, Carluccio said. She later removed the tape and slipped it in her coat.

her body was found Sunday in woods near a highway in Berkley Township. She leaves a husband and 6-year-old son.

Text of fax box follows:

A victim's final words

Here are excerpts from the 24-minute recording made by Kathleen Weinstein, the teacher who secretly recorded her pleas to a teen-ager who police said stole her car and then killed her. Authorities provided only selected quotes:

''Don't you understand, though, what kind of trouble you are going to get in? Don't you think they are going to find you?''

''You haven't done anything yet. All you have to do is to let me go and take my car.''

''For my life, don't you think I should be concerned and let you take my car? For my life!''

''Do you really want to have that on your head?''

''Why don't you just tell me? Of course it's important, it's determining your whole life and the direction you're taking. It's important. We're here for a purpose. That's what happens by the decisions and things that you make.''

''Whatever trouble you're in, you didn't add to it yet, right?''

''I'll make you a promise that I won't tell anybody. Because you won't be taking my car and you won't be hurting me. And maybe you can get away another way.''

''You can't have a life of crime like this. You'll wind up spending your life in prison if you don't get killed.''

On her plans to take in a foster child or adopt a child: ''I want to give something to somebody, to give . . . to give something back.''

Mr. LAUTENBERG. I make particular point of this horrible murder because it strikes a chord in all of us of our disappointment in the violence that threads our society, whether it is a young kid like this out to take a car or another youngster out to take a jacket—a senseless killing. Or like the killing recently here in Washington, DC, a 15-year-old boy, apparently a nice young man, good student, in trying to defend an argument between his younger sibling and another child—stabbed to death.

Mr. President, I ask a question that must go on in every home in everyone's mind in America: When will we stop this violence? How do we stop it? We sure do not stop it by a vote in the House of Representatives that says, ''Take away the ban on assault weapons. Let them have their assault weapons. That is part of freedom in America.'' That is nonsense.

If I was not on public record I would use other words, perhaps, to describe it—to make sure that people could get their hands on weapons that are designed to kill people. That is what the vote was over there—some 230 votes for, and against, 170.

I fought in World War II, Mr. President. I was no war hero, but I carried a weapon that could fire less shots than these assault weapons. I was supposed to kill the guys on the other side of the line. I was not called on to do it and they did not do it to me, either. The fact of the matter is the weapons issued to me as a soldier in the European theater were far less menacing than the kind of weapons we want to make sure everybody in America has, because the National Rifle Association says that is what we ought to do—make sure we free people up so they can bear their arms against their fellow citizens. That is hardly a way for a civilized society to conduct itself. When will we be so sick of violence that we will say no, no, no, you just cannot get a gun because you want one, and you are going to have to wait and pass a test just like you do when you want to drive a car?

In my State, and in every State in this country, in the State of the distinguished occupant of the chair, there is a confrontation that could very well result in death and disaster. Lots of weapons are involved. In my State, a man walked into the post office in Montclair, my hometown, and shot four people. He is an ex-employee of the post office. At the Long Island Railroad out of New York City, a man shot and killed a number of people, one of them a young woman from New Jersey, whose parents I know. He did not know them, did not ever see them before.

We hear about children picking up guns and killing other children. We hear about despondent daughters or sons taking their father's legitimately owned gun and blowing their heads off. We had four kids commit suicide in New Jersey a couple of years ago. They got hold of weapons and killed one another. There are disgruntled employees, disappointed partners, and family members who kill everybody in the family.

We hear this trite old expression that makes me ill: ''Guns do not kill people, people kill people.'' Well, how do people get the ability to kill other people? I never heard of a drive-by knifing.

Mr. President, one of these days, we are going to have to come to our senses about gun ownership, the proliferation of guns. I have legislation that I introduced the other day to reduce, on a Federal level, purchases of guns more than once a month. One gun a month, 12 guns a year. That does not sound like much of a restriction. But we have a fight on our hands. Maryland just passed it in one of the bodies of legislature there, in their Senate. It is predicted that it will go through with dispatch. Virginia has a one-gun-a-month program. Because Virginia has a limit of 1 gun a month—can you imagine, 12 guns a year are able to be purchased? They have reduced the gun presence in the Northeast of guns coming from the State of Virginia by 60-some percent by restricting gun purchases to one gun a month. The madness of it all. In order to protect those who demand an arsenal, they can buy 12 guns a year. It does not seem like that is a necessary thing to me.

But I am willing to take whatever steps I can to reduce the proliferation of guns in our society. I have become friends with Sarah and Jim Brady. I would not have before Jim was shot because we were in different parties and of different political or philosophical persuasions, because I never belonged to a gun organization. But Jim Brady was a good friend of the National Rifle Association, until someone attempted to kill President Reagan and shot Jim Brady in the attack. Jim Brady, who has been physically disabled, wheelchair bound since that time, has turned the opposite way, and so did his wife, when they saw what a terrible thing a gun could do. There are others I have met who used to support the National Rifle Association agenda, and when they suddenly see violence in their homes, they are opposed to gun ownership as randomly as it exists in this country.

I have also introduced legislation that says that anyone convicted of even a misdemeanor on domestic violence charges should not be able to own a gun. Right now, someone who has indicated that their rage is so impossible to control that they can come home and beat up their wife or kids and get convicted and stand in front of a judge in Baltimore County, and he says, ''I cannot assign criminal penalties to someone who is not a criminal,'' after the man killed his wife. He gave him community service and, I think, 5 months in jail after he killed his wife. He does not call it a criminal act.

Now, Mr. President, we cannot do the job by simply building more jails. There was an editorial piece, an op-ed piece, in the New York Times the other day—and that is not gospel, but it was reporting facts—written by Anthony Lewis. He said that the biggest program for building in California was the building of jails. While the number of students per teacher increases, meaning less attention to the students' needs, jails are being built. I think criminals ought to be punished and punished hard. But I think we also ought to look at what it is that drives all these people to criminality with all of the penalties that we impose, each of them getting longer and larger and tougher. That has not curbed the violence problem. Maybe we ought to say, hey, perhaps there is a different way to do this and examine the alternative. I hope that we will, Mr. President.

If I sound agitated, I am. I think about this young woman, a devoted parent and teacher, a teacher of the type that we all respect and want in our schools. She was murdered by some young punk who decides he wants her car. He was encouraged by what he sees on television and what he sees in gun ownership. She is threatened by a gun and did not even know that it existed, but she knows when someone says they have a gun, very often that is the case.

I hope we will learn from this courageous woman's death, and many other murders around the country, that we ought to do something differently. I hope that police departments across the country will start to prepare some advisory so that women can protect themselves. I have heard—and I do not know whether this is true; I state it secondhand—that a woman is better off to resist in a public place than to permit herself to be taken out of the public limelight. I do not know whether it is true, but I hope police departments—I would like to see police departments across the country prescribe actions in response to an attack of that type, to do something to protect themselves, to thwart the intentions of somebody who wants to take their lives, or take their property first and, typically, then their lives, and often whether or not the property is gained.

Mr. President, I hope we do not have to keep on discussing these kinds of things in the U.S. Senate, or in the Congress, or in our Government, and that we can look forward to a more peaceful time within our society. We are all shocked and horrified by the prospect of military engagement in Bosnia and in other parts of the world, and we look with horror upon the period in Vietnam when so many of our young people fought bravely and gallantly against a bad policy decision. We lost 50,000 people in the period of years that the Vietnam war went on. Now we lose over 15,000 people a year in this country to gun murders. Unfortunately, it does not get a lot of attention.

Mr. President, I yield the floor.

CORRECTION OF THE RECORD

Mr. BYRD. Mr. President, I believe it was on March 21 that I spoke on this floor in reference to Senator SAM NUNN and the late Senator Richard B. Russell and their fine work on the Armed Services Committee of the Senate. I made a comparison in the course of those remarks of Mr. NUNN to Marshal Michael Ney, who was one of the top officers in Napoleon's army. I referred to Marshal Ney's having been separated from the army of Napoleon, but having fought his way back to join the army. He fought through thousands of cossacks and had come to the river Dnieper, D-n-i-e-p-e-r. He had lost all of his guns, but he crossed the river and rejoined the main forces of Napoleon's army.

I stated that Napoleon was overjoyed when he heard that Marshal Ney had escaped and rejoined the army. And he made the comment to other officers at that point—he said, ''I have more than 400 million francs in the cellars,'' c-e-l-l-a-r-s, ''of the Tuileries,'' T-u-i-l-e-r-i-e-s. ''I would gladly have given them all for the ransom of my old companion in arms.''

Well, I suppose I was talking like I had my mouth full of turnips, and the official reporter did not get the name of the river correctly spelled—D-n-i-e-p-e-r—Dnieper; the reporter substituted the name of the river Niemen, N-i-e-m-e-n. It was a river in White Russia. When I saw that name I thought, ''My, I never heard of the name of such a river.'' So I went to Webster's dictionary and I found there, indeed, the name of a river called the Niemen River. So it sounded very much like the Dnieper River.

I make these remarks today, Mr. President, just to call attention to the error which was inadvertent on the part of the reporter and was really my fault. I ask unanimous consent that the permanent RECORD be shown to state that it was the Dnieper River, D-n-i-e-p-e-r, not the Niemen River, to which I referred in my remarks. I yield back the balance of my time.

UNANIMOUS-CONSENT AGREEMENT—H.J. RES. 170

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

THE CONTINUING RESOLUTION

Mr. GRAHAM. Mr. President, a little more than an hour ago, the Senate voted for the 12th time in this 6 months of the 1996 fiscal year for a short-term continuing resolution for many of our most important Federal agencies.

Mr. President, I voted for that continuing resolution as I have for its predecessors out of a sense of frustration and the absence of any other reasonable alternative. But, Mr. President, I am taking this occasion to announce that will be my last vote for such a continuing resolution because I believe that we are acting in a highly irresponsible and embarrassing—and adverse to the interests of the people of this Nation—manner by the way in which we are conducting the fiscal affairs of this great Nation.

When the Congress, or any other entity responsible for spending funds, sets out to enact a budget, one of those important goals of such enactment is to chart the future. The essence of budgeting is to carry out a plan with certain objectives and destinations. Budgets should be the means by which that plan is given life.

In a cruel irony, however, Mr. President, a perverse Washington twice has turned budgeting upside down. The current budget process frustrates—even prevents—effective planning and implementation. Instead of reducing uncertainty about the future, our current budget process—the one that we have followed for the last 6 months—enhances uncertainty.

How, we would ask, did this happen? We are in the 6th month of the Federal fiscal year, but we have still not approved a budget for nine of the most important departments of the Federal Government and numerous other Federal agencies. Instead of approving an annual budget for these nine Cabinet departments and Federal agencies, Congress has passed now 12 separate continuing resolutions to operate parts of the Government at 75 percent of funding levels for brief periods of time.

Mr. President, this is Band-Aid budgeting, and it is a Band-Aid that hurts. These Band-Aid budgets are hurting the very people our Government is trying to help. And just as important, our failure to pass a final—a real—budget for 1996 makes planning difficult, if not impossible, for those charged with carrying out the mission of assisting our people through or with the financial support of the Federal Government.

To that lament, some might say, ''So what?'' So what if Government is inconvenienced by an uncertain budget process. So what if bureaucrats have to survive with a certain amount of anxiety, uncertainty, and closely bitten nails. To those who say ''So what,'' I offer the simple truth that the way we are doing business with these Band-Aid budgets is bad business.

When managers cannot plan, when contracts cannot be honored, when commitments cannot be fulfilled, that, Mr. President, is bad business.

Today I want to highlight just a few examples of the impact of our Band-Aid budgeting. In my State of Florida, we are on the verge of shutting down substance abuse programs.

Let me repeat that. If we do not straighten out this budget mess within the State of Florida, there will be a termination of substance abuse programs.

It is ironic that possibly in the next few weeks we may be considering the question of whether the United States should punish through decertification certain countries that we consider to be inadequate in their commitment to the fight against the supply of drugs coming into the United States. The irony is that those same countries look north, and they say the reason that there is this supply of drugs is because the United States of America is such an overwhelming and inordinate user of drugs; it creates such an enormous demand for these illegal substances. If we were to send the message to these countries that we are now about to cut off our programs that are intended to deal with the prevention and treatment of substance abuse, they might be inclined to say they should decertify us because we were not using our full efforts in order to deal with this scourge.

What is it going to mean in Florida for 150 agencies which are providing substance abuse services—150 agencies and nonprofit groups which depend in whole or in part on Federal funds for their ability to provide these services?

The range of services which will be terminated include detoxification, drug rehabilitation for children, adolescents, and adults, in-jail services, and substance abuse prevention.

In Florida, 27,000 people a year are referred to detoxification centers. The typical per-day cost of these facilities is $123. If we shut down the detoxification centers, we would have some options—more expensive options. We could send these people to jail. We could send these people to a hospital. If we sent them to a hospital, the average per-day cost is $450 for detoxification services.

One way we deal with heroin addiction in this society is methadone treatment. Many people on methadone are able to live a reasonably normal life and hold down a self-sustaining job. What happens when you shut down the methadone programs? People go into withdrawal. The odds go up that these expensive, negative results will occur. There will be a relapse to heroin or other drugs. There will be the use of dirty needles that spread HIV. Jobs will end, and crime will begin.

Mr. President, those are some of the consequences in the area of substance abuse treatment, education, and prevention that is about to occur because of the Band-Aid budgeting in which we are engaged.

The problem does not, however, end with substance abuse. What about education? In Dade County, Miami, FL, our educators are so uncertain about the next year's school budget that they do not know whether they should retain some 1,000 teachers and aides who are currently providing educational services.

What is the reason for this uncertainty? The reason is that these teaching positions are funded by title I Federal grant dollars. These are funds which are used to provide educational services to the most at-risk and to the most at-need children.

Dade County received approximately $59 million in title I funding last year. How much will Dade County schools receive next year? Mr. President, your guess is as good as mine because we still do not have a budget.

In Fort Myers, I recently visited the Salvation Army. The Salvation Army in Fort Myers, as its counterparts across the country, performs a wide variety of valuable services. In southwest Florida, these services include feeding and housing the homeless, operating a minimum security prison, a small hospital, and offering drug and alcohol treatment programs.

To provide these services, the Salvation Army in Fort Myers relies on the Federal Government for up to 35 percent of its budget.

Let me give you one example of a problem Salvation Army officials are facing in Fort Myers, FL.

In an ordinary year, the Salvation Army will receive emergency food and shelter funds from the Federal Emergency Management Agency in October. As you are aware, Mr. President, this October was no ordinary October. This has been no ordinary year.

As a result of the budget impasse, the emergency funds for food and shelter to the Salvation Army did not arrive in Fort Myers in October. The funds did not arrive in November either. December came and passed; there were no funds—and January. It was not until February that the Salvation Army received the first allotment of its funds which were supposed to have arrived in October.

Now the Salvation Army is waiting once again to receive the remainder of its funds for a fiscal year that is now halfway over. Without this money, the services provided by the good people at the Salvation Army in Fort Myers will be severely hampered and the organization may experience a major deficit.

In many instances, organizations have not only had to reduce services, but they have had to suspend them altogether.

Let me give you another example. This situation was experienced by the Florida Division of Vocational Rehabilitation. The division of vocational rehabilitation awards contracts to nonprofit organizations to provide rehabilitative services to the disabled. For many individuals, these services offer the only chance to become skilled, productive, independent citizens. Due to the Government shutdown, two organizations in Florida which provide these rehabilitative services for disabled citizens, Goodwill and Easter Seals, had to close their doors to the disabled.

Let me repeat that, Mr. President. The shutdown caused Goodwill and Easter Seals to close their doors to people who are striving to better themselves so that they can find gainful employment. These are the practical effects to human beings in the communities, consequences of the Band-Aid budgeting in which we have been engaged.

Mr. President, I say enough is enough. Twelve times in six months is enough for us to limp along day to day, week to week. This process is having severe, embarrassing, and hurtful consequences on innocent people. Twelve times we have resorted to these short-term extensions. Enough, Mr. President, is enough.

Let us commit ourselves to the completion of the 1996 budget at the earliest possible date. Then let us recommit ourselves not to repeat anything like this in 1997 or ever again.

Mr. President, enough is enough.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator in New Mexico.

Mr. DOMENICI. I have been asked by the leader to make this unanimous-consent request. It has been cleared on the other side.

I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 157 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 157) providing for an adjournment or recess of the two Houses.

Mr. DOMENICI. I ask unanimous consent that the resolution be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 157) was agreed to.

Mr. DOMENICI. Mr. President, I will speak for just a few moments. I understand there is still another Senator who wishes to speak, but I will not take very long.

MEDICARE FINANCING CRISIS

Mr. DOMENICI. Mr. President, I wish to speak for a moment about the Medicare Program which our senior citizens are very concerned about and most Americans are very concerned about.

Last year, the Medicare trustees told the President and the Congress that the Medicare Program is in financial crisis. Specifically, they said, and I quote, ''The Federal hospital insurance trust fund which pays inpatient hospital expenses will be able to pay benefits for only about 7 years and is severely out of financial balance in the long run.''

The Medicare trustees were even more blunt. ''The Medicare Program is clearly unsustainable in its present form,'' they said. ''The hospital insurance trust fund continues to be severely out of financial balance and is projected to be exhausted in 7 years.''

That is what they said last year—7 years. In 1995, the trustees were telling us we have 7 years before the part A trust fund ran out of money. Last year's report projected that this fund would be insolvent in the year 2002. Based on the same data, I made a more precise prediction that bankruptcy would occur in early February 2002.

Very soon, we are going to receive from the Medicare trustees an annual update to this report. I have looked at the data that the trustees used to generate their report, and I can say now that last year's projections were too optimistic. This year's report will show that the hospital trust fund is going bankrupt in the year 2001—not 2002. The projections were too optimistic last year.

A year ago my colleagues and I were urging the Senate and the President to follow the trustees' recommendation and address the Medicare financing crisis. This is why the reforms in Medicare were proposed last year. This Congress had a choice in 1995, and the choice was to address the Medicare financing crisis, restructure Medicare for the next century by providing seniors with more choices and containing costs to providers, or to ignore the crisis and let the problem languish for another year.

This Congress chose to act to try to save Medicare from the pending bankruptcy. When we made the choice, we had a 7-year window available to us and to the American people—7 years before part A would be bankrupt, without sufficient money to pay its bills.

Mr. President and fellow Senators, that is now down to 5 years. We spent a year trying to reform Medicare, only to have the reform fail and to have the President veto the reform measures. And we will soon officially hear from the trustees that we lost another year.

Last year we were told that we had until 2002. Now we will learn that we have until 2001. The Medicare part A problem is now worse than it was a year ago. Based on the data the trustees will be using in their annual report, which we have now had an opportunity to review, I can predict for the Senate and for those who are interested, the seniors across America, that the Medicare part A trust fund will be without sufficient funds to pay its bills in late May of 2001. Essentially, it will be bankrupt in May of 2001 instead of 2002. This is 5 years and 2 months from now—5 years and 2 months, not 7 years.

It is important to remember that while attention has focused on the impending bankruptcy of part A, the hospital plan, the underlying problem is the uncontrolled spending and the growth of the entire program.

Last year, the Congressional Budget Office projections showed that Medicare part A spending was growing at 8 percent a year, and it showed that part B spending was growing at 14 percent a year. There is no question that if we can slow the growth by reform, if we can make both part A and part B more streamlined and in touch and in tune with the modern delivery of health care, we can slow the growth. Our present spending is just not sustainable. Simply put, the trust fund will be bankrupt in 5 years and 2 months. The remainder is growing at 14 percent a year.

When we pursue that goal of making it sustainable, of slowing Medicare spending, one result will be that we will save the part A trust fund, the hospital trust fund. The Balanced Budget Act passed this year by Congress—that is last year, in this year's cycle—and vetoed by the President, would have extended the life of part A past the year 2010. That same Medicare reform took the necessary steps toward addressing our long-term entitlement problem. Unfortunately, it, too, was vetoed when the Balanced Budget Act was vetoed.

I do not relish being the bearer of bad news. No one likes to hear that a program as valuable and as important as Medicare is in financial trouble. But we cannot simply bury our heads and hope that the problem will go away. It will not. We spent a year trying to address a problem here in the Congress, and now it appears that that effort may fall victim to a Presidential election. If we wait another year to address Medicare, we will be 4 years, if not shorter, from bankruptcy. I am concerned that 1 year from now I will be standing here on the floor of the Senate, reporting on the impending bankruptcy of the part A trust fund, and we will have spent a year doing nothing to address it.

I hope that is not the case. But I hope that more Senators and more leadership in this country will understand that if we do not change some things about the program there will be no program—not for the younger generation, but for seniors who are on the program right now. Because there are many senior citizens who are on the program right now who will still need hospitalization in the year 2001, 5 years from now. Unless we choose to do something now, it will not be available to them. We will have spent the money in the trust fund and the bills will be coming in faster than the revenue, and that equals bankruptcy.

So, I thought, today, after a careful study of the facts, that I would share this news, bring it to the floor and share it right now. I thought, as soon as I had it, I ought to share it with everyone. I believe what I am saying is correct. I believe I am slightly ahead of the trustees, but I know the information they have, and their experts, for that is shared information. There is no question in my mind the fund is going bankrupt faster than was estimated last year, and we are now 5 years and 2 months away from the fund not having money to pay the bills of senior citizens who are in hospitals.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Are we in morning business at this time?

The PRESIDING OFFICER. We are.

Mr. KENNEDY. I ask unanimous consent I might be able to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FDA REFORM MARKUP

Mr. KENNEDY. Mr. President, today when Americans get up in the morning and brush their teeth, they do not think about whether the toothpaste they are using is safe. When they eat their breakfast they do not think about the safety of the food they are eating. When they take a pill to treat an illness they do not worry about whether the drugs are safe. They do not worry about whether those drugs work. Americans have confidence in all of these products because the Food and Drug Administration is an independent agency with enormous credibility.

Yesterday, the Senate labor and human resource committee approved a FDA reform bill, S. 1477, that will destroy that confidence. S. 1477 will cripple the FDA, and turn many of its functions over to private industry.

The history of food and drug legislation is that we have learned from the tragedies of the past. The United States was fortunate to avoid the Thalidomide tragedy in the 1950's. But in the 1950's and 1960's, we did not avoid the tragedy of DES, Diethylstilbestrol, which causes cancer in the daughters of women who took it.

In the 1970's we did not avoid the tragedy of the Dalkon Shield, which caused thousands of cases of infertility in women who used it. In recent years we did not avoid the tragedy of the Shiley Heart Valve which broke and caused many deaths.

As a result of the Thalidomide tragedy, we strengthened our drug laws in 1962. As a result of the Dalkon Shield tragedy we strengthened our medical device laws in 1976 and we strengthened them again in 1990 after the Shiley valve tragedy.

Most recently, we reduced the delays in approving prescription drugs with user fees. As a result, we are now approving drugs faster than the United Kingdom. We have fixed the drug lag. In fact, the United States approves more important new drugs faster than any other country in the world.

But equally important, we have the best record in the world of blocking the approval of unsafe or ineffective drugs that have to be withdrawn after patients have been killed or injured.

The bill reported from the committee goes in the wrong direction. The lessons of the past have been turned on their heads, and those who have failed to learn from the history of Thalidomide, Dalkon Shield and DES, will condemn the American public to new device and drug tragedies. The basic theme of the legislation the committee approved is privatization. It says, ''let us return to the days when drug manufacturers decided what was safe and effective.'' It says, ''let device manufacturers pay private bodies to determine if their heart valves and pacemakers will help or harm patients, instead of relying on the scientists at the FDA, who have no interest except the public interest.'' If this bill is enacted into law, the Food and Drug Administration will no longer have the principle responsibility for making critical decisions about the safety of the food supply and the safety and effectiveness of drugs and medical devices. Instead, those decisions will be made by private companies.

In the cases of medical devices, those companies will be selected and paid by the medical device industry to decide the safety and effectiveness of the products. No company that is paid to do product reviews can be objective, if future business depends on whether it grants a favorable decision. And to make the conflict of interest even more blatant, it will be up to the regulated industry to determine how much compensation the regulator will receive for the review.

Do you get this? That the medical device company will make the judgment as to which individual will come and inspect their particular medical device, and they, the inspector and the company, will work out the terms of payments.

If you were one of those inspectors, how long do you think you will make adverse judgments against those companies if you ever expect to get paid or hired again? You have a basic, fundamental conflict of interest. Compare this with the current situation where an inspector has no financial interest in making the judgment and bases decisions only upon pure science. That is how we do it at the present time.

As I said, we do it very successfully with regard to drugs and biologicals. It is slower with regard to medical devices, and various animal vaccines. We grant the FDA has not done well enough. But over the 30 years that our committee has been reviewing how to speed up the FDA, we have only been successful with one major change and that is when we put on the user fees, with the support of the pharmaceutical industry, with the support of President Bush, and with the support of Congress. And we have seen a dramatic change in terms of performance, in the approvals; significant reductions in terms of the considerations of those items. It has been successful. Now we are about to tamper with that particular effort, which has been reviewed by GAO, and by the Tufts Medical School, which has been constantly critical of the FDA, but all of them say that this is a program that is working.

It is not working as well in the device areas, as I mentioned, but what we are doing, I believe, is putting seriously at risk the successful programs that have been enacted in recent times.

In Britain in the last few weeks, we have had a stark demonstration of what can happen when the regulatory body charged with protecting the public interest has a conflict of interest.

Britain is in a food safety crisis over the meat from cattle with mad-cow disease because the Government paid too much attention to commercial interests and not enough attention to the health of consumers. Now, because there is growing concern that mad-cow disease can be linked to a fatal disease in humans, British meat is being banned in every country in the world.

In Britain, the public is demanding to know why there is no independent body like America's Food and Drug Administration to protect the public. That is the question on the minds of British consumers.

How ironic that just a few days after the mad-cow disease disaster came to light, legislation was approved by our committee to dismantle the regulatory agency that is universally recognized abroad as the gold standard for the world. The FDA is our strongest defense against this kind of crisis in the United States. We have the safest food supply and the safest medical products in the world. We should not take any steps that jeopardize the confidence of American consumers in the safety of food and medical products. Yet this bill would seriously weaken current protections.

In addition to privatizing review of medical devices, this bill tells the public to trust drug manufacturers to make changes in the manufacturing process without FDA review to determine whether the changes affect safety or effectiveness. Companies under pressure to increase profits sometimes put profits first or simply sometimes make mistakes. In fact, most experts believe that mad-cow disease spread throughout Britain by a change in the manufacturing process of animal feed by some companies, the kind of change that S. 1477 leaves up to American companies to decide on their own.

Under this legislation, no change in the manufacturing process would require prior approval from the FDA. Yet, a change in the manufacturing process can determine whether a polio vaccine prevents polio or causes it. A change in the manufacturing process can determine whether a blood transfusion is life saving or whether it transmits AIDS or hepatitis to the patient. An independent FDA is needed to protect the public against these tragedies. Commercial interests should not prevail.

Further, the bill sets excessive time limits for review with no additional resources. The FDA will be unable to meet these requirements and do its job.

Even worse, the bill sets the wrong priorities so that every ''me-too'' drug of little additional therapeutic value receives the same priority as urgently needed new cures, and if FDA cannot meet the unrealistic time limits in the bill, the agency is required to contract its responsibility out, leading to further unacceptable privatization.

What did we do in the earlier legislation? We said on the priority drugs, we are going to make sure that these are going to be addressed within the first 6 months and then those that are of lesser significance and importance within 12 months. Therefore, the FDA is able to use some discretion in the areas of breakthrough drugs. The last drug on

AIDS was only about 2½ months under review because FDA had worked with the company further up the line to accelerate the consideration and the whole development time.

So FDA has been moving in the area of priority drugs. Now what does the legislation say? The legislation says you have to examine all of them, all of the drugs within the 6 months. The fact of the matter is, as anybody who understands what goes on out at the FDA knows, the vast majority of those other drugs are ''me-too'' drugs, not the breakthrough drugs.

So now instead of bringing focus and attention of the gifted and able scientists out at FDA on those drugs that could be breakthrough drugs in cancer, in AIDS, in hepatitis, in all kinds of diseases, we are going to divert their attention to looking after the ''me-too'' drugs that can make extra bucks for the pharmaceutical companies. Is the public interest served there? It is not.

This is a direct result of the pharmaceutical companies wanting to get some additional attention so that they can put on the market and promote and advertise and make additional profits from those ''me-too'' drugs. This is unwise, ill-conceived, and bad health policy. Mr. President, we all know that when the Congress previously acted in a bipartisan way with the Executive together with the pharmaceutical companies, all of them working together, setting the goals, setting the standards, setting the accountability on what the FDA should do—96 percent of the goals that were established were achieved, and now we are saying, ''Well, that isn't good enough. That isn't good enough even though the GAO says we are the best in the world. That isn't good enough, and we are going to change that system,'' alter that system in a way which I think diminishes the efficiency of the FDA and could very well diminish the opportunities of moving the breakthrough drugs to the consumer in a more orderly, effective, and rapid way.

Mr. President, I was talking about the changes in both time limits for the consideration of priority drugs and also about the changes in the manufacturing processes that do not have to have prior approval by the FDA.

FDA is the most respected regulatory agency in the world. With too few resources now, FDA still gives us the safest food supply in the world and the best medical products. The FDA seal of approval is accepted with confidence and trusted worldwide. American companies benefit immensely from that confidence. This bill will turn that seal of approval into a label that cannot pass the truth-in-advertising test. Whether the product is heart valves or blood derivatives or vaccines or food, the American people will be at risk.

There are ways that FDA should improve. Some products do need to get to market faster. FDA should collaborate as much as possible with companies and researchers to reduce the time of bringing safe and effective products to market. They are doing a good job now; they ought to do a better one. But we should not gut FDA's independence or the laws that give it that independence.

This legislation puts the commercial interests of companies ahead of the best interest of consumers. I am hopeful, Mr. President, that the provisions of S. 1477 that undermine health and safety can be revised before the bill comes to the floor. I know that Senator KASSEBAUM is committed to working with all interested Senators, and I pay tribute to Senator KASSEBAUM. She has spent an enormous amount of time herself on this issue. She has listened to different positions taken by those who are committed to the public health interests. She has listened to Members of the Senate.

I have the highest regard for her and the way that she has conducted the hearings and the leadership she has provided in this area, but I do find that I come out on a different side than she does with regard to the bill itself.

The present bill would destroy the safeguards protecting the American people that have been built up over the decades. It will cripple the world's best regulatory agency. It would be tragic if it became law. When the American people understand what is in it, I believe they will reject it.

Mr. President, I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

READ AND SUCCEED—MEETING THE CHALLENGE OF ILLITERACY IN AMERICA

Mr. INHOFE. Mr. President, I rise today to share some thoughts on a subject of growing concern to many Americans, particularly to parents who seek a better and brighter future for their children through education.

It is that we are failing to teach our children to read effectively. In 1940, the literacy rate in the United States was 97 percent. It has now plunged to 76 percent—a rate which is lower than that of over 100 other nations.

To me, this is intolerable. America's future depends on restoring the reading skills of its people.

If we value our responsibility for leadership; if we seek to stay competitive in the world economy, we must address the problem of illiteracy in America.

We cannot stand by and watch our children sentenced to a life of mediocrity and illiteracy.

This problem exists in spite of the good intentions of Government and the expenditure of billions of taxpayer dollars over many years.

Reading is the most basic skill every child needs to achieve individual success and happiness—both in work and in life. Yet in failing to impart this skill effectively, we are directly undermining the success our children seek and deserve.

The evidence of our failure is all around us. Teachers and administrators see it in our schools, where 60 percent of entering college freshmen find themselves in need of remedial courses in reading or math.

Employers and businesspeople see it in the workplace, where industry spends exorbitant amounts on employee remedial training in basic verbal skills. Researchers and scholars detect it in their studies.

Hardly a week goes by that we do not see stories in the media about declining test scores or startling accounts of the growing problem of lagging reading skills in America. For example:

According to the U.S. Department of Education report known as the National Assessment of Education Progress [NEAP], ''the average reading proficiency of 12th grade students declined significantly from 1992 to 1994.''

This important study is widely considered to be one of the best barometers of overall student achievement. It reported that ''70 percent of 4th graders, 30 percent of 8th graders, and 64 percent of 12th graders did not attain a proficient level of reading.'' In other words, these students did not reach a minimum skill level in reading which is considered necessary to do the work at that grade level.

According to a recent 5-year study, entitled ''Adult Literacy in America,'' conducted by the National Center for Education Statistics, similar startling results were found. It stated that: 42 million Americans, 22 percent of the population cannot read; 50 million, 27 percent, can recognize so few printed words they are limited to a fourth or fifth grade reading level; 55 to 60 million, 30 percent, are limited to sixth, seventh, or eighth grade reading levels; only 30 million, 16 percent, have ninth and tenth grade reading levels; only 6 to 7 million, 3.5 percent, demonstrated skills necessary to do college level work.

SAT scores have declined steadily for most of the last 35 years. Verbal achievement has declined by nearly 90 points since 1960.

A U.S. Department of Labor study found that 20 percent of U.S. high school graduates could not even read their diplomas.

Mr. President, this is serious. All of this has consequences—in our economy, in our standard of living, in our competitive position in the world, and in our national security. For example:

The lower the literacy rate: the less productive our economy becomes, the less hours are worked and the less money they make in the form of wages and income, the higher the incidence of crime and welfare and their costs to society, the less effectively we are able to compete in world markets, the less capability we will have in our Armed Forces which are increasingly dependent on advanced technology and highly trained personnel as opposed to just sheer numbers.

Clearly, our level of literacy is closely linked to our success in the world. If we fix this problem, the benefits will spread through our entire society. I firmly believe that if we know how to read, we will know how to succeed.

Secretary of Education Richard Riley recently confirmed the problem when he said:

> Our Nation's reading scores are flat and have been flat for far too long . . . Too many of our young people are groping through school without having mastered the most essential and basic skill.

Riley said that ''the most urgent task'' facing American schools is to improve reading instruction. So we know the problem exists. We can rejoice there is a solution.

Right now, we can take a giant step forward simply by doing what we can to demonstrate and celebrate what works when it comes to basic reading instruction.

Mr. President, we know what works in teaching children and adults to read. We can point to evidence backed by more than 60 years of educational research and experience.

What works is when our teachers and administrators return their emphasis to the use of phonics as the basis of reading skills instruction. Phonics refers to that body of knowledge which allows us to break down the letters of the alphabet into sounds so that words can be deciphered and sounded out according to simple rules.

With phonics-based programs, students learn not by memorizing huge numbers of whole words, but rather by mastering the very limited number of sounds and corresponding letter combinations which are the building blocks of all words. With this essential grounding, they are better equipped to move ahead to learn more advanced reading skills and techniques.

I do not argue that phonics is the only answer to the many problems faced by today's teachers in improving reading skills. The breakdown of the family, the impact of television, the force of popular culture—all of these and more pose challenges which were unheard of a generation ago. But clearly it is time for the pendulum in emphasis to swing back toward phonics—and not away as we have been moving more and more in recent years.

Phonics-based programs work. History and statistics have proven it. Now, similar grassroots evidence is sprouting up in more and more parts of the country.

For example, in one of the poorest districts in Houston, TX, there is a success story from which all of us can learn. There at the Wesley Elementary School, its principal, Dr. Thaddeus Lott, has encouraged teachers to use proven methods such as phonics in a concentrated effort to improve reading skills. The program is working.

Students are leaving this school reading at two or three levels above their grade. Many go on to private academies because their achievement levels are so far beyond the public schools they would otherwise attend.

Now, Dr. Lott has been appointed to a blue ribbon committee in the Houston Independent School District to expand his quality education techniques to other schools in this, the seventh largest school district in the Nation. It worked in Houston and it is working elsewhere.

Near one of Chicago's low-income housing projects, Mrs. Marva Collins of the Westside Preparatory School is making a real difference. Her phonics-based methods are helping all her students learn to read by the end of first grade. By the time her students reach third grade, they are memorizing poetry, discussing Shakespeare, and talking about early American history.

In Inglewood, CA, similar targeted programs have also proven highly successful.

Now, as the Washington Post reported last week, the State of California is urging all of its 7,700 school district ''to place more emphasis on phonics'' in order to reverse the dismal results they have been seeing on their statewide reading exams.

These are just a few recent examples—out of many—which show that the trend back to a renewed emphasis on phonics is growing. But much more needs to be done.

To help foster similar successful programs and to help focus public attention on what can and should be done, I propose to take the initiative in my home State of Oklahoma.

In the near future, I plan to help establish a limited in scope, privately funded, reading foundation in Oklahoma City.

Its purpose, broadly stated, will be to identify children, as well as adults, in need of enhanced reading instruction and to help them take advantage of a good phonics-based reading program that works.

If this limited demonstration project is successful, I would hope to expand it to Tulsa and perhaps to other cities throughout Oklahoma.

The goal is to show through private voluntary efforts that we as concerned citizens can address this one serious problem constructively, without resorting to Government mandates or vast infusions of Federal tax dollars which obviously have not worked.

Indeed, I want to make it very clear that I do not seek to establish a new Federal program, nor do I seek any new expenditure of taxpayer dollars. I propose no new legislation or Government mandate.

At the same time, I seek no direct intrusion into the day-to-day business of the public schools. I have long been opposed to Federal control of local education and I am not about to change my position now.

Rather, what I am talking about is fostering voluntary and cooperative efforts through the use of private funds, through persuasion, through example, and through a genuine concern for helping our young people and others achieve success in life.

This is a good cause. I intend to demonstrate that what works in Dr. Lott's school in Houston and Mrs. Collins' school in Chicago can and will work in Oklahoma City. When it does, we will offer it throughout the State.

Mr. President, there is absolutely no excuse for us in the United States of America to lag behind other industrialized nations in our reading skills—we are going to take the initiative and correct it.

AN ANNIVERSARY TO REMEMBER

Mr. INHOFE. Mr. President, this past Saturday, March 23, marked the 13th anniversary of President Ronald Reagan's address to the Nation in which he outlined a vision of the future based on the common sense wisdom of developing a national defense against missile attack.

To commemorate this occasion, I ask unanimous consent that a transcript of President Reagan's remarks on missile defense from this historic speech be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. Mr. President, on that day in 1983, President Reagan announced his decision to begin the long march away from the suicidal defense doctrine known as mutual assured destruction. In one bold stroke, he single-handedly committed the Nation to an intense research and development program designed to harness our technology to the task of countering the threat posed by ballistic missiles, and to do it with measures that are defensive. Wouldn't it be better, he asked, ''to save lives rather than to avenge them?''

In retrospect, we can see that it was a speech that truly rocked the world. In the context of the closing strategy of the cold war, it posed the decisive final challenge to the Soviet Union. Three years later, at the Reykjavik Summit, extraordinary Soviet efforts to deter Reagan from his commitment to missile defense failed. As a result, the evil empire's days were numbered and Soviet leader Gorbachev knew it.

In the context of domestic politics, Reagan's 1983 speech ignited a passionate debate over defense policy which still continues today. Within just hours after the speech, one of our distinguished colleagues in this body coined the term star wars. Opponents claimed Reagan's idea was a fantasy, that he wanted a perfect astrodome defense which would cost trillions of dollars.

Despite such rhetoric, in the context of science and technology, the speech helped focus inquiries on numerous fronts which led to remarkable breakthroughs. Is it technically feasible, at an affordable cost, to ''intercept and destroy strategic ballistic missiles before they reach our own soil or that of

our allies?'' In 1983, many critics answered ''no.'' Today, such questions are themselves—as Reagan would say—largely ''impotent and obsolete.''

But still, 13 years later, America has not deployed, nor is it committed to deploy, any national missile defense system. Why? In a fundamental sense, the answer lies in the triumph of politics over science. The real technological barriers have been broken. We have the know-how. Even funding is no longer the real issue.

Rather, it is the many political barriers that remain, and they are formidable. The Soviet Union is gone, and with it, the perceived threat posed by its awesome missile arsenal. Proliferation of missiles to other countries continues, but we are told that any real concern about it is premature. Today's Democrat President, like the Democrat Congresses before him, argues strenuously that the 1972 Anti-Ballistic Missile Treaty should remain as the ''cornerstone'' of U.S. strategic defense policy. It prohibits the deployment of effective defenses on the theory that deterrence should rest solely on threat of instant retaliation—the same theory President Reagan sought to transcend.

So the struggle for national missile defense continues. ''It will take years, probably decades, of effort on many fronts,'' President Reagan said, and he was right.

Today, I stand proudly with those who remain committed to the moral vision articulated by President Reagan: ''That the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence.''

We will continue the efforts President Reagan began. And I hope, that in marking this anniversary, we can take increased devotion to the cause of world peace and freedom—that we can learn from the wisdom, the foresight, the courage and the example of President Reagan.

Like Ronald Reagan before us, we pursue this cause not because some public opinion poll told us it was the popular thing to do. We act because we know it is the right thing to do for our country and for future generations.

EXHIBIT 1

ADDRESS TO THE NATION ON NATIONAL SECURITY BY PRESIDENT RONALD REAGAN, MARCH 23, 1983

The calls for cutting back the defense budget come in nice, simple arithmetic. They're the same kind of talk that led the democracies to neglect their defenses in the 1930's and invited the tragedy of World War II. We must not let that grim chapter of history repeat itself through apathy or neglect.

This is why I'm speaking to you tonight—to urge you to tell your Senators and Congressmen that you know we must continue to restore our military strength. If we stop in midstream, we will send a signal of decline, of lessened will, to friends and adversaries alike. Free people must voluntarily, through open debate and democratic means, meet the challenge that totalitarians pose by compulsion. It's up to us, in our time, to choose and choose wisely between the hard but necessary task of preserving peace and freedom and the temptation to ignore our duty and blindly hope for the best while the enemies of freedom grow stronger day by day.

The solution is well within our grasp. But to reach it, there is simply no alternative but to continue this year, in this budget, to provide the resources we need to preserve the peace and guarantee our freedom.

Now, thus far tonight I've shared with you my thoughts on the problems of national security we must face together. My predecessors in the Oval Office have appeared before you on other occasions to describe the threat posed by Soviet power and have proposed steps to address that threat. But since the advent of nuclear weapons, those steps have been increasingly directed toward deterrence of aggression through the promise of retaliation.

This approach to stability through offensive threat has worked. We and our allies have succeeded in preventing nuclear war for more than three decades. in recent months, however, my advisers, including in particular the Joint Chiefs of Staff, have underscored the necessity to break out of a future that relies solely on offensive retaliation for our security.

Over the course of these discussions, I've become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. Feeling this way, I believe we must thoroughly examine every opportunity for reducing tensions and for introducing greater stability into the strategic calculus on both sides.

One of the most important contributions we can make is, of course, to lower the level of all arms, and particularly nuclear arms. We're engaged right now in several negotiations with the Soviet Union to bring about a mutual reduction of weapons. I will report to you a week from tomorrow my thoughts on that score. But let me just say, I'm totally committed to this course.

If the Soviet Union will join with us in our effort to achieve major arms reduction, we will have succeeded in stabilizing the nuclear balance. Nevertheless, it will still be necessary to rely on the specter of retaliation, on mutual threat. And that's a sad commentary on the human condition. Wouldn't it be better to save lives than to avenge them? Are we not capable of demonstrating our peaceful intentions by applying all our abilities and our ingenuity to achieving a truly lasting stability? I think we are. Indeed, we must.

After careful consultation with my advisers, including the Joint Chiefs of Staff, I believe there is a way. Let me share with you a vision of the future which offers hope. It is that we embark on a program to counter the awesome Soviet missile threat with measures that are defensive. Let us turn to the very strengths in technology that spawned our great industrial base and that have given us the quality of life we enjoy today.

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?

I know this is a formidable, technical task, one that may not be accomplished before the end of this century. Yet, current technology has attained a level of sophistication where it's reasonable for us to begin this effort. It will take years, probably decades of effort on many fronts. There will be failures and setbacks, just as there will be successes and breakthroughs. And as we proceed, we must remain constant in preserving the nuclear deterrent and maintaining a solid capability for flexible response. But isn't it worth every investment necessary to free the world from the threat of nuclear war? We know it is.

In the meantime, we will continue to pursue real reductions in nuclear arms, negotiating from a position of strength that can be ensured only by modernizing our strategic forces. At the same time, we must take steps to reduce the risk of a conventional military conflict escalating to nuclear war by improving our nonnuclear capabilities.

America does possess—now—the technologies to attain very significant improvements in the effectiveness of our conventional, nonnuclear forces. Proceeding boldly with these new technologies, we can significantly reduce any incentive that the Soviet Union may have to threaten attack against the United States or its allies.

As we pursue our goal of defensive technologies, we recognize that our allies rely upon our strategic offensive power to deter attacks against them. Their vital interests and ours are inextricably linked. Their safety and ours are one. And no change in technology can or will alter that reality. We must and shall continue to honor our commitments.

I clearly recognize that defensive systems have limitations and raise certain problems and ambiguities. If paired with offensive systems, they can be viewed as fostering an aggressive policy, and no one wants that. But with these considerations firmly in mind, I call upon the scientific community in our country, those who gave us nuclear weapons, to turn their great talents now to the cause of mankind and world peace, to give us the means of rendering these nuclear weapons impotent and obsolete.

Tonight, consistent with our obligations of the ABM treaty and recognizing the need for closer consultation with our allies, I'm taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles. This could pave the way for arms control measures to eliminate the weapons themselves. We seek neither military superiority nor political advantage. Our only purpose—one all people share—is to search for ways to reduce the danger of nuclear war.

My fellow Americans, tonight we're launching an effort which holds the promise of changing the course of human history. There will be risks, and results take time. But I believe we can do it. As we cross this threshold, I ask for your prayers and your support.

Thank you, good night, and God bless you.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUARTERLY REPORTS—1996 APRIL

The mailing and filing date of the April quarterly report required by the Federal Election Campaign Act, as amended, is Monday, April 15, 1996. All principal campaign committees supporting Senate candidates in the 1996 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on April 15, to receive these filings. For further information, please contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1996 first quarter mass mailings is April 25, 1996. If a Senator's office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

COAST GUARD AUTHORIZATION ACT OF 1996

Mr. LOTT. Mr. President, I support the motion to go to conference on S. 1004, the Coast Guard Authorization Act of 1996. Both the House and the Senate have passed versions of this bill. The House called for a conference with the Senate to resolve differences in the bill and appointed conferees. The Senate must respond to this request. We need to do this before the recess so staff can meet and have issues ready for the conferees to vote on in early April.

My colleague from South Carolina opposes going to conference on this bill. I do not understand why he is so opposed to going forward with this basic process. Last time I checked, conference is the process to resolve differences between the House and the Senate. The House has its bill. We have the Senate bill. Conferees sit down together to iron out the differences. Why should he object?

I know there is a provision in the House-passed Coast Guard bill that my colleague opposes. Each year, hundreds of foreign crewmembers file suit in U.S. courts against foreign ship owners in U.S. courts. Since 1989, 724 of these cases have been filed in one Florida county alone. The House bill includes a provision that would address this flood of nonresident crew cases against ship owners being brought in the United States. The House passed this provision as part of the Coast Guard bill twice.

Mr. President, I happen to agree with the House provision. There is no public or private policy reason to litigate these cases in the U.S. legal system.

These cases: Contribute to the overcrowding of court dockets, frustrate the ability of U.S. citizens to obtain timely resolution of their claims, and require citizens to serve as jurors on cases which do not affect U.S. public or private interests.

In Dade County, FL, it costs about $3,000 a day to conduct a jury trial. The U.S. taxpayer and consumer should not bear the cost of litigating these cases in our courts.

Of course we know who opposes this provision—the trial lawyers. There is no reason for these foreign cases to be heard in U.S. courts at the expense of the U.S. taxpayer, but a small handful of trial attorneys enriched by these cases resist any change. The trial lawyers as a group resist this tiny change because they see it as the camel's nose under the tent.

We have seen this from the trial lawyers before:

We saw it with reform of the general aviation liability laws. The lawyers nearly wrecked a whole industry before Congress was able to enact a very modest reform.

We saw it with modest efforts to reform securities laws. The President vetoed this measure at the urging of the trial lawyers and sustained his first veto override.

We saw it as recently as last week with efforts to oppose reasonable product liability laws. The trial lawyers may prevail on the President to veto this as well.

To take a quote from a former candidate, the trial lawyers will oppose any legal reform until hell freezes over, and then they will fight on the ice. That is what is happening here.

The trial lawyers do not care what is good for the country, what makes sense for consumers and businesses, what the burden is to the taxpayer. They only care if it enhances their ability to rake in huge contingency fees. If a change affects that ability, they will oppose it no matter how reasonable or meritorious.

A recent Florida Supreme Court case highlighted the problem created in Florida by lawyers using its courts for the whole world's litigation. In Kinney System, Inc. versus The Continental Insurance Co., the Florida court noted that the growing trend of lawyers filing suit in the United States for injuries occurring outside the United States was growing to abusive levels. The court was concerned about the burden these cases impose on trial courts. The court concluded, ''(n)othing in our law establishes a policy that Florida must be a courthouse for the world, nor that the taxpayers of the State must pay to resolve disputes utterly unconnected with this State's interests.'' I agree.

Mr. President, the forum selection provision in the House Coast Guard bill is a reasonable legal reform that attempts to address part of the problem described in the Kinney case.

The provision will: Help assure the U.S. courts are available for U.S. citizens, provide an alternative to devoting scarce judicial resources to cases utterly unconnected to the Nation's interests, and assure that nonresident alien seamen receive fair treatment.

It does not affect the ability of U.S. citizens or permanent resident aliens to bring suit in U.S. courts.

It does not leave foreign crewmembers without a remedy. The provision would honor forum selection provisions in foreign employment contracts where there is an adequate remedy available to the seaman. And these remedies are available in other countries. Contrary to what the trial lawyers may want to believe, the United States is not the only civilized nation in the world. I have a whole stack of letters from different countries outlining the remedies available to seamen: Jamaica, Canada, Greece, Italy, Norway.

Mr. President, I could go on, but this issue should be resolved in conference. Its in the House bill—its not in the Senate bill. We need to resolve the differences between the House and the Senate on this important bill and go on and send it to the President. The only way we are going to do this is agree to the House request for a conference and appoint conferees. I urge my colleagues to do that and let the Senate get on about its business.

TRIBUTE TO SENATOR RUSSELL AND SENATOR NUNN

Mr. BYRD. Mr. President, I want to comment on two very distinguished Senators from Georgia, Senator Richard Brevard Russell and his successor, the very able Senator SAMUEL AUGUSTUS NUNN. On January 24, 1996, I had the great pleasure of taking part in the dedication of a statute of Senator Russell in the rotunda of the Russell Senate Office building. The unveiling of Senator Russell's statue last month occurred 25 years after Senator Russell's death in 1971. I was very pleased to be a part of this ceremony, because of my own high regard and esteem for Senator Russell. Twenty-four years ago, in 1972, I offered the resolution to rename the ''Old Senate Office Building,'' as it was then known, in honor of Senator Russell. The grandeur embodied in both the building and the statue are fitting monuments to the very great legacy of statesmanship bequeathed to us by Senator Richard Brevard Russell.

The statue of Senator Russell stands in front of the entry to the Senate Armed Services Committee, where Senator Russell served as chairman for fifteen years during his 38-year Senate career, and where Senator NUNN has served as chairman and ranking member for ten years. Senator SAM NUNN is a worthy successor to Senator Russell's great legacy on national defense.

He was first elected to the Senate on November 7, 1972, to complete the unexpired term of Senator Russell, and has since won reelection three times. Together, Senator Russell and Senator NUNN have provided 62 years of remarkable service to the Senate and the Nation, and 20 years of consummate leadership on national defense. If we add to that number the leadership on national defense offered by Senator NUNN's granduncle, Representative Carl Vinson, who for many years was chairman of the House Armed Services Committee, this record of leadership is even more remarkable. Senator NUNN's legacy on defense matters, and his service to the State of Georgia, is equally distinguished.

Like Senator Russell and Representative Vinson before him, Senator NUNN has devoted himself to sustaining and improving the military strength of the United States. He was instrumental in crafting the 1986 Defense Reorganization Act that has shaped the forces that the United States deploys today. He has dedicated himself to ensuring the quality of the all-volunteer force, and to seeing that these men and women are adequately compensated and cared for. He has also fought the Pentagon to preserve systems that DoD did not always want, but which ultimately proved their worth. One such system was the F–117 Stealth fighter, which was invaluable during Desert Storm. Since that fight, Senator NUNN has pushed to spread the benefits of stealth technology to the next generation of fighters, including the F–22. Finally, Senator NUNN has demonstrated his leadership in strengthening and preserving the NATO alliance, complementing U.S. military strength with the seamless and coordinated combined strength of our European allies.

He has become, in the process, a leader in U.S. foreign policy as well. Senator NUNN will be remembered for championing the Nunn-Lugar program to effectively reduce the Soviet nuclear threat to the United States, for his efforts to address and counter the proliferation of weapons of mass destruction, and for his role in shaping and defining the use of U.S. military force. He has been an integral part of every debate concerning the use of U.S. military forces, from Vietnam, to Lebanon, to the Persian Gulf War, to Somalia, Haiti, and Bosnia. I respect the cogent and well thought out arguments that Senator NUNN invariably brings to the discussion. He brings to these difficult debates a mature understanding of the subtleties of each situation and a clear vision of the strategic interests of the United States. To each debate, his talents for achieving a compromise are tested and proven anew. This ability surely will be missed after his departure from the Senate.

Mr. President, the State of Georgia has offered to the Congress and the nation statesmen and leaders of remarkable ability and durability during this century. The Congress and the nation have been the better and the stronger for the service of these sons of Georgia, from Carl Vinson, to Richard Brevard Russell, to SAMUEL AUGUSTUS NUNN. The legacy of these three men alone, and on national defense and security issues alone, is a remarkable testament. I am honored to have served with all three. As I have said before, Senator NUNN stepped into big shoes when he came to the Senate. With his retirement this fall, he will leave an equally large pair of shoes to fill.

Mr. President, I ask unanimous consent that a letter to me from Senator NUNN, along with the transcript of the ceremony, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, February 14, 1996.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: Please find enclosed a transcript of the Richard B. Russell Statute Dedication Ceremony of January 24, 1996. Your active participation in planning and chairing the dedication ceremony ensured its success.

I believe it would be a fitting tribute to Senator Russell for these proceedings to be a part of the historical record honoring his distinguished career. If you deem it appropriate, I would be honored for you, in your role as chairman of this special event, to insert the transcript into the Congressional Record.

I know your heartfelt remarks at the dedication ceremony meant a great deal to Senator Russell's family, friends, and former colleagues. Your personal remarks about my own service in the Senate at the ceremony and later, after my 10,000th vote, will always be among the most meaningful memories of my career in public service.

Sincerely,

SAM NUNN.

Enclosure.

SENATOR RICHARD RUSSELL STATUE DEDICATION, JANUARY 24, 1996, RUSSELL SENATE OFFICE BUILDING ROTUNDA

PROCEEDINGS

Senator NUNN. Our beloved Senate Chaplain, Dr. Lloyd John Ogilvie, will give the invocation.

Chaplain OGILVIE. Let us pray. Almighty God, sovereign of our beloved nation and Lord of our lives, we praise you that you call leaders to shape the course of history.

We have gathered here today to thank you for the impact on history of Senator Richard Russell. Here in this building that bears his name we place this statue of his likeness. May this statue call all of us to the excellence that distinguished his career, the nobility of his character that made an indelible mark on history, and his faith in you that gave him supernatural gifts of wisdom and discernment and vision.

Thank you for the lasting impact of the rare blend of humility and stature, patriotism and statesmanship, that made him a legend in his own time—Georgia's pride, a lodestar leader, a senator's senator for 38 years, and a truly great American. May we measure our commitment by his indefatigable faithfulness and set as a benchmark for our lives his belief that work in the government is one of the highest callings.

In this spirit of dedication to your best for America and in affirmation of this giant of history, we renew our commitment to serve you in the name of Jesus Christ our Lord. Amen.

Senator NUNN. Ladies and gentlemen, please be seated.

Charlie Campbell, the president of the Russell Foundation, will give more elaborate introductions, but let me begin by welcoming the members of the Russell family here today. I understand there are about 100 of you. We are very, very proud to have each and every one of you here.

The Russell trustees and supporters, we welcome you, and we thank you for all of your efforts in making this historic day possible; past and present members of the United States Senate who will be introduced later; and friends and admirers of Richard B. Russell.

This is indeed an important event in the life of the United States Senate. Every day since I have been serving in this unique legislative body, I have considered it a great honor to be the temporary holder of what I think of as the Russell seat in the Senate.

I am also proud that I had the opportunity to follow Senator Russell's footsteps as chairman of the Senate Armed Services Committee, which he chaired so ably for 15 years during the Cold War, the Korean War, the Cuban Missile Crisis, and the construction of the Berlin Wall.

I will never forget when I was a 23-year-old lawyer sitting in the back of the Senate Armed Services Chamber right down the hall as Congressman Carl Vinson of Georgia, the chairman of the House Armed Services Committee, presented the House position on a legislative matter to Senator Richard Russell at the other end of the table, also of Georgia and chairman of the Senate Armed Services Committee. Those were the days for Georgia and for our nation.

Twenty-seven years later, as chairman of the Senate Armed Services Committee, I watched with the rest of the world as the Berlin Wall was torn down, Eastern Europe regained its freedom, and the Soviet empire disintegrated. I have often thought that this occurred without a nuclear war and without worldwide destruction in considerable part because of the wise leadership of Richard Russell and Carl Vinson in building a strong United States and a strong NATO alliance.

[Applause.]

Senator NUNN: When this historic building was named in honor of Richard Brevard Russell in 1972, the powerful imprint of his record of service was still very fresh in the memory of the Senate and of our nation. Today, with the dedication of this magnificent statue, we have occasion to remember why Richard Russell made such an indelible imprint on the history of Georgia, the U.S. Senate, and our nation.

Although our nation is very different today than it was at the time of Senator Russell's election in 1932, or even at the time of his death 25 years ago, his service and his example are more instructive now than ever before.

In this context, no one is better suited to begin this ceremony of remembrance, recognition and dedication than our next speaker. Like Richard Russell, Vice President Al Gore was molded by his southern heritage and by a loving family that encouraged and supported his early and energetic and total commitment to public service.

Like Richard Russell, Al Gore is the son of a prominent political father. Indeed, Al Gore, Sr., served in the Senate with Richard Russell and with many in attendance here today. Richard Russell's own father was Chief Justice of the Georgia Supreme Court, and in that capacity, administered the oath of office when his son became Governor Russell of Georgia.

Just as our vice president was known as ''Young Al'' when he began his political career, Richard Russell was known as ''Young Dick.'' Like Richard Russell, Al Gore spent a lot of time on the family farm, and as young boy these youthful experiences gave both men a special understanding of people who work with their hands, work in manual labor, as well as an abiding appreciation of conservation and the environment.

Like Richard Russell, Al Gore served on the Senate Armed Services Committee and devoted a considerable portion of his time to building a stronger America and a safer world. Like Richard Russell, Al Gore was elected as a very young man to Congress, and he has dedicated his life to the people of his state and to the people of our nation.

Ladies and gentlemen, please help me welcome the Vice President of the United States.

[Applause.]

Vice President GORE: Thank you.

[Continuing applause.]

Vice President GORE: Thank you very much. Thank you. Thank you very much, ladies and gentlemen.

And, Senator Nunn, thank you for your very kind words of introduction. One of my greatest honors in the time I served in the United States Senate was serving under your chairmanship in the Armed Services Committee, and thank you so much for your kind words.

Senator Byrd and Senator Stevens, two close friends and great leaders of this institution, other members of the Senate who are present—forgive me for not even attempting to single out individual senators because there is such a great turnout and such a large presence here at this event—former members of the Senate who are here, as well.

Governor Zell Miller, thank you for honoring us and this occasion with your presence here, and thank you for your leadership in Georgia and in our country.

To Charles Campbell, Chairman of the Richard B. Russell Foundation; to Frederick Hart, the sculptor; and to Chaplain Ogilvie—thank you for your invocation; to members of the family of Senator Russell—Carolyn Nelson and Pat Peterson especially, sisters of Senator Russell; to all of the other family members who are here.

It is an honor to him that so many of you are present. This really is a very, very special day, and to hear Sam Nunn introduce me with even slight comparisons is beyond what I can—that sets off my hubris alarm, Sam, because Senator Russell is rightly regarded as a legend, and all who had the privilege of serving with him understand that.

Incidentally, not too many days ago some tourists remarked to an acquaintance of mine from Tennessee that they had seen the Al Gore statue on the White House lawn, and I said, ''What day was that?''

[Laughter.]

Vice President GORE: It's been so cold here recently people who don't know me thought I was frozen stiff. But in any event, ladies and gentleman, from this day forward, in the Rotunda of this majestic building named in his honor, a statue of Richard Brevard Russell will stand sentry. Georgia's senator, America's senator, a legendary figure in American politics will gaze over us—a fitting tribute to a towering presence.

I knew Senator Russell when I was a young man. I did not have the opportunity to serve in the Congress during his time of service, but my father's service in the Congress overlapped with his for 32 years. These two men had a great deal in common. Eighteen of those years my father served in the Senate with Senator Russell. Both were sons of the South and both provided shoulders on which a new generation of Democrats now stands.

Both believed that public service was an honorable calling that demanded common courtesy and rewarded basic decency. Both marched in the direction pointed by the compass of their conscience, no matter the prevailing winds or the calls to shift their course.

I remember often hearing my father say that whatever their occasional disagreements—and they did have some; on occasion they stood toe to toe, but when it came to certain core ideals; love of country, devotion to duty, respect for principles, they always saw eye to eye. But whatever the occasional disagreements, on one matter my father was resolute whenever he spoke about Senator Russell. Dick Russell had a heart of gold and was one of the most honorable individuals ever to serve in the United States Senate throughout its more than 200-year history.

To six United States presidents, Richard Russell was a mentor and an occasional menace. He stood up for Franklin Roosevelt at the 1932 Democratic Convention, nominating him for president when some people thought Roosevelt couldn't win. And then he stood up to Roosevelt a few years later, casting a deciding vote against his court-backing plan when some people thought Roosevelt couldn't lose.

He challenged Harry Truman for the presidential nomination in 1948, but he challenged the nation to honor Truman's authority as Commander-in-Chief when he presided over the Senate's Army MacArthur hearings three years later.

President Johnson knew him best among all the presidents served by Richard Russell, and the relationship between Richard Russell and Lyndon Johnson began as so many of his relationships had. Johnson was the student, and Russell was the teacher.

They became very, very close friends, even though they too had occasional disagreements and feuded from time to time. And Johnson owed much of his rise to the benevolence and wisdom of the Georgia Giant.

Senator Russell, we all remember, was an austere man, and, ironically, Johnson lavished him with gifts from time to time-fancy neckties, glass bowls, one time a watch just like the one that President Johnson wore. And, as the story goes, one Christmas Johnson gave Senator Russell a beautiful Christian Dior handkerchief. The Senator thanked him, and he said, ''Now, Lyndon, I'm going to have to buy a new suit to go with this.''

When Johnson was vice president, he hosted a dinner in Senator Russell's honor, which was a grand affair swarming with cabinet officers, elected officials and Washington's elite. And at that dinner, Johnson told the assembled gathering that if he were able to personally choose the president of the United States, he would select Richard Russell.

Richard Russell was indeed a president's senator and a senator's senator. And if things had gone a little bit differently, if the South had been a little bit different, if other things had been just a little bit different, he might have been a senator's president.

On some things Senator Russell was way ahead of his time, a little bit like that great Barbara Mandell song ''I Was Country Before Country Was Cool.'' For example. Richard Russell was reinventing government before reinventing government was cool.

We're still in that period before reinventing government is cool.

[Laughter.]

Vice President GORE: As governor, he reduced the number of state bureaus, commissions and agencies from 102 to 17. He cut the cost of government 20 percent, saved the state the then-astronomical sum of a million dollars. He knew that a government that didn't spend money as wisely and carefully as a family could never earn any family's respect.

On national security, of course, Senator Russell had no peer. He championed a robust national defense, and he helped build a Pentagon that was the envy of the world. He also influenced all of those who came after him. Many members of the United States Senate today owe something of their bearing and approach to the job to their learning experience in watching Senator Russell.

In fact, I have sometimes though—and I dare say I'm not the only one—in watching the level of excellence brought to the job of chairman of the Armed Services Committee and now ranking member by Sam Nunn—that his experience, along with others, in watching Senator Russell was an important factor in giving our nation the degree of commitment to public service that we find from so many who watched Senator Russell carefully.

But perhaps his most lasting influence was on matters that were less explosive and less immediately tied to life and death, less immediately newsworthy—bringing electricity to rural America, getting loans for Georgia's farmers, making sure that poor children could eat a decent lunch at school. And there was always that reverence to his life, his spartan apartment, his utter devotion to the Senate as an institution, his enduring selflessness that inspired even those with whom he disagreed.

I do understand that more than 100 members of the Russell family are here this afternoon, and we all thank you for sharing your outstanding brother, uncle, cousin with the United States of America.

I guess we all should have expected, however, that even at the dedication of his statue, Senator Russell would make certain he had the votes to come out on top in case any question was put.

[Laughter.]

There's no need to worry about that this afternoon. Today and forever, this leader, this patriot, this legend, remains where he belongs—in the Senate standing tall.

[Applause.]

Senator NUNN. Thank you very much, Mr. Vice President. Richard Russell was an astute judge of the character and the quality of his fellow senators. He made his judgment, not only on the basis of their words, but also on the basis of what he observed—their deeds. When Richard Russell determined that you were a man or woman of honor, he was your champion for life.

One young senator who met this Russell test was Robert Byrd. The last vote Senator Russell cast before he died was cast from his hospital bed in favor of Robert Byrd's bid to become the majority whip of the Senate in 1971.

Senator Russell was an advisor and confidant to six presidents. He served under seven, but only a brief time under one. He had the deepest respect for the office of President, so much so that he never called any sitting president, even his old friend and protege Lyndon Johnson, anything but Mr. President.

With a similar respect, Senator Byrd never called Senator Russell anything but Senator Russell. Senator Russell believed strongly in the independence and coequal role of the Congress of the United States, and he insisted on more than one occasion that he had not served under six presidents, Al, but, rather, he served with six presidents—a real difference.

Like Richard Russell, Robert Byrd reveres the Senate of the United States, not just because he serves in it, but because of his respect for its role in the history of our nation and the world. Like Richard Russell in his day, Robert Byrd by the power of his intellect, by the depth of his understanding of

history and the Senate rules, by the strength of his character and by his faith in God, is today the custodian of the Senate ideals that go back, not only to the founding fathers but, indeed, to ancient Rome.

Like Richard Russell, Robert Byrd embodies the traditions, the dignity, and, indeed, the honor of the United States Senate. It is my great privilege to introduce the honored friend of Richard B. Russell, Robert C. Byrd.

[Applause.]

Senator BYRD. Thank you.

Mr. Vice President, my colleagues, fellow Americans, ladies and gentlemen.

If I appear today to wear a pained expression, that's because I have some pain. If any of you have ever had the shingles, you know what I'm talking about. Although a great number of people think I wear that expression all the time.

[Laughter.]

And they're not far wrong.

I want to thank, first of all, the Senate Chaplain, Dr. Ogilvie, who performed the most important part in the program. I thank Mr. Campbell for inviting me to participate in this program. And I thank Sam Nunn. He stepped into some big shoes when he came to the Senate, and those shoes fit today.

[Applause.]

The Duke of Wellington once said that the presence of Napoleon on the field was worth 40,000 men in the balance. And so it is when Sam Nunn speaks on the subject of our national defense. He has no peer in the Senate, and everybody listens.

Let me say that I'm very grateful for the presence of so many of our colleagues here today. My eyes are growing dim, but I had the pleasure of personally greeting some of my colleagues before I came up here. So I want to thank John Warner and Danny Inouye and former Senator and former Judge Mr. Griffin; Thad Cochran and Jesse Helms, Mark Hatfield and Paul Sarbanes; and the only man in the Senate who has served longer in the Senate than I have. Strom Thurmond.

[Applause.]

Senator Byrd. That is in the Senate.

My tenure on the Hill is a little bit more than Strom's. Claiborne Pell. And our old friend Russell Long.

[Applause.]

Senator Byrd. Our great friend Mac Mathias, Paul Coverdell. I think I see Ted Moss and Wyche Fowler. There may be others. You'll forgive me if I can't see you from here, but thank you for coming.

When I first came to the Senate in January 1959, my office was in Room 342 of this building, then known as the Old Senate Office Building. That was still 13 years before the Senate would adopt the resolution that I offered renaming the building in honor of Senator Richard Brevard Russell.

Yet even though his name was not yet affixed to the wall of the building, it might well have been because he was the senator, the uncrowned king of the southern block, and he was as truly a Senate man as was Henry Clay or Daniel Webster or John C. Calhoun or Thomas Minton or any of the other giants who had preceded him.

Back in January 1959, I was the other relatively young senator of 41. Twenty years my senior, Senator Russell had already served over a quarter of a century in the United States Senate. He was a patrician in all aspects of the word, and of all the senators with whom I have served over these past 37 years, he was the only senator whom I never addressed by his first name when speaking to him personally. That was the measure of my respect and admiration for Senator Richard Russell.

On many occasions I sought his opinion and advice, and I always found him courteous and easy to talk with. He was urbane and scholarly, courtly and polite, a statesman by every definition.

His arrival in Washington in 1933 coincided with the start of Franklin Delano Roosevelt's New Deal Administration. Recognizing the severity of the Great Depression, Senator Russell gave loyal support to President Roosevelt whom he viewed as a great leader who sympathized with the problems of ordinary citizens. Russell's colleagues quickly recognized the talents and the abilities of this young senator. As a freshman, he won an almost unheard of appointment to the Senate Appropriations Committee.

Richard Russell never married. We used to say he was married to the Senate. Governor Miller, he studied its traditions and its customs, its rules, its history and its practices assiduously. Ted Stevens, Senator Russell avoided speaking often on the floor but preferred to do his work quietly in the committee rooms.

Senator Russell's philosophy of government was rooted in constitutionalism. His belief in the limits of federal power and the separation of powers among the three equal branches of government was the main force behind his opposition to what were popularly known then as civil rights acts. His attitude toward the role of government he summed up once by saying, ''I am a reactionary when times are good; in a Depression, I'm a liberal.''

He was always regarded as one of the most fair and conscientious members of this body. The truth of this was clearly demonstrated during the Senate inquiry of President Truman's dissmissal of General Douglas MacArthur from his command in Korea. Senator Russell presided over those hearings from May 3 to June 27, 1951. During that time, he was unfailingly courteous and was particularly solicitious of the General's views. In hindsight, it has been claimed that his judicious handling of this volatile event did much to diffuse an explosive situation.

Through it all he served his nation well. Richard Russell followed his own star. He did not pander. His confident was his conscience. He was always the good and faithful servant of the people. He was good for the Senate, and he loved it dearly. I can say without any hesitation that he was a remarkable senator, a remarkable American, a remarkable man who enjoyed the respect and the affection of all who served with him.

In the death of Senator Russell, I felt a great personal loss. From my first days in the Senate, I looked upon him as my mentor, and he was the man I most admired in Washington, a man of great intellect, the finest of public servants, and his patriotism of love, of country, will never be excelled.

''I saw the sun sink in hte golden west. No angry cloud obscured its latest view. Around the couch on which it sank to rest shone all the splendor of a summer day and long the lost of view its radiant light reflected from the skies delayed the night. Thus, when a good man's life comes to a close, no doubts arise to cloud his soul with gloom, but faith triumphant on each feature glows, and benedictions fill the sacred room. And long do men his virtues wide proclaim, while generations rise to bless his name.''

And so to his kinspeople, to his kinspeople and his host of friends, I say, I am honored indeed to have been invited to participate in this ceremony in which we dedicate this handiwork of the sculptor to the memory of Richard Brevard Russell, late a senator from the state of Georgia. How poor this world would be without the memories of its mighty dead. Only the voiceless speak forever, the memory of this noble man will ever be like a star which is not extinguished when it sets upon the distant horizon. It but goes to shine in other skies and then reappears in ours as fresh as when it first arose.

[Applause.]

Senator NUNN. The distinguished senator we will hear from next also served with Senator Russell, but from across the table. Like Richard Russell, Ted Stevens' record of supporting his state's concerns and his record on national and international issues have made him a formidable force in his own home state and throughout the nation. In his own state of Alaska, his record discourages most potential opposition and crushes those who are daring enough to run against him.

Like Richard Russell, Ted Stevens has chaired the Defense Appropriations Subcommittee and has been an effective proponent of a strong national defense. Like Senator Russell, Ted Stevens is a champion of both our veterans and our men and women in uniform, and he fights to see that our troops have the weapons and the equipment they need to prevail in combat.

Like Richard Russell, Ted Stevens believes that when our flag is committed, it is time to transcend partisan politics and to support our troops. Richard Russell once described the legislative process well when he said, quoting him, ''Only through a meeting of the minds and by concessions can we legislate.''

Like Richard Russell, Ted Stevens understands that the legislation requires cooperation and coalition building in both political parties, not only to pass but to last.

Ted, to you and to my good friend and colleague Paul Coverdell, one message to majority leader Bob Dole who wanted to be here today but had other pressing commitments. In Georgia, we have a small town that might remind Bob Dole of home in case he ever has any reason in the next few weeks or months to wander into our territory, and it's called Russell, Georgia. We'll be proud to have him there at any time.

I am proud to present to you the distinguished senator from the state of Alaska, a friend of Richard Russell, the Honorable Ted Stevens.

[Applause.]

Senator STEVENS. Thank you very much, Senator Nunn. You embarrassed me with that introduction. I am delighted to be able to pinch-hit for Senator Dole and to be here with this distinguished group.

After listening to my good friend—and he is my great friend—Senator Byrd, I am reminded of a friend of mine that told me when he was ready to make a speech he felt like Lady Astor's seventh husband. He knew what he had to do, but he didn't know how to make it interesting.

[Laughter.}

Senator STEVENS. After a speech such as Senator Byrd's and the vice president's, I'm humbled to be here. But I am delighted to be here, Sam, because as you said, Senator Russell was the Chairman of the Subcommittee that I've been chairman of twice now, and that's the Defense Subcommittee, and I really feel greatly the responsibility of that position.

Because he spent half of his lifetime in the Senate and enjoyed relationships with every president from Franklin Roosevelt to Richard Nixon, as you've heard, Senator Russell had a deep understanding of the nation and a deeper understanding of how our government works, more so than most Americans.

He was very generous in sharing his wisdom and insight with new senators regardless of their political affiliation. That legacy lives on today, and I am one of the beneficiaries as Senator Nunn mentioned. Senator Henry ''Scoop'' Jackson and Senator Mansfield, Senator Stennis are people who served with him. They served as mentors for me and others, regardless of politics.

When we came to the Senate, and I came to the Senate 28 years ago, we were the recipients of the attention of Senator Russell,

and we were guided by the senators that he had so well instilled with the love of this institution. As they took us under their wing, as Senator Russell had done to them, they counseled us in our first years in the Senate. Those were years when senators were seen and not heard for a few years, but I was an appointed senator so they sort of made an exception because they weren't sure I'd be back.

I think that there was no question that at that time we all recognized that we were serving with the foremost congressional authority on our nation's defense, and really the architect of our nation's security. He was chairman of the Armed Services Committee and chairman of the Defense Appropriations Subcommittee at the same time as I recall. I always remember that because I'm sorry that I can't enjoy that same circumstance. Senator Hatfield will understand that.

But it is something for all of us to remember that he worked primarily to assure that this nation remained strong. And he was very bipartisan in dealing with that, and I'm very serious about saying he took time with young senators to explain his understanding of defense and why it was so necessary to keep such a firm foundation.

I think he played a greater role than any other senator in shaping the defense establishment of our post-World War II period here in America. President Nixon said this of Senator Russell: When the security of the United States was at issue, six American presidents leaned upon this great patriot, Richard Russell. He never failed them.

By remaining bipartisan, Senator Russell kept our nation from retreating into isolationism during a period that was very essential to our history, the period right after World War II.

Long before Dwight Eisenhower became president, Senator Russell and Ike were great friends. Their friendship continued and grew after Eisenhower was in the White House.

In testimony to America's spirit of democracy throughout the world, Senator Russell showed our nation the importance of rebuilding, rebuilding not only our nation but our enemies'—Germany and Japan—after World War II.

Ensuring that the Marshall Plan became a reality was one of Dick Russell's real goals, and he was most successful. And while he was a tower of strength for our national defense, I am sure you know, Sam and the senators here from Georgia, he was a faithful representative of the people of Georgia. He saw better than others the future of the burgeoning discoveries in science and ensured that funds would be available for research in new technologies in medicine, agriculture and in conservation.

I feel truly honored to have been able to serve with Richard Russell, and I am deeply honored to my friend Robert Dole for being elsewhere so I could say it here today. Twenty-five years ago, just a few years after his death, I was a young senator, but I joined other senators in paying tribute to our departed friend.

Let me just repeat now what I said then. He never sought publicity nor attempted to impress his colleagues with flashy rhetoric, but that is not to say he was not a forceful advocate and a fierce adversary. I am confident that history will mark him as a consummate statesman who transcended regional boundaries to become a senator for all here in the United States. He was a paragon worth emulating by those who would pursue a life in public service.

Nothing has changed in the 25 years since I said those words. Russell is still a great influence, his legacy is alive today as it was then, his achievements and unique abilities will never be forgotten as Senator Byrd has so ably said, and I'm pleased to be here to be part of the dedication of this statue and pleased even more, as I said, to have been fortunate enough to have been able to serve with this great man, Richard Russell.

Thank you very much.

[Applause.]

Senator NUNN. Like Richard Russell, our next speaker has dedicated his life to public service, and has recognized that political leadership is an honorable calling. Like Richard Russell, Zell Miller comes from north of what we in Georgia call ''The Gnat Line,'' the geological fall-line that separates north Georgia from south Georgia, with 90 percent of the gnats on the southern side of the line where I live.

Many north Georgia politicians never get elected because they never master a vital skill; that is, to be able to blow away the gnats and talk at the same time.

[Laughter and applause.]

Senator NUNN. Like Richard Russell, Zell Miller clearly mastered this skill despite his geographic disadvantage.

Like Governor Richard Russell and Senator Richard Russell, Governor Zell Miller has been a champion of job creation and fiscal responsibility.

Like Richard Russell, Zell Miller has a powerful commitment to the education of all of our children. As governor of Georgia, Richard Russell recognized and reorganized higher education. He established the Board of Regents and paved the way for Georgia's top institutions to become leaders in our nation.

In Washington, Senator Russell was the father of the school lunch program, one of his proudest accomplishments.

As governor, Zell Miller established the HOPE Scholarship Program which enables every student in Georgia who achieves a B average in high school to receive free tuition in college for as long as they maintain a B average. Currently, over 105,000 Georgia students are being helped by this program.

[Applause.]

Senator NUNN. As governor, Zell Miller is the father also of Georgia's pre-kindergarten program, the most comprehensive program for four-year-olds in the entire nation, one of his proudest accomplishments.

Ladies and gentlemen, I am proud to introduce the Governor of Georgia, my good friend, the Honorable Zell Miller.

[Applause.]

Governor MILLER. Thank you.

Thank you very much, Senator Nunn, for that introduction, but, most importantly, thank you for all that you have done for our state of Georgia and for this nation.

[Applause.]

Governor MILLER. Mr. Vice President, Senator Byrd, Senator Stevens, Senator Coverdell, other members of the U.S. Senate present and past, members of the Georgia Congressional Delegation past and present, Russell Foundation Chairman Charles Campbell, former Georgia Governor Ernest Vandiver, and Mrs. Betty Russell Vandiver and all the members of the Russell family——

[Applause.]

Governor MILLER [continuing]. Distinguished guests and ladies and gentlemen.

It is certainly a great honor to be on this platform and to have this opportunity to speak on behalf of the state of Georgia at this ceremony. Although it has now been 25 years, a quarter of a century, since his passing, many of us knew and still vividly remember Richard Russell.

Some knew him as a senator's senator whose knowledge and reverence of the United States Senate as an institution was so deep that even his colleagues who opposed him on the issues or bad conflicting philosophies of government had a level of respect for him that bordered on reverence.

Others knew Richard Russell as a president's senator, personal advisor, as we have known, to six Presidents beginning with Franklin Roosevelt. It was often said that the only power that the president had that Dick Russell didn't have was the ability to push the button. And no president would have thought of pushing that button without first consulting with Senator Russell.

But back home in Georgia we knew him as our senator, and when we sent him to Washington in 1933, it was because we already knew what a remarkable leader this man was.

Dick Russell became the youngest member of the Georgia Legislature when he was elected state representative at the age of 23, and he became Speaker of the House of Representatives in Georgia while he was still in his 20s. He was elected the youngest governor in Georgia's history at the age of 33. During those early years in state government, he honed the leadership skills that served him so well in Washington.

He was open, he was honest in his dealings, he was always fair and civil to both sides in an argument, and once he had given his word he stood by it without equivocation.

He was a genuine representative of the people who shunned political labels and special interests, and he was scrupulous about doing his homework on the issues, so that when he spoke, it was from personal understanding.

The Dick Russell we Georgians knew regarded public service as his life and his work and devoted himself unstintingly to it. He worked 12-hour days, cooked his own meals, washed his own socks in an austere bachelor apartment. He cared deeply about his large family, and his only indulgence was frequent visits with his kinfolk at the Russell family home in the little town of Winder, Georgia.

Many of you, of course, remember him as Mr. Defense, the powerful chairman of the Senate Armed Services Committee. And in Georgia, we still feel the positive economic impact of the many federal facilities be brought to our state.

In Georgia, we also remember, however, that by his own measure, as Senator Nunn mentioned awhile ago, in his own mind the highest accomplishment of his career and the only piece of legislation for which he jealously guarded his authorship, was the school lunch program.

Here in Washington, his name lives on in this impressive Senate Office Building. In Georgia, the infrastructure is a little less imposing. The post office in Winder is named for him, as is an elementary school in Cobb County, an agriculture research center in Athens, the federal district courthouse in Atlanta, an Army Corps of Engineers reservoir, and a scenic stretch of north Georgia highway.

But we really remember him better through ideas and intellect, the Russell Chair in American History at the University of Georgia; the Russell All-State High School Debate Championship; the Russell Teaching Awards; the Russell Leadership Program for Outstanding College Students; the Russell Public Policy Symposium; and the Russell Library for Political Research and Studies.

These activities are supported by the Richard B. Russell Foundation, which also commissioned this statue to bring a remembrance of the man himself into this building that honors him.

But at the same time that we always remember Richard Russell as Georgia's senator, the unfailing champion in Washington of our interests and our state, at the same

time we remember that, as another great Georgia Senator by the name of Sam Nunn pointed out, Richard Russell was a statesman.

And these are Sam Nunn's words: He understood the simple and powerful truth that the best way to serve your state is to do the best job you can in serving your nation.

And that is what made him a senator's senator and a president's senator and a Georgia's senator, and a senator for the ages.

[Applause.]

Senator NUNN. Ladies and gentlemen, to conclude our program and acknowledge our special guests and, in particular, the Russell family, I would like to call on Mr. Charles Campbell.

Charlie served on the staff of Senator Russell during the last six years of his life and was his administrative assistant at the time of Senator Russell's death. Senator Byrd will recall that Charles was with Senator Russell when he cast his last vote that I mentioned earlier and that Senator Byrd mentioned—his vote by proxy from his hospital bed in 1971 for Senator Byrd to be majority whip.

It is my pleasure to introduce the Chairman of the Richard B. Russell Foundation and someone who must have been the youngest administrative assistant in the history of the United States Senate, Mr. Charlie Campbell.

[Applause.]

Mr. CAMPBELL. Thank you, Senator Nunn.

Vice President Gore, Senator Byrd, Senator Stevens, Senator Nunn, Governor Miller, other distinguished guests, friends and family of Senator Russell, ladies and gentlemen.

On behalf of the Russell Foundation, it is my pleasure to welcome you to the dedication and unveiling of the Russell statue and to thank you for your attendance.

There are so many distinguished guests present that we cannot hope to recognize all of them, but I know Senator Russell would be particularly pleased with the large number of currently serving and former members of Congress in the audience. And I would like to ask all of the currently serving and former members of Congress, both House and Senate in attendance, to please stand and let us recognize them.

[Applause.]

Mr. CAMPBELL. I want to recognize individually the senators who are here and who served with Senator Russell. You have already met Senator Byrd and Senator Stevens. The other senators who served with Senator Russell and who are present today and still serving in the Senate are:

Senator Mark Hatfield of Oregon.

Senator William Roth of Delaware.

Senator Strom Thurmond of South Carolina.

Senator Claiborne Pell of Rhode Island.

And Senator Daniel Inouye of Hawaii.

I'd like to ask them to please stand and be recognized.

[Applause.]

Mr. CAMPBELL. We are also delighted to have present certain former members of the Senate who served with Senator Russell, some for extended periods of time. I would now like to recognize these senators:

Senator Vance Hartke of Indiana.

Senator Birch Bayh of Indiana.

Senator Charles Mathias of Maryland.

Senator Robert Griffin of Michigan.

Senator Russell Long of Louisiana.

Senator Mike Mansfield of Montana.

Senator George McGovern of South Dakota.

Senator Frank Moss of Utah.

Senator William Proxmire of Wisconsin.

And Senator Harrison Williams of New Jersey.

I'd like to ask these senators to stand, please, and be recognized.

[Applause.]

Mr. CAMPBELL. As many of you know, Senator Russell was one of 13 brothers and sisters, and the Russell family is an exceedingly large family. It is well-represented here today. I would like to ask each member of the Russell family in attendance to please stand.

[Applause.]

Mr. CAMPBELL. We also have with us a number of the members of Senator Russell's staff or the staff of the committees which he chaired or on which he served, and I would like to ask the members of the Russell staff who are in attendance to please stand.

[Applause.]

Mr. CAMPBELL. The Russell Foundation, of which I am honored to serve as Chairman, is fortunate to have a dedicated Board of Trustees, the names of whom are published in your program. A number of the Russell trustees are in attendance today, and I would like for them to stand and be recognized.

[Applause.]

Mr. CAMPBELL. Each of the donors who contributed $5,000 or more to the Russell statue are listed in your program, and I would like to ask the individual contributors or representatives of corporate contributors who are in attendance today to please stand and be recognized.

[Applause.]

Mr. CAMPBELL. A project such as the Russell statue could not be accomplished without the assistance of a lot of people. I particularly want to thank Senator Sam Nunn and his staff for the many things they have done to bring this project to fruition, and I also can't let the occasion pass without saying, Senator, particularly in light of your retirement now, how much we appreciate your 24 years of Richard Russell-type service in the United States Senate.

[Applause.]

Mr. CAMPBELL. Senator Paul Coverdell and his staff have been of immeasurable assistance to us in putting on this program, and I want to ask Senator Coverdell to please stand and be recognized.

[Applause.]

Mr. CAMPBELL. Senator Russell's close friend, Senator Robert Byrd, has served as the official sponsor of the dedication of the Russell statue and the reception that will follow in the Caucus Room on the third floor of the Russell Building, to which you are each invited. I would like to thank Senator Byrd and his staff for all of the help they have given us with the Russell statue dedication.

[Applause.]

Mr. CAMPBELL. With respect to the Russell statue itself, we are indebted to the stone carver and the sculptor. As you will see when the statue is unveiled in a few minutes, the master stone-carver at the National Cathedral, Mr. Vincenzo Palumbo, who carved the Russell statue from a large block of white Italian marble using the model developed by the sculptor, did an outstanding job. I would like to ask Mr. Palumbo and his family to stand and be recognized.

[Applause.]

Mr. CAMPBELL. We were particularly blessed to have a talented sculptor who had a special interest in this project. The Russell Foundation selected Frederick Hart from a number of sculptors who were interviewed. We were particularly impressed by some of his public works, including the soldier figures at the Vietnam Memorial, and the Creation sculptures at the entrance to the National Cathedral here in Washington.

Frederick Hart is a native of Atlanta, Georgia, and he was already well-acquainted with Richard Russell's career before commencing his work on the Russell statue. In fact, his father was in the television business and was active in the 1952 campaign for the Democratic presidential nomination on behalf of the late Senator Estes Kefauver of Tennessee who was a candidate for president that year.

Senator Russell was himself a candidate for president in the 1952 Democratic Presidential Primaries.

Frederick Hart is not only an excellent sculptor, but was a pleasure to work with on the Russell statue. I would like to ask Rick and his wife and two sons who are in the audience to please stand and be recognized at this time.

[Applause.]

Mr. CAMPBELL. And before we unveil the Russell statue, I would like to make a request of three groups, if they would, to, after the dedication is over, come down front so we can have some photographs made of these groups with the statue.

The first ones are senators here who served with Senator Russell, both currently serving senators and former senators.

Secondly, the Russell trustees.

Third, the Russell staff.

If you would come down after the dedication is over to the front so we can have some photographs made with the statue.

Now, for the unveiling of the statue. I would like to ask the sculptor, Frederick Hart, and Senator Russell's two surviving sisters, Mrs. Pat Peterson and Mrs. Caroline Nelson, who are seated over here, to come forward to unveil the statue.

[The statue is unveiled.]

[Sustained applause.]

Mr. CAMPBELL. Rick, I think that Senator Russell, who was known to be quite a critic of portraits and likenesses, would say that it's a great job, and thank you so much.

That concludes our program. Everyone is invited to the reception up on the third floor in the Caucus Room, and thank you very much for attending.

[Applause.]

[Whereupon, the ceremony was concluded.]

DR. VERNE CHANEY

Mr. PELL. Mr. President, before entering the Senate I was closely associated with the International Rescue Committee [IRC], serving as a vice president in charge of IRC's Washington office. During my time with IRC, I had the privilege of knowing the legendary Dr. Tom Dooley, who helped to found Medical International Cooperation [MEDICO] as a division of the IRC with the goal of providing medical assistance to the underserved in Southeast Asia.

In 4 short years with MEDICO, Dr. Dooley established 17 medical programs in 14 countries and raised millions of dollars for their support. Dr. Tom Dooley truly became a legend in his own time.

Tragically, Dr. Dooley died of cancer in January 1961, one day after his 34th birthday. However, Mr. President, Dr. Dooley's magnificent work did not cease with his death. A dedicated colleague, Verne Chaney, M.D., gave up a lucrative private practice of thoracic surgery in Monterey, CA, to establish the Dooley Foundation. This year marks the 35th anniversary of the Dooley Foundation and Dr. Chaney has served as its president throughout the 35 year of its existence.

I want to take the occasion of this anniversary to recognize and pay personal tribute to the outstanding contribution which Verne Chaney has made in fighting disease, ignorance, and suffering in so many underserved areas of the world.

Dr. Chaney, a native of Kansas City, MO, and an honor graduate of the Virginia Military Institute, developed an interest in medical assistance work very early in his career. Even before graduating from the Johns Hopkins Medical School in 1948, he spent two summers in Newfoundland and Labrador as a volunteer assisting local doctors in small cottage hospitals. One day after the Korean war broke out on June 25, 1950, Dr. Chaney resigned his position as resident in surgery at the Johns Hopkins Hospital to volunteer with the Army Medical Corps.

He was assigned to a Mobile Army Surgical Hospital [MASH] in Korea. He then volunteered for assignment to a battalion aid station with the 23d Regiment of the 2d Infantry Division where he served for 13 months. Captain Chaney was highly decorated, receiving the Silver Star, Bronze Star (V), Purple Heart, and the French Croix de Guerre.

After an honorable discharge, he continued his residency in thoracic surgery at the Johns Hopkins Hospital and the University of North Carolina. Soon after completing his residency, Dr. Chaney volunteered to work at the Hospital Albert Schweitzer in Haiti as chief of surgery. After 15 months, Dr. Chaney returned from Haiti and entered into the private practice of thoracic surgery in Monterey, CA.

A defining moment in Dr. Chaney's life occurred in the summer of 1960, when he met Dr. Tom Dooley. Dr. Dooley was recruiting for MEDICO and asked Dr. Chaney to volunteer for 3 months in Cambodia and Vietnam to perform surgical procedures and to train host country health personnel. Dr. Chaney quickly agreed and was assigned to work in a hospital in Kratie, Cambodia, and at a tuberculosis hospital in Quang Ngai, South Vietnam. He was also asked to provide clinical services at the An-Lac Orphanage in Saigon.

After finishing his first assignment with MEDICO, Dr. Chaney returned to private practice in Monterey, CA. On the night of Tom Dooley's death he was asked by Tom's brother, Malcolm, to accept the position of medical director for MEDICO's projects in Asia. Taking a leave of absence from his practice, Verne Chaney spent the next year overseeing medical programs in Afghanistan, Cambodia, Hong Kong, Laos, Malaysia, and Vietnam.

In the fall of 1961, MEDICO had a severe financial problem; and was forced to cut back its overseas projects, later becoming a division of CARE. However, Dr. Chaney was determined to continue independently the overseas projects started by Tom Dooley and in September 1961, he established the Dooley Foundation in San Francisco, CA. Under the aegis of the Dooley Foundation, medical assistance projects were continued in Cambodia, Hong Kong, Laos, Vietnam, and with Tibetan refugees in northern India. In spite of his heavy responsibilities with the Dooley Foundation, Dr. Chaney, in 1965, volunteered to work for several months with Dr. Albert Schweitzer in Lambarene, Gabon, to provide medical and surgical services.

With the end of the Indochina war in December 1975, and the takeover by the Communists, the Dooley Foundation was forced to leave the region. However, the foundation found new opportunities for service.

Over the years, project activities have included the training of nurses and physical therapists in Nepal; assistance to refugees from Laos and Cambodia in Thailand; medical and educational assistance to Tibetan refugee children in India; medical assistance to a clinic for nomads in Niger; and medical assistance to refugees and internally displaced persons in El Salvador, Honduras—partially financed by a contract with USAID—Nicaragua and Afghan refugees in Pakistan. New medical assistance projects are pending in Laos, Cambodia, and Mongolia.

Mr. President, as Dr. Chaney looks back on his 35 years of service with the Dooley Foundation, he can indeed take great satisfaction in the accomplishments of the foundation. However, it is also appropriate to note that the need to serve the world's underprivileged continues. So long as there are children and villagers in the developing nations of the world who are without adequate nutrition, sanitation, and clean water; so long as immunizations against preventable diseases are lacking; so long as mothers are ignorant of proper hygiene and nutrition, there is need for the person-to-person humanitarian care which has been provided by the Dooley Foundation and for the inspiring leadership and service of physicians like Verne Chaney.

In closing Mr. President I want to quote Dr. Chaney directly: ''but the task is never done—though battles are won—the war against hunger, disease, and ignorance is unending and must be fought by men and women united by a consciousness of the brotherhood of man.'' As Edmund Burke said, ''The only thing necessary for the triumph of evil is for good men to do nothing.''

Mr. President, our country has always been very proud of the American tradition of selfless humanitarian service to the less fortunate of the world—which dedicated Americans like Tom Dooley and Verne Chaney so beautifully exemplify. Their devotion to serving others is an inspiration for all of us.

CONGRATULATING THE FORT HAYS STATE MEN'S BASKETBALL TEAM

Mr. DOLE. Mr. President, once again, the 1995–96 basketball season has shown the Nation that when it comes to basketball, the State of Kansas is head and shoulders above the rest. I would like to congratulate the University of Kansas men's and women's basketball teams for once again making it to the NCAA tournament, and I would like to congratulate Kansas State University on their season and entry into the NCAA tournament. While both of these schools had great seasons, the year belongs to Coach Gary Garner and the Fort Hays State Men's Basketball Team for their outstanding 1995–96 season, which they capped off by winning the NCAA II Men's National Basketball Championship. Their effort is certainly one that all Kansans can be proud of.

The Tigers of Fort Hays State completed a 34 to 0 season this year by defeating Northern Kentucky University 70 to 63 in the championship game. En route to their championship victory and outstanding season, the Tigers entered elite company, by becoming the third unbeaten team to win the tournament in NCAA II History. Fort Hays State finished the season ranked No. 1 and currently holds the Nation's longest winning streak. This has been an amazing season for Coach Garner and his team. I am proud to recognize their effort, and I look forward to next season, when the State of Kansas will once again make its presence known to the basketball world.

PROPOSED UNION PACIFIC-SOUTHERN PACIFIC MERGER

Mr. DOLE. Mr. President, I would like to comment on a situation that much of the country is following very closely. I am speaking of the proposed merger between the Union Pacific and Southern Pacific Railroads.

I have been contacted by various groups and organizations regarding this merger. I realize that there are concerns regarding the effects of the merger, and I have encouraged any person or group having concerns to participate in the open-comment period of the Surface Transportation Board, which ends today. The Surface Transportation Board, the Government agency now responsible for overseeing railroad mergers since the elimination of the Interstate Commerce Commission, will review all information and make the appropriate decisions regarding the merger.

I also want to acknowledge that there are a number of individuals involved in the merger who are active supporters of my Presidential campaign. In order to avoid any appearance of conflict of interest, this Senator wants to make clear his intention to not become involved in any discussion related to the proposed merger.

TRIBUTE TO DAVID PACKARD

Mr. NUNN. Mr. President, I rise today to pay tribute to David Packard, whose death on March 26 ended the distinguished career of one of America's

most innovative, visionary, and generous business leaders.

David Packard was an outstanding public servant as well. He was Deputy Secretary of Defense under Secretary Melvin Laird, 1969–71, in what many consider one of the strongest teams ever to head the Department of Defense. His understanding of both broad issues and nuts and bolts of management was the ideal complement to Laird's knowledge of the Pentagon and Washington.

More recently, Packard chaired the President's Blue Ribbon Commission on Defense Management under President Reagan—generally known as the Packard Commission. The Commission's study of the Department's procurement process led to the establishment of the position of Undersecretary for Acquisition and to the streamlining of military buying practices. He testified on a number of occasions before the Armed Services Committee and provided valuable advice on organization and buying procedures. He was always extremely helpful to the committee and to me whenever we called on him.

A few years after their graduation from Stanford during the Great Depression, David Packard and William Hewlett borrowed $538 from a former professor and launched Hewlett-Packard in the garage of Packard's rented house. It is one of the great American success stories.

''We weren't interested in the idea of making money. Our idea was if you couldn't find a job, you'd make one for yourself. Our first several years we made 25 cents an hour.'' Today his company is our Nation's second largest computer company and Silicon Valley's biggest employer, with 100,000 employees around the world and $31 billion in sales last year.

Packard became one of the richest men in America, but he lived modestly to the end, using his great wealth to follow, on a broader scale, the principles that guided him in managing the company—encouraging individual creativity, providing opportunity for development of knowledge and skills, fostering mutual respect and trust.

The key to his business success was the key to his character as well. The important thing was to make or do something useful. He had no patience with ostentation in corporate executives, nor with those who made short-term profits made by cutting long-term investment in research, new product development, customer services, or facilities and equipment.

David Packard's management philosophy and methods became models for other companies. He viewed his employees as colleagues with ideas, skills, loyalty, and understanding he valued. He practiced management by walking the factory floor and insisted on an open-door policy in executive offices. Workers called him Dave and he encouraged them to come to him with their gripes as well as their ideas for improving products and operations. In return, they gave him undying loyalty and the benefit of their best efforts and creative ideas.

He was semiretired through the 1980's, but he and William Hewlett returned to the company in 1991 when it experienced a financial slump. Packard was the driving force behind the reorganization that revitalized the company.

When Packard retired as chairman for a second time in 1993, someone asked him what was his proudest moment. Instead of pointing to one of his many accomplishments, David Packard said simply, ''Do something useful, then forget about it and go on to the next thing. Don't gloat about it.''

That accurately described his own approach throughout a long and imminently successful life. Whenever he finished doing something useful, he looked for something else useful to do.

A Phi Beta Kappa, football and basketball player at Stanford, he was a dedicated outdoorsman all his life, and a staunch Republican. He made major gifts over the years to Stanford, the Monterey Bay Aquarium, and the Wolf Trap Foundation.

One of his last acts, not long before he died, was to give a generous donation to the Paralympics that will be held in Atlanta this summer, the week after the Centennial Olympic games. It was typical of David Packard that, at 83, he was thinking about ways to encourage individual excellence, helping to provide talented athletes from disabled community the opportunity to participate in international competition.

Our Nation is a better place because of his innovations, his philosophy, his example, and his dedication to both making and doing something useful. David Packard's character matched his physique—he was a giant of a man.

His beloved wife, Lucille Laura Salter Packard, died in 1987. I know the Senate joins me in expressing our deepest sympathy to his children, who were at his side when he died: David Woodley Packard, Nancy Ann Packard Burnett, Susan Packard Orr, and Julie Elizabeth Packard.

TRIBUTE TO EDMUND S. MUSKIE

Mr. NUNN. Mr. President, I rise to join with my fellow Senators in mourning the death of former Senator Edmund S. Muskie of Maine, and in paying tribute to one of the most distinguished and influential Members of this body during a turbulent period in our history.

Ed Muskie worked his way through Bates College, where he was a Phi Beta Kappa, and earned a scholarship to Cornell's law school. After serving in the Navy on destroyer escorts during World War II, he was elected to the Maine House, where he served as minority leader. He won the Governorship of Maine during the Eisenhower years when no Democrat had held the office in 20 years, and was easily re-elected. He revitalized the State party and was elected and re-elected to the U.S. Senate until his resignation to become Secretary of State in 1980 during the last difficult months of the Iran hostage crisis. It was a time of great tension following the Soviet invasion of Afghanistan, during which the United States boycotted the Olympic games in Moscow.

Ed Muskie was Hubert Humphrey's Vice-Presidential running mate in 1968. Few people remember how close that election was, and one reason it was so close was the strength Ed Muskie brought to the ticket. He started out the frontrunner, but his own campaign for the Presidential nomination in 1972 was unsuccessful, damaged by the dirty tricks the Nation would only learn about only later. It is ironic, but a tribute to the man, that the most damaging thing his enemies could point to in his conduct was that he loved his wife enough to lose his usual control when they attempted to slander her.

Senator Muskie returned to the Senate and in 1974 became the first chairman of the Budget Committee. I had the privilege of serving with him on the committee during my formative early years in the Senate. He was a strong voice for budget stability. The processes he established for monitoring Federal spending, and his insistence on holding down spending across a broad range, including the areas of his own major concerns. This is the same process being used today in our attempt to achieve a balanced budget by 2007.

Senator Muskie deserves major credit for most of the important early environmental legislation. He held together fragile coalitions of liberals and conservatives in budget battles, challenged Presidential policies and his own wing of the Democratic party for its failure to change. Through it all, he earned the respect of both allies and foes.

After his stint as Secretary of State, he retired to private law practice. He returned briefly to public service in 1987 on the Special Review Board on the Iran-Contra Scandal, also known as the Tower Commission.

Ed Muskie was a big man, big enough to still the voices of hecklers by inviting them up on the platform with him, big enough early in his Senate career to stand up to majority leader Lyndon Johnson at the height of his power, and big enough to gain the respect of his fellow Senators, and of Johnson himself. He believe in what he called a politics of trust, not of fear.

Ed Muskie was often described as ''Lincolnesque.'' His middle name, Sixtus, was the name of five Popes during the 15th and 16th centuries. His last name had been shortened by immigration officials from what they considered the unpronounceable Polish name of his forefathers when his father arrived at Ellis Island. But whatever people called him, wherever his names came from, Ed Muskie was his own man.

What we remember is not the occasional flash of temper but his modesty, moderation, and self-deprecating humor, and his capacity for bridging differences. He was a man of great humanity who stood for reason and reconciliation in a time of division and disunity.

Ed Muskie graced this body with his healing and imposing presence, his self-deprecating humor, and his personal integrity for 21 years. He served his State and country courageously for more than three decades. I am honored to have served with him, and want to express my deepest sympathy, and that of this body, to Jane, his wonderful wife of 48 years, and to their children Stephen, Ellen, Melinda, Martha, and Edmund, Jr.

CHILD CARE PROVIDERS WEEK

Mr. PRESSLER. Mr. President, every morning, millions of parents kiss their children goodbye as they trade the hat of parent for the hat of teacher, police officer, waitress or doctor. When they leave home to work, they must leave their precious young ones in the care of someone else. Sometimes, parents find a relative. More often, they rely on strangers. As a parent myself, I know how difficult it can be to trust someone else with the well being of your child. Fortunately, most parents have reliable child care providers to depend on. We hear occasional horror stories of abuse and mistreatment by child care providers, but the majority of child care workers always have the best interests of the child at heart. April 21–28 will be the Week of the Young Child. During this important week, South Dakota will recognize Child Care Provider's Day on April 22. I would like to take this opportunity to recognize these hard working child care providers who support millions of American families each day.

My State has a claim to fame that most Americans would not guess. According to the most recent census data, 71 percent of mothers with children under the age of six are working moms. The national average is less than 60 percent. This means that reliable, quality child care is an issue not just for parents in urban areas. Families in rural States must search for adequate child care, too. For families who live in remote areas of South Dakota, this may mean driving to the next town to find day care services.

Child care providers do not have an easy task. A child's formative years are crucial. Caretakers must provide a stimulating environment for growth and learning. They do not merely babysit. Each child must be reached individually to develop language, reasoning and motor skills. Only a secure and nurturing environment can allow this to happen. In creating a home away from home, child care workers are providing American families with a very valuable service. For most families, success at work and stable home relationships hinge on professional child care.

Congress has been working hard over the last year to reform the Federal child care system. I wholeheartedly support efforts to end overlap of programs and needless bureaucracy. Child care should be affordable, accessible, and reliable. I will continue working in Washington to ensure quality child care for all American families.

Many thanks to the child care workers who daily provide for our children. They keep our families and workplaces on track. They should receive special recognition during the Week of the Young Child.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, March 28, 1996, the Federal debt stood at $5,071,791,748,467.89.

On a per capita basis, every man, woman, and child in America owes $19,173.26 as his or her share of that debt.

GATT

Mr. PRYOR. Mr. President, yesterday I spoke briefly about our failure to correct a loophole in the GATT legislation which gives a handful of companies unprecedented and unintended special treatment. Our distinguished colleague, Senator HATCH, raised a few points which my distinguished colleague, Senator CHAFEE and I feel deserve clarification.

For several months, we have sought an opportunity to remedy the mistake made by Congress and the administration when the GATT implementing legislation was enacted. The legislation's grandfather provisions were meant to apply to every person, product, company, and industry in the country. But the final GATT legislation accidentally excluded the prescription drug industry because it lacked a conforming amendment to the Food, Drug and Cosmetic Act. As a result, the prescription drug industry is the only industry in the country which received the patent extension but is unfairly exempted and shielded from competition. Because of this mistake, consumers and taxpayers are paying billions of dollars far too much for a handful of drugs, including Zantac, the world's best-selling drug.

Mr. CHAFEE. Mr. President, I agree entirely with my colleague, Senator PRYOR, and wish to raise one simple but important point. It should be noted clearly and conclusively that there is an extensive record of evidence from the U.S. Trade Representative, the Patent and Trademark Office, and the Food and Drug Administration that a mistake was made by both the Congress and the administration. There is absolutely no question as to this fact. To dispel any doubts, I would like to submit for the RECORD an excerpt from Ambassador Mickey Kantor's testimony to the Senate Judiciary Committee on February 27:

> The Congress and the Administration did not, however, take into account the technical interrelationship between the Patent Act and the regulation of pharmaceutical products by the Federal Food, Drug and Cosmetic Act. In fact, no one—including those in the private sector who watched these developments closely—took this interrelationship into account. This [Senate Judiciary] Committee and the House Judiciary Committee held a joint hearing on August 12, 1994, to review the intellectual property provisions of the URAA and not a single reference was made to this system. In all this time, not a single reference was made to the fact that pharmaceuticals may be treated differently than other forms of technology, not even by Gerald Mossinghoff of the Pharmaceutical Research and Manufacturers of America, who testified in support of this legislation without referring to this provision . . . We did not intend for this to happen and we support the correction of this oversight through the appropriate amendments to the Food, Drug and Cosmetic Act and the Patent Act.

Mr. PRYOR. Mr. President, I concur wholeheartedly with Senator CHAFEE. Let me add that for a number of months, we have sought an opportunity to vote on the missing conforming amendment. In December, a primary argument against acting on the amendment was the alleged need for a committee hearing. The February 27 hearing was never sought by us and, in fact, it did not add a single additional fact to the public record on this issue. The hearing simply reinforced the substantial body of evidence which proves a costly and inequitable mistake was made and is in urgent need of correction.

Nor has a markup in any committee ever been an objective of those seeking to correct this congressional mistake. As chairman of the Judiciary Committee, Senator HATCH promised a markup on this issue by the end of March. That apparently was not possible. My colleagues, Senators CHAFEE and BROWN, and I believe very strongly that any further delay in remedying this clear and costly congressional error will only benefit a handful of companies at the expense of their competitors and the American public.

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 a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 11:59 a.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3136. An act to provide for enactment of the Senior Citizens' Right to Work Act of 1996, the Line Item Veto Act, and the Small Business Growth and Fairness Act of 1996, and to provide for a permanent increase in the public debt limit.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

At 3:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2854) to modify the operation of certain agricultural programs.

The message also announced that the Speaker appoints Mr. HOYER of Maryland to fill the vacancy occasioned by the resignation of Mr. STOKES of Ohio in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it request the concurrence of the Senate:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in it requests the concurrence of the Senate:

H. Con. Res. 157. Concurrent resolution providing for an adjournment or recess of the two Houses.

ENROLLED JOINT RESOLUTION SIGNED

At 4:35 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 170. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1271. A bill to amend the Nuclear Waste Policy Act of 1982 (Rept. No. 104–248).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Mr. LEAHY):

S. 1655. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1656. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 1657. A bill requiring the Secretary of the Treasury to make recommendations for reducing the national debt; to the Committee on Finance.

By Mr. MCCONNELL:

S. 1658. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services and to provide incentives for the purchase of long-term care insurance, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1659. A bill to declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. JOHNSTON, Mr. LEVIN, and Mr. D'AMATO):

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRESSLER (for himself, Mr. BURNS, Mr. INHOFE, Mr. DASCHLE, and Mr. BAUCUS):

S. 1661. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATFIELD:

S. 1662. A bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD (for himself and Mr. HARKIN):

S. 1663. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nonmilitary purposes, to create the United States Peace Tax Fund to receive such tax payments, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 236. A resolution appointing Members to certain Senate commitees; considered and agreed to.

By Mr. FAIRCLOTH:

S. Res. 237. A resolution to express the sense of the Senate regarding reduction of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. HELMS (for himself, Mr. ROTH, Mr. LOTT, Mr. D'AMATO, Mr. NICKLES, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. BREAUX, Mr. SHELBY, Mr. BENNETT, and Mr. SANTORUM):

S. Res. 238. A resolution expressing the sense of the Senate that any budget or tax legislation should include expanded access to individual retirement accounts; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August, 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 239. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 240. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. LEAHY):

S. 1655. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 1656. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Labor and Human Resources.

BREAST CANCER LEGISLATION

Ms. SNOWE. Mr. President, I introduce two important pieces of legislation which promise to be of great significance to women with breast cancer: the Consumer Involvement in Breast Cancer Research Act of 1996, and the Improved Patient Access to Clinical Studies Act of 1996.

Breast cancer is a national health crisis of enormous proportions. Each year, breast cancer strikes approximately 182,000 women, resulting in 46,000 deaths. It has become the most common form of cancer and the second leading cause of death among American women. An estimated 2.6 million women in the United States are living with breast cancer, 1.6 million have been diagnosed with the disease, and an estimated 1 million women do not yet know they have breast cancer.

Some 1 out of 8 women in our country will develop breast cancer in her lifetime, up from one out of 14 in 1960. In fact, this year, a new case of breast cancer will be diagnosed every 3 minutes, and a woman will die from breast cancer every 11 minutes.

Breast cancer is a crisis that has tragically claimed the lives of almost 1

million women of all ages and backgrounds since 1960. It has become the leading cause of death for women age 40 to 44, and the leading cause of cancer death in women age 25 to 54.

In 1994, 900 Maine women were diagnosed with breast cancer. This is the most commonly diagnosed form of cancer among Maine women, and represents more than 30 percent of all new cancer among women in Maine.

Over the past few years, we have made significant gains in funding for breast cancer research. In fiscal year 1991, Congress spent $92.7 million on breast cancer research at the National Institutes of Health. By fiscal year 1995, spending had increased to $308.7 million. Moreover, the Department of Defense has received $460 million over the past 3 years to undertake breast cancer research.

However, funding alone is not enough. We must work to ensure that the most worthy and innovative projects are pursued and funded. This means funding projects which victims of breast cancer believe are important and meaningful to them in their fight to live with this disease.

Over the past 3 years, the Department of Defense has included lay breast cancer advocates in breast cancer research decision making. The involvement of these breast cancer advocates has helped foster new and innovative breast cancer research funding designs and research projects. While maintaining the highest level of quality assurance through peer review, breast cancer advocates have helped to ensure that all breast cancer research reflects the experiences and wisdom of the individuals who have lived with the disease. In addition, breast cancer advocates provide a vital educational link between the scientific and lay communities.

My bill, the Consumer Involvement in Breast Cancer Research Act of 1996, urges the National Institutes of Health to follow the DOD's lead. It urges NIH to include breast cancer advocates in breast cancer research decision making, and to report on progress that the Institute is making next year.

I believe that this legislation provides the critical next step in making breast cancer research more responsive to the needs of millions of American women living with breast cancer.

But it is not the only step we need to take. People suffering from diseases with no known cure often have access to the latest, most-innovative therapies only through clinical trials. This is often the case for women with breast cancer. Yet insurance companies regularly deny coverage for such treatments on the basis that they are experimental or investigational.

As a result, many patients who could benefit from these potentially life-saving investigational treatments do not have access to them because their insurance will not cover the costs. Denying reimbursement for these services also impedes the ability of scientists to conduct important research, by reducing the number of patients who are eligible to participate in clinical trials.

The second bill I am introducing today, the Improved Patient Access to Clinical Studies Act of 1996, addresses this problem. This bill would prohibit insurance companies from denying coverage for services provided to individuals participating in clinical trials, if those services would otherwise be covered by the plan. This bill would also prevent health plans from discriminating against enrollees who choose to participate in clinical trials.

Mr. President, March is Women's History Month. We should take this opportunity to celebrate the important gains we have made over the past few years in the area of women's health research. At the same time, we must also recognize how far we still have to go. I believe that the bills I have introduced today represent continued progress in the fight against breast cancer, and I urge my colleagues to support them.

By Mr. McCONNELL:

S. 1658. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services and to provide incentives for the purchases of long-term care insurance, and for other purposes; to the Committee on Finance.

THE FAMILY CHOICE IN LONG-TERM CARE ACT

• Mr. McCONNELL. Mr. President, the graying of America means significant changes for our Nation's families. Traditionally, a family member, most likely a wife or daughter, has cared for an ailing spouse or parent at home. However, today's pressures of work, child-rearing, and family mobility greatly restrict the ability of adult children to administer to the day-to-day needs of a chronically ill parent. In addition, the rigors of home-based care can have a debilitating impact on the health and well-being of a caring spouse.

Few families are fully prepared for the physical, emotional, or financial demands of long-term care. For too many, this difficult journey begins with a unexpected jolt from a sudden accident, the death of a spouse or parent, or the diagnosis of a debilitating, long-term illness.

As America's population ages, the need for long-term care increases. In 1993, almost 33 million Americans were over the age of 65, and by 2011, the elderly population is estimated to number close to 40 million. While the opportunity for a happy and healthy retirement is better than ever, an October 1995 long-term care survey by Harvard/Harris revealed that 1 in 5 Americans over age 50 is at high risk of needing long-term care during the next 12 months.

Today, a variety of long-term care services are available, from help in cleaning one's home and getting groceries to skilled nursing care with 24-hour supervision. However, the means to pay for long-term care are still very limited and the expense can be overwhelming. For example, $59 billion was spent on nursing home care for the elderly in 1993, and 90 percent was covered by out-of-pocket payments and Medicaid.

The cost of paying out-of-pocket for 1 year in a nursing home is more than triple a senior's average annual income. Long-term care expenses put a lifetime of work and investment at risk. To gain Medicaid coverage, seniors must spend down their assets in order to meet State eligibility requirements. While Medicare takes care of hospital costs and home care, it provides only limited coverage for short-term stays in skilled nursing facilities.

The medical side of long-term care has seen enormous advances over the years in new technologies, facilities, treatment methods, and even psychological studies of the effects of long-term care on patients. But the financing side of long-term care has simply failed to keep up, and as a result it is ill-prepared for seniors' future needs. Today, private insurance pays for less than 2 percent of long-term care costs. As Federal mandates for Medicaid coverage have increased, States have attempted to contain costs by restricting services for the elderly. State-imposed caps on the number of Medicaid-sponsored nursing home beds has separated families from their loved ones because the only Medicaid beds available were hundreds of miles away from their community. Most disturbingly, the remaining assets of a deceased elderly couple can be tapped through an estate recovery action to compensate the State for the couple's Medicaid expenses.

Since 1990, Medicaid expenditures for long-term care have been increasing by almost 15 percent annually, causing costs to double every 5 years. Medicaid's service as the sole long-term care safety net for middle class seniors may seriously impair the program's ability to serve the underprivileged. While low-income families accounted for 73 percent of Medicaid's beneficiaries in 1993, nearly 60 percent of expenditures went to nursing home care and other long-term care services. For example, in 1993, Kentucky's Medicaid spending per enrollee for children was $964; while the cost for elderly beneficiaries was $6,540. Without relief, a harsh battle between generations may emerge.

Mr. President, I rise today to introduce the Family Choice in Long-Term Care Act, a bill that would alleviate dependence on Medicaid by enabling families and seniors to plan ahead for their long-term care needs. Currently, our tax code does not define long-term care as a medical expense. My proposal would end this discrimination and allow long-term care expenses and policy premiums to be tax deductible.

Like health care insurance, payments under long-term care insurance would not be taxable when received. Children would be able to purchase policies on behalf of their parents. In

addition, employer-based plans would be treated like accident or health policies. Individuals could convert a life insurance contract in favor of a long-term care policy without suffering a tax penalty. Under my bill, terminally or chronically ill patients could receive accelerated death benefits to pay for their long-term care needs. And my legislation would also permit qualified withdrawals from individual retirement accounts of 401(k) plans for the purchase of a long-term care policy.

Interest in long-term care insurance is growing. According to the American Health Care Association, the average growth rate in long-term care policy sales has averaged 27 percent annually since 1987. In 1993 alone, a total of 3.4 million insurance policies were sold. A study conducted by the research firm of Cohen, Kumar & Wallack found that it is not just higher-income seniors who are interested in long-term care insurance. The study showed that 30 percent of surveyed long-term care policy-holders earned less than $20,000 annually.

While tax clarifications will make long-term care plans more affordable to seniors and families, attention must be paid to assure investment quality and security. My proposal would establish the National Long-Term Care Insurance Advisory Council to advise Congress on the market's development and promote public education on the necessity of long-term care planning and the options available. The bill also outlines consumer protection standards for policies as recommended by the National Association of Insurance Commissioners.

Finally, my proposal would require the Secretary of Health and Human Services to develop and distribute a summary of recommended health care practices to Medicare beneficiaries. As always, prevention is the first step in curtailing the demand for high-cost medical care.

While there has been a great deal of rhetoric about tax cuts lately, long-term care tax clarification benefits everyone. Seniors can invest in a quality long-term care plan without fear of losing everything they own, and families will have access to the support they feel is most appropriate for their loved ones.

In addition, Medicaid will continue to provide long-term care services for seniors in need. A 1994 study published in Health Affairs estimates that Medicaid would save $8,000 to $15,500 on each nursing home entrant who held a long-term care policy. Also, the probability of a senior's spending down to Medicaid eligibility would be reduced by 40 percent. Private long-term care insurance would preserve the medical safety net for seniors and benefit other Medicaid recipients, particularly low-income children and the disabled.

Mr. President, in sum, private long-term care insurance translates into quality, flexible care for seniors, more Medicaid funds for low-income families and the disabled, and essential support for families who want their loved ones to be safe and secure. These are priorities that all Members of Congress share. We should not miss this opportunity to help America's families prepare for the challenges of long-term care.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1659. A bill to declare a portion of Queens County, New York, to be nonnavigable waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE QUEENS-WEST WATERFRONT DEVELOPMENT ACT OF 1996

Mr. MOYNIHAN. Mr. President, I rise to introduce, with my esteemed colleague Senator D'AMATO, a bill to eliminate an impediment to an important economic development project in Queens. The Queens West development is 12 years in the making. Construction of the first apartment tower should create 1,000 construction jobs, and the entire project should ultimately create 14,000 construction jobs and 10,000 permanent jobs. This in a county with unemployment two points higher than the State average.

With the financial parties ready to go to closing this month, the title search turned up an impediment that threatens to make the entire project uninsurable, and therefore untenable. A portion of the development would be built on an area that in the last century was on the watery side of the historical high water mark of the East River. Since then it has been filled, bulkheaded, or otherwise developed. The Federal Government, however, retains the right of navigational servitude, which means the Government can condemn the area because it is still navigable in law, if not in fact.

The only solution is for Congress to declare the area nonnavigable. This bill does so. The declaration of nonnavigability would apply only to areas that ''will be bulkheaded, filled, or otherwise occupied by permanent structures or other physical improvements''—including parklands. The declaration would expire in 20 years if the area is not occupied by permanent structures.

Mr. President, I believe this is a commonsense effort to allow an important project to go forward. We will not need to resume navigating this portion of the East River. We do need the economic development that the Queens West project will bring. Senator D'AMATO and I ask for the support of our colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1659

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

SECTION 1. DECLARATION OF NONNAVIGABILITY FOR PORTION OF QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), that portion of Long Island City, Queens County, New York, which is not submerged and lies between the existing southerly high water line of Anable Basin (also known as the 11th Street Basin) and the existing northerly high water line of Newtown Creek and extends from the existing high water line of the East River to the original high water line of the East River is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREAS BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the areas described in subsection (a) that are or will be bulkhead, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parklands).

(2) APPLICABILITY OF FEDERAL LAW.—The work to meet the requirements of paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act of March 3, 1899, commonly known as the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of an area described in subsection (b), if that portion—

(1) is not filled or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires work described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and that work is not commenced by the date that is 5 years after the date of issuance of that permit.

Mr. D'AMATO. Mr. President, I rise today to join with my friend and colleague, Senator MOYNIHAN, in introducing legislation that will allow for the commencement of a project of immense economic significance in the city of New York and the Borough of Queens. This project, which has been named Queens West, will produce a myriad of waterfront apartment buildings, parkland, hotel, and commercial space and will create 14,000 construction jobs as well as 10,000 permanent jobs. This ambitious project will rejuvenate this section of New York and add to its vitality for countless generations to come.

As I am sure many of my colleagues can understand, there is a great deal of excitement about the Queens West project. However, with the parties ready to close, a single issue has emerged that could delay the financing and disrupt the timing of this project. Some of the land upon which Queens West is to be built falls within the historic, unobstructed high water mark of the East River that was established in the 1800's. However, a bulkhead has since been established in this particular area and industrial development has occurred there for many years.

Nevertheless, this area still remains defined as ''navigable in law'' which allows the Federal Government to retain a right to navigational servitude. Because of this glitch, the project may not be insurable and may not therefore commence in a timely fashion.

The legislation that Senator MOYNIHAN and I are introducing will rectify this situation. Simply, it will declare this portion of the land nonnavigable and thus take the property out of navigational servitude. Should no permanent structure be built on this site within 20 years, the area reverts to its current status. Once this bill is passed, the Borough of Queens and indeed all of New York will receive a vital economic boost. This legislation is identical to H.R. 2987, which Congressman TOM MANTON introduced in the House of Representatives, and enjoys support from State and city officials.

Mr. President, the thousands of jobs, the housing, the recreational opportunities, and the commercial benefits created by the Queens West project are urgently needed. I urge my colleagues to join Senator MOYNIHAN and I in supporting speedy passage of this legislation.

By Mr. GLENN (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. SARBANES, Mr. JOHNSTON, Mr. INOUYE, Ms. MIKULSKI, Mr. D'AMATO, and Mr. LEVIN):

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. GLENN. Mr. President, today I rise to introduce the National Invasive Species Act of 1996 with my colleagues Senators LEAHY, JEFFORDS, MOYNIHAN, SARBANES, JOHNSTON, INOUYE, MIKULSKI, and LEVIN. This act is a reauthorization and expansion of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. I am pleased that my Ohio colleague, Congressman LATOURETTE and 18 of his colleagues in the House of Representatives also are introducing this act today.

Picture a pollution spill in the waters of your region that simply will not go away. Government and industry teams work to disperse it with chemicals and mechanical barriers, but as soon as the treatments stop, the pollution resurges. Worse yet, the spill spreads and concentrates in connecting water ways, and is further seeded by unintentional transport overland. Municipalities, manufacturers, and agriculture experience degraded water supplies and higher operating costs. Shell fisheries and fin fisheries permanently decline.

This scenario seems like a nightmare, yet it closely approximates the result of unintentional releases of nonindigenous species, or biological pollution, into U.S. waters. As a Senator from the Great Lakes region, where we spend many millions of dollars annually to battle sea lamprey and zebra mussel infestations, I can attest that such biological spills can and do happen, their impacts on the receiving system are additive, and the resource degradation is permanent.

As shown in the display map, the zebra mussel, a native species of eastern Europe, has spread throughout the United States from the Great Lakes where it was unintentionally introduced in ballast water of commercial vessels around 1986. Wherever it becomes established, the zebra mussel threatens both economic and environmental well-being. It clogs intake pipes, fouls drinking water, and covers swimming beaches with sharp shells. The zebra mussel also has led to the loss of many highly valued native species of freshwater mussel in both the Great Lakes and the Mississippi River.

I remember when Allegra Cangelosi, who is with me on the floor today, first came into my office and talked about zebra mussels in the 1980's. She had a bottle of these critters and set them on my desk and said, ''Here is what they are.'' And they multiply—each zebra mussel lays about 30,000 eggs a year. Eggs that are laid early in the season mature into adult zebra mussels by the end of the season.

Zebra mussels and other nonindigenous species can survive in ballast water transported into our nations waters largely because we now have faster sea transportation. Ironically, some of our own waters in this country are cleaner, allowing the species to become established.

The Great Lakes are not the only entryway for invasive species into U.S. waters. Last week, I hosted a National Forum on Nonindigenous Species Invasions of U.S. and Fresh Waters in cooperation with the Northeast-Midwest Institute. At the day long event, experts and natural resource stakeholders from around the country cited invasion impacts in just about all of America's fresh and marine waters. Biodiversity and economic well-being are suffering due to invasions of nonindigenous species in San Francisco Bay, the Pacific Islands, the Gulf of Mexico, the Mississippi River, the Northeast and Southeast Atlantic coasts, the Great Lakes, and Lake Champlain.

In 1990, I authored and gained enactment of the Nonindigenous Aquatic Nuisance Prevention and Control Act to begin to address the tremendous problem of unintentional invasions of aquatic species into the Great Lakes and other U.S. waters. The 1990 act consisted of two basic parts: One which focused on prevention of new introductions of species into the Great Lakes by the ballast water of vessels; and the other which established a national program of prevention, monitoring, management, and control of invasive species already established in U.S. waters. All of the many vectors of aquatic species transfers fell under the purview of this portion of the act. Most of the revisions contained in the bill which I am introducing today with my Senate and House colleagues pertain to the prevention portion of the program.

With respect to prevention, the 1990 act focused on ballast water of vessels. This water is the leading vector for unintentional transfers of nonindigenous species into United States waters. Ships carry ballast water to maintain trim when they are empty or partially empty of cargo. They discharge this water at their ports of call. Currently, there is practically nothing to prevent the uptake, transfer, and discharge of organisms along with that water.

An estimated 21 billion gallons of ballast water from vessels from foreign ports is discharged into U.S. waters each year. That's 58 million gallons per day, and 2.4 million gallons per hour. This ballast water contains just about everything and anything that was in the harbor from which the water was drawn. It is estimated that 3,000 species of aquatic organisms are in transit in ballast tanks around the world in any given 24-hour period. Most of these organisms will come to nothing in the receiving ports, but any one of them could cause billions of dollars of damage. It's a huge gamble. Even human cholera is transported unintentionally in ballast water and has been detected in ships visiting Mobile Bay and the Chesapeake, among other regions.

Fortunately, a ballast management practice known as high seas ballast exchange greatly reduces the transfers of dangerous organisms through ballast water. This technique is not applicable in all circumstances; it cannot be employed in stormy weather and with some types of vessels. However, where it can be employed safely, it results in a substantial reduction in the risk of invasive species transfers. It is for this reason that the Australian Government among other nations, and the International Maritime Organization, already encourage ballast management practices for commercial vessels.

The 1990 law included a voluntary ballast management program for the Great Lakes which automatically became regulatory in 1992. The act assigned the Coast Guard the task of consulting with the maritime industry and Canada to develop voluntary guidelines, conducting education and outreach, and, after 2 years, promulgating regulations to help reduce the probability of new introductions of alien species by commercial vessels into the Great Lakes.

The 1990 act also included several studies to help build information on the threat and impacts of ballast discharge on other U.S. waters. These studies, now complete, provide strong evidence that unmitigated ballast water exchange is a serious economic and environmental threat in regions

outside the Great Lakes. In particular, the biological study conducted pursuant to the act found that a new species of aquatic organism invades San Francisco Bay every 12 weeks. Serious risks of invasion to the Chesapeake Bay and Florida coasts have also been documented. A crab which is the host of a dangerous human parasite has been found in United States waters within the Gulf of Mexico, fortunately not yet established.

In light of this information, and based on the successful experience with the Great Lakes voluntary ballast management program, my 1996 proposal establishes a national voluntary ballast management program to begin to address concerns of other United States coastal regions. The Coast Guard is directed to issue voluntary ballast management guidelines for all vessels visiting U.S. ports after operating outside the exclusive economic zone. Consistent with the Great Lakes program, I want to stress, Mr. President, that this program puts safety first. The guidelines will protect the safety of vessel and crew, whatever that may entail, including waiving the requirement where necessary.

While there will be no penalty against vessels which do not participate in the national program, record keeping by vessels to document participation is required. In the interest of maintaining a level playing field, the Coast Guard has authority to issue the same guidelines as regulations in regions where a review of ship records reveals poor cooperation with the voluntary approach. Importantly, the maritime industry would see only one set of rules nationally. However, over time, there may be enforcement mechanisms associated with the guidelines in certain regions. Of great interest to the Great Lakes community, the successful Great Lakes regulatory program remains in place. For better prevention of invasions in the future, a ballast water management demonstration program is established in the Act. This project will demonstrate promising ballast technologies and practices to prevent the introduction and spread of nonindigenous species through ballast water.

Other changes to the 1990 program which are contained in our National Invasive Species Act of 1996 include: First, the authorization of research in several coastal regions—including the Chesapeake Bay, Lake Champlain, the Mississippi River and the Gulf of Mexico—which are at particular risk of degradation by species invasions; second, voluntary guidelines to help recreational boaters to prevent unintentional transfer of zebra mussels; and third, provisions to encourage more regions to set up coordinating panels and develop State management plans for invasive species prevention and control. Though now much broader in scope, I am proud to announce that the overall cost of the National Invasive Species Act of 1996 does not exceed that of the 1990 law.

I would like to close by pointing out that species invasions that originate anywhere on the continent have the potential to affect all of us. Once established on the North American continent nonindigenous invasive organisms will make their way to the far reaches of their potential range. Just as the zebra mussel has expanded its range from the Great Lakes to the entire Mississippi River and has been found on recreational vessels entering California, the east coast marine resources could be harmed by invasions on the west coast and vice-versa. Moreover, biological pollution of U.S. waters, so far, has not had serious public health implications. But the 1992 transfer of human cholera from South American ports to the shellfish beds of Mobile Bay via ballast water of commercial vessels reminds us that our luck may not hold forever. It is in everyone's interest to improve our Nation's precautions against invasions of aquatic nuisance species. Mr. President, I will ask unanimous consent that an updated version of a Northeast-Midwest Economic Review article be printed in the RECORD following my remarks. This article provides further background on the context, history, and content of the National Invasive Species Act.

I am personally quite excited about the progress that we can make in protecting the economy, the environment, and the biodiversity of our coasts through passing the National Invasive Species Act this year. Unusual in the environmental arena, this issue offers us low-hanging fruit and bipartisan enthusiasm. I am grateful to my colleagues, Senators LEAHY and SARBANES for authoring legislation last year which helped draw attention to the national scope of the invasive species problem, and to my other colleagues for joining us in support of the National Invasive Species Act. I look forward to working closely with them to gain its enactment. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with the article previously mentioned.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIOLOGICAL INVASIONS: CONGRESS TAKES A SECOND LOOK

(By Allegra Cangelosi, Senior Policy Analyst of the Northeast-Midwest Institute,)

[From an Updated Version of an Article That Appeared in the Northwest-Midwest Economic Review, September 1995]

Five years into implementation of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA), there is new awareness of the magnitude of the exotic species problem and the difficulty of the management task. As Congress prepares to reauthorize the Act, it faces pressure to broaden the prevention program to include coastal areas in addition to the Great Lakes, while keeping the burdens of regulation to a minimum.

THE LIFE AND TIMES OF NANPCA '90

In 1989 and 1990, the zebra mussel infestation of the lower Great Lakes exploded before the startled eyes of the region's natural resource managers and industrial water users. Mussel encrustation of intake pipes shut-down the Monroe, MI city water supply for two-days, bringing the impact of the zebra mussel (Dreissena polymorpha) directly to the homes of basin residents. Meanwhile, a population of Eurasian ruffe (Gymnocephalus cernuus), a small forage fish native to Eastern Europe, staged in Duluth/Superior Harbor, preparing for an all but inevitable migration from the cold waters of Lake Superior to the more habitable lower Great Lakes.

For fishery and biodiversity experts, the appearance of both the zebra mussel and the ruffe implied permanent degradation of the Great Lakes ecosystem. Over time, the two alien species were expected to spread to all five Great Lakes and most of the U.S. freshwater system. Irreversible loss in biological diversity was inevitable; the only question was whether the degradation would be cataclysmic, or gradual and insidious.

These concerns arose from hard experience. The sea lamprey (Petromyzon marinus), native to the Atlantic, caused a near collapse of the Great Lakes fishery in the 1950s. A fortuitous discovery of a chemical lampricide is the only reason the fishery is once again abundant. But lampricide treatments, even coupled with vigorous fish stocking efforts by the States, have been effective only at restoring the rough appearance of the pre-lamprey fishery. They cannot restore the system's previous structure, composition or self-sustainability. Moreover, without annual treatments with the lampricide, the populations of lampreys would quickly rebound. The annual battle to continue funding for the lamprey control program provides Great Lakes fishery experts constant incentive to avert the costly and enduring impacts of further exotic species invasions.

The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA) originated in draft in 1989 in response to concern over the potential impact of the Eurasian ruffe on the Great Lakes fishery. But the zebra mussel infestation ultimately filled its political sails, to reach final enactment in just a year.

The Act, championed by Senator John Glenn of Ohio, enjoyed enthusiastic support of the bipartisan Great Lakes delegation in both chambers, and several federal agencies, especially the Fish and Wildlife Service. It also benefitted from the commitment of environment committee leadership from outside the basin.

NANPCA set forth a national program for preventing, researching, monitoring and controlling infestations in U.S. waters of alien aquatic species. It set up a standing multiagency task force (the Aquatic Nuisance Species Task Force), chaired by NOAA and the Fish and Wildlife Service, to develop and oversee the program, a policy review of the impacts of intentional introductions of exotic species (such as for sport fishing or biological pest control), a zebra mussel demonstration project, and state aquatic nuisance management planning. It created a Great Lakes Aquatic Nuisance Species Panel to help coordinate federal, state, local and private sector activities to prevent and control exotic species within the Great Lakes basin. Other provisions addressed the brown tree snake, research protocols to prevent the spread of exotics by research and risk assessment.

Most importantly, the Act assigned the Coast Guard the task of promulgating voluntary guidelines and, after two-years, regulations to help reduce the probability of new introductions of alien species by commercial

vessels. The ballast water of commercial vessels is a leading vector by which alien aquatic species enter U.S. waters. The zebra mussel and the ruffe, along with the spiny water flea (Bythotrephes cederstroemi), and many of the hundred-plus other alien organisms that currently complicate the Great Lakes ecosystem were transported to the Great Lakes in the ballast holds of transoceanic vessels. Red tide, human cholera, and the brown clam (Perna perna), are examples of ballast stow-aways that have been discharged into U.S. marine coastal environments.

The 1990 Act underwent many changes as it moved through the Congressional process to enactment. Perhaps the most significant such change was the decision by the Senate Commerce Committee to reduce the scope of the Coast Guard prevention program from national to Great Lakes-only. Besides fiscal concerns of the Coast Guard, the political rationale for such a change was clear. The maritime community had no choice but to acknowledge the obvious though unintended impacts of its ballasting practices on the Great Lakes environment. Moreover, as residents of the basin, Great Lakes port operators and the laker association members shared concern over the condition of the Great Lakes ecosystem. But in areas other than the Great Lakes, there was less awareness of exotic species impacts and the broader maritime community was under less pressure to change its ballasting practices.

TODAY'S CONTEXT

Today, six years after initial passage of the Act, there is growing interest in reforming the measure to better address other U.S. waters. The zebra mussel has become established in much of the freshwater systems of the eastern United States, including the upper Mississippi River, where it has degraded an economically valuable commercial mollusk fishery. Similarly, there is new awareness of the threat of nonindigenous species to marine coastal areas. Perna perna, native to the Indo-Pacific region, invaded South America via ballast discharge years ago, and was transported to the Gulf of Mexico near Galveston, Texas, more recently. The non-native mussel threatens Mangrove communities, coats hard surfaces and could compete with native oysters.

In some cases, concern over the impact of exotic species on aquatic systems beyond the Great Lakes has been elevated to the Congressional level. In 1995, Senator Sarbanes (MD) introduced the Chesapeake Bay Ballast Water Management Act of 1995, S. 938, to assure that the reauthorization of NANPCA broadens the Coast Guard's ballast management program to include saltwater coasts. In response the mussel's spread to Vermont, Senator Leahy introduced a measure, the Lake Champlain Zebra Mussel Control Act, S. 1089, to focus the reauthorization on the needs of Lake Champlain.

Both legislative measures are firmly rooted in the expressed interests of local constituencies. For example, the Sarbanes bill is a response to resolutions passed by the Maryland, Virginia and Pennsylvania general assemblies urging action to prevent future introductions of nonindigenous aquatic species into the Chesapeake Bay through ballast management. A report developed by a wide range of stakeholders and endorsed by the Chesapeake Bay Commission further spells out the recommendations of the States. While the Sarbanes bill proposes national voluntary guidelines for ballast management, the Chesapeake Bay proposal urges a follow-on regulatory system nationally within 24 months if participation or effectiveness of the voluntary system is inadequate.

NATIONAL INVASIVE SPECIES ACT OF 1996

Senator Glenn, author of the 1990 NANPCA, is the lead sponsor of the National Invasive Species Act of 1996 (NISA) which reauthorizes and expands the 1990 Act. A bipartisan group of Senators from in and outside the Great Lakes region has joined him in sponsoring the measure. Congressman LaTourette and his colleagues are the sponsors of a companion bill in the House of Representatives. As in 1990, the Senate Commerce Committee is expected to have jurisdiction over the prevention portion of the measure, while the Environment and Public Works Committee will consider the remainder of the bill. Both the Resources Committee and the Committee on Transportation and Infrastructure will likely have jurisdiction over part or all of the House measure.

In the stark light of 1995–1996 budget fights, a national regulatory ballast management program such as the one proposed in the original 1990 bill appears impractical and unaffordable. To implement such a scheme, the Coast Guard would have to monitor compliance with regulations at each harbor, stretching human and monetary resources beyond their limits. On the other hand, if the Coast Guard were to simply issue national voluntary guidelines, the effort would lack accountability, providing little additional protection for regions eager for change such as the Chesapeake Bay.

NISA 1996 finds a middle ground. It emphasizes a voluntary approach in light of the positive response of the shipping community to the voluntary phase of the Great Lakes program. But it reserves authority for the Coast Guard to promulgate the same voluntary guidelines as regulations in coastal regions where recordkeeping or compliance with the voluntary system seem to be lacking. Such an approach gives shippers and ports both the opportunity and incentive to cooperate with voluntary guidelines, while conserving Coast Guard resources for regions with special needs.

Whether voluntary or not, a national ballast management program which employs existing port inspection infrastructure will hold the additional hassle for ports, shippers and the Coast Guard to a minimum. NISA 1996 urges a cooperative approach between the Coast Guard and the Animal and Plant Health Inspection Service (APHIS), which already boards vessels to inspect for crop pests. The addition of just a few items on the questionnaire that APHIS routinely distributes to vessel masters could meet new ballast-related reporting needs.

Among other changes that are included in NISA 1996 are: Ballast technology demonstrations: A bill introduced in the 103rd Congress (and passed in the House) to create a demonstration program for ballast technologies that can be installed or designed into commercial vessels to prevent the unintentional transfers of exotic species is incorporated into NISA 1996.

Naval ballast management: A provision from the Sarbanes bill (S. 938) to incorporate ballast management procedures into naval operations is included.

Ecological surveys, ballast discharge surveys: The package authorizes the National Aquatic Nuisance Species Task Force to undertake ecological and ballast discharge surveys for selected harbor areas to assess the risks and impacts of invasions by exotic species.

Voluntary guidelines for recreational boaters: The recent discovery of live zebra mussels on the hull of a recreational vessel ready to enter California waters underscores the role of recreational boating in spreading exotic species infestations. A provision of Senator Leahy's legislation (S. 1089) to create national voluntary guidelines for recreational boaters to prevent the spread of zebra mussels is included in NISA 1996.

Regional coordination: The reauthorization package includes a provision to encourage the establishment of regional coordinating panels for other regions of the country in addition to the Great Lakes.

While the U.S. government invests over $100 million annually to prevent new invasions of exotic agricultural pests, less than $1 million is being invested to prevent new introductions of nonindigenous aquatic organisms as devastation as the sea lamprey. NISA 1996 offers Congress an important opportunity to better protect the nation's valuable marine and freshwater resources from exotic pests. But only support from a broad political spectrum and diverse geographic regions can assure enactment.

Mr. SARBANES. Mr. President, I am pleased to join as an original cosponsor of the National Invasive Species Act of 1996, to address the serious threat posed by nonindigenous aquatic species entering the U.S. waters from the exchange of ballast water. I want to thank and commend my colleague, Senator GLENN, for his leadership in crafting this very important legislation.

The introduction of nonindigenous species through the exchange of ballast water is a serious national and international problem with potentially profound economic and environmental consequences. These invasive species, such as the zebra mussel, have already caused millions of dollars in damage to municipal and industrial water intake pipes, and valuable fisheries throughout the United States and Canada. By the turn of the century, damage to aquatic ecosystems and public and private infrastructure is expected to be in the billions of dollars from the zebra mussel alone.

In the Chesapeake Bay, our Nation's largest estuary, the threat of these invading species is particularly acute due to the extensive release of ballast water from foreign ports. Over 3 billion gallons of ballast water a year—more than any other east or west coast port—is released into the bay from ships calling at the ports of Baltimore and Norfolk. This water originates from 48 different foreign ports. An ongoing study by the Smithsonian Environmental Research Center, one of foremost authorities on this issue, found that nearly 90 percent of the vessels sampled arriving at Chesapeake Bay ports had living organisms in their ballast water, placing the bay at very high risk from these potentially harmful species. Indeed, some scientists speculate that the diseases that devastated oyster stocks in the bay were introduced through the exchange of ballast water. It is estimated that there more than 100 exotic species now established in the bay, some of which are recent arrivals via ballast water discharge.

The interstate and international nature of ballast-mediated invasions make it impractical for the individual States of the Chesapeake region to address this risk alone. Various interests

in the Chesapeake Bay community, as well as the State legislatures of Maryland, Pennsylvania, and Virginia, are, in fact, seeking increased Federal action to address this important concern. I want to particularly commend the Chesapeake Bay Commission for focussing attention on this very important issue.

Mr. President, this measure is an important step forward in understanding and managing the risks of ballast-mediated invasions. It incorporates provisions of legislation I introduced last year, S. 938, to study and manage ballast water releases in the Chesapeake Bay. It establishes national voluntary guidelines for vessels entering U.S. waters to reduce the probability of ballast transfers of these exotic species. It authorizes research, demonstration, and education programs to help prevent the introduction and spread of these species into our lakes, rivers, and bays. I urge my colleagues to join with us in support of this important legislation.

Mr. LEAHY. Mr. President, I am proud to join my colleagues in introducing the National Invasive Species Act of 1996. This comprehensive bill includes the provisions of my Lake Champlain Zebra Mussel Control Act and is the vehicle which can help Vermont and other States wage war on exotic nuisance species like the zebra mussel.

Mr. President, a tiny mussel the size of my thumbnail threatens to choke off 25 percent of Vermont's drinking water, clog our hatcheries, and unravel the Lake Champlain ecosystem. It was only three summers ago when the mussel was first discovered in the South Lake near Orwell, VT, by a young boy. Two years later, zebra mussel densities has reached 134,000 larvae per cubit meter. The end is not in sight.

We did not ask for them, but we got them. Now Vermont has to face the consequences of a problem that Vermont has been powerless to stop. The zebra mussel problem in Lake Champlain deserves immediate and swift action. This exotic pest poses a serious risk to the water resources throughout Vermont, economic opportunities along the lake, and the health and safety of the people of Vermont.

This bill we are introducing today addresses a number of issues that can only be resolved through Federal coordination and cooperation. Millions of gallons of water are imported each day from foreign ports throughout the globe. One gallon can contain the seeds of an invasive species epidemic that can wipe out domestic species, ecosystems, and economic resources. Vermonters know this well through our experience with lampreys on trophy sportfish, millfoil throughout our lakes, and zebra mussels in Lake Champlain.

The United States needs this bill now. Our inland and marine seaports are a ticking time bomb. The heart of this bill is a nationwide effort to control the transportation and discharge of ballast water from international cargo ships. One seaport cannot tackle this problem alone without risking their economic base. However, if every port works together, we can protect fisheries, marine resources, and ultimately taxpayers from the enormous cost of fighting an exotic nuisance species.

The other major theme in this bill is a concerted effort to control exotic species once they have arrived and multiplied. This second theme is based largely on my bill, the Lake Champlain Zebra Mussel Control Act. In addition to highlighting the specific needs of Lake Champlain, my bill—and this bill—includes a three point plan for tackling exotic species.

First, establishes national voluntary guidelines for recreational boaters who are a major mechanism for the spread of zebra mussels and other exotics within the United States freshwater bodies.

Second, allows states to work cooperatively on watershed approaches to attack this problem. If Vermont devotes millions of dollars to this effort and our neighbors do nothing, the effort will be futile.

Third, reauthorizes and enhances the Federal authority for agencies to fight exotics. The nuisance species problem crosses many jurisdictions. Therefore, the comprehensive strategy set forth in this bill includes the Army Corps of Engineers, the Environmental Protection Agency, the Department of the Interior, the Department of Commerce, the Coast Guard, the Smithsonian, and other Federal efforts. As our Federal foot soldiers in this war against the zebra mussel and other species, all of these departments and agencies need the authority, resources, and flexibility to win the battle.

Mr. President, every minute that we delay an effort to stop the zebra mussels, the mussels multiply exponentially and risk the physical and economic health of Vermont. While my colleagues may not know first hand the scourge of zebra mussels or other exotic species, let me assure them that the ounce of prevention in my bill will save them pounds of cure. To turn our backs on this problem of national significance only guarantees that it gets much worse. Mr. President, I hope we can move this bill quickly.

By Mr. PRESSLER (for himself, Mr. BURNS, Mr. INHOFE, Mr. DASCHLE, and Mr. BAUCUS):

S. 1661. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CUSTOMER HARVESTERS LEGISLATION

Mr. PRESSLER. Mr. President, earlier this year the U.S. Custom Harvesters held their annual meeting in Sioux Falls, SD. South Dakotans put out the welcome mat for custom harvesters throughout the country, and the annual meeting was a resounding success.

During that meeting it was brought to my attention that custom harvesters were not granted equal treatment as farmers and farm workers under Federal laws requiring commercial driving licenses [CDL]. Presently, States can grant waivers to the Federal CDL requirement to farmers and farm workers. Those same waiver requirements are not afforded to custom harvesters.

In many parts of the country, including South Dakota, custom harvesters are a crucial component in agricultural production. The bill I am introducing today simply grants States the right to waive CDL requirements for custom harvesters similar to those waivers currently afforded farmers and farm-related businesses. Joining me in this effort are Senators BURNS, INHOFE, DASCHLE, and BAUCUS.

Mr. President, customer harvesters normally drive less than 5,000 miles per year. They drive mostly on roads leading to and from farms and to the local grain elevator. Little time is spent on highways. Generally, custom harvesters drive less that 500 miles annually on interstate highways. It is a simple matter of fairness that they be treated equally.

My bill would provide relief to custom harvesters from onerous and costly CDL requirements. Under the waivers, family members can take an active role in custom harvesting and drivers with experience and trust can be hired to drive custom harvesting vehicles.

Custom harvesting involves many small, family owned companies. Custom operators account for nearly 40 percent of the total wheat acreage harvested annually. Their equipment must be utilized properly, kept in tip-top working conditions and safe in order to provide quality services. These harvesters go the extra mile to maintain equipment, train employees, and operate in the safest way possible.

In 1988, States were provided the authority to waive CDL requirements for farmers. In 1991, the Senate passed a bill to provide the authority to individual States to provide the same exemption to custom harvesters. Unfortunately, that bill never passed and custom harvesters are still burdened with CDL requirements. My bill is similar to the measure passed in 1991. Given past Senate support for this measure, I am hopeful adoption of this bill will occur soon. I thank those Senators who have joined me in this effort and urge the Senate to adopt this bill.

By Mr. HATFIELD:

S. 1662. A bill to establish areas of wilderness and recreation in the State of Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

THE OPAL CREEK WILDERNESS AND OPAL CREEK SCENIC RECREATION AREA ACT OF 1996

Mr. HATFIELD. Mr. President, the natural resources of my State are indisputably among the most significant and spectacular in the world. It has been almost 30 years since the enactment of the Oregon wilderness bill—the massive, 100,000-acre Mt. Jefferson Wilderness in central Oregon. I sponsored that bill and two other comprehensive pieces of legislation in 1978 and 1984, which increased Oregon's wilderness system fourfold, from 500,000 acres to 2.1 million acres.

Throughout my years in the Senate I have attempted to protect Oregon's resources by following the philosophy of the one of our Nation's first and foremost conservationists, the original U.S. Forest Service Chief, Gifford Pinchot. Gifford Pinchot said:

> The conservation of natural resources [in this country] is the key to the future. It is the key to the safety and prosperity of the American people. Conservation is the greatest material question of all.

This principle of conservation has led me to sponsor numerous land protection bills over the years.

Let me say, as I list this record of legislation, I want it clearly understood that, like anything else that happens in this Senate and in the legislative body, it was a team effort. It was a group effort. We had the advocates in the population and communities, we had the organizations sponsoring such issues in the public, and I had colleagues, colleagues not only in the Senate but colleagues in the House of Representatives, who were all part of this record that I am reciting today. In addition to that is the staff, the staff that serves these committees with such dedication, such expertise. None of it could have happened solely on the energy or effort of any one Member.

I have also sponsored legislation enacting the Columbia River Gorge National Scenic Area, the Oregon Dunes National Recreation Area, the Hells Canyon National Recreation Area, Yaquina Head and Cascade Head on the Oregon coast, the John Day Fossil Beds National Monument, the Newberry Crater National Monument, and the Oregon Wild and Scenic Rivers Act, which includes protection of 42 Oregon rivers, more than any other State in the Union.

In fact, the next highest State is California with 11.

To put Oregon's 42 wild and scenic rivers into context, having just made that statement about California, Alaska has displaced California. Alaska now has 25 rivers. Next comes Michigan, with 16. California now has 13 and Arkansas 8. I am proud that Oregon has led the way in protecting our wild and scenic rivers. Again, having stated the figures of those other States, Oregon is 42.

Each time I have labored to protect these special areas, I have been forcefully reminded that I represent a State that is often sharply divided on natural resource issues. These divides generally reflect the difference between the urban and the rural way of life. During the decades I have devoted to public service, I have sought to bridge the chasm that has formed between the urban and rural citizens of my State and bring some order and balance to natural resource conflicts by addressing both sides of the debate.

Today, in a sense, I am coming full circle to where I started with the 1968 Mt. Jefferson Wilderness Act. Today, I am introducing legislation to, once again, increase Oregon's wilderness system and protect one of Oregon's most important low-elevation old growth forests, Opal Creek. This legislation, called the Oregon Resources Conservation Act, also includes solutions to two other natural resource issues in my State on which I have been working for many years: protection of the Mt. Hood corridor; and promotion of consensus-based working groups in the Klamath and Deschutes River Basins. I am also including a so-called placeholder title for the Coquille Forest proposal, which will require a significant amount of public input prior to the introduction of any legislation.

Title I of the Oregon Resources Conservation Act creates a 25,800-acre Opal Creek Wilderness and National Scenic-Recreation Area. Opal Creek is truly one of Oregon's ecological crown jewels. It is one of the last remaining intact, low-elevation old-growth forest areas in western Oregon. Portions of Opal Creek are literally blanketed with majestic old-growth forests and crystal clear, stair-stepping waters.

I have always felt this area should be protected in perpetuity from commercial timber harvesting and mining. In fact, I included it in the original versions of both my 1984 Oregon Wilderness Act and my 1988 Oregon Wild and Scenic Rivers Act. Each time, however, the area was removed from these bills at the request of the State's Governor.

In 1991, I sponsored additional Opal Creek protection legislation when I included a provision which was enacted as part of the fiscal year 1992 Department of Defense appropriations bill to to facilitate the issuance of a patent on the key access property to Opal Creek. This provision was necessary to facilitate a large charitable donation of land and mineral interests by a mining company to the Nature Conservancy for the protection of the area. Unfortunately, the Nature Conservancy was forced to reject this donation due to its concerns about potential liability for an existing contaminated abandoned mining site in the Opal Creek area. Subsequently the Friends of Opal Creek, a local conservation group, stepped forward to accept this large charitable donation.

In 1994, there was another Opal Creek protection bill before the Congress. The bill, sponsored by my good friend, then-Representative Mike Kopetski of Oregon, passed the House of Representatives under his fine leadership and was referred to the Senate Committee on Energy and Natural Resources in the final days of the 103d Congress.

In fact, Mr. President, I invited my former colleague, Congressman Mike Kopetski, to be here today on this very historic occasion to share in the results of many of his long years of commitment and his dedicated effort.

The Senate was unable to take final action on this legislation in the few remaining weeks prior to sine die. These difficulties were enhanced by the administration's initial opposition and ambivalence toward the proposal.

I called for and chaired a hearing before the the Senate Committee on Energy and Natural Resources on October 5, 1994, which examined the concerns with the bill and sought to build momentum for a working group process at the local level which would attempt to build consensus and bring divergent parties together on this controversial issue.

This hearing did, indeed, create the momentum necessary for the formation of an Opal Creek working group, and on September 1, 1995, the first meeting of the group was held in Salem, OR. The Willamette University Dispute Resolution Center agreed to facilitate the meeting and attempt to build a consensus on the issue. The group, with the benefit of the outstanding facilitation skills of Prof. Richard Birke, met from September 1995 to March of this year and has developed a several-hundred page report summarizing its deliberations. I believe the group has done an excellent job discussing difficult issues and working together to find a solution. Mind you, this was a very broadly based group representing industry, local officials, environmental organizations, user groups and so forth. While no clear-cut consensus emerged from the group, their report has given me a strong understanding of the existing natural values of the area, the issues involved in protection of the area and the positions of all groups involved in the debate. Indeed, this report has greatly assisted me in developing the legislation I am introducing today.

As many of my colleagues know, we have a political environment in Oregon and the Pacific Northwest that is as splintered as any I have seen in my political career. This environment is characterized by a lack of trust on all sides of the political spectrum and extreme polarization. The Opal Creek working group, therefore, is a great success in bringing parties together in an attempt to heal old wounds and build new partnerships. The group also represents in my mind a great success in addressing one of my major concerns with the House's legislation from 1994, which was the general lack of agreements and limited dialog regarding protection of this forested area. I thank each and every member of the group of their dedication to this 6-month process and to resolving this difficult issue.

Again, I want to say, parenthetically, that one of the outstanding members of that group is former Congressman Mike Kopetski who, again, was able to give leadership from some of his experience in giving his life effort to the development of Opal Creek.

The legislation I am introducing today also addresses another major concern I had with the 1994 Opal Creek bill, its lack of ecosystem watershed management principles. The 1994 bill would have protected approximately 22,000 acres in the Opal Creek area. My bill protects 25,800 acres, including the creation of approximately 12,800 acres of new wilderness. Each and every one of the sub watersheds—we took a map, and we looked at that map as an ecosystem. We looked at that map as a great basin, a watershed. So we took from that map, with concern for protection of the entire ecosystem. Each and every one of those sub watersheds in the Little North Fork Santiam River drainage are addressed in some way in my legislation, either through a wilderness or a national scenic recreation area designation.

By doing this, we have attempted to protect the outstanding resource values in each of these sub drainages, while at the same time addressing the area comprehensively as an intact ecosystem.

In addition to addressing the protection of the entire watershed, the Opal Creek title of this bill maintains recreation at existing levels and allows for growth in uses where appropriate. The bill also calls for historical, cultural and ecological interpretation in the newly-created area to be conducted in a balanced and factually accurate manner. Motorized recreation will be prohibited except on the existing road system and nonmotorized use will be permitted throughout the area, except, of course, in the wilderness. The existing road system will be analyzed and evaluated through a management planning process, which will decide which roads to close and which to leave open. No new water impoundments will be allowed in this area. No new mining claims will be allowed to be filed under the 1872 mining law, and no existing claims will be allowed to be patented. In addition, the bill calls for the creation of an advisory council composed of members of the local community, industry, environmental groups, locally elected officials, the Forest Service and an appointee by the Governor. Finally, the bill will not allow commercial timber harvesting of any kind in the Opal Creek area except to prevent the spread of a forest fire or to to protect public health and safety. It is important to note that the lands covered by my legislation are not included—not included—in the timber base and are not open to commercial harvest today.

The final element of the Opal Creek package, Mr. President, was an important part of the working group's discussions. I am referring to an economic development package for the Santiam Canyon, which includes the communities immediately adjacent to the Opal Creek area. This package is based, primarily, on a set of infrastructure improvements developed by these communities in conjunction with the State Economic Development Office, which are designed to improve the water quality and delivery systems of the communities in the area.

I have made the first downpayment on this economic commitment package by including a $300,000 appropriation in the fiscal year 1996 Omnibus Appropriations Act to help begin the clean up of the contaminated Amalgamated Mill site at Jawbone Flats in Opal Creek.

Throughout the coming fiscal year 1997 appropriations cycle, I will work closely with Oregon's Gov. John Kitzhaber, and my colleague on the House Appropriations Committee from Oregon, JIM BUNN, to further refine this package and provide additional funding, as needed, for the Amalgamated Mill cleanup and for the critical community infrastructure projects designed to allow these former timber communities to diversify their economic bases and improve their water systems.

In short, the Opal Creek title of this bill attempts to address every issue raised both in the 1994 hearings on Opal Creek and in the working group process conducted out in Oregon. This is an issue I have worked on for almost 20 years. I am extremely pleased that, with this legislation and accompanying infrastructure development package, we will finally be able to address the protection of Opal Creek and the adjacent portions of the Little North Fork Santiam Watershed, as well as improvements to the water quality and delivery systems of nearby, timber-dependent communities.

Mr. President, the Oregon Resources Conservation Act also contains two other titles. The first is a relatively noncontroversial provision which promulgates a land exchange in the Mt. Hood Corridor between the Bureau of Land Management and the Longview Fibre timber company in the State of Washington. Both parties are willing participants in this process, which seeks to protect the viewshed along the Highway 26 corridor on the way to Mt. Hood, the highest mountain peak in my State.

Longview Fibre owns approximately 3,500 acres of timber land in the scenic Mt. Hood corridor, which are interspersed with BLM lands in a checkerboard fashion. Longview would like to harvest these lands within the next 5 years, but is sensitive about the public perception regarding these clearcuts along such a heavily traveled route. I agree with Longview Fibre and feel harvesting these trees along Highway 26 would be a disaster both for the ecological and visual characteristics of the resource. Longview, to their credit, has been extremely interested in working with local planning and environmental groups to identify BLM parcels elsewhere in western Oregon that could be traded for the Longview Fibre lands in the corridor.

This proposal is a unique opportunity to forge ahead with a plan that has been built at the local level over the past 5 years and which has virtually unanimous support, including the local county government, local businesses, the timber industry, and local environmental groups.

The third, and final, title of the Oregon Resource Conservation Act includes the establishment of a 5-year pilot project for two, consensus-based natural resource planning bodies now working in Oregon's Klamath and Deschutes Basins. Both of these bodies are already in place and have been working to provide the Federal agencies with recommendations about how best to prioritize spending for ecological restoration, economic health, and reducing drought impacts.

I called for the creation of the Upper Klamath Basin working group in 1995. This group is citizen-led and includes environmentalists, irrigators, local business leaders, locally elected officials, educators, the Klamath Tribes, and Federal land management agencies in an advisory capacity. This group was charged with developing both short- and long-term recommendations for restoring ecological health in the Klamath Basin. They were successful in developing short-term funding recommendations ranging from riparian and wetland restoration, to fish passage and the coordination of geological information systems in the basin. I followed through on these recommendations and was able to obtain either funding or direction to the pertinent agencies in the fiscal year 1996 appropriations process.

The group has also developed a long-term recommendation which includes a formal registration of the group as a State-sanctioned foundation and congressional legislation enabling them to help land management agencies set priorities for how money is spent in the basin on various ecological restoration and economic stabilization projects.

The legislation I am introducing today addresses their long-term recommendation by creating a 5-year pilot project to allow the Upper Klamath Basin Working Group-Foundation, in conjunction with the Federal land management agencies in the basin, to develop funding priorities for ecological restoration in the basin. It will provide $1 million per year to be spent consistent with these priorities. This money will be administered by the agencies and matched by an equal amount of non-Federal dollars.

The Deschutes Basin in central Oregon would also be allowed to develop a similar regime using, as its base, a group formed by the Warm Springs Tribes, the Environmental Defense Fund, local irrigators, and locally elected officials. This group has been meeting and collaborating on projects in the basin for several years.

Recently, both of these working groups have been able to make significant progress in building coalitions and consensus on natural resource management challenges that, not too long ago, many felt were insurmountable. By given them more authority to temporarily assist Federal agencies with setting policy priorities using a finite amount of money, I hope we can begin to enter a new era of more local control and greater public input regarding resource management decisions. I also hope these groups, and others that may follow, will continue to use the consensus-based management approach to return resource management decisions to a collaborative, inclusive process rather than divisive, litigious morass in which we find ourselves today.

Mr. President, today I had also planned on introducing a bill to create a 59,000-acre Coquille Forest as part of the federally-recognized Coquille Tribes' economic self-sufficiency plan. However, because of a number of unresolved issues, including the apparent lack of agreement, understanding or consensus at the local level, I am withholding my introduction of this bill until after I have had an opportunity to gather more public input through the congressional hearing process. And also there is a local election that is being held in May concerning this issue.

I am extremely pleased with this bill. It protects two of Oregon's most important natural resource areas, Opal Creek and the Mt. Hood Corridor, and it promotes consensus-based, watershed planning at the local level in the Klamath and Deschutes Basins. I have worked many years to protect Oregon's magnificent natural resources. I am pleased that in this, my last year in the Senate, I will be able to continue this legacy of protecting Oregon's beauty for the enjoyment and use of future generations.

I look forward to speedy hearings on the Oregon Resources Conservation Act, of which I have been promised by the chairman of the committee, Senator MURKOWSKI of Alaska. We will have that hearing later in the month of April.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. This bill is ready to be sent to the House.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1662

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 ''Oregon Resource Conservation Act of 1996''.

TITLE I—OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA

SEC. 101. SHORT TITLE.

This title may be cited as the ''Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996''.

SEC. 102. DEFINITIONS.

In this title:

(1) BULL OF THE WOODS WILDERNESS.—The term ''Bull of the Woods Wilderness'' means the land designated as wilderness by section 3(4) of the Oregon Wilderness Act of 1984 (Public Law 98–328; 16 U.S.C. 1132 note).

(2) IMMEDIATE FAMILY.—The term ''immediate family'' means, with respect to the owner of record of land or an interest in land, a spouse, sibling, child (whether natural or adopted), stepchild, and any lineal descendant of the owner.

(3) OPAL CREEK WILDERNESS.—The term ''Opal Creek Wilderness'' means certain land in the Willamette National Forest in the State of Oregon comprising approximately 13,212 acres, as generally depicted on the map entitled ''Proposed Opal Creek Wilderness and Scenic-Recreation Area'', dated March 1996.

(4) SCENIC RECREATION AREA.—The term ''Scenic Recreation Area'' means the Opal Creek Scenic Recreation Area established under section 103(a)(3).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 103. ESTABLISHMENT OF OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

(a) ESTABLISHMENT.—On a determination by the Secretary under subsection (b)—

(1) the Opal Creek Wilderness shall become a component of the National Wilderness System and shall be known as the Opal Creek Wilderness;

(2) the part of the Bull of the Woods Wilderness that is located in the Willamette National Forest shall be incorporated into the Opal Creek Wilderness; and

(3) the Secretary shall establish the Opal Creek Scenic Recreation Area in the Willamette National Forest in the State of Oregon, comprising approximately 13,013 acres, as generally depicted on the map entitled ''Proposed Opal Creek Wilderness and Scenic-Recreation Area'', dated March 1996.

(b) CONDITIONS.—Subsection (a) shall not take effect unless the Secretary makes a determination, not later than 2 years after the date of enactment of this Act, that the following have been donated to the United States in an acceptable condition and without encumbrances:

(1) All right, title, and interest in the following patented parcels of land:

(A) Santiam number 1, mineral survey number 992, as described in patent number 39–92–0002, dated December 11, 1991.

(B) Ruth Quartz Mine number 2, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(C) Morning Star Lode, mineral survey number 993, as described in patent number 36–91–0011, dated February 12, 1991.

(D) Certain land belonging to the Times Mirror Land and Timber Company located in section 18, township 8 south, range 5 east, Marion County, Oregon, Eureka numbers 6, 7, and 8, and 13 patented mining claims.

(2) A public easement across the Hewitt, Starvation, and Poor Boy Mill Sites, mineral survey number 990, as described in patent number 36–91–0017, dated May 9, 1991, or any alternative route for the easement that may be available.

(c) EXPANSION OF SCENIC RECREATION AREA BOUNDARIES.—On acquiring all or substantially all of the land located in section 36, township 8 south, range 4 east, of the Willamette Meridian, Marion County, Oregon, by exchange, purchase, or donation, the Secretary shall expand the boundary of the Scenic Recreation Area to include the land.

SEC. 104. ADMINISTRATION OF THE SCENIC RECREATION AREA.

(a) IN GENERAL.—The Secretary shall administer the Scenic Recreation Area in accordance with the laws (including regulations) applicable to the National Forest System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of establishment of the Scenic Recreation Area, the Secretary, in consultation with the advisory committee established under section 105(a), shall prepare a comprehensive management plan for the Scenic Recreation Area.

(2) INCORPORATION IN LAND AND RESOURCE MANAGEMENT PLAN.—On completion of the management plan, the management plan shall become part of the land and resource management plan for the Willamette National Forest and supersede any conflicting provision in the land and resource management plan.

(3) REQUIREMENTS.—The management plan shall provide a broad range of land uses, including—

(A) recreation;

(B) harvesting of nontraditional forest products, such as gathering mushrooms and material to make baskets; and

(C) educational and research opportunities.

(4) PLAN AMENDMENTS.—The Secretary may amend the management plan as the Secretary may determine to be necessary.

(c) CULTURAL AND HISTORIC RESOURCE INVENTORY.—

(1) IN GENERAL.—Not later than 1 year after the date of establishment of the Scenic Recreation Area, the Secretary shall review and revise the inventory of the cultural and historic resources on the public land in the Scenic Recreation Area that were developed pursuant to the Oregon Wilderness Act of 1984 (Public Law 98–328; 98 Stat. 272).

(2) INTERPRETATION.—Interpretive activities shall be developed under the management plan in consultation with State and local historic preservation organizations and shall include a balanced and factually-based interpretation of the cultural, ecological, and industrial history of forestry and mining in the Scenic Recreation Area.

(d) TRANSPORTATION PLANNING.—

(1) IN GENERAL.—To maintain access to recreation sites and facilities in existence on the date of enactment of this Act, the Secretary shall prepare a transportation plan for the Scenic Recreation Area that evaluates the road network within the Scenic Recreation Area to determine which roads should be retained and which roads closed.

(2) ACCESS BY PERSONS WITH DISABILITIES.—The Secretary, in consultation with private inholders in the Scenic Recreation Area, shall consider the access needs of persons with disabilities in preparing the transportation plan for the Scenic Recreation Area.

(3) MOTOR VEHICLES.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and in the transportation plan under paragraph (1), motorized vehicles shall not be permitted in the Scenic Recreation Area.

(B) EXCEPTION.—Forest road 3209 beyond the gate to the Scenic Recreation Area, as depicted on the map described in section 103(a)(3), may be used by motorized vehicles for administrative purposes and for access to a private inholding, subject to such terms and conditions as the Secretary may determine to be necessary.

(4) ROAD IMPROVEMENT.—Any construction or improvement of forest road 3209 beyond the gate to the Scenic Recreation Area may not include paving or any work beyond 50 feet from the centerline of the road.

(e) HUNTING AND FISHING.—

(1) IN GENERAL.—Subject to other Federal and State law, the Secretary shall permit hunting and fishing in the Scenic Recreation Area.

(2) LIMITATION.—The Secretary may designate zones in which, and establish periods

when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment.

(3) CONSULTATION.—Except during an emergency, as determined by the Secretary, the Secretary shall consult with the Oregon State Department of Fish and Wildlife before issuing any regulation under this section.

(f) TIMBER CUTTING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees in the Scenic Recreation Area.

(2) PERMITTED CUTTING.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may allow the cutting of trees in the Scenic Recreation Area—

(i) for public safety, such as to control the spread of a forest fire in the Scenic Recreation Area or on land adjacent to the Scenic Recreation Area; or

(ii) for activities related to administration of the Scenic Recreation Area.

(B) SALVAGE SALES.—The Secretary may not allow a salvage sale in the Scenic Recreation Area.

(g) WITHDRAWAL.—Subject to rights perfected before the date of enactment of this Act, all land in the Scenic Recreation Area are withdrawn from—

(1) any form of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral and geothermal leasing laws.

(h) WATER IMPOUNDMENTS.—Notwithstanding the Federal Power Act (16 U.S.C. 791a et seq.), the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work in the Scenic Recreation Area.

(i) RECREATION.—

(1) RECOGNITION.—Congress recognizes recreation as an appropriate use of the Scenic Recreation Area.

(2) MINIMUM LEVELS.—The management plan shall accommodate recreation at not less than the levels in existence on the date of enactment of this Act.

(3) HIGHER LEVELS.—The management plan may provide for levels of recreation use higher than the levels in existence on the date of enactment of this Act if the levels are consistent with the protection of resource values.

(j) PARTICIPATION.—In order that the knowledge, expertise, and views of all agencies and groups may contribute affirmatively to the most sensitive present and future use of the Scenic Recreation Area and its various subareas for the benefit of the public:

(1) ADVISORY COUNCIL.—The Secretary shall consult on a periodic and regular basis with the advisory council established under section 105 with respect to matters relating to management of the Scenic Recreation Area.

(2) PUBLIC PARTICIPATION.—The Secretary shall seek the views of private groups, individuals, and the public concerning the Scenic Recreation Area.

(3) OTHER AGENCIES.—The Secretary shall seek the views and assistance of, and cooperate with, any other Federal, State, or local agency with any responsibility for the zoning, planning, or natural resources of the Scenic Recreation Area.

(4) NONPROFIT AGENCIES AND ORGANIZATIONS.—The Secretary shall seek the views of any nonprofit agency or organization that may contribute information or expertise about the resources and the management of the Scenic Recreation Area.

SEC. 105. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—On the establishment of the Scenic Recreation Area, the Secretary shall establish an advisory council for the Scenic Recreation Area.

(b) MEMBERSHIP.—The advisory council shall consist of not more than 11 members, of whom—

(1) 1 member shall represent Marion County, Oregon, and shall be designated by the governing body of the county;

(2) 1 member shall represent the State of Oregon and shall be designated by the Governor of Oregon; and

(3) not more than 8 members shall be appointed by the Secretary from among persons who, individually or through association with a national or local organization, have an interest in the administration of the Scenic Recreation Area, including representatives of the timber industry, environmental organizations, and economic development interests.

(c) STAGGERED TERMS.—Members of the advisory council shall serve for staggered terms of 3 years.

(d) CHAIRMAN.—The Secretary shall designate 1 member of the advisory council as chairman.

(e) VACANCIES.—The Secretary shall fill a vacancy on the advisory council in the same manner as the original appointment.

(f) COMPENSATION.—A member of the advisory council shall not receive any compensation for the member's service to the advisory council.

SEC. 106. GENERAL PROVISIONS.

(a) LAND ACQUISITION.—

(1) IN GENERAL.—Subject to the other provisions of this subsection, the Secretary may acquire any lands, waters, or interests in land or water in the Scenic Recreation Area or the Opal Creek Wilderness that the Secretary determines are needed to carry out this title.

(2) PUBLIC LAND.—Any lands, waters, or interests in land or water owned by a State or a political subdivision of a State may be acquired only by donation or exchange.

(3) CONDEMNATION.—Subject to paragraph (4), the Secretary may not acquire any privately owned land or interest in land without the consent of the owner unless the Secretary finds that—

(A) the nature of land use has changed significantly, or the landowner has demonstrated intent to change the land use significantly, from the use that existed on the date of the enactment of this Act; and

(B) acquisition by the Secretary of the land or interest in land is essential to ensure use of the land or interest in land in accordance with the management plan prepared under section 104(b).

(4) RIGHT OF FIRST REFUSAL.—

(A) IN GENERAL.—The following privately owned lands, interests in land, and structures may not be disposed of by donation, exchange, sale, or other conveyance without first being offered at not more than fair market value to the Secretary:

(i) The lode mining claims known as the Princess Lode, Black Prince Lode, and King Number 4 Lode, embracing portions of sections 29 and 32, township 8 south, range 5 east, Willamette Meridian, Marion County, Oregon, the claims being more particularly described in the field notes and depicted on the plat of mineral survey number 887, Oregon.

(ii) Ruth Quartz Mine Number 1, mineral survey number 994, as described in patent number 39–91–0012, dated February 12, 1991.

(B) ACCEPTANCE PERIOD.—The Secretary shall have not less than 120 days in which to accept an offer under subparagraph (A).

(C) ACQUISITION.—The Secretary shall have not less than 45 days after the end of the fiscal year following the fiscal year in which an offer was accepted under subparagraph (B) to acquire the land, interest in land, or structure offered under subparagraph (A).

(D) PROHIBITION OF CHEAPER SALES.—Any land, interest in land, or structure offered to the Secretary under subparagraph (A) may not be sold or conveyed at a price below the price at which the land, interest in land, or structure was offered.

(E) REOFFER.—

(i) IN GENERAL.—Subject to clause (ii), any land, interest in land, or structure offered to the Secretary under subparagraph (A) may not be reoffered for sale or conveyance unless the land, interest in land, or structure is first reoffered to the Secretary.

(ii) IMMEDIATE FAMILY.—Clause (i) shall not apply to a change in ownership of land, an interest in land, or a structure within the immediate family of the owner of record on January 1, 1996.

(F) PROCEEDS.—The proceeds of any sale to the Secretary under this paragraph may be used only for—

(i) trail, road, and bridge maintenance;

(ii) elementary, secondary, undergraduate and graduate level interpretive, research, and educational programs and activities, such as public school field study programs, laboratory studies, workshops, and seminars; and

(iii) construction of visitor facilities, such as restrooms, information kiosks, and trail signage.

(b) ENVIRONMENTAL RESPONSE ACTIONS AND COST RECOVERY.—

(1) RESPONSE ACTIONS.—Nothing in this title shall limit the authority of the Secretary or a responsible party to conduct an environmental response action in the Scenic Recreation Area in connection with the release, threatened release, or cleanup of a hazardous substance, pollutant, or contaminant, including a response action conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(2) LIABILITY.—Nothing in this title shall limit the authority of the Secretary or a responsible party to recover costs related to the release, threatened release, or cleanup of any hazardous substance or pollutant or contaminant in the Scenic Recreation Area.

(c) MAPS AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a boundary description for the Opal Creek Wilderness and for the Scenic Recreation Area with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) FORCE AND EFFECT.—The boundary description and map shall have the same force and effect as if the description and map were included in this title, except that the Secretary may correct clerical and typographical errors in the boundary description and map.

(3) AVAILABILITY.—The map and boundary description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

SEC. 107. DESIGNATION OF ELKHORN CREEK AS A WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Recreation Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) ELKHORN CREEK.—Elkhorn Creek from its source to its confluence on Federal land, to be administered by agencies of the Departments of the Interior and Agriculture as agreed on by the Secretary of the Interior and the Secretary of Agriculture or as directed by the President. Notwithstanding subsection (b), the boundaries of the Elkhorn River shall include an average of not more than 640 acres per mile measured from the

ordinary high water mark on both sides of the river.''.

SEC. 108. SAVINGS CLAUSE.

Nothing in this title shall—

(1) interfere with any activity for which a special use permit has been issued (and not revoked) before the date of enactment of this Act, subject to the terms of the permit; or

(2) otherwise abridge the valid existing rights of an unpatented mining claimant under the general mining laws of the United States.

TITLE II—UPPER KLAMATH BASIN

SEC. 201. UPPER KLAMATH BASIN ECOLOGICAL RESTORATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ECOSYSTEM RESTORATION OFFICE.—The term ''Ecosystem Restoration Office'' means the Klamath Basin Ecosystem Restoration Office operated cooperatively by the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and Forest Service.

(2) WORKING GROUP.—The term ''Working Group'' means the Upper Klamath Basin Working Group, established before the date of enactment of this Act, consisting of representatives of the environmental community, Klamath Tribes, water users, local industry, Klamath County, Oregon, the Department of Fish and Wildlife of the State of Oregon, the Oregon Institute of Technology, the city of Klamath Falls, Oregon, and the United States Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office.

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

(b) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Working Group under which—

(A) the Working Group through the Ecosystem Restoration Office, with technical assistance from the Secretary, will propose ecological restoration projects to be undertaken in the Upper Klamath Basin based on a consensus of interested persons in the community;

(B) the Working Group will accept donations from the public and place the amount of any donations received in a trust fund, to be expended on the performance of ecological restoration projects approved by the Secretary;

(C) on continued satisfaction of the condition stated in subsection (c), the Secretary shall pay not more than 50 percent of the cost of performing any ecological restoration project approved by the Secretary, up to a total amount of $1,000,000 during each of fiscal years 1997 through 2001;

(D) funds made available under this title shall be distributed by the Department of the Interior, the Fish and Wildlife Service, and the Ecosystem Restoration Office;

(E) the Ecosystem Restoration Office may utilize not more than 15 percent of all funds administered under this section for administrative costs relating to the implementation of this title; and

(F) Federal agencies located in the Upper Klamath Basin, including the Fish and Wildlife Service, Bureau of Reclamation, National Park Service, Forest Service, Natural Resources Conservation Service, and Ecosystem Restoration Office shall provide technical assistance to the Working Group and actively participate in Working Group meetings as nonvoting members.

(c) CONDITIONS.—The conditions stated in this subsection are—

(1) that the representatives and interested persons on the Working Group on the date of enactment of this Act continue to serve, and in the future consist of not less than—

(A) 3 tribal members;

(B) 2 representatives of the city of Klamath Falls, Oregon;

(C) 2 representatives of Klamath County, Oregon;

(D) 1 representative of institutions of higher education in the Upper Klamath Basin;

(E) 4 representatives of the environmental community;

(F) 4 representatives of local businesses and industries;

(G) 4 representatives of the ranching and farming community;

(H) 2 representatives of the State of Oregon; and

(I) 2 representatives from the local community; and

(2) that the Working Group conduct all meetings consistent with Federal open meeting and public participation laws.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1997 through 2002.

SEC. 202. DESCHUTES BASIN RESTORATION PROJECTS.

There is hereby authorized the Deschutes Basin Working Group to be constituted in the same manner, with the same membership, provided with the same appropriations and provided with the same ability to offer recommendations to Federal agencies regarding the expenditure of funds as the Klamath Basin Group.

TITLE III—MOUNT HOOD CORRIDOR

SEC. 301. LAND EXCHANGE.

(a) AUTHORIZATION.—Notwithstanding any other law, if Longview Fibre Company (referred to in this section as ''Longview'') offers and conveys title that is acceptable to the United States to the land described in subsection (b), the Secretary of the Interior (referred to in this section as the ''Secretary'') shall convey to Longview title to some or all of the land described in subsection (c), as necessary to satisfy the requirements of subsection (d).

(b) LAND TO BE OFFERED BY LONGVIEW.—The land referred to in subsection (a) as the land to be offered by Longview is the land described as follows:

(1) T. 2 S., R. 6 E., sec. 13—E½SW¼, W½SE¼, containing 160 record acres, more or less;

(2) T. 2 S., R. 6 E., sec. 14—All, containing 640 record acres, more or less;

(3) T. 2 S., R. 6 E., sec. 16—N½, SW½, N½SE¼, SW¼SE½, containing 600 record acres, more or less;

(4) T. 2 S., R. 6 E., sec. 26—NW¼, N½SW¼, SW¼SW¼, NW¼SE¼; (and a strip of land to be used for right-of-way purposes in sec. 23), containing 320 record acres, more or less;

(5) T. 2 S., R. 6 E., sec. 27—S½NE¼NE¼, NW¼NE¼, SE¼NE¼, NW¼NW¼, containing 140 record acres, more or less;

(6) T. 2 S., R. 6 E., sec. 28—N½, Except a tract of land 100 feet square bordering and lying west of Wild Cat Creek and bordering on the north line of Sec. 28, described as follows: Beginning at a point on the west bank of Wild Cat Creek and the north boundary of sec. 28, running thence W. 100 feet, thence S. 100 feet parallel with the west bank of Wild Cat Creek, thence E. to the west bank of Wild Cat Creek, thence N. along said bank of Wild Cat Creek to the point of beginning, containing 319.77 record acres, more or less;

(7) T. 2 S., R. 7 E., sec. 19—E½SW¼, SW¼SE¼, Except a tract of land described in deed recorded on August 6, 1991, as Recorder's Fee No. 91–39007, and except the portion lying within public roads, containing 117.50 record acres, more or less;

(8) T. 2 S., R. 7 E., sec. 20—S½SW¼SW¼, containing 20 record acres, more or less;

(9) T. 2 S., R. 7 E., sec. 27—W½SW¼, containing 80 record acres, more or less;

(10) T. 2 S., R. 7 E., sec. 28—S½, containing 320 record acres, more or less;

(11) T. 2 S., R. 7 E., sec. 29—SW¼NE¼, W½SE¼NE¼, NW¼, SE¼, containing 380 record acres, more or less;

(12) T. 2 S., R. 7 E., sec. 30—E½NE¼, NW½NE¼, Except the portion lying within Timberline Rim Division 4, and except the portion lying within the county road, containing 115 record acres, more or less;

(13) T. 2 S., R. 7 E., sec. 33—N½NE¼, E½NW¼NW¼, NE¼SW¼NW¼, containing 110 record acres, more or less;

(14) T. 3 S., R. 5 E., sec. 13—NE¼SE¼, containing 40 record acres, more or less;

(15) T. 3 S., R. 5 E., sec. 25—The portion of the E½NE¼ lying southerly of Eagle Creek and northeasterly of South Fork Eagle Creek, containing 14 record acres, more or less;

(16) T. 3 S., R. 5 E., sec. 26—The portion of the N½SW¼ lying northeasterly of South Fork Eagle Creek, containing 36 record acres, more or less; and

(17) T. 6 S., R. 2 E., sec. 4—SW¼, containing 160.00 record acres, more or less.

(c) LAND TO BE CONVEYED BY THE SECRETARY.—The land referred to in subsection (a) as the land to be conveyed by the Secretary is the land described as follows:

(1) T. 1 S., R. 5 E., sec. 9—SE¼NE¼, SE¼SE¼, containing 80 record acres, more or less;

(2) T. 2 S., R. 5 E., sec. 33—NE¼NE¼, containing 40 record acres, more or less;

(3) T. 2½ S., R. 6 E., sec. 31—Lots 1–4, incl. containing 50.65 record acres, more or less;

(4) T. 2½ S., R. 6 E., sec. 32—Lots 1–4, incl. containing 60.25 record acres, more or less;

(5) T. 3 S., R. 5 E., sec. 1—NE¼SW¼, SE¼, containing 200 record acres, more or less;

(6) T. 3 S., R. 5 E., sec. 9—S½SE¼, containing 80 record acres, more or less;

(7) T. 3 S., R. 5 E., sec. 17—N½NE¼, containing 80 record acres, more or less;

(8) T. 3 S., R. 5 E., sec. 23—W½NW¼, NW¼SW¼, containing 120 record acres, more or less;

(9) T. 3 S., R. 5 E., sec. 25—The portion of the S½S½ lying southwesterly of South Fork Eagle Creek, containing 125 record acres, more or less;

(10) T. 3 S., R. 5 E., sec. 31—Unnumbered lot (SW¼SW¼), containing 40.33 record acres, more or less;

(11) T. 7 S., R. 1 E., sec. 23—SE¼SE¼, containing 40 record acres, more or less;

(12) T. 10 S., R. 2 E., sec. 34—SW¼SW¼, containing 40 record acres, more or less;

(13) T. 10 S., R. 4 E., sec. 9—NW¼NW¼, containing 40 record acres, more or less;

(14) T. 10 S., R. 4 E., sec. 21—E½SW¼, containing 80 record acres, more or less;

(15) T. 4 N., R. 3 W., sec. 35—W½SW¼, containing 80 record acres, more or less;

(16) T. 3 N., R. 3 W., sec. 7—E½NE¼, containing 80 record acres, more or less;

(17) T. 3 N., R. 3 W., sec. 9—NE¼NE¼, containing 40 record acres, more or less;

(18) T. 3 N., R. 3 W., sec. 17—S½NE¼, containing 80 record acres, more or less; and

(19) T. 3 N., R. 3 W., sec. 21—Lot 1, N½NW¼, SW¼NW¼, containing 157.99 record acres, more or less.

(d) EQUAL VALUE.—The land and interests in land exchanged under this section—

(1) shall be of equal market value; or

(2) shall be equalized using nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Land Acquisition, the Uniform Standards of Professional Appraisal Practice, the provisions of section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)), and other applicable law.

(e) REDESIGNATION OF LAND TO MAINTAIN REVENUE FLOW.—So as to maintain the current flow of revenue from land subject to the Act entitled ''An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the state of Oregon'', approved August 28, 1937 (43 U.S.C. 1181a et seq.), the Secretary may redesignate public domain land located in and west of Range 9 East, Willamette Meridian, Oregon, as land subject to that Act.

(f) TIMETABLE.—The exchange directed by this section shall be consummated not later than 2 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE IV—COQUILLE FOREST ECOSYSTEM MANAGEMENT PLAN

[*To be supplied.*]

By Mr. HATFIELD (for himself and Mr. HARKIN):

S. 1663. A bill to amend the Internal Revenue Code of 1986 to improve revenue collection and to provide that a taxpayer conscientiously opposed to participation in war may elect to have such taxpayer's income, estate, or gift tax payments spent for nomilitary purposes, to create the U.S. Peace Tax Fund to receive such tax payments, and for other purposes; to the Committee on Finance.

THE U.S. PEACE TAX FUND ACT OF 1996

Mr. HATFIELD. Madam President, As tax day approaches, I once again come before the Senate to introduce the United States Peace Tax Fund. I am joined in this effort by the Senator from Iowa, Senator HARKIN, who has been a longtime original cosponsor of this bill.

I first introduced the Peace Tax Fund during the 95th Congress, nearly 20 years ago. I have reintroduced the Peace Tax Fund in every Congress since then because I believe it is important legislation.

Since 1945 eligible conscientious objectors have been excused from combat. Although our Nation long has recognized moral and religious opposition to war, it has failed to address the depth and scope of such objections. Our tax laws do not recognize that conscience not only prohibits participation on the battlefield, but also in the preparation for war through payments to the military. CO's may withhold their bodies but not their money.

The Peace Tax Fund Act, if enacted, would allow complete participation in our Federal Government by all citizens without many being forced to compromise deeply held beliefs of any citizen.

Over the years I have received many letters from constituents describing their disapproval of military taxes and their desire to have the Federal Government respect such objections. Some citizens write of their decision to set aside their beliefs and pay their taxes in full, despite the anguish such payment causes. Others, perhaps following Albert Einstein's advice, ''Never do anything against conscience even if the State demands it,'' refuse to pay a portion of their taxes. Some Americans purposefully keep their income below the taxable level, so that they can avoid the decision altogether.

It is important to point out what the Peace Tax Fund legislation is not. The Peace tax Fund is not a method by which a citizen may lodge protest over wasteful defense programs. Nor is it a tool to circumvent foreign policy initiatives. Tax liabilities cannot be reduced through participation in the Peace Tax Fund. The Peace Tax Fund Act was developed not for those individuals seeking to alter national policy, but rather to allow certain individuals to fully uphold Federal law without violating their consciences.

The Peace Tax Fund would allow these sincere conscientious objectors the opportunity to pay their Federal taxes in full. Those who qualify may choose to have that portion of their taxes which would go to military activities instead be diverted to a special trust fund—the Peace Tax Fund—and then disbursed to two Federal programs: Head Start and WIC. The bill would not reduce the amount of funding for military activities. Nor would it result in any significant loss of revenue, according to the Joint Committee on Taxation.

As defined by the Peace Tax Fund Act, an eligible conscientious objector is anyone who has obtained this status under the Military Selective Service Act. Others may submit a questionnaire to the Secretary of the Treasury certifying his or her beliefs and how those beliefs affect that individual's life.

In the 20-plus years that this issue has been debated, only two hearings have been held. The last hearing was held by the House Ways and Means Committee in 1992. The Senate has never held hearings on the Peace Tax Fund. It is my hope that before I leave the Senate the Finance Committee will hold a hearing on this issue.

The Peace Tax Fund has had the support of many committed religious and peace organizations throughout the years. I ask unanimous consent that a partial listing of the organizations endorsing the Peace Tax Fund be included in the RECORD.

I urge my colleagues to join me in support of this legislation so important to the protection of personal and religious beliefs of many citizens who find themselves each tax season torn between the law and conscience.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTIAL LISTING OF ORGANIZATIONS ENDORSING THE PEACE TAX FUND

1. American Arab Anti-Discrimination Committee.
2. American Friends Service Committee.
3. Baptist Peace Fellowship of North America.
4. Buddhist Peace Fellowship.
5. Catholic Committee of Appalachia.
6. Central Committee for Conscientious Objectors.
7. Church of the Brethren.
8. Consortium on Peace Research Education and Development.
9. Episcopal Peace Fellowship.
10. Evangelicals for Social Action.
11. Fellowship of Reconciliation.
12. Franciscan Federation of Brothers and Sisters.
13. Franciscans Sisters of the Poor.
14. Friends Committee on National Legislation.
15. Friends United Meeting.
16. Fund For Peace.
17. General Conference of the Mennonite Church.
18. Grandmothers for Peace.
19. Jewish Peace Fellowship.
20. Leadership Conference of Women Religious—Peace/Disarmament Task Force.
21. Lutheran Campus Ministry.
22. Lutheran Peace Fellowship.
23. Mennonite Central Committee.
24. Mennonite Church General Board.
25. Mercian Orthodox Catholic Church.
26. National Assembly of Religious Women.
27. National Council of Churches Ecumenical Witness Conference.
28. National Federation of Priests' Councils.
29. National Interreligious Service Board for Conscientious Objectors.
30. National Jobs with Peace Campaign.
31. NETWORK—A National Catholic Social Justice Lobby.
32. New Call to Peacemaking.
33. Nonviolence International.
34. Nuclear Free America.
35. Pax Christi USA.
36. Presbyterian Church USA.
37. Presbyterian Peace Fellowship.
38. Project for Conversion of Johns Hopkins Applied Physicis Laboratory.
39. School Sisters of St. Francis.
40. Society of the Sacred heart—US Province Provincial Team.
41. Sojourners.
42. Unitarian Universalist Association.
43. United Church of Christ.
44. United Methodist Church.
45. US Province Office of the US Provincials.
46. Veterans for Peace.
47. War Resisters' League.
48. Women Strike for Peace.
49. Women's International League for Peace and Freedom.
50. World Peacemakers.

ADDITIONAL COSPONSORS

S. 491

At the request of Mr. BREAUX, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare program for individuals with diabetes.

S. 605

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 605, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide

for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 953

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Tennessee [Mr. FRIST], the Senator from Delaware [Mr. BIDEN], and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1028

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1178

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1178, a bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare program.

S. 1373

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1373, a bill to amend the Food Security Act of 1985 to minimize the regulatory burden on agricultural producers in the conservation of highly erodible land, wetland, and retired cropland, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1619

At the request of Mr. HATCH, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 1619, a bill to amend the provisions of title 17, United States Code, to provide for an exemption of copyright infringement for the performance of nondramatic musical works in small commercial establishments, and for other purposes.

S. 1635

At the request of Mr. DOLE, the names of the Senator from Texas [Mr. GRAMM], the Senator from Missouri [Mr. ASHCROFT], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1635, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

S. 1654

At the request of Mrs. BOXER, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1654, a bill to apply equal standards to certain foreign made and domestically produced handguns.

SENATE RESOLUTION 217

At the request of Mrs. KASSEBAUM, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from South Dakota [Mr. DASCHLE], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. FRIST], the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as ''American Foreign Service Day'' in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from South Carolina [Mr. THURMOND], the Senator from Alabama [Mr. HEFLIN], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

SENATE RESOLUTION 236—APPOINTING MEMBERS TO CERTAIN SENATE COMMITTEES

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Resolved, That, notwithstanding the provisions of the Standing Rules of the Senate, the following Members are hereby appointed to the following Senate committees:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Bennett and Mr. Wyden.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Abraham and Mr.Wyden.

COMMITTEE ON THE BUDGET: Mr. Grams and Mr. Wyden.

SPECIAL COMMITTEE ON AGING: Mr. Warner and Mr. Wyden.

SENATE RESOLUTION 237—RELATIVE TO THE NATIONAL DEBT

Mr. FAIRCLOTH submitted the following resolution; which was referred to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged:

S. RES. 237

Whereas, the United States national debt is approximately $4.9 trillion;

Whereas, the Congress has authorized the national debt by law to reach $5.5 trillion;

Whereas, the 104th Congress and the President have both presented plans to balance the budget by the year 2002, by which time our national debt will be approximately $6.5 trillion;

Whereas, this accumulated debt represents a significant financial burden that will require excessive taxation and lost economic opportunity for future generations of the United States;

Resolved, That, it is the sense of the Senate that any comprehensive legislation that balances the budget by a certain date and that is agreed to by the Congress and the President shall also contain a strategy for reducing the national debt of the United States.

NATIONAL DEBT REDUCTION

Mr. FAIRCLOTH. Mr. President, today I am introducing legislation that will require the Treasury Secretary to prepare a report for Congress on recommendations to reduce the national debt. Further, Mr. President, I am submitting a sense-of-the-Senate resolution that if we enact a balanced budget plan this year, such legislation should also contain a strategy for reducing the national debt.

Yesterday, the Congress raised the national debt to $5.5 trillion, a figure beyond the comprehension of most people. By most estimates, we will not even begin to balance a budget until the year 2002, at which point the national debt will, of course, be even larger—$6.5 trillion.

Mr. President, I am concerned about this debt burden that we have placed on our children, grandchildren, and children yet born. We continue to spend money we do not have on day-to-

day needs—not investments—just simply for day-to-day needs—we spend money we do not have. However, if we continue this irresponsible pattern, we will bring great harm to future generations. We talk about doing something for our children, and, yet, we could do them few greater services than to leave them a debt-free country.

It took this country nearly 200 years to accumulate a debt of $1 trillion. In the last 16 years, however, the debt has increased fivefold. This Republican Congress has attempted to move the budget toward balance. This Congress has tried to stop the flow of red ink. The President has, regrettably, vetoed our Balanced Budget Act.

Indeed, most of our time has been spent just trying to stop deficit spending, and we have worked to move toward a balanced budget in the year 2002. We still have not succeeded in doing this.

Beyond the plan to put this country on the track toward a balanced budget, however, we have no plan—no plan whatsoever—and no thought has been given to how we will reduce the national debt. We merely have been trying to slow the train. Even if we balance the budget 7 years from now, Mr. President, we have no plans to reduce the $6.5 trillion debt that we will have accumulated.

This $6.5 trillion debt represents a tremendous amount of money—an incomprehensible amount of money to practically all of us—but what does it mean in real terms to the average working person? Six-point-five trillion dollars would build 50 million houses and finance 187 million college educations. It would buy 310 million tractors. It would buy 433 million automobiles.

Permit me to put that in perspective. Fifty million new homes—built at the average price of $130,000 each—would mean a new house for every married couple in America. If housing is an important goal, we could have bought everyone a new house. Six-point-five trillion dollars would pay the full 4-year college tuition of every American over the age of 18. If education is an important goal, we could have sent every American adult to college.

Six-point-five trillion dollars would buy 310 million farm tractors. It would buy 433 million automobiles. We started producing automobiles in this country around 1900 or immediately thereafter. Since then, we have not come close to producing 433 million cars. Mr. President, our debt would buy every automobile ever produced in this country, and it probably would still carry us through another couple years.

These illustrations underscore the massive spending spree that we have been on for the last 20 years. Mr. President, it is important to remember that 80 percent of this debt has been accumulated since 1980, so a great part of these examples could have been accomplished in just the last 20 years.

Perhaps the most startling fact is how interest costs are consuming us. Over 40 percent of the personal income taxes paid this year—40 percent of the personal income taxes collected in this country this year—will be used to pay the interest on the debt.

In terms of spending per person, the numbers are astonishing, and they are shocking. Interest on the national debt is the third most expensive budgetary category per person behind Social Security and defense. We spend more on interest than on Medicare, other health expenditures, education, housing, environment, and agriculture—all these eclipsed by just interest.

These are things that are important to the American people, and, yet, there is less to spend because we insist on spending more than we have. And we are adding to this debt every day. Every day we add to this debt somewhere close to $350 million.

Mr. President, the average 21-year-old will face a lifetime tax burden of $115,000 just to pay the interest on the national debt. As graduation season approaches, every college graduate looks forward to receiving a diploma, but that diploma will be accompanied by a bill from the U.S. Government for $115,000 as his or her part of the interest on the debt. So inside each diploma should be a bill from the Federal Government for $115,000.

If we had been responsible here in Washington and were really concerned about the future of the young people of this country—rather than just making platitudes about being nice to them—their future would look different. The $115,000 that the IRS will demand from our children could have been better spent. Four years of college, a new car, the down payment on a house, and, Mr. President, each would still have $60,000 left over. But, no, they are going to receive a $115,000 interest bill on the day we hand them a diploma.

Further, their future would be brighter because we would have reduced interest rates significantly, without the Government taking $350 million a day from the lending pool in this world. Interest rates would be down, and down considerably.

President Clinton likes to make much of the fact that he is young, that he appeals to young voters, and that his wife is active in the Children's Defense Fund. But how concerned is he really about America's young people? How concerned, really, is he? When he leaves office in 1997, America will be another $1 trillion deeper in debt than we were when he came. It took him 3 years into his Presidency to submit a balanced budget, and it was really not a balanced budget. It did not balance the budget, in fact, and it was just a pretense of a balanced budget. It took him 3 years of ''amateur night'' before he came up with a proposal that he could even pretend was a balanced budget, and, really, he did it after he was driven to do it by a Republican Congress.

If they are interested in doing something for the children, it is my belief that the best Children's Defense Fund is a national debt with a zero balance.

Mr. President, let me conclude by saying that the two bills I am introducing are a small step in a long journey to reduce our debt. We must develop a plan to bring down the debt. One idea is to establish a national debt reduction fund much like the Presidential campaign fund. Perhaps there are other ways we can use incentives to reduce the debt.

It is important to consider methods to reduce the debt, and this is a critical issue, but, Mr. President, this Congress must muster the fortitude to stop spending. And, so far, we have not managed to do that.

If we do not begin now, if we do not start now, when will we? If we do not do it in this Congress, if the people now here do not do it, who will do it?

Mr. President, I yield the remainder of my time. I thank you.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized to speak as if in morning business for up to 15 minutes.

Mr. GLENN. I thank the Chair.

Mr. President, I did not come to speak on this particular subject that was just addressed by Senator FAIRCLOTH, but I wanted to set some facts straight in the interest of fairness.

The facts are that when President Reagan took office, the national debt was at $1 trillion—the result of a build-up through all of the Presidents since George Washington through Jimmy Carter. During the Reagan-Bush years, we added $3.9 trillion. Currently, the national debt is about $5 trillion.

In the summer of 1993, President Clinton announced the reconciliation bill that he put forward with his economic policies. We passed the bill in the U.S. Senate without a single Republican vote—not one. It resulted in the first 3 years of budget deficit reduction since Harry Truman was in office. We went from a budget deficit of $292 billion in the year we passed the reconciliation bill in 1993, down to approximately $240 billion in 1994 and $163 billion in 1995. This year the budget deficit is estimated to be $142 billion. There are several estimates on that amount, including CBO. For the first time since Harry Truman, we have had a steady reduction of the Federal deficit over a 3-year period. We worked for a balanced budget, and we are on the road to attaining it.

SENATE RESOLUTION 238—RELATIVE TO BUDGET OR TAX LEGISLATION AND EXPANDED ACCESS TO INDIVIDUAL RETIREMENT ACCOUNTS

Mr. HELMS (for himself, Mr. ROTH, Mr. LOTT, Mr. D'AMATO, Mr. NICKLES, Mrs. HUTCHISON, Mr. FAIRCLOTH, Mr. BREAUX, Mr. SHELBY, Mr. BENNETT, and Mr. SANTORUM) submitted a resolution which was referred to the Committee

on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged:

S. RES. 238

Whereas the Congress recognizes that an increased saving rate would be beneficial for the American economy, providing much needed capital for investment which leads to economic growth and increases in jobs and wages;

Whereas the personal saving rate in America averaged between 6 percent and 8 percent from 1950 through 1980, but dropped below 5 percent in the late 1980's, where it remains today;

Whereas the United States now has the lowest saving rate of all other industrialized nations in the world and this results in deficit financing and foreign borrowing to finance our consumption and investment;

Whereas when the deductibility of contributions to individual retirement accounts (''IRAs'') was significantly curbed in 1986, deductible contributions to IRAs dropped from almost $40,000,000,000 in 1985 to a low of about $7,000,000,000 in 1993;

Whereas millions of people are currently precluded from making fully deductible IRA contributions, and they are relying on Congress to increase the current income limit on individuals eligible to contribute to IRAs and to create a new nondeductible IRA so all Americans can utilize IRAs to save for their futures;

Whereas the time has come to allow spouses working at home to have an equal opportunity to invest in an IRA since out of the 53,000,000 households with married couples, at least 35 percent have only one wage earner in the household, thereby illustrating the need for IRAs for spouses working at home;

Whereas because of the current restrictions on IRAs, only around 8 percent of American workers invest in them;

Whereas unless remedial action is quickly taken to increase the saving rate, millions of American will be lacking in sufficient resources to fund their retirement needs;

Whereas 50 years ago 42 workers contributed Social Security taxes for every beneficiary, today there are fewer than 4 workers per beneficiary, and by 2025 the ratio will have dropped to only 2.2 workers per beneficiary;

Whereas if an expanded individual retirement package is included in any budget agreement or appropriate to measure, it will give millions of American the opportunity to use IRA funds to provide for retirement, buy a first home, pay for children's college education, or protect themselves in the event of extended unemployment—all without incurring any penalty; and

Whereas if an expanded individual retirement accounted package is included in any budget agreement or appropriate tax measure, millions of Americans can immediately begin using IRAs to save for their futures, reducing dependence on government, and millions of unemployed or underemployed Americans can pursue the American Dream: Now, therefore, be it

Resolved, That it is the sense of the Senate that any budget agreement or appropriate tax measure coming before Congress this year shall include expanded access to individual retirement accounts so that the saving crisis in America can be reverse, new jobs can be created, economic growth can be increased, and the American Dream can be restored.

Mr. HELMS. Mr. President, in 1981 President Reagan proposed that individual retirement accounts be expanded to allow all workers to supplement their employer pensions with individual, tax-deferred savings. You see, Mr. President, Ronald Reagan understood the importance of increased national savings; he correctly perceived that the expanded use of IRA's would result in additional savings by families and individual citizens.

The year President Reagan proposed the IRA expansion, citizens across America invested $4.8 billion in tax-deferred IRA accounts. Three years later, in 1984, the amount of contributions to IRA's had increased to more than $35 billion.

And this past year, Mr. President, IRA contributions dwindled to about $7 billion—due in large part to the ramifications of the Tax Reform Act of 1986, which limited tax-deferred IRA contributions only to workers having no employer-sponsored retirement plans in which to invest and save—and to those citizens meeting an income test. Not surprisingly, these unwise restrictions diminished IRAs as an effective way to save for broad segments of society.

It's high time that the Federal Government's tax policy again encourage the American people to save through tax-deferred IRA's. So, Mr. President, I'm introducing a resolution expressing the sense of the Senate that, if a budget agreement is reached this year, it should include expanded access to IRAs.

The distinguished chairman of the Finance Committee, Senator Roth, along with the Senator from Louisiana. Mr. BREAUX, have introduced an effective bill (S.12) to encourage savings and investment through IRAs. This legislation gradually restores the universal availability of the tax-deductible IRA. It also establishes the back-end IRA, a new investment instrument in which contributions are not tax deductible, but earnings are not taxed at withdrawal.

The Congress should make certain that all Americans, including those who choose to work at home, have the opportunity to participate fully in IRA savings. Moreover, the tax system should allow investors to withdraw savings for a limited number of contingencies For example, families should be allowed to make penalty-free withdrawals for certain education expenses, first-time home purchases, catastrophic illness and long-term unemployment. These commonsense proposals must be included in any budget agreement struck this year, or any appropriate tax measure considered by the Senate.

Mr. President, the saving rate in America has declined significantly in the past two decades. In the 1970's, Americans saved 8 percent of average disposable income. By 1994, that figure had dropped to 4 percent. The saving rate in Japan, for example, is three times that in America; Canadians save twice as much as Americans. According to the Federal Reserve Board Chairman, Alan Greenspan, reversing the low saving rate is one of the most important long-term economic challenges in America.

If the availability of IRAs is expanded, savings will increase, and that will benefit the entire economy. A boost in savings will fuel added investment spending, which in turn drives the engine of economic growth and job creation. Likewise, it will reduce our reliance on foreign investment.

The importance of individual savings has never been greater, Mr. President, as the current demographic situation makes clear. The population as a whole is aging and the ratio of retirees to workers is increasing in the 1940's, for example, approximately 40 workers contributed to Social Security for every beneficiary of Social Security. Today, there are fewer than four workers per beneficiary, and by 2025 the ration will have dropped to only 2.2 American workers per retiree. This is certain to place enormous stress on the public pension system in America.

Younger workers, especially, should be encouraged to save for their retirement needs. Personal responsibility and personal savings are the wave of the future, Mr. President. The Senate should, therefore, include expanded savings opportunities in any future budget agreement, or in any appropriate tax measure to come before the Senate.

Mr. LOTT. Mr. President, I am very pleased to be a cosponsor of Senator HELMS' sense of the Senate resolution that an expanded IRA should be included in any budget agreement we are able to reach.

I am still hopeful that we will be able to reach an agreement this year. Some say I am the eternal optimist. But, I truly believe it is in the best interest of our country to enact the changes necessary to put us on the path to a balanced budget. And, I hope that, in the end, this will prevail.

I also believe that tax relief should be included in any final agreement. It is critical that we provide incentives for economic growth and relief to families.

The tax cuts in the 1980's led to significant increases in real savings and real net worth of U.S. households; they also attracted huge influxes of foreign capital. All of this helped finance vigorous economic growth.

To the contrary, the increase in marginal taxes in 1990 and 1993 have suppressed private-sector savings and led to stagnation in investment in the United States by foreign investors. To increase the U.S. economy's capacity to expand, we must reverse the tax rate increases of the past 4 years.

There are two aspects to our national savings problem:

First, public dissaving in the form of large Federal deficits, and

Second, a decline in private savings, especially for retirement.

We addressed both of these in the Balanced Budget Act of 1995 which the President vetoed last December.

Our national savings rate is alarmingly low: It has fallen 50 percent since 1970. Americans are saving less today than at almost any time since World War II.

From 1993 to 2020, the percentage of Americans over 65 years old will increase by 64 percent. The Baby Boom generation is aging, and people are spending more years in retirement than ever before. Yet, studies show that Baby Boomers are only saving one-third of what they need for an adequate retirement.

The ratio of those paying into Social Security versus those drawing it is shrinking. People must realize this trend and acknowledge that their Social Security benefits should only be the foundation for their retirement: They must also take personal responsibility.

The personal savings rate has plummeted from 8 percent of disposable income in 1970 to only 4 percent in 1994. This represents a loss of roughly $200 billion in capital that could have been put to work in our economy.

Our savings rate is lower than any industrialized country. For example, Japan's savings rate was 14.8 percent in 1994, compared to ours of just over 4 percent.

Low rates of savings and investment have limited productivity growth and employment opportunities for more than two decades. This has held back investments and kept the United States at sub-par growth levels.

We must address this long-term problem, realizing the importance of savings to the economy and the well-being of current and future generations.

If we do not take steps now to increase private savings, our deficits will preempt all projected private savings early in the next century.

Expanded IRA's will provide the incentive people need to save.

I have always been an advocate of IRA's. Contributions to IRA's grew from $5 billion in 1981 to about $38 billion in 1986, accounting for 30 percent of the total saving by individuals that year. IRA's were working as they were supposed to.

I thought it was wrong in 1986 to limit the deductibility of contributions. As a result, by 1990 annual contributions to IRA's fell to less than $10 billion, and participation fell from more than 15 percent of income tax filers in 1986 to only 4 percent in 1990.

We have made several efforts since then to restore the deduction, but to date have not been able to accomplish this. We were close this year. The Balanced Budget Act would have allowed penalty-free withdrawals from IRA's for first-time home purchases, medical expenses, education expenses and unemployment. Individuals would have been allowed to withdraw for themselves and members of their families.

In addition, the bill would have allowed for a super IRA and spousal IRA's. It blows my mind that women who work in the home are not allowed to contribute but $250 to an IRA; this is just basically unfair.

I believe expanded IRA's will serve as an incentive to Americans to save for their own retirement. Studies show that approximately one-third of Americans have put away almost nothing for their retirement. While saving for retirement is important for social reasons, there is an added benefit: Increased IRA savings will allow capital investment which will, in turn, spur economic growth.

So, in conclusion, I would urge my colleagues to support this sense of the Senate resolution. And, I would urge them to continue to support legislation to make investment in IRA's possible for all Americans.

Let's give people the opportunity to take control of their own lives and retirements and restore the American dream.

SENATE RESOLUTION 239—RELATIVE TO THE SENATE LEGAL COUNSEL

Mr. DOLE (for himself and Mr. DASCHLE) submitted a resolution; which was considered and agreed to:

S. RES. 239

Whereas, in the case of *Robert E. Barrett* versus *United States Senate, et al.*, No. 96CV00385 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named the United States Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend the Senate in civil actions relating to its official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the United States Senate in the case of *Robert E. Barrett* versus *United States Senate, et al.*

SENATE RESOLUTION 240—TO AUTHORIZE REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. WARNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas, in the case of *United States* versus *Byron C. Dale, et al.*, Civil No. 95–1023, pending in the United States District Court for the District of South Dakota, Northern Division, the defendants have named Senator Robert J. Dole as a codefendant in a counterclaim against the United States;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dole in the case of *United States* versus *Byron C. Dale, et al.*

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The hearing will take place Tuesday, April 16, 1996, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1646, a bill to authorize and facilitate a program to enhance safety, training research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or David Garman at (202) 224–8115.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing chaired by Senator Warner on Small Business and Employee Involvement. The TEAM Act Proposal on Thursday, April 18, 1996, at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Melissa Bailey at 224–5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a field hearing in Salem, OR, before the Subcommittee on Forests and Public Land Management on S. 1662, the Omnibus Oregon Resources Conservation Act.

The hearing will be held on Thursday, April 12, 1996, 1 p.m.–4 p.m. at the Willamette University, College of Law, 245 Winter Street, SE., Salem, OR 97301. Testimony will be received on the two major titles of the bill: Opal Creek Wilderness and Scenic-Recreation Area and Coquille Forest Proposal.

Because of the limited time available, witnesses may testify by invitation only. Written testimony will be accepted for the record. Witnesses testifying at the hearing are requested to bring 10 copies of their testimony with them on the day of the hearing. In addition, please send or fax a copy in advance to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Fax to 202–228–0539 and fax a copy to Dave Robertson with Senator Hatfield at 503–326–2351.

For further information, please contact Mark Rey, Energy and Natural Resources Committee, at 202–224–6170 and Dave Robertson with Senator HATFIELD at 503–326–3386.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND

Mr. CRAIG. Mr. President, I would like to announce for the information of the senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management on S. 1401, Surface mining

Control and Reclamation Amendments Act of 1995.

The hearing will take place on Tuesday, April 23, 1996 at 9:30 a.m. in room SD 366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Michael Flannigan of the Subcommittee staff at 202–224–6170.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Oversight and Investigations Subcommittee of the Energy and Natural Resources Committee to review the socioeconomic impacts of the Department of the Interior's regulatory requirements and planning process.

The hearing will take place on Saturday, April 13 at 9 a.m. in Rock Springs, WY. The exact location to be announced at a later date.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224–6730.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, April 17, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 128, a bill to establish the Thomas Cole National Historic Site in the State of New York; S. 695, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas; and S. 1476, a bill to establish the Boston Harbor Islands National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and National Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GOHEN. Mr. President, I ask unanimous consent that the Strategic Forces Subcommittee of the Committee on Armed Services be authorized to meet at 11 a.m. on Friday, March 29 in open session, to receive testimony on arms control, cooperative threat reduction program, and chemical demilitarization in review of the defense authorization request for the fiscal year 1997 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GOHEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Friday, March 22, 1996, at 10 a.m. in SH216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. GOHEN. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces be authorized to meet at 9 a.m. on Friday, March 29, 1996, to receive testimony on Army and unmanned aerial vehicle [UAV] modernization efforts in review of the defense authorization request for fiscal year 1997 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GOHEN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, March 22, 1996, to hold hearings on the Global Proliferation of Weapons of Mass Destruction, Part II.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MINIMUM WAGE AMENDMENT

• Mr. ABRAHAM. Mr. President, I wanted to take just a minute to comment on the amendment offered by Senators KERRY and KENNEDY to raise the minimum wage from $4.35 an hour to $5.15 an hour over the next 2 years and why I oppose closing debate on this amendment at this time.

In my mind, few issues better define the differences between Republicans and Democrats than efforts to raise this starting wage. On the one hand, members of the Democratic Party seek to increase living standards through a Government mandate. On the other, Republicans are seeking to increase family incomes by cutting Federal taxes, reducing regulatory burdens, and increasing job opportunities. Democrats believe in Government while Republicans place their faith in families and individuals.

The case for the minimum wage has been refuted time and again. Far from raising living standards, studies show the minimum wage actually hurts the very workers its supposed to help. Harvard economist Robert Barro argues that ''the minimum wage misses the mark because it worsens the status of most disadvantaged youths.''

Economist David Neumark of my alma mater, Michigan State University, and William Wascher of the Federal Reserve have concluded that raising the minimum wage to $5.15 an hour would result in over 500,000 lost job opportunities for teenagers and young adults. Fully 77 percent of the members of the American Economic Association believe an increase in the minimum wage eliminates entry-level jobs.

Mr. President, under President Clinton's tenure, American families have seen their incomes stagnate while their tax burden have gone up. This Clinton crunch is forcing millions of families to get by with less. That's why the Republican Congress offered hard-working American families tax cuts like the $500 per child family tax credit, marriage penalty relief, and expanded individual retirement accounts. We wanted to let families keep more of what they earn, so they could finance their own priorities, not the Government's. These efforts were cut short when President Clinton vetoed the bill.

Now, the President and his party are pressing forward to mandate higher standards of living through Government action. This effort is misdirected and destructive. Furthermore, its timing is suspect. I am troubled that the same week this issue is raised on the Senate floor, the AFL–CIO has pledged to raise and spend $35 million through November to defeat Republican candidates.

If this issue is so pressing, why did President Clinton and congressional Democrats fail to bring it up in 1993 and 1994, when they controlled both the White House and the Congress? They joined hands to raise taxes on American families in 1993, but at no time during the last Congress did they ever consider raising the minimum wage. Now, with a Republican majority in Congress and the labor unions pledging them record financial support, raising the minimum wage becomes a priority.

Mr. President, I am unwilling to turn my back on low-skilled workers or to sacrifice their interests for an ideological and political agenda. Nor am I willing to impose another unfunded mandate on small business men and women across the country. For that reason, I oppose closing debate on this amendment at this time, and I call on my colleagues from both sides of the aisle to assist all working families by reducing the real barriers to higher wages and living standards—excessive taxes and regulations.•

GREEK INDEPENDENCE

•–Mr. SARBANES. Mr. President, I rise today to salute the Greek people, who on March 25 commemorated the 175th Anniversary of the beginning of their

struggle for independence from nearly four centuries of Ottoman Turkish rule. Against great odds, Greek patriots reestablished freedom and self-government in the country that gave birth to democracy.

This decade-long struggle attracted the attention of freedom-loving peoples throughout the world but enjoyed particularly strong support from the young American Republic. Americans held rallies in support of the Greek cause and sent both supplies and volunteers to aid the independence effort.

From that time, the American and Greek peoples forged an alliance for democracy which has stood the test of time and political change. In both World Wars and through the cold war period, America and Greece remained steadfast in their commitment to freedom and together fought successfully against the forces of modern tyranny and totalitarianism. In all of these struggles, the Greek people fought valiantly and at great sacrifice to their land and lives. It can be rightly said that no land so small gave so much to the modern cause of freedom.

As the challenges and opportunities of the post-cold-war world begin to emerge, the resourceful people of Greece are poised to join with America and other democracies in encouraging new hopes for freedom and democracy in Eastern Europe and the former Soviet Union. Greece, as one of the oldest continuing democracies of the modern period, has the experience in self-government to be of enormous assistance to nations struggling to develop open societies.

Greece is also the only country in the Balkans and Eastern Mediterranean region with membership in the European Union. This fact equips Greece to play a special role in the economic and political reconstruction of those regions. From the dawn of history, Greek travelers and traders have lived and worked in these areas developing relationships that can promote peace and prosperity in this new era.

Mr. President, the significance of the longstanding and close partnership between the United States and Greece is being reinforced by the exchange of official visits and by representatives of our two countries. As I speak, Hillary Clinton, our First Lady, is in Greece participating in the lighting of the Olympic Torch, which will eventually make its way to Atlanta, GA, for the centennial of the modern Olympics. Mrs. Clinton's presence at this important event reflects America's respect for and recognition of Greece's historic role in establishing these games and promoting friendly competition and cooperation among nations.

Within days, the Honorable Costas Simitis, newly installed Prime Minister of Greece, will visit Washington for a series of meetings with President Clinton and other administration officials. Prime Minister Simitis represents a new generation of Greek political leadership which promises to build on the strength of the existing United States-Greek relationship while seeking new areas of cooperation. In early May, Greek President Costas Stephanopoulos will also visit Washington for an official state visit. This again will offer an opportunity for renewing and reinforcing the ties between the citizens of these two democratic countries. We look forward to these visits and express warm appreciation to President Clinton for extending these invitations.

These are occasions also for the leaders of both America and Greece to recognize the impressive contributions that Greek-Americans have made to the strength and progress of democracy in both nations. The ties between our two countries have been tangibly strengthened by the constructive involvement of Greek-Americans in virtually every sphere of American life.

As we celebrate the bravery of the heroes and heroines of March 25, 1821, we recall with pride their unshakeable devotion to freedom. It is a commitment they have honored with their blood and tears over two centuries and an undertaking which has always found them in alliance with the American people and all those who value democracy and the rule of law. As we enter this new post-war period, I am confident that America and Greece will work together in the great effort to build and expand democracy. That will be the highest tribute to the spirit of Greek Independence first proclaimed on March 25, 1821.●

BREAST CANCER

● Mr. SMITH. Mr. President, I rise before you today to plea for the support of the world's wives, daughters, mother, and loved ones who prevail under a merciless dark shadow we've come to know as breast cancer. Over the past two decades, the risk of acquiring breast cancer has nearly tripled; from 1 in 20, to 1 in 8. Breast cancer alone is predicted to murder over 184,300 American women this year. To date, researchers have not been able to locate its cause or find a technique to eradicate it.

Paramount in our struggle to save our loved ones is the frequent inspection to detect possible irregularities. Caught early, measures can be undertaken to lower the risk of a further contamination of the body. However, the postponing of medical attention could result in the cancer expanding into the bloodstream, carrying tumor cells to the liver, lungs, and bones. Once diagnosed, the style of treatment is decided between the patient and the physician after considering the stage and type of cancer in question. Most often, a modified mastectomy—the removal of only the breast tissue—or a lumpectomy—the local removal of the tumor—followed by radiotherapy is the standard method. Unfortunately, the pain and suffering do not end after surgery. Once involved in therapy, the real struggle to return to a life lost begins.

What is commonly overlooked in the rehabilitation of a breast cancer victim is the unrestrictive support by loved ones as a means of therapy, and in most cases, this is vital to their recovery. Families facing cancer are severally challenged as their lives become increasingly complex. Psychosocial research has shown that the stress of adopting new roles, relating to and communicating with others, self-care responsibilities, and the over all nature of the cancer experience can cause unrest in the family unit. This in turn, greatly influences and in most cases, hinders the complete healing process. On the other hand, families that have stood by and supported relatives by educating themselves and responding properly tot he needs of the victim were able to significantly add to the recovery process. Therefore, I believe that as we work toward advancements in treatment, cure, and diagnosis of breast cancer, our programs must also stress involvement by family members in the care and support of loved ones.●

DAVID PACKARD

● Mrs. BOXER. Mr. President, I was deeply saddened to learn of the death of David Packard yesterday. My heartfelt thoughts and prayers go out to his family as people around the Nation pay tribute to his remarkable life and mourn his passing.

Untold numbers of people's lives were touched by David Packard or changed by the advent of his innovations. Not only will he be remembered for his pioneering work in the area of electronic and computer technology, but also his progressive management philosophy promises to remain fundamental in the high-tech industry in particular and American business in general.

Although his work at Hewlett-Packard was best known to the public, he found time to donate his valuable energy and resources to his country and many organizations and causes which are now an integral part of California's communities and elsewhere. The Monterey Bay Aquarium and the Lucile Salter Packard Children's Hospital at Stanford University are just two of his most visible contributions. His generosity, as most clearly manifest by the continuing work of the David and Lucile Packard Foundation, will long be remembered as the living legacy of a departed friend.●

TRIBUTE TO LOUISVILLE MALE HIGH SCHOOL

● Mr. McCONNELL. Mr. President, on April 27 to April 29, 1996, more than 1,300 students from 50 States and the District of Columbia will be in Washington, DC to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that a class from Male High School in Louisville

will represent Kentucky. These young scholars have worked diligently to reach the national finals by winning local competitions in our home State.

The distinguished member of the team representing Kentucky are: Abby Alster, Jil Beyerle, Lori Buchter, Adam Burns, Melissa Chandler, Sienna Greenwell, Patrick Hallahan, Nicole Hardin, Tony Heun, Michelle Hill, Patricia Holloway, Cammie Kramer, Kevin Laugherty, Anne-Marie Lucchese, Astrud Masterson, Kimberly Merritt, Tiffany Miller, Matthew Parish, Angela Rankin, Dana Smith, Danielle Vereen, Maleka Williams, Jamie Zeller.

I would also like to recognize their teacher, Sandra Hoover, who deserves a lot of credit for the success of the team. The district coordinator, Diane Meredith, and the State coordinators, Deborah Williamson and Jennifer Van Hoose, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People . . . program, now in its 9th academic year, has reached more than 70,400 teachers and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.●

CONFIRMATION OF FEDERAL JUDGES

Mr. LEAHY. Mr. President, I take our advice and consent function very seriously and especially so when it comes to the confirmation of Federal judges who are given lifetime appointments. In our system of Government, with coordinate branches and separation of powers, that is our responsibility in the Senate. But once a Federal judge is confirmed, our role is concluded.

I have voted to confirm some judges who rendered decisions with which I strongly disagreed and have voted against a few who have surprised me by turning out to be better judges than I predicted. Whenever I disagreed with a particular ruling in a particular case, after a Federal judge was nominated, examined and confirmed, I have not attacked that judge or tried to influence that judge's consideration of an ongoing matter.

If we disagree with the result in a case, we can determine whether the law needs to be amended or new law needs to be enacted. If a judge decides a case incorrectly, the remedy in our system is through judicial appeal. Indeed, the reason the Founders included the protections of a lifetime appointment for Federal judges was to insulate them from politics and political influence.

I ask that a statement from a group of distinguished judges from the U.S. Court of Appeals from the Second Circuit and an editorial from the Washington Post on this subject be made part of the RECORD.

The material follows:

JOINT STATEMENT

The following is a joint statement of Jon O. Newman, J. Edward Lumbard, Wilfred Feinberg, and James L. Oakes, who are respectively, the current and former chief judges of the United States Court of Appeals for the Second Circuit:

The recent attacks on a trial judge of our Circuit have gone too far. They threaten to weaken the constitutional structure of this Nation, which has well served our citizens for more than 200 years.

Last Friday, the White House press secretary announced that the President would await the judge's decision on a pending motion to reconsider a prior ruling before deciding whether to call for the judge's resignation. The plain implication is that the judge should resign if his decision is contrary to the President's preference. That attack is an extraordinary intimidation.

Last Saturday, the Senator Majority leader escalated the attack by stating that if the judge does not resign, he should be impeached. The Constitution limits impeachment to those who have committed ''high crimes and misdemeanors.'' A ruling in a contested case cannot remotely be considered a ground for impeachment.

These attacks do a grave disservice to the principle of an independent judiciary, and, more significantly, mislead the public as to the role of judges in a constitutional democracy.

The Framers of our Constitution gave federal judges life tenure, after nomination by the President and confirmation by the Senate. They did not provide for resignation or impeachment whenever a judge makes a decision with which elected officials disagree.

Judges are called upon to make hundreds of decisions each year. These decisions are made after consideration of opposing contentions, both of which are often based on reasonable interpretations of the laws of the United States and the Constitution. Most rulings are subject to appeal, as is the one that has occasioned these attacks.

When a judge is threatened with a call for resignation or impeachment because of disagreement with a ruling, the entire process of orderly resolution of legal disputes is undermined.

We have no quarrel with criticism of any decision rendered by any judge. Informed comment and disagreement from lawyers, academics, and public officials have been hallmarks of the American legal tradition.

But there is an important line between legitimate criticism of a decision and illegitimate attack upon a judge. Criticism of a decision can illuminate issues and sometimes point the way toward better decisions. Attacks on a judge risk inhibition of all judges as they conscientiously endeavor to discharge their constitutional responsibilities.

In most circumstances, we would be constrained from making this statement by the Code of Conduct for United States Judges, which precludes public comment about a pending case. However, the Code also places on judges an affirmative duty to uphold the integrity and independence of the judiciary. In this instance, we believe our duty under this latter provision overrides whatever indirect comment on a pending case might be inferred from this statement (and we intend none).

We urge reconsideration of this rhetoric. We do so not because we doubt the courage of the federal judges of this Circuit, or of this Nation. They have endured attacks, both verbal and physical, and they have established a tradition of judicial independence and faithful regard for the Constitution that is the envy of the world. We are confident they will remain steadfast to that tradition.

Rather, we urge that attacks on a judge of our Circuit cease because of the disservice they do to the Constitution and the danger they create of seriously misleading the American public as to the proper functioning of the federal judiciary.

Each of us has important responsibilities in a constitutional democracy. All of the judges of this Circuit will continue to discharge theirs. We implore the leaders of the Executive and Legislative Branches to abide by theirs.

[From the Washington Post, Mar. 26, 1996]

LIFE TENURE FOR A REASON

In an angry and misguided response to an unpopular judicial ruling in New York last month, the White House let it be known that it was considering asking for the resignation of the federal judge in question. Within days of this thinly veiled and constitutionally empty threat, however, cooler heads prevailed. In a letter to a member of Congress who had called for resignation, the president's counsel, Jack Quinn, took the right tack, declaring that ''the proper way for the executive branch to contest judicial decisions with which it disagrees is to challenge them in the courts, exactly as the Clinton administration is doing in this case.''

At issue is a decision by Judge Harold Baer, a Clinton appointee, to suppress evidence in a multimillion-dollar drug case because the police did not, in his opinion, have probable cause to stop and search the car being used to transport the drugs. Such a ruling is always unpopular, especially in a case like this, in which a defendant at risk of a life sentence will go free if the evidence is inadmissible. But Judge Baer unfortunately used this opportunity to take a gratuitous swipe at the police. It was reasonable, he wrote, for the men involved in this crime to run from the police, because in their neighborhood officers have a reputation for corruption and violence.

The public uproar has caused Judge Baer to reconsider his ruling. But whether he is correct on the law is of secondary interest. Because this evidence is crucial to the case, the government can appeal an adverse decision and get a ruling from a higher court before the trial proceeds.

What is notable about the case is the eagerness of elected officials to demand the ouster of the judge, not because of corruption but because they did not agree with his ruling in one case. It is exactly this kind of situation that the Framers of the Constitution sought to avoid by providing life tenure

for judges. Because of their wisdom, a judge acting in good faith who makes an unpopular call—protecting the free speech of political dissenters, for example—cannot be removed from office. The president, members of Congress and the public in general can demand his resignation until they are blue in the face, but a judge cannot be personally punished for taking an unpopular position. He can be removed only by impeachment.

An election-year assault on the judiciary is already in full swing. There will be the expected claims that one side will pack the courts with turn-'em-loose liberals and the other will nominate only right-to-life stalwarts. Fortunately for the country, judicial officers are sufficiently insulated from the political process that they are able to do the right thing even when the majority objects. Their mistakes can be reversed. Their independence from political pressure must be preserved.●

RESTRICTION OF FREEDOM OF EXPRESSION IN LEBANON

Mr. D'AMATO. Mr. President, I rise today to address some of the human rights violations that the Lebanese government is guilty of committing. In testimony to the Senate Foreign Relations Committee, a representative of the Independent Communications Network (ICN) explains the repeated limitations that the Lebanese Government places on the freedoms of speech and press. While I disagree with ICN's recommendation concerning the lifting of the State Department's travel ban to the country, I believe that ICN raises some valid points.

ICN's testimony details some of the measures taken by the government to repress any political opposition. They are unwilling to allow any form of free and open political debate, and they are vigilant about ensuring that radio and TV airwaves are strictly limited and under their control. The example of the hardships that ICN has had to endure show the oppressive policies of the Lebanese government.

As a country that firmly believes in the freedoms of speech and press, we can not sit idly by and tolerate these gross injustices. We must do what is possible to restore a sense of freedom to the country. It is in this spirit that I ask that ICN's testimony to the Senate Foreign Relations Committee be entered into the CONGRESSIONAL RECORD in its entirety. The testimony follows:

TESTIMONY SUBMITTED FOR THE RECORD BY THE INDEPENDENT COMMUNICATIONS NETWORK, FEBRUARY 27, 1996

Mr. Chairman. Thank you for this opportunity to testify to this distinguished committee. The Independent Communications Network [ICN] is an independent television broadcaster in Beirut committed to an independent Lebanon.

We are philosophically as well as professionally committed to freedom of speech and freedom of the press, two fundamental rights which we believe are threatened in our country.

We know you have no jurisdiction in Lebanon, but what you say and do here in Washington and in this respected and influential committee has an impact in Beirut and beyond.

The immediate issue before you today is United States ban on travel to Lebanon. We understand the Department of State will announce its decision tomorrow. Such decisions are not and cannot be made in a vacuum. It is with that in mind that we urge you to replace the lifting the travel ban with a strong advisory that not only warns travelers but also makes it clear to the Lebanese government that the United States government expects it to make a concerted effort to improve its efforts to assure the personal security of visitors to Lebanon as well as to secure human rights and freedom of speech for all Lebanese.

Lebanon is a unique country in the Middle East, and it has historically chosen a unique mission: spreading the liberty and freedom of speech in our part of the world. This mission, which we share with America, is threatened by a government which seems intent on turning Lebanon into a police state.

Before 1990, the Muslims in Lebanon were demanding a fair share of power. Lebanon has been governed since 1943 by a National Pact dividing power between Christians and Muslims on a six-to-five basis in favor of Christians. In 1990, Lebanese parliamentarians met in the Saudi summer resort town of Taif, and under American, Saudi and Syrian auspices developed a ''peace plan'' that shifted the imbalance to the favor of the Muslims this time.

This situation has led to an unbalanced government. General elections were boycotted by most Lebanese, leading to a parliament representing no more than 13 percent of the country. We are sliding more and more towards dictatorship and a ''savage ownership'' of the country and the media by the multi-billionaire who is currently prime minister, Sheikh Rafiq Hariri.

Today the fundamentalists are gaining influence in our country, taking advantage of a collapsing economy and the government's efforts to gag the media.

The government is seeking to stifle dissent by limiting the number of radio and television stations permitted to operate in Lebanon. Those that remain are becoming little more than political booty for the prime minister and his friends and a club to silence the opposition. The government already has approved legislation permitting only six television and 12 radio stations for the entire country.

Of those six permitted television stations, one belongs to the Speaker of the Parliament, Nabih Berri; another to the Minister of the Interior, Michel Murr and a third to Prime Minister Hariri.

ICN, as its name implies, is an independent voice not beholden to the government or any political party. It is no coincidence that it is not among the six stations sanctioned by Mr. Hariri and his government.

The government has ignored the petition of more than 40 members of Parliament asking to review and restudy this unjust law. It also has ignored demonstrations in the streets of Beirut protesting the law and more are scheduled later this week.

Mr. Chairman, we wish to share with you an example of the current state of freedom and democracy and respect for human rights in a country that is slaughtering freedom.

Earlier this month, ICN was broadcasting live a roundtable discussion with several parliamentary deputies from the opposition who were critical of the government's attempt to parcel out television channels to its supporters. State security forces sealed off the ICN building in Beirut, and the host of the show and some participants were threatened by plainclothes security men about what they were doing and saying.

The State Department Report on Human Rights, the Middle East Watch report on human rights and other groups have been critical of the policies of the Lebanese government regarding human rights and freedom of speech.

In 1993 the government banned ICN for nine months until a resolution passed by the United States Congress urged that it be allowed to reopen. But the government did not cease its efforts to silence INC, even after the courts found ICN innocent of the trumped up charges made by the government. The Hariri government continues attempting to promulgate what can only be called unconscionable efforts to silence all opposition and criticism.

This unbearable political and economic situation has led the Lebanese Workers Union to call for a national strike and demonstrations on February 29. It is no coincidence that threat came from Interior Minister Murr, the owner of one of the six sanctioned television puppet stations.

It is important to note that the basis of the Lebanese government's demand that the United States lift the travel ban is its repeated claim that it is in full control of national security. It is also asking the United State and the United Nations to force Israel to withdraw from South Lebanon; President Elias Hraoui contends that the Lebanese Army is ready to deploy and maintain security there.

If the government is as strong as it claims, how can it turn around and say it is banning the constitutional right of demonstration to the workers because security is still fragile and that such demonstrations could jeopardize the national security.

They can't have it both ways.

We urge the Congress to see for itself by dispatching a fact finding mission to Lebanon to look into what the government is doing to protect human rights and freedom of speech.

The first stop for that delegation should be the U.S. Embassy, where you and your colleagues can ask America's new ambassador, Mr. Richard Jones, why, if the government has the security control it contends, he had to secretly land in Beirut and clandestinely head to the Embassy earler this month to take up his new post. And ask why it is American officials can only use the ''helicopter bridge'' into Beirut, not their automobiles.

In conclusion, Mr. Chairman, we support replacing the travel ban with an advisory, but its continuation should be linked not only to the government's ability to protect public safety and the security of American visitors but also to the government respect for the fundamental rights of its citizens.

Mr. Chairman, we appreciate this opportunity to testify before you and this distinguished committee. Thank you.●

TAIWAN RELATIONS ACT

Mrs. FEINSTEIN. Mr. President, this morning, the distinguished Senator from Alaska, Senator MURKOWSKI, was on the floor speaking about a provision in the State Department Authorization conference report that was voted out last night.

The provision was section 1601, which declares that the provisions of the Taiwan Relations Act supersede provisions of the United States-China Joint Communique of August 17, 1992.

His basic point was that the provision was written not to be a wholesale repudiation of the 1982 Joint Communique, but rather to say that where the two conflict, specifically with respect

to arms sales to Taiwan, the Taiwan Relations Act, as the law of the land, must override the communique. He referred to an April 22, 1994 letter he received from Secretary Christopher saying that the Administration agrees that the Taiwan Relations Act takes legal precedence over the communique.

Indeed, it is true that the Taiwan Relations Act takes legal precedence over the 1982 Joint Communique. One is the law of the land, and the other is a diplomatic agreement not ratified by Congress.

But that is precisely what makes this provision superfluous. If the intent is to say that the law of the land takes legal precedence over other documents, it is absolutely unnecessary. If we add this language to the Taiwan Relations Act, we may as well add it to every other law we pass: ''The provisions of this act supersede the speech made by the President on a similar topic on such-and-such a date.''

The Senator from Alaska says the meaning of the word ''supersede'' is that the Taiwan Relations Act overrides the Communique only if their provisions conflict. He cites the Oxford English Dictionary's definition of ''supersede.'' But, according to Webster's Third New International Dictionary, the word ''supersede'' also means ''to make obsolete,'' ''to make void,'' '' to annul,'' ''to make superfluous or unnecessary,'' and ''to take the place of and outmode by superiority.''

Therefore, regardless of the provision's intent, it has the appearance of Congress issuing a wholesale repudiation of the 1982 Joint Communique.

This Joint Communique includes not just a paragraph on arms sales, but a reaffirmation of the One-China policy and the principles of sovereignty and territorial integrity as espoused in the two previous Joint Communiques of 1972 and 1979. By saying we supersede the 1982 Joint Communique, we give the impression that we might be repudiating it outright. To do this would shake United States-China relations to their very core. The fundamental basis of the relationship would be called into question.

Under any circumstances, this would be a dangerous course of action, but it is especially so at this extremely sensitive time in relations between the United States, China, and Taiwan.

Congress needs to be exceedingly careful not to take actions that will have farther-reaching effects than we intend. We should not underestimate how seriously this provision—which may seem harmless to us—would be viewed not just in Beijing, but also in Taipei.

It seems particularly foolhardy to take such a risk over an unnecessary provision, which essentially says nothing more than that the law of the land is the law of the land, which of course it is.●

SOCIAL SECURITY EARNINGS TEST

● Mr. SMITH. Mr. President, last night, the Senate passed the ''Contract With America Advancement Act.'' I rise to speak to one provision of that legislation, which I believe is a significant achievement for senior citizens. That is the ''Senior Citizens' Right to Work Act of 1996.'' This legislation raises the Social Security earnings limit to $30,000 by the year 2002, more than double what it would be under current law.

Every year, the earnings limitation test takes $1 of every $3 that Social Security beneficiaries 65 to 69 years old earn above $11,280. I hear from hundreds of senior citizens every year complaining that this test is unfair. And they are correct. In fact, the earnings test affects an estimated 1.4 million beneficiaries each year.

More importantly, Mr. President, the earnings test flies right smack in the fact of the most basic principles we teach our kids in grade school economics. Specifically: no work, no pay. Can you imagine trying to explain a system that pays people not to work? Well, that is what our Social Security system does with the earnings test.

You might argue that our welfare system has similar disincentives, and you would be absolutely right. The Republican Congress is trying to fix that. If only we could overcome the little obstacle of President Clinton's veto pen, we would be well on our way to real welfare reform.

But, the earnings test takes this perverse concept one step further. And this is where we really get into the fairness issue. It says that if you are wealthy and you get your income through interest or dividends, you get full benefits. But, if you are poor and need to work to supplement your income, you get penalized. Seniors have been waiting a long time for this reform. It was in the Contract With America, and it is a part of the Republican Party Platform. I am pleased that we are about to make good on our promise to America's seniors.●

TRIBUTE TO JUDGE KING OF FLORIDA

● Mr. GRAHAM. The State of Florida has produced some of the finest legal minds in America's judicial system. The personification of that standard of excellence is U.S. District Judge James Lawrence King of Miami.

As a native of the Miami community, I am honored to be part of the effort to name the Federal justice building in Miami, FL, for Judge King.

Judge King's distinguished tenure on the bench has spanned four decades, during which our judicial system has faced some of the most challenging disputes in the history of our Nation.

In 1964 Mr. King was appointed circuit judge for the 11th Judicial Circuit of Florida. In 1970, President Nixon appointed Judge King as a U.S. district judge for the Southern District of Florida. In 1984, he became chief judge of the U.S. district court for the Southern District of Florida. During his outstanding career, Judge King has had more than 200 published opinions.

In addition to his contributions to our judicial system from the bench, Judge King has been an effective advocate for improved judicial administration. Judge King served as 1 of 23 members on the Judicial Conference of the United States. He was also a member of the Judicial Counsel of the 11th Circuit Administrative Conference, the Judicial Ethics Committee and the Long Range Planning Committee for the Federal Judiciary, serving all with distinction.

While fulfilling his duties, Judge King foresaw the need for new courtroom and administrative facilities to accommodate the growing needs of the district and the law enforcement community. He began contacting community leaders to share his vision. After years of tireless effort, Judge King's vision became a reality.

The Federal justice building was built by the city of Miami with city bonds backed by a long-term lease from the General Services Administration. Today, this state-of-the-art facility houses the U.S. attorneys' office and will be home to six district judges, an 11th circuit judge and complete trial and appellate courts.

While many community leaders worked to complete the Federal justice building, Judge King was the guiding force behind its creation. This building should be named as a tribute to Judge King for his vision, leadership and effective stewardship of justice.●

CONGRATULATING KIEREN P. KNAPP, D.O.

● Mr. SANTORUM. Mr. President, I rise today so that I might call attention to a special honor bestowed upon Dr. Kieren P. Knapp of Seven Valleys, PA.

Mr. President, I would like to congratulate Dr. Knapp on his upcoming installation as the 81st president of the Pennsylvania Osteopathic Medical Association. Dr. Knapp will be installed as president at the 88th Annual POMA Clinical Assembly in Philadelphia on April 26, 1996.

I would like to call attention to this distinction by asking that a proclamation honoring Dr. Knapp be printed in the RECORD.

The proclamation follows:

PROCLAMATION

To honor Kieren P. Knapp, D.O., on his installation as the 81st President of the Pennsylvania Osteopathic Medical Association.

Whereas, Kieren P. Knapp has been Vice-President and delegate to the Pennsylvania Osteopathic Medical Association, and is a member of the House of Delegates to the American Osteopathic Association;

Whereas, Kieren P. Knapp has served on the Board of Trustees of the Pennsylvania Osteopathic General Practitioners Society;

Whereas, Kieren P. Knapp is a graduate of Iowa State University and the College of Osteopathic Medicine and Surgery in Des Moines, Iowa: and

Whereas, Kieren P. Knapp has distinguished himself as a dedicated physician continuing the osteopathic tradition of providing quality and compassionate health care to his community;

Now, therefore, the Senate congratulates Kieren P. Knapp, D.O., on his installation as the 81st President of the Pennsylvania Osteopathic Medical Association, and wishes him the best for a successful and rewarding tenure.

Again Mr. President, this is a special achievement for Dr. Knapp, and I would like to congratulate him on this honor and extend my best wishes to the Pennsylvania Osteopathic Medical Association on a successful conference.●

THE CALIFORNIA ENTERTAINMENT INDUSTRY

● Mrs. BOXER. Mr. President, today we received some disturbing reports on America's balance of trade. The trade deficit—the difference between the value of our exports and the value of imports—soared to 10.27 billion in January, a stunning 48 percent increase over December, 1995.

Congress and the President must not ignore this report. While the balance of trade is only one measure of economic health, in this increasingly global economy, I believe that it is a measure that should be given great weight in deciding whether we are doing enough to promote healthy economic growth. The reports today should prompt Federal policy makers to renew their commitments to promoting American business and products overseas, and making our trading partners play fair by living up to the trading agreements they have entered into willingly with us.

The bright side of this picture is that the U.S. continues to be the most dynamic economy in the world. We are the most productive and we make the best products.

In my own State of California, there is one industry which I wish to single out today that is one of the key reasons for American economic dominance—the entertainment industry.

The movie and television industry in California has a payroll of $7.4 billion. Motion picture production alone counts for more than 133,500 jobs in California. American made entertainment products are the most popular and broadly distributed on the globe, and they constitute a large part of America's balance of trade. Foreign sales of copyrighted products amounted to $45.8 billion in 1995.

Unfortunately, the entertainment industry is a victim of one of the most egregious foreign trade practices—illegal duplication of copyrighted material—or ''piracy.''

The United States has signed agreements with many other countries which obligate their governments to take steps necessary to protect U.S. copyrighted material from piracy. In the case of the People's Republic of China, however, despite the fact that they have willingly signed several such agreements, rampant piracy of American entertainment products by Chinese factories has continued. It is estimated that U.S. companies lose approximately 1 billion dollars a year in sales because of China's failure to protect U.S. intellectual property.

In February, 1995, the United States and the People's Republic of China signed an agreement that obligated China to strengthen its patent, copyright and trade secret laws, and to improve the protection of U.S. intellectual property. Since that time, however, according to reports by the U.S. trade representative, only one of the 27 piracy plants in China has closed.

I know that trade representative Mickey Kantor has been very, very supportive of the U.S. entertainment industry in pressing the Chinese to live up to the agreement they signed. I applaud his decision to send his deputy Charlene Barshevsky to China on April 5 to raise the profile of the problem directly with Chinese officials.

I hope that in their meetings, our U.S. officials will emphasize that China is legally obligated to comply with the terms of the agreement they signed last year. It's not just a policy; it's the law.

Our delegation should make it clear to the Chinese that the terms of the agreement must be met by a date certain. Whether that's May 1, June 1, or after—doesn't matter. But it should be made clear to them that we will hold them to their promises. If they don't fulfill them, the U.S. Government will take all appropriate and legal steps.

In addition, I strongly urge other members of the Clinton administration in the Departments of State, Treasury, Commerce and others, to support the trade representative's efforts wholeheartedly. They should know that it's not just a question of one industry and one trading partner; if we allow the agreement we signed just a year ago to be ignored, what kind of signal will that send to our other nations about the will and strength of the United States in international relations?

Mr. President, I would also like to take this opportunity in speaking about our extraordinary entertainment industry to praise the leaders of that community for their historic actions with respect to the television violence issue.

They have shown real leadership and responsibility in responding to this important social concern by announcing that they will institute a voluntary rating system for all television programs. In my view, this will give parents the information they need in order to make appropriate decisions about the programs their children watch.

In light of the forthrightness of the industry in coming forward with plans to voluntarily rate its programs, I believe that now is not the time to bring up other content-related measures. I have, in fact, informed the Democratic leader and others that I would oppose any attempt to bring up such measures for debate in the Senate.

Finally, Mr. President, I would like to talk about another issue of great importance to California's entertainment industry—copyright term extension. Legislation is pending in both the House and Senate to extend the current copyright in the U.S. to ''life plus 70 years''. This change would harmonize our laws with those of the European union which extended terms to life plus 70 last July. Without the change, our copyright holders—including California's movie, television, video, and audio producers—would be unable to take advantage of the longer term of protection in Europe. American copyright owners and their heirs will suffer economic hardship and the U.S. balance of trade will be further exacerbated.

Congress should pass this bill now. It has no opposition that I am aware of. I strongly urge the parties involved in negotiations on this measure to move quickly on it and send it to the President so that it can be signed into law. Copyright extension can pass quickly and be signed into law.●

TRIBUTE TO SULLIVAN COLLEGE

● Mr. MCCONNELL. Mr. President, I rise today to congratulate Sullivan College in Louisville, KY on their championship victory in the National Junior College Athletic Association [NJCAA] National Championship Tournament. I would also like to congratulate Sullivan coach Gary Shourds on being selected the National Junior College Coach of the Year and player Eric Martin on being named tournament Most Valuable Player.

The Sullivan Executives, which were unranked going into the tournament, defeated the No. 1, No. 5, No. 7, and No. 15 ranked teams in the country. The Executives clenched the title in Hutchinson, KS after a 104–98 overtime victory over Allegheny College of Maryland.

As the Courier-Journal reported, when asked if he ever thought the Executives would win the title, Sullivan college President A.R. Sullivan responded, ''Never. Not with this team this year.'' The Executives had the worst record (23–10) in the 16-team field. However, out of their last 24 games, they won 22 of them. ''This team did not come together as a team until the regional final in Gallatin, Tennessee,'' Mr. Sullivan told the Courier-Journal. ''[I]t took a personality like (coach) Gary Shourds to get them to play together.''

Shourds is a first-year Sullivan coach who played for the Executives from 1982 to 1984. He told the Courier-Journal, ''I'm really a teacher. I do this (coaching) on the side. It ends up taking more time than teaching, but that's my choice.''

Mr. President, I ask you and my colleagues to join me in paying tribute to Sullivan College and Coach Gary Shourds and congratulating the entire team on their National Championship victory.●

TRIBUTE TO VICTOR CRAWFORD

● Mr. SARBANES. Mr. President, I rise today to join the citizens of Maryland in honoring a distinguished public servant, an accomplished trial lawyer, and, above all, a courageous man, Victor Crawford, who died earlier this month after a long battle with cancer.

I first met Vic in January 1967 as a newly elected member of the Maryland House of Delegates. He was an articulate and skilled master of the legislative process who, throughout his years in the Maryland Legislature, enjoyed a deserved reputation as a dazzling orator and tenacious advocate for the people of Maryland.

But Vic's crowning achievement came not in the legislative arena, but in his nationally acclaimed battle for stronger antismoking laws. After years as a heavy smoker and a period spent as a lobbyist for the tobacco industry, Vic became a staunch and vocal advocate for antismoking legislation and education and prevention efforts. Vic dedicated himself wholeheartedly to this important mission which he conducted with the same skill and determination that characterized his legislative career.

Vic's indomitable efforts in this area brought him to the attention of President Clinton who believed Vic's strong antismoking message should be shared, not just with Marylanders, but with all Americans, and invited him to address the Nation on his weekly radio broadcast. It was among his finest hours and Vic's words inspired citizens throughout the Nation to work for stronger antismoking laws.

His last years were not easy, but with humor and determination Vic lived out his life in dignity and exhibited the same courage and strength we had all come to expect from this remarkable man. Vic Crawford was a good friend and a valued counselor. I would like to take this opportunity to extend my deepest and heartfelt sympathies to his wife, Linda, and to his children, Charlene and Victor Junior.

Mr. President, in testimony to Vic's exceptional service on behalf of all Americans, I request that obituaries from the Baltimore Sun, the New York Times, and the Washington Post which pay tribute to this respected and honorable man, be printed in the RECORD.

The obituaries follow:

[From the Washington Post, Mar. 12, 1996]

FORMER LAWMAKER, LOBBYIST IS REMEMBERED BY FRIENDS; GLENDENING EULOGIZES ANTISMOKING ACTIVIST

Victor L. Crawford, the former Maryland legislator and tobacco lobbyist who turned into a national voice against smoking after he was found to have throat and lung cancer, was honored yesterday at a memorial service in College Park attended by nearly 1,000 mourners.

Crawford, who died March 2 at age 63 after a two-year bout with cancer, was remembered fondly by people who had contact with him at various points of his life, from Maryland Gov. Parris N. Glendening to Carl Nuzman, 23, a student at the University of Maryland who is attending classes on a scholarship Crawford helped establish during his years in Annapolis.

The service at the nondemoninational University of Maryland Chapel drew a host of state legislators and politicians from Montgomery County, which Crawford represented in the House of Delegates and Senate for 16 years. Even the pastor, the Rev. Charles W. Gilchrist, was a former Montgomery County executive. Crawford also was remembered as a skillful lawyer who could charm juries with his smile and affable nature.

''Vic's legacy was that he had the boldness to do something that many of us find difficult,'' Glendening said during his eulogy. ''That is, he came out and he said that he had made a mistake in his life. He took personal responsibility for that.''

But it was his unyielding crusade against smoking that everyone recalled with the greatest admiration. After spending several years of his post-legislative career working as a lobbyist for the Tobacco Institute, Crawford, a longtime smoker, was found to have terminal cancer two years ago.

Knowing death was coming, he spent those two years using his skills as a politician and a lawyer to fight the very people he once represented, even though he had been severely weakened by the disease.

''I got the sense that he'd never felt so close to his own mortality before,'' said Gail Ewing (D-At Large), president of the Montgomery County Council, recalling the day Crawford told her about his cancer. ''He really wanted to do something that mattered.''

County Executive Douglas M. Duncan said: ''He was a great senator for Montgomery County. He was one of the few who could influence the state on important issues. If you wanted something done in Annapolis, he was the one you called.''

And although his political career never left Maryland, he took his last battle across the country by lobbying in many states and appearing on network television.

Despite the sadness of the occasion, the service had an air of Crawford's good-natured spirit about it. As the gathering assembled, Dixieland music filled the vaulted chapel, and sunlight streamed through the windows.

''I walked up the steps, and I heard music. I walked to the door, and I said, 'This must be the place,'" said Mississippi Attorney General Mike Moore, who became friends with Crawford during his campaign against the tobacco industry. ''Every time I saw Vic Crawford, I felt good about myself. Today I was feeling kind of down, but I felt better when I walked in the door.''

It was that same ability to make people feel good about themselves that Wendy Satin, a Rockville lawyer who began her career under Crawford's tutelage, remarked upon in her recollection of a law career that grew to fabled dimensions within Rockville's legal circles.

She remembered how Crawford's good nature would win juries over to his side. ''The jurors felt that they knew him because, by the end of the trial, they did. They were charmed by him, and they wanted to be on his side. The lesson,'' she said, ''is to always be yourself.''

[From the New York Times, Mar. 10, 1996]

VICTOR CRAWFORD, 63; OPPOSED SMOKING

BALTIMORE.—Victor Crawford, a former tobacco lobbyist who became a crusader against smoking after his throat cancer was diagnosed, died on March 2, 1996 at Johns Hopkins Hospital here. He was 63 and lived in Chevy Chase, MD.

Mr. Crawford, a former Maryland legislator, was a lobbyist for the Tobacco Institute for six years until his cancer was diagnosed in 1991. He then began speaking out against smoking, was featured on the CBS News program ''60 Minutes,'' and spoke on President Clinton's weekly radio address.

''I told politicians that there was no evidence that smoking causes cancer,'' he said in a 1995 interview. ''If that's not lying, I don't know what is. I'm just trying to undo some of the damage I've done.''

Mr. Crawford, a Democrat, was elected to the House of Delegates in 1966 and appointed to the State Senate in 1969 to fill a term. He retired from the Senate in 1983.

Mr. Crawford is survived by his wife, Linda; a daughter, Charlene, and a son, Victor Jr.

[From the Washington Post, Mar. 4, 1996]

VICTOR L. CRAWFORD, MARYLAND, ANTISMOKING ACTIVIST, DIES

Victor L. Crawford, 63, a former Maryland state legislator who had lobbied for the tobacco industry before a diagnosis of cancer turned him into an antismoking activist, died March 2 at Johns Hopkins Hospital in Baltimore.

A veteran trial lawyer and a flamboyant figure in Annapolis during a 26-year career representing eastern Montgomery County, Mr. Crawford employed his skills at persuasion and vivid presentation in recent months to warn in high-profile media appearances against the hazards of smoking.

His stark message appeared in Ann Landers's syndicated newspaper advice column, on the ''60 Minutes'' television show, in public-service radio ads and in a broadcast from the Oval Office last summer with President Clinton.

''It's too late for me, but it's not too late for you,'' he advised listeners throughout the nation Aug. 12 on the president's weekly Saturday morning broadcast.

''I fooled a lot of people,'' he said. ''And kids, I fooled myself, too.''

In printed interviews and in raspy-voiced on-the-air statements, Mr. Crawford told how cancer was discovered in his throat and lungs after years of heavy smoking that began when he was 13.

After leaving the legislature, he spent six years in the late 1980s as a contract lobbyist for the Tobacco Institute, receiving about $20,000 in fees.

''I was in it for the money,'' he said in a 1995 interview, ''and I was never concerned if people were dying.'' He said his job was to kill bills that would discourage smoking and advance those that would encourage it.

''Now I'm trying to make amends,'' he said, ''to stop people from smoking so they won't suffer like I have.''

Mr. Crawford was born in Richmond and raised in New York and in the Trinidad area of Northeast Washington.

Two years after graduating from Georgetown University Law School, he helped defend Joseph E. Johnson Jr., a black Montgomery County man who was sentenced to death in the rape of a white teenager, in a controversial case that attracted national attention. Johnson was convicted, but he later was pardoned by the governor after it was shown that prosecutors had withheld evidence.

In 1992, he summarized a career of 1,000 trials by describing himself as ''the court of last resort,'' the only barrier between a defendant and the power of the state.

''Whenever I see a guy getting a raw deal, particularly if racism has permeated the

trial, no matter whether it's one side or the other, it gets my Irish dander up.''

Mr. Crawford was elected to the state House of Delegates in 1966 to represent Silver Spring, went on to the state Senate 16 years later and decided against seeking reelection in 1982.

Offering a swashbuckling image to statehouse colleagues that led some to liken him in dress and demeanor to a riverboat gambler, Mr. Crawford was remembered for the fine clothes, unpredictable floor antics, a large mustache and cigars.

Survivors include his wife, Linda, of Chevy Chase, and a daughter, Charlene, and a son, Victor Jr., both of Berwyn Heights.

[From the Baltimore Sun, Mar. 4, 1996]

VICTOR CRAWFORD, CRUSADER AGAINST SMOKING, DIES AT 63; CANCER VICTIM ONCE WAS TOBACCO LOBBYIST

Victor L. Crawford, a debonair former Maryland legislator who achieved national prominence in recent years for his conversion from tobacco lobbyist to anti-smoking crusader, died Saturday night at Johns Hopkins Hospital after a prolonged battle with cancer. He was 63.

Mr. Crawford, a resident of Chevy Chase, was an accomplished trial lawyer who represented eastern Montgomery County in the General Assembly for 16 years. It was there that he earned the nickname of ''the Riverboat Gambler'' because of his pinky ring, vest, gold watch—and cigars.

His smoking—2½ packs of cigarettes at first, then cigars and pipes—led to the passion of the final two years of his life, as an outspoken foe of smoking. While battling cancer, he lobbied state legislatures, gave interviews and spoke out on the dangers of tobacco and the industry on whose behalf he had worked.

''It's too late for me, but it's not too late for you,'' Mr. Crawford said during one of President Clinton's weekly nationwide radio addresses last summer. ''I smoked heavily, and I started when I was 13 years old. And now, in my throat and in my lungs, where the smoke used to be, there is a cancer that I know is killing me. Use your brain. Don't let anybody fool you. Don't smoke.''

After retiring from the Senate, Mr. Crawford had worked for the Tobacco Institute for six years, lobbying his former legislative colleagues to kill or weaken smoking restrictions. Then, in 1991, he was diagnosed with cancer. He went public with his disease and his appeal to stop smoking in 1994, appearing at a hearing in Annapolis on proposed regulations to limit smoking in the workplace.

''He didn't mince words, and he didn't spare himself,'' recalled former state Sen. Howard A. Denis, a Montgomery County Republican who was a close friend. ''He didn't blame anyone but himself for his problems. All he wanted to do was teach others to avoid the mistakes he had made.''

Mr. Crawford later went nationwide with his message, appearing on the CBS newsmagazine show, ''60 Minutes'' and writing to syndicated advice columnist Ann Landers, among others. He lobbied on behalf of anti-smoking legislation in Florida and campaigned to block a smokers' rights referendum in California, said his wife of 14 years, Linda.

''He made a difference,'' said Mr. Denis. ''This was one of the things that kept him going in the last five years. He knew he was influencing young lives.''

''He worked until the day he went into the hospital,'' Mrs. Crawford said. She said she drove him to Hopkins on Feb. 2 only after he had appeared in court. ''He went fighting,'' she added.

Mr. Crawford was born in Richmond, Va., but grew up in New York City and Washington, D.C. He was a graduate of Georgetown University Law School.

He was elected to the House of Delegates as a Democrat in 1966, then appointed to the state Senate in 1969 to fill the term of Blair Lee III, who had been appointed secretary of state by then-Gov. Marvin Mandel.

One of the legislative accomplishments of which Mr. Crawford was proudest, said Mr. Denis, was creation of the Distinguished Scholar Program, which provided financial aid to academically talented but needy students to attend college or graduate school in Maryland.

Mr. Crawford's legal career spanned 30 years and he represented a black Montgomery County man in 1962 accused of raping a white teen-ager in a case that drew civil rights protests and national attention.

A memorial service will be held at 1 p.m. March 11 in the chapel at the University of Maryland College Park campus.

Other survivors include a daughter, Charlene; and a son, Victor Jr., both of Berwyn Heights.●

TRIBUTE TO THE EMPLOYEES OF RAYTHEON ELECTRONIC SYSTEMS DIVISION, ANDOVER, MA

● Mr. SMITH. Mr. President, I rise today to pay tribute to some unsung heroes of the United States: the employees of Raytheon Electronic Systems Division in Andover, MA.

Each year, the Congress evaluates the military requirements of our Nation and the pros and cons of various weapons systems. We routinely make decisions that affect the livelihoods of literally thousands of American workers. While we strive to be objective and to make sound judgments, this human component does not always get the attention it deserves.

Today I want to take this opportunity to honor the men and women of Raytheon who devote their lives to the defense of this Nation. They do not often get a lot of publicity or see their names in the paper, but they are a collection of true American heroes. They deserve our respect and admiration.

As a member of the Armed Services Committee, I have the unique responsibility of overseeing the development and acquisition of the systems needed to defend our Nation. I see first hand the contribution these employees make to our national security. It is enormous.

Whether building key components for the Patriot missile system, or the AMRAAM, or the ground based radar, these workers are constantly striving to expand the state-of-the-art, and to deliver the best possible product at the most efficient cost. They are a family, these workers from New Hampshire and Massachusetts, committed to a noble calling. And the fruits of their labors are the freedoms and security that we hold so dear.

As we prepare for the upcoming authorization and appropriations processes, I ask my colleagues to reflect for a moment upon these great patriots. They were the backbone of our military in the cold war and Desert Storm. They are the ones whose innovations and dedication are helping to preserve our prosperity in the future. Their service is an inspiration for those of us who are privileged to represent them here in Washington.

In an uncertain and dangerous world, we can take much comfort in the knowledge that the men and women of Raytheon Electronic Systems Division are on the job, each and every day, tirelessly striving to produce the technologies and systems to defend this great Nation.●

RESTORATION OF THE FLORIDA EVERGLADES

● Mr. LEAHY. Mr. President, yesterday the Senate gave final passage to the 1996 farm bill. With House action, the bill will be sent to President Clinton who is expected to sign it.

The farm bill contains many important environmental and conservation provisions. One of these provides for the spending of up to $300 million by the Secretary of the Interior to help restore the Florida Everglades. This rapid and significant infusion of funds—$200 million of which will be available in less than 100 days—is a critical first step to implement the administration's ambitious $1.5 billion proposal to save one of the world's most unique ecosystems. The farm bill conferees intend that this national treasure receive immediate attention.

Prior to the 1940's the Everglades ecosystem covered most of south Florida, from its headwaters in the Kissimmee River basin to the coral reefs of Florida Bay. Because of man's alterations, the once ''river of grass'' is now fragmented and deteriorating, threatening not only the wildlife of the ecosystem, but also the water supply, economy, and quality of life for the people who live in Florida.

Throughout the system, clean, fresh water has been replaced by murky, nutrient-laden water that does not support native plant and animal species. Years of water diversion and pollutants have degraded not only the Everglades, but also Florida Bay, one of the most important estuaries and fisheries in America. The bay is suffering from a lack of fresh water that had led to algal blooms and contributed to the extinction of North America's only native coral reef. As a consequence, this once teeming estuary now is closed to commercial fishing, and the tourism industry of the region is threatened.

We must not let the Everglades die. Although the decline of the ecosystem continues, it is reversible.

To speed the Everglades restoration, the farm bill conferees created a $200 million entitlement, to be available in less than 100 days, for this important project. The conferees also approved an additional $100 million of spending for Everglades restoration which will come from the sale of surplus Federal lands in Florida that have not been set aside for conservation purposes or are not environmentally sensitive.

To have the maximum impact on Everglades restoration, the conferees intend that funds provided for in this legislation be used in priority areas. Prior to acceptance of the Everglades provisions, discussions among conferees focused on the importance of acquiring and restoring land in the Everglades Agricultural Area. The conferees expected that the Secretary of the Interior would give priority to acquiring and restoring lands within the Everglades Agricultural Area, including the Talisman tract, in order to make those lands available for water storage and delivery. Both the House and Senate bills used identical language to make this point as well:

> The Secretary of the Interior * * * shall use the funds to conduct restoration activities in the Everglades ecosystem which may include acquiring private acreage in the Everglades Agricultural Area including approximately 52,000 acres that is commonly known as the Talisman tract.

At the meeting of conferees, I pointed out that the greatest need for restoration is in the over 130,000 acres of the Everglades Agricultural Area which includes much of the land that makes up the Talisman tract. I intend to monitor this issue closely to make certain that the funds are properly spent.

This small down payment will be insufficient for total restoration. It is only part of the Federal Government's share of this coordinated restoration effort. More important, it in no way relieves others—particularly the sugarcane industry that has benefited from the alteration of the system and continues to pollute it—of its obligation to contribute to restoration costs.

Senator LUGAR and I have proposed that Florida sugar producers contribute for restoration purposes a 2-cent per pound assessment on sugar grown in the Everglades. The administration supports a 1-cent assessment. These proposals have widespread support in Florida.

On March 25, Mary Barley, chair of the citizens group, Save Our Everglades, announced the launching of a ballot initiative to protect and restore the Everglades. She said that ''we are facing a crisis and time is running out.'' In proposing a ''Penny for the Everglades,'' Mrs. Barley spoke eloquently about her late husband, George, who devoted the last years of his life to restoring this national treasure.

At that announcement, Mary quoted George who had said:

> Long after we are gone, the Everglades ecosystem will be our legacy—to our children and the rest of the nation.

George Barley was right then and Mary Barley is right today. Congress and the administration must follow their lead and require sugar growers in the region to pay their fair share to restore the Everglades.●

RELEASE OF THE REPORT BY THE TASK FORCE ON NATIONAL DRUG POLICY

● Mr. D'AMATO. Mr. President, this bicameral task force was established for one reason: To closely examine the current state of affairs of our national drug policy. Along with my Senate and House colleagues, I am distressed that the problem has escalated to this present level.

The one startling and depressing fact revealed by the report released yesterday is that drug use among teenagers is actually on the rise, after years of decline.

There is no disputing the rise in illicit drug use by adolescents. Studies have shown that 2.9 million teenagers used marijuana in 1994, an increase of 1.3 million just from 1992. This alarming trend shows that one in three high school seniors smoke marijuana. Since 1992, drug use by 10th graders has risen nearly two-thirds. Drug use by eighth graders has nearly doubled since 1991. Of a class of 30 students in a New York City high school or junior high, approximately 5 use marijuana or other illicit drugs heavily.

The rise in marijuana use has serious implications. The Center on Addiction and Substance Abuse indicates that teenagers who use marijuana are 85 times more likely to use other dangerous drugs in the future, such as cocaine. Obviously, the use of drugs cannot be pushed aside but must be placed on the national agenda and confronted. Real efforts must be made to reverse this trend.

Ignoring these numbers is destructive to our children. A report by the Senate Judiciary Committee notes that, ''If such increases are allowed to continue for just 2 more years, America will be at risk of returning to the epidemic drug use of the 1970's.''

The impact on our Nation's cities will be just as detrimental. The Center on Addiction and Substance Abuse at Columbia University in New York released a report showing the costs related to substance abuse were $20 billion in the city of New York. These costs take into account all types of substance abuses and reflect the amount spent in terms of crime, violence, health care, emergency services, abuse, social programs, and business costs. If drug use is rising among teenagers, the cost to New York City will skyrocket as they get older.

Even more frightening is the fact that the authors of the study state that ''Among 15- to 24-year-olds, substance abuse, in the form of AIDS, homicides, and drug and alcohol overdoses, accounts for 64 percent of deaths.'' Those deaths could have been prevented.

Our law enforcement agencies are feeling the rise in drug use. The March issue of Police Chief, which is dedicated to the war on drugs, describes the growing presence of illegal drugs and the ever-increasing rise in violence that accompanies it. The result is a scared populous and an overextended law enforcement, including local law enforcement. An article coauthored by Chief Bob Warshaw of the Rochester Police Department in New York and DEA Assistant Administrator Paul Daly describes the feeling across the Nation: ''The distribution and abuse of powder and crack cocaine have resulted in an unprecedented wave of violence across our country, the debiliating effect of which has been seen in cities and towns, large and small, throughout the United States.''

It is our obligation, and the responsibility of the administration, to find the reason for the increase in teenage drug use and to tackle it forcefully. We must start taking an aggressive action against this drug epidemic.

The Clinton administration, however, has become complacent and that is reflected in their lack of attention to the illicit drug trade. The number of Federal prosecutions dropped by 12 percent within 2 years. Overall, transit zone seizures, or disruptions, decreased more than 50 percent, from 1993 to mid-1995. Budget priorities were shifted in the Customs Service, the Department of Defense, and the U.S. Coast Guard away from counternarcotics.

With drug use on rise with teenagers, the administration has to start allocating adequate resources in order to reduce the presence of narcotics in the United States. But instead, when President Clinton took office, he cut the Office of National Drug Control Policy from 147 to 25, an indication of the President's priorities. When faced with criticism of a failed drug strategy, President Clinton has found the need to restaff the drug czar's office.

While the administration prefers to ignore the statistics, the task force has taken matters into its own hands and compiled a list of recommendations that will help to reverse the disturbing trend of teenage drug use.

By using state-of-the-art technology at U.S. ports of entry, narcotics can be intercepted at the border, before it ever reaches children. This also means a shift in focus for agencies at our borders and airports that are primarily responsible for drug interdiction.

In addition, the United States must do all it can to convince foreign countries to cooperate on the counternarcotics effort. Certification must be strictly applied, and sanctions imposed. When a country fails to cooperate with the United States to combat drug trafficking, the President who has the obligation to accurately report on the certification status of a targeted country, must apply those sanctions accordingly. Unfortunately, this certification process has not been taken seriously.

Despite the administration's awareness that 60 to 70 percent of the illegal drugs flowed from Mexico into the United States, and that 75 percent of the cocaine in the United States comes from our neighbor to the South, the administration certified Mexico as fully

cooperating in the counternarcotics efforts. Sanctions must be applied, we can no longer pay lipservice to the certification process.

And efforts must be stringent in the United States. Drug traffickers and drug-related violent criminals must serve their full sentence. Drug awareness programs must be accountable. Throwing money at the problem does not solve it.

All aspects of drug control strategy must be defined: ''public disapproval, information, law enforcement, interdiction, and treatment.'' While treatment is merely one component of the effort to combat the drug epidemic, it cannot be the sole solution. Alone, it will not work. One clear indication of the failure of treatment alone is the emergency room rate for cocaine and heroin-related cases, as studied by the Drug Abuse Warning Network. Heroin episodes in emergency rooms rose 66 percent in 1993. Evaluations should be conducted so that only effective programs will be maintained.

Ninety percent of the American public sees the drug problem as a top priority. It is time the administration does the same. This is our clear, undeniable message: If the administration refuses to be a leader on this issue, then we will. This report was our first step to put a tough drug strategy on the national agenda.●

CALIFORNIA YEAR OF THE ALUMNI

● Mrs. BOXER. Mr. President, on April 11, 1996, graduates of the California State University will gather in Washington, DC, to celebrate 1996 as ''California Year of the Alumni''. Today I wish to recognize the achievements and contributions of the more than 2.1 million alumni of that great institution.

The California State University is a vibrant, important part of California's public university system. Its graduates are an integral part of the many communities which comprise our great State. An estimated 10 percent of the workforce in the State of California are alumni of the California State University. Their contributions, both separate and collective, are evident in all aspects of life in my State.

CSU graduates are active in the arts, commerce, the professions, government, and elsewhere. Proud of an educational experience made possible by the foresight of Californians who came before them, CSU alumni are committed to maintaining first-rate educational institutions in California.

The alumni of the California State University promote and support campus environments where today the values of scholarship, citizenship, and self-development are shared and nurtured by more than 300,000 students and faculty on 21 campuses. Additionally, thousands of graduates volunteer their time, energy, and resources to myriad other causes, providing themselves daily as ambassadors and stewards of positive change.

It is my great pleasure to honor the alumni of the California State University on the floor of the U.S. Senate today as they celebrate the ''California Year of the Alumni.''●

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

● Mr. BOND. Mr. President, on March 19th by a vote of 100 to 0, the Senate passed S. 942, the Small Business Regulatory Enforcement Fairness Act, legislation to implement some of the most important recommendations of the White House Conference on Small Business. Yesterday, the House passed H.R. 3136, the Contract With America Advancement Act of 1996 which incorporates the Small Business Regulatory Enforcement Fairness Act as amended in the House by the Hyde amendment. The Senate has now approved H.R. 3136 by unanimous consent and Senator BUMPERS and I would like to take this opportunity to further explain the purpose of the act. On March 15, we gave a detailed explanation of the managers amendment adopted by the Senate prior to passage of S. 942. The amendment offered by Representative HYDE is substantially similar to S. 942 as passed by the Senate.

Three changes are worth noting. First, the amendments to the Equal Access to Justice Act were revised by the House to take into account some of the concerns raised by the administration in the Statement of Administration Position. The new language embodies the intent of our managers amendment but clarifies that attorneys fees would be awarded when there is an unreasonably large difference between an agency demand and the final outcome of the case. Second, the House dropped the second phase of the Small Business Advocacy Review Panels. Thus the panels now only apply at the proposal stage of EPA and OSHA rulemakings. Finally the time period for the congressional review of regulations, adopted as part of the Nickles-Reid amendment, was extended from 45 to 60 days. We expect the authors of the Nickles-Reid amendment will have a detailed explanation of the Congressional Review Subtitle.

In order to provide additional guidance for agencies to comply with the requirements of the Small Business Regulatory Enforcement Fairness Act, I ask to have printed in the RECORD a section-by-section analysis of the subtitles A through D of act as modified by the Hyde amendment. Since there will not be a conference report on the act, this statement and a companion statement in the House should serve as the best legislative history of the legislation as finally enacted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT—JOINT MANAGERS STATEMENT OF LEGISLATIVE HISTORY AND CONGRESSIONAL INTENT

I. SUMMARY OF THE LEGISLATION

The Hyde amendment to H.R. 3136 replaces Title III of the Contract with America Advancement Act of 1996 to incorporate a revised version of the Small Business Regulatory Enforcement Fairness Act of 1996 (the ''Act''). This legislation was originally passed by the Senate as S. 942. The Hyde amendment makes a number of changes to the Senate bill to better implement certain recommendations of the 1995 White House Conference on Small Business regarding the development and enforcement of Federal regulations, including judicial review of agency actions under the Regulatory Flexibility Act (RFA). The amendment also provides for expedited procedures for Congress to review agency rules and to enact Resolutions of Disapproval voiding agency rules.

The goal of the legislation is to foster a more cooperative, less threatening regulatory environment among agencies, small businesses and other small entities. The legislation provides a framework to make federal regulators more accountable for their enforcement actions by providing small entities with an opportunity for redress of arbitrary enforcement actions. The centerpiece of the legislation is the RFA which requires a regulatory flexibility analysis of all rules that have a ''significant economic impact on a substantial number'' of small entities. Under the RFA, this term ''small entities'' includes small businesses, small non-profit organizations, and small governmental units.

II. SECTION-BY-SECTION ANALYSIS

Section 301

This section entitles the Act the ''Small Business Regulatory Enforcement Fairness Act of 1996.''

Section 302

The Act makes findings as to the need for a strong small business sector, the disproportionate impact of regulations on small businesses, the recommendations of the 1995 White House Conference on Small Business, and the need for judicial review of the Regulatory Flexibility Act.

Section 303

The purpose of the Act is to address some of the key federal regulatory recommendations of the 1995 White House Conference on Small Business. The White House Conference produced a consensus that small businesses should be included earlier and more effectively in the regulatory process. The Act seeks to create a more cooperative and less threatening regulatory environment to help small businesses in their compliance efforts. The Act also provides small businesses with legal redress from arbitrary enforcement actions by making federal regulators accountable for their actions.

Subtitle A—Regulatory Compliance Simplification

Section 311

This section defines certain terms as used in the subtitle. The term ''small entity'' is currently defined in the RFA to include small business concerns, as defined by the Small Business Act, small nonprofit organizations and small governmental jurisdictions. The process of determining whether a given business qualifies as a small entity is straightforward, using thresholds established by the SBA for Standard Industrial Classification codes. The RFA also defines small organization and small governmental jurisdiction. Any definition established by an agency for purposes of implementing the RFA would also apply to this Act.

Section 312

The Act requires agencies to publish ''small entity compliance guides'' to assist small entities in complying with regulations which are the subject of a required Reg Flex analysis. The bill does not allow judicial review of the guide itself. However, the agency's claim that the guide provides ''plain English'' assistance would be a matter of public record. In addition, the small business compliance guide would be available as evidence of the reasonableness of any proposed fine on the small entity.

Agencies should endeavor to make these ''plain English'' guides available to small entities through a coordinated distribution system for regulatory compliance information utilizing means such as the SBA's U.S. Business Advisor, the Small Business Ombudsman at the Environmental Protection Agency, state-run compliance assistance programs established under section 507 of the Clean Air Act, Manufacturing Technology Centers or Small Business Development Centers established under the Small Business Act.

Section 313

The Act directs agencies that regulate small entities to answer inquiries of small entities seeking information on and advice about regulatory compliance. Some agencies already have established successful programs to provide compliance assistance and the amendment intends to encourage these efforts. For example, the IRS, SEC and the Customs Service have an established practice of issuing private letter rulings applying the laws to a particular set of facts. This legislation does not require other agencies to establish programs with the same level of formality as found in the current practice of issuing private letter rulings. The use of toll free telephone numbers and other informal means of responding to small entities is encouraged. This legislation does not mandate changes in current programs at the IRS, SEC and Customs Service, but these agencies should consider establishing less formal means of providing small entities with informal guidance in accordance with this section.

The Act gives agencies discretion to establish procedures and conditions under which they would provide advice to small entities. There is no requirement that the agency's advice to small businesses be binding as to the legal effects of the actions of other entities. Any guidance provided by the agency applying statutory or regulatory provisions to facts supplied by the small entity would be available as relevant evidence of the reasonableness of any subsequently proposed fine on the small entity.

Section 314

The Act creates permissive authority for Small Business Development Centers (SBDC) to provide information to small entities regarding compliance with regulatory requirements. SBDC's would not become the single-point source of regulatory information, but would supplement agency efforts to make this information widely available. This section is not intended to grant an exclusive franchise to SBDC's for providing information on regulatory compliance.

There are small business information and technical assistance programs, both federal and state, in various forms in different states. Some of the manufacturing technology centers and other similar extension programs administered by the National Institute of Standards and Technology are providing environmental compliance assistance in addition to general technology assistance. The small business stationary source technical and environmental compliance assistance programs established under section 507 of the Clean Air Act Amendments of 1990 is also providing compliance assistance to small businesses. This section is designed to add to the currently available resources to small businesses.

Compliance assistance programs can save small businesses money, improve their environmental performance and increase their competitiveness. They can help small businesses learn about cost-saving pollution prevention programs and new environmental technologies. Most importantly, they can help small business owners avoid potentially costly regulatory citations and adjudications. Comments from small business representatives in a variety of fora support the need for expansion of technical assistance programs.

Section 315

This section directs agencies to cooperate with states to create guides that fully integrate federal and state requirements on small businesses. Separate guides may be created for each state, or states may modify or supplement a guide to federal requirements. Since different types of small businesses are affected by different agency regulations, or are affected in different ways, agencies should consider preparing separate guides for the various sectors of the small business community subject to their jurisdiction. Priority in producing these guides should be given to areas of law where rules are complex and where businesses tend to be small. Agencies may contract with outside entities to produce these guides and, to the extent practicable, agencies should utilize entities with the greatest experience in developing similar guides.

Section 316

This section provides that the effective date for the subtitle is 90 days after the date of enactment. The requirement for agencies to publish compliance guides applies to final rules published after the effective date. Agencies have one year from the date of enactment to develop their programs for informal small entity guidance, but these programs should assist small entities with regulatory questions regardless of the date of publication of the regulation at issue.

Subtitle B—Regulatory Enforcement Reforms

Section 321

This section provides definitions for the terms as used in the subtitle.

Section 322

The Act creates a Small Business and Agriculture Regulatory Enforcement Ombudsman at the SBA to give small businesses a confidential means to comment on the enforcement activity of agency enforcement activities. This might include providing toll-free telephone numbers, computer access points, or mail-in forms allowing businesses to comment on the enforcement activities of inspectors, auditors and other enforcement personnel. As used in this section of the bill, the term ''audit'' is not intended to refer to audits conducted by Inspectors General. This Ombudsman would not replace or diminish any similar ombudsman programs in other agencies.

Concerns have arisen in the Inspector General community that those Ombudsmen might have new enforcement powers that would conflict with those currently held by the Inspector Generals. Nothing in the Act is intended to supersede or conflict with the provisions of the Inspector General Act of 1978, as amended, or to otherwise restrict or interfere with the activities of any Office of the Inspector General.

The Ombudsman will compile the comments of small businesses and provide an annual evaluation similar to a ''customer satisfaction'' rating for different agencies, regions, or offices. The goal of this rating system is to see whether agencies and their personnel are in fact treating small businesses more like customers than potential criminals. Agencies will be provided an opportunity to comment on the Ombudsman's draft report, is currently the practice with reports by the General Accounting Office. The final report may include a section in which an agency can address any concerns that the Ombudsman does not choose to address.

The Act states that the Ombudsman shall ''work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel.'' The SBA shall publicize the existence of the Ombudsman generally to the small business community and also work cooperatively with enforcement agencies to make small businesses aware of the program at the time of agency enforcement activity. The Ombudsman shall report annually to Congress based on substantiated comments received from small business concerns and the Boards, evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each agency. The report to Congress shall in part be based on the findings and recommendation of the Boards as reported by the Ombudsman to affected agencies. While this language allows for comment on the enforcement activities of agency personnel in order to identify potential abuses of the regulatory process, it does not provide a mandate for the boards and the Ombudsman to create a public performance rating of individual agency employees.

The goal of this section is to reduce the instances of excessive and abusive enforcement actions. Those actions clearly originate in the acts of individual enforcement personnel. Sometimes the problem is with the policies of an agency, and the goal of this section is also to change the culture and policies of Federal regulatory agencies. At other times, the problem is not agency policy, but individuals who violate the agency's enforcement policy. To address this issue, the legislation includes a provision to allow the Ombudsman, where appropriate, to refer serious problems with individuals to the agency's Inspector General for proper action.

The intent of the Act is to give small businesses a voice in evaluating the overall performances of agencies and agency offices in their dealings with the small business community. The purpose of the Ombudsman's reports is not to rate individual agency personnel, but to assess each program's or agency's performance as a whole. The Ombudsman's report to Congress should not single out individual agency employees by name or assign an individual evaluation or rating that might interfere with agency management and personnel policies.

The Act also creates Regional Small Business Regulatory Fairness Boards at the SBA to coordinate with the Ombudsman and to provide small businesses a greater opportunity to track and comment on agency enforcement policies and practices. These boards provide an opportunity for representatives of small businesses to come together on a regional basis to assess the enforcement activities of the various federal regulatory agencies. The boards may meet to collect information about these activities, and report

and make recommendations to the Ombudsman about the impact of agency enforcement policies or practices on small businesses. The boards will consist of owners, operators or officers of small entities who are appointed by the Administrator of the Small Business Administration. Prior to appointing any board members, the Administrator must consult with the leadership of the Congressional Small Business Committees. There is nothing in the bill that would exempt the boards from the Federal Advisory Committee Act, which would apply according to its terms. The Boards may accept donations of services such as the use of a regional SBA office for conducting their meetings.

Section 323

The Act directs all federal agencies that regulate small businesses to develop policies or programs providing for waivers or reductions of civil penalties for violations by small businesses in certain circumstances. This section builds on the current Executive Order on small business enforcement practices and is intended to allow agencies flexibility to tailor their specific programs to their missions and charters. Agencies should also consider the ability of a small entity to pay in determining penalty assessments under appropriate circumstances. Each agency would have discretion to condition and limit the policy or program on appropriate conditions. For purposes of illustration, these could include requiring the small business to act in good faith, requiring that violations be discovered through participation in agency supported compliance assistance programs, or requiring that violations be corrected within a reasonable time.

An agency's policy or program could also provide for suitable exclusions. Again, for purposes of illustration, these could include circumstances where the small entity has been subject to multiple enforcement actions, the violation involves criminal conduct, or poses a grave threat to worker safety, public health, safety or the environment.

In establishing their programs, it is up to each agency to develop the boundaries of their program and the specific circumstances for providing for a waiver or reduction of penalties, but once establish, an agency must implement its program in an evenhanded fashion. Agencies may distinguish among types of small entities and among classes of civil penalties. Some agencies have already established formal or informal policies or programs that would meet the requirements of this section. For example, the Environmental Protection Agency has adopted a small business enforcement policy that satisfies this section. While this legislation sets out a general requirement to establish penalty waiver and reduction programs, some agencies may be subject to other statutory requirements or limitations applicable to the agency or to a particular program. For example, this section is not intended to override, amend or affect provisions of the Occupational Health and Safety Act or the Mine Safety and Health Act that may impose specific limitations on the operation of penalty reduction or waiver programs.

Section 324

This section provides that the subtitle takes effect 90 days after the date of enactment.

Subtitle C—Equal Access to Justice Act Amendments

Sections 331 & 332

The Act amends the Equal Access to Justice Act to assist eligible small businesses in recovering their attorneys fees and expenses in certain instances when unreasonable agency demands for fines or civil penalties in enforcement actions are not sustained by the court or by an administrative law judge. While this is a significant change from current law, the legislation is not intended to result in the awarding of attorneys fees as a matter of course. Rather, the legislation is intended to assist in changing the culture among government regulators to increase the reasonableness and fairness of their enforcement practices. Past agency practice too often has been to treat small businesses like suspects. One goal of this bill is to encourage government regulatory agencies to treat small businesses as partners sharing in a common goal of informed regulatory compliance. Government enforcement attorneys often take the position that they must zealously advocate for their client, in this case a regulatory agency, to the maximum extent permitted by law, as if they were representing an individual or other private party. But in the new regulatory climate for small businesses under this legislation, government attorneys with the advantages and resources of the federal government behind them in dealing with small entities must adjust their actions accordingly and not routinely issue original penalties or other demands at the high end of the scale merely as a way of pressuring small entities to agree to quick settlements.

The Equal Access to Justice Act (EAJA) provides a means for prevailing parties to recover their attorneys fees in a wide variety of civil and administrative actions between eligible parties and the government. This bill amends the EAJA to create a new avenue for small entities to recover their attorneys fees where the government makes excessive demands in enforcing compliance with a statutory or regulatory requirement, either in an adversary adjudication or judicial review of the agency's enforcement action, or in a civil enforcement action. In these situations, the test for recovering attorneys fees is whether the agency or government demand that led to the administrative or civil action is substantially in excess of the final outcome of the case so as to be unreasonable when compared to the final outcome (whether a fine, injunctive relief or damages) under the facts and circumstances of the case.

The comparison called for in the Act is always between a ''demand'' by the government for injunctive and monetary relief taken as a whole and the final outcome of the case in terms of injunctive and monetary relief taken as a whole. As used in these amendments, the term ''demand'' means an express written demand that leads to an adversary adjudication or civil action. A written demand by the government for performance or payment qualifies under this section regardless of form, including an original fine, penalty notice, demand letter, citation or otherwise. In the case of an adversary adjudication, the demand would often be a statement of the ''Definitive Penalty Amount.'' In the case of a civil action brought by the United States, the demand could be in the form of a demand for settlement issued prior to commencement to the litigation. In a civil action to review the determination of an administrative proceeding, the demand could be the demand that led to such proceeding. However, the term ''demand'' should not be read to extend to a mere recitation of facts and law in a complaint. The bill's definition of the term ''demand'' expressly excludes a recitation of the maximum statutory penalty in the complaint or elsewhere when accompanied by an express demand for a lesser amount. This definition is not intended to suggest that a statement of the maximum statutory penalty somewhere other than the complaint, which is not accompanied by an express demand for a lesser amount, is per se a demand, but would depend on the circumstances.

This test should not be a simple mathematical comparison. The Committee intends for it to be applied in such a way that it identifies and corrects situations where the agency's demand is so far in excess of the true value of the case, as demonstrated by the final outcome, that it appears the agency's assessment or enforcement action did not represent a reasonable effort to match the penalty to the actual facts and circumstances of the case.

In addition, the bill excludes attorneys fee awards in connection with willful violations, bad faith actions and in special circumstances that would make such an award unjust. These additional factors are intended to provide a ''safety valve'' to ensure that the government is not unduly deterred from advancing its case in good faith. Special circumstances are intended to include both legal and factual considerations which may make it unjust to require the public to pay attorneys fees, even in situations where the ultimate award is significantly less than the amount demanded. Special circumstances could include instances where the party seeking fees engaged in a flagrant violation of the law, endangered the lives of others, or engaged in some other type of conduct that would make the award of the fees unjust. The actions covered by ''bad faith'' include the conduct of the party seeking fees both at the time of the underlying violation, and during the enforcement action. For example, if the party seeking fees attempted to elude government officials, cover up its conduct, or otherwise impede the Government's law enforcement activities, then attorney's fees should not be awarded.

The bill also increases the maximum hourly rate for attorneys fees under the EAJA from $75 to $125. Agencies could avoid the possibility of paying attorneys fees by settling with the small entity prior to final judgement. The Committee anticipates that if a settlement is reached, all further claims of either party, including claims for attorneys fees, could be included as part of the settlement. The government may obtain a release specifically including attorneys fees under EAJA.

Additional language is included in the Act to ensure that the legislation did not violate of the PAYGO requirements of the Budget Act. This language requires agencies to satisfy any award of attorneys fees or expenses arising from an agency enforcement action from their discretionary appropriated funds, but does not require that an agency seek or obtain an individual line item or earmarked appropriation for these amounts.

Section 333

The new provisions of the EAJA apply to civil actions and adversary adjudications commenced on or after the date 14 days after the date of enactment.

Subtitle D—Regulatory Flexibility Act Amendments

Section 341

The bill expands the coverage of the RFA to include IRS interpretive rules that provide for a ''collection of information'' from small entities. Many IRS rulemakings involve ''interpretative rules'' that IRS contends need not be promulgated pursuant to section 553 of the Administrative Procedures Act. However, these interpretative rules may have significant economic effects on small entities and should be covered by the RFA. The amendment applies to those IRS interpretative rulemakings that are published in the Federal Register for notice and comment and that will be codified in the Code of Federal Regulations. This limitation is intended

to exclude from the RFA other, less formal IRS publications such as revenue rulings, revenue procedures, announcements, publications or private letter rulings.

The requirement that IRS interpretative rules comply with the RFA is further limited to those involving a ''collection of information.'' The term ''collection of information'' is defined in the Act to include the obtaining, causing to be obtained, soliciting of facts or opinions by an agency through a variety of means that would include the use of written report forms, schedules, or reporting or other record keeping requirements. It would also include any requirements that require the disclosure to third parties of any information. The intent of this phrase ''collection of information'' in the context of the RFA is to include all IRS interpretive rules of general applicability that lead to or result in small entities making calculations, keeping records, filing reports or otherwise providing information to IRS or third parties.

While the term ''collection of information'' also is used in the Paperwork Reduction Act (Title 44 U.S.C. Section 3502(4)(''PRA''), the purpose of the term in the context of the RFA is different that the purpose of the term in the PRA. Thus, while some courts have interpreted the PRA to exempt from its requirements certain recordkeeping requirements that are explicitly required by statute, such an interpretation would be inappropriate in the context of the RFA. If a collection of information is explicitly required by the Code, the effect might be to limit the possible regulatory alternatives available to the IRS in the proposed rulemaking, but would not exempt the IRS from conducting a regulatory flexibility analysis.

Some IRS interpretative rules merely reiterate or restate the statutorily required tax liability. While a small entity's tax liability may be a burden, the RFA cannot act to supersede the statutorily required tax rate. However, most IRS interpretative rules involve some aspect of defining or establishing requirements for compliance with the Code, or otherwise require small entities to maintain records to comply with the Code, and would now be covered by the RFA. One of the primary purposes of the RFA is to reduce the compliance burdens on small entities whenever possible under the statute. To accomplish this purpose, the IRS should take an expansive approach in interpreting the phrase ''collection of information'' when considering whether to conduct a regulatory flexibility analysis.

The Act provides for judicial review of the RFA, and the courts generally are given broad discretion to formulate appropriate remedies under the facts and circumstances of each individual case. The rights of judicial review and remedial authority of the courts provided in the Act as to IRS interpretative rules should be applied in a manner consistent with the purposes of the Anti-Injunction Act (26 U.S.C. 7421), which may limit remedies available in particular circumstances. The RFA, as amended by the Act, permits the court to remand a rule to an Agency for further consideration of the rule's impact on small entities. The amendment also directs the court to consider the public interest in determining whether or not to delay enforcement of a rule against small entities pending agency compliance with the court's findings. In the context of IRS interpretative rulemakings, this language should be read to require the court to give appropriate deference to the legitimate public interest in the assessment and collection of taxes reflected by the Anti-Junction Act. The court should not exercise its discretion more broadly than necessary under the circumstances or in a way that might encourage excessive litigation.

If an agency is required to publish an initial regulatory flexibility analysis, the agency also must publish a final regulatory flexibility analysis. In the final regulatory flexibility analysis, agencies will be required to describe the impacts of the rule on small entities and to specify the actions taken by the agency to modify the proposed rule to minimize the regulatory impact on small entities. Nothing in the bill directs the agency to choose to regulatory alternative that is not authorized by the statute granting regulatory authority. The goal of the final regulatory flexibility analysis is to demonstrate how the agency has minimized the impact on small entities consistent with the underlying statute and other applicable legal requirements.

Section 342

The bill removes the current prohibition on judicial review of agency compliance with the RFA and allows adversely affected small entities to seek judicial review of agency compliance with the Act within one year after final agency action, except where a provision of law requires a shorter period for challenging a final agency action. The prohibition on judicial enforcement of the RFA is contrary to the general principle of administrative law, and it has long been criticized by small business owners. Many small business owners believe that agencies have given lip service at best to RFA, and small entities have been denied legal recourse to enforce the Act's requirements.

The amendment is not intended to encourage or allow spurious lawsuits which might hinder important governmental functions. The one-year limitation on seeking judicial review ensures that this legislation will not permit indefinite, retroactive application of judicial review. The bill does not subject all regulations issued since the enactment of the RFA to judicial review. After the effective date, if the court finds that a final agency action was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with the law, the court may set aside the rule or order the agency to take other corrective action. The court may also decide that the failure to comply with the RFA warrants remanding the rule to the agency or delaying the application of the rule to small entities pending completion of the court ordered corrective action. However, in some circumstances, the court may find that there is good cause to allow the rule to be enforced and to remain in effect pending the corrective action.

Section 343

The bill requires agencies to publish their factual, policy and legal reasons when making a certification under section 605 of the RFA that the regulations will not impose a significant economic impact on a substantial number of small entities.

Section 344

The bill amends the existing requirements of RFA section 609 for small business participation in the rulemaking process by incorporating a modified version of S. 917, the Small Business Advocacy Act, introduced by Senator DOMENICI, to provide early input from small business into the regulatory process. For proposed rules with a significant economic impact on a substantial number of small entities, EPA and OSHA would have to collect advice and recommendations from small businesses to better inform the agency's regulatory flexibility analysis on the potential impacts of the rule. The House version drops the provision of the Senate bill that would have required the panels to reconvene prior to publication of the final rule.

The agency promulgating the rule would consult with the SBA's Chief Counsel for Advocacy to identify individuals who are representative of affected small businesses. The Agency would designate a senior level official to be responsible for implementing this section and chairing an interagency review panel for the rule. Before the publication of an initial regulatory flexibility analysis for a proposed EPA or OSHA rule, the SBA's Chief Counsel for Advocacy will gather information from individual representatives of small businesses and other small entities, such as small local governments, about the potential impacts of that proposed rule. This information will then be reviewed by a panel composed of members from EPA or OSHA, OIRA, and the Chief Counsel. The panel will then issue a report on those individuals' comments, which will become part of the rulemaking record. The review panel's report and related rulemaking information will be placed in the rulemaking record in a timely fashion so that others who are interested in the proposed rule may have an opportunity to review that information and submit their own responses for the record before the close of the agency's public comment period for the proposed rule. The legislation includes limits on the period during which the review panel conducts its review. It also creates a limited process allowing the Chief Counsel to waive certain requirements of the section after consultation with the Office of Information and Regulatory Affairs and small businesses.

Section 345

This section provides that the effective date of the RFA amendment is 90 days after enactment. Proposed rules published after the effective date must be accompanied by an initial regulatory flexibility analysis or a certification under section 605 of the RFA. Final rules published after the effective date must be accompanied by a final regulatory flexibility analysis or a certification under section 605 of the RFA, regardless of when the rule was first proposed. Thus judicial review shall apply to any final regulation published after the effective date regardless of when the rule was proposed. However, IRS interpretive rules proposed prior to enactment will not be subject to the amendments made in this subchapter expanding the scope of the RFA to include IRS interpretive rules. Thus, the IRS could finalize previously proposed interpretive rules according to the terms of currently applicable law, regardless of when the final interpretive rule is published.●

SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

● Mr. BUMPERS. Mr. President, I want to associate myself with the remarks of the distinguished chairman of our committee and the principle author of S. 942. He and I, as well as our staffs, worked together on this bill in a true spirit of bipartisanship. The shortness of time between the markup of S. 942 and consideration on the floor did not permit the staff to prepare a full-blown report, as we usually do. Instead, we have offered this section-by-section analysis as a joint explanatory statement by the managers, even though there was not a formal conference on this bill. The House chose to amend S. 942 in several respects. The chairman and I were consulted about these changes, and we agree that they are helpful. It is our hope that anyone reading this statement will treat it exactly as they would a formal Senate committee report since it reflects the consensus views of many Senators on

both sides of the aisle who have participated in completion of S. 942, which is now title III, in H.R. 3136.●

THE SWISS BANKS, THE NAZIS, AND HOLOCAUST ASSETS

● Mr. D'AMATO. Mr. President, I rise today to discuss the issue that I spoke about yesterday, namely that of the return, by Swiss banks, of assets deposited by European Jews and others in the years preceding the Holocaust.

Today, I would like to discuss the revelations disclosed in newly discovered documents by my staff. These documents explain the connections of certain wartime Swiss bankers with Nazi Germany. The documents are disturbing to read, especially when one considers the history of the times and the horrors that took place because of the murderous actions of the Nazi regime with which these men dealt.

One such declassified document, dated August 2, 1945, from the American Embassy in London, from which made up the American Occupational project, ''Operation Safe Haven,'' details the membership of the board of directors of the I.G. Farben Co. I.G. Farben was, at the time, the largest chemical company in the world, and is known, quite infamously for the fact that one of its subsidiaries produced ''Zyklon B,'' the poison gas used in the gas chambers in the Nazi extermination camps in Europe. While voluminous, the document provides short biographies of the directors.

At this time, I would like to ask unanimous consent that a portion of this document be printed in the RECORD at the conclusion of my remarks.

It is in this document that several Swiss nationals are listed and some are listed as owners or directors of Swiss banks. Following are the names of the bankers:

August Germann: Described as the ''Director of the Bank Fuer Unternehmungen, Zurich.''

Carlo Mollwo: Described as ''A cover man for I.G. Farben formally holding 100 percent of the shares of the Swiss bank, Ed. Greutert & Cie. (Now H. Sturzenegger & Cie.).''

Hans Sturzenegger: Described as ''A Swiss and relative of Greutert, became Managing Director of the Swiss Bank, Ed. Greutert & Cie. * * * In 1942, Sturzenegger was listed as the unlimited partner of the bank and Industrie Bank A.G. of Zurich was listed as the limited partner.''

Theodor Wolfensperger: Described as the ''President of Industrie Bank, Zurich. Known as a member of the I.G. clique.''

Mr. President, I know that this is the stuff of history, but it serves to point out one vital factor in understanding how this controversy in Switzerland today, came about. Here we have Swiss owners, or directors of banks in Switzerland, which might well have been the place of deposit for funds of European Jews, and they are sitting on the board of I.G. Farben, clearly a notorious company, by any standard. These men, as you will see by the document, also headed companies which acted as fronts for the Nazis, and later perhaps helped get assets looted by the Nazis, out of Europe. My question is, if they would do all this for the Nazis, what would they do with the assets of Europe's Jews?

Mr. President, this is a disturbing question, and to one that I truly do not know the answer. Nevertheless, I fear the worst. Yet, when considering this question, it inevitably begs a further question. What role did the Swiss Government play in this regard?

To provide a possible answer to this question, I would like to introduce the now declassified report of Daniel J. Reagan, then Counselor of Legation for Economic Affairs at the U.S. legation in Bern, who wrote to the Secretary of State on October 4, 1945 concerning the lack of cooperation of the Swiss Government.

I would ask that the text of this report be inserted in the RECORD at this time.

Mr. President, this is a devastating indictment of the Swiss Government and it illustrates how the Swiss went out of their way to avoid cooperating with the Allies in breaking up the German war effort and its vast economic structure.

This is only the beginning of our inquiry. We are finding documents daily, and with each search, we find more evidence which, I hope will place us closer to the truth, namely the authoritative, accurate and final accounting of all assets that numerous Swiss banks continue to hold from this time period and to which the survivors and rightful heirs are entitled.

The report follows:

SECRET ATTACHMENT

Sponsor Agency: External Security Intelligence Coordinating Committee, Washington, D.C.

11. In Switzerland or Connected with the Swiss Business.

Fritz Fleiner—Member of the Board of I.G. Chemie.

Dr. Albert Gadow—I.G. Farbon's Swiss representative. Member of the Board of each chief figure in I.G.

Chemie, Basle. Brother-in-law of Hermann Schmitz.

August Gormann—Member of I.G. Chemie's Board of Directors, and Director of the Bank Fuer Unternehmungen, Zurich.

Paul Haefliger—(See IV. A.2.).

Anton Heinrich—(See IV. A.3.).

Ernst Huelsmann—(See IV. A.3.).

Felix Iselin—President of I.G. Chemie, Basle, replacing Hermann Schmitz in 1940. One of most important lawyers in eastern Switzerland, a colonel in the Swiss Army, and chief of its Intelligence Service. Also President of the Schweizerische Treuhand—Gesellschaft of Basle, the chartered accountant firm of the Swiss chemical concerns Ciba, Geigy, and Sandoz. A former colleague of Iselin's has stated that Iselin is a prominent representative of absolutely German interests, and that he goes to Berlin to take orders from Hermann Schmitz and then telephones them to New York from Basle, thus pretending to protect Swiss interests where he is really protecting the interests of I. G. Farben.

Gottfried Keller—Member of the Board of Directors of I.G. Chemie, Basle.

Carlo Mollwo—German by birth, married to a Swiss, Became a Swiss citizen. ''A cover man for I.G. Farben'' formerly, holding 100% of the shares of the Swiss bank, Ed. Greutert & Cie. (now H. Sturzenegger & Cie.). He was especially active for I.G. in the nitrogen cartel through Greutert & Cie. President of the Board of Administration of Societe Auxiliaire de Participations et de Depots S.A., and member of the Board of Directors of I.G. Chemie, Basle. Chief auditor for I.G. Chemie since 1929.

Karl Pfoiffer—(See IV. A.1.).

Hormann Schmitz—(See IV. A.2.) Resigned as President of I.G. Chemie in 1940 and was replaced by Felix Isolin.

Hans Sturzeneggor—A Swiss and relative of Groutort, became Managing Director of the Swiss bank, Ed. Greutert & Cio., upon the death of Greutort in 1939, and the name of the bank was changed to H. Sturzeneggor & Cio. He had been trained in the Frankfurt offices of Metallgesellschaft and in the Finance Dept. of I.G. In 1942 Sturzenogger was listed as the unlimited partner of the bank and Industrie Bank A.G. of Zurich was listed as the limited partner. He is a member of the Board of I.G. Chemie

Theordor Wolfensperger—President of Industrie Bank, Zurich, Switzerland. Known as a member of the I.G. clique. He has been used as a nominee for I.G. in other dummy holding companies, as for instance Mapro, an I.G. camouflaged holding company in the Dutch East Indies.

12. TURKEY

Widmann—Manger of Bayor; Turkey. His private funds and personal possessions insured for LT 85,000 are held by Dr. Feridun Frik, Istanbul, at the house of Salahettin Ozgen, Eskisohir.

13. LATIN AMERICAN

Johann Carl Ahrons—Nominal partner in A. Quimica.

Bayor Lda., Brazil, Probably a front for I.G. Farben.

Ernst Holmut Andreas—German radio engineer who operated a radio station, ''Radio Bayer'' in Managua, Nicaragua, from 1929 to 1940. It advertised Bayer products and in the later years its programs included Nazi propaganda. (In 1940 the station was sold to Joso Mondoza.) He was deported to the U.S. in 1942 and in 1945 was a soldier in the U.S. Army. Believed to be a Nazi and to have operated a secret transmission set in Managua.

BERN, *October 4, 1945*.

Subject: Transmission of statement from Swiss purporting to give an indication of results of census of German assets.

[Via air mail pouch—USA War Crimes Office, Oct. 26, 1945—Secret]

The HONORABLE
The SECRETARY OF STATE,
Washington.

SIR: I have the honor to refer to the Legation's telegram No. 4211 (Repeated to London as 1407 and to Paris as 692), September 25, 1945, wherein it was reported that despite repeated and joint efforts of the British, French and ourselves during the past six months to induce the Swiss to implement effectively the agreement of March 8, it now appears that the Swiss are failing to meet in certain respects their engagements under that agreement, indulging in procrastinating tactics and also undermining economic warfare measures. As evidence of this statement there is transmitted, in the original and in translation, a memorandum presented to the

Economic Counselor by Mr. Kohli on behalf of the Federal Political Department, embracing what the Swiss describe as their interim report on the census of German assets as promised two months ago (Par. 4, Legation's telegram No. 3667, July 24). As it may be seen, this statement presents a mere description of the mode of operation of the Swiss Compensation office, the number of cases blocked without any indication of the results of the census. Mr. Kohli refused to indicate, moreover, when, if at all, any results of the census would be made available to the Allies. He did not contest the joint understanding of the British, French, and ourselves that the Swiss would make available at least the approximate value of interim blocked assets, but they have now failed to do so.

Early in August Mr. Schwab, Chief of the Swiss Compensation Office, informed the Economic Counselor that he had in the course of preparation what he intimated was a complete report which he was preparing for the Federal Political Department. Mr. Schwab stated at the time that he understood this report was intended for the Allies. Shortly afterwards Mr. Kohli, of the Federal Political Department, informed the Economic Counselor that he had received this report but that it was being translated from German into French for us. The Economic Counselor indicated that the German text would be satisfactory. Mr. Kohli stated he thought it more polite to transmit it in French. On August 23 Mr. Kohli was again reminded that we had not received this document. He stated that the translation had not yet been completed but that we would obtain it in the near future.

At a meeting on September 12 the Economic Counselor stated that he could not understand why this report, which had been in Mr. Kohli's hands for approximately a month, had not yet been transmitted. Mr. Kohli replied that after the translation had been made from German into French, the latter text had been submitted to Mr. Schwab of the Swiss Compensation Office for the latter's approval, but that Mr. Schwab had been on vacation for two weeks. The Economic Counselor informed Mr. Kohli that this statement was most remarkable, for members of his office had been in communication with Mr. Schwab by telephone several times during the preceding week. The Economic Counselor added that he had advised the Department of State of the promise to supply a report giving the pertinent information so far obtained on the census, but that it now appeared that this report, although completed a month ago by the Swiss Compensation Office, had been held up by the Federal Political Department. He expressed the fear that its transmission to us was, for reasons unknown, no longer intended. Mr. Kohli thereupon gave instructions to his assistant to assure that the French text of the report be delivered to us on the following day, which it was. It should be observed that the Aide-Memoire enclosed herewith bears the date of August 27, although it was not delivered until September 13.

The foregoing incident has been recited in detail because it suggests that the report prepared by the Swiss Compensation Office and intended for this and the British Legation and the French Embassy was censored and a perfunctory resumé substituted therefor. The enclosed report, it is hardly necessary to state, represents a failure on the part of the Swiss to carry out their promise to acquaint us with the interim results of the census and was delivered two weeks after the census was technically closed on August 31.

This failure of the Swiss to respect their promises is of especial significance at this time. It would appear to be related to the neglect the Swiss have shown *inter alia* for those provisions of the March 8 agreement which related to the prompt adoption of legislating necessary to facilitate the restoration of looted property and to the attempt made by the Swiss in the Viscose Suisse case, as reported in Legation's telegram 4211, September 25, to negate the influence of the Allied Proclaimed Lists. Reference must also be made by the belated response offered by the Swiss on September 25 (reported in Legation's telegram 4236 of September 28) to Legation's note of August 3 asserting title to German assets and to the Swiss failure to make any response to the Legation's note of July 12. The latter, as reported in Legation's dispatch 12188 of July 27, 1947, requested the Swiss to take steps, in accordance with the March 8 agreement, to assure that no disposition of German or German-controlled property in Switzerland would occur. As reported in Legation's telegram No. 4201 of September 24, 1945, despite this note and despite adequate notice from the Economic Counselor of this Legation that one such disposition was about to occur, the Swiss Government took no steps to intervene in the proposed sale of a German school at Davos.

From these incidents one inference is difficult to avoid: the Swiss Government is pursuing dilatory tactics designed to test the sincerity, firmness, and unity of the Allies with respect to the German assets in Switzerland and with respect to the commercial future of those Swiss enterprises and individuals whose pro-German activities were sufficiently notorious to merit inclusion on the Allied black lists. These tactics are being employed, it would appear, in the belief that, in the interim, the Allies will become so preoccupied with other affairs as to neglect to press for further execution of the March 8, agreement. If they are successful, the Swiss will thereby have escaped the proper and legitimate obligations which the majority of other neutrals have assumed, vis-a-vis the Allies, to put an end to the more important potentials for the continuation of Nazi activities.

In this connection, attention must be directed to recent discussions in the Swiss Parliament and the Swiss press. As reported in Legation's telegrams 4176, September 20 and 4186, September 21, 1945, Federal Councilor Stampfli, Chief of the Department of Public Economy, and Mr. Dutweiler, influential Swiss political leader, have violently attacked the Allies' listing policy. They have chosen deliberately to misrepresent the purposes and objectives of the Allies with respect to German and Japanese assets and the Proclaimed List. They have categorized these purposes and objectives as ''economic warfare'' directed against the Swiss economy, a statement so palpably false as to require no comment here. The significant point is that these responsible officials and influential spokesmen, supported by large sections of the Swiss press, choose this time to launch an offensive against our lists and the policy behind the lists. This campaign is mounting in scope and intensity. The conclusion here too is difficult to avoid: the Swiss officials are endeavoring to create a public opinion which will accept as proper and in the interests of Switzerland the failures of the Swiss Government to perform wholly in accordance with the provisions and spirit of the agreements made with the Allies.

Meanwhile, the concealment of German assets is facilitated by inadequate enforcement of existing inadequate legislation and Swiss nationals, in direct contravention of the March 8 agreement, are taking title to important German enterprises located here, steps which further complicate the detection of enemy property and the restoration of looted property.

Respectfully yours, For the Chargé d'Affaires a.i.

DANIEL J. REAGAN,
Counselor of Legation for Economic Affairs.●

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of Senate Resolution 239, a resolution submitted by Senators DOLE and DASCHLE and Senate Resolution 240, submitted by Senators WARNER and FORD; I further ask that the resolutions be agreed to, the motions to reconsider be laid upon the table, all en bloc, and that any statements relating to the resolutions appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolutions en bloc (S. Res. 239 and S. Res. 240) were agreed to.

The preambles were agreed to.

The resolutions, en bloc, with their preambles, are as follows:

S. RES. 239

Whereas, in the case of *Robert E. Barrett* v. *United States Senate, et al.*, No. 96CV00385 (D.D.C.), pending in the United States District Court for the District of Columbia, the plaintiff has named the United States Senate as a defendant;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend the Senate in civil actions relating to its official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the United States Senate in the case of *Robert E. Barrett* v. *United States Senate, et al.*

Mr. DOLE. Mr. President, the plaintiff in Barrett versus United States Senate is a Federal prisoner in Michigan. He has brought a civil action in Federal district court in the District of Columbia, seeking, among other things, a declaration from the court that the U.S. Court of Appeals for the Seventh Circuit is unable to adjudicate his claims impartially because of its bias against prisoners.

The plaintiff has named the U.S. Senate, among others, as a defendant in his lawsuit. The Senate is not, however, a proper party to this suit. In fact, the plaintiff asserts no claim against the Senate. This resolution authorizes the Senate Legal Counsel to represent the Senate in this action.

S. RES. 240

Whereas, in the case of *United States* v. *Byron C. Dale, et al.*, Civil No. 95–1023, in the United States District Court for the District of South Dakota, Northern Division, the defendants have named Senator Robert J. Dole as a codefendant in a counterclaim against the United States;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend its Members in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dole in the case of *United States* v. *Byron C. Dale, et al.*

Mr. WARNER. Mr. President, the legal action United States versus Dale, currently pending in the U.S. District Court in South Dakota, was brought by the United States to foreclose two mortgages executed by the Farmers Home Administration of the U.S. Department of Agriculture on real estate in Corson County, SD, belonging to the defendants.

The defendants in that action have filed a counterclaim against the United States, naming as codefendants Speaker of the House NEWT GINGRICH, Federal Reserve Chairman Alan Greenspan, Treasury Secretary Robert Rubin, Secretary of Agricultural Dan Glickman, and the Senator majority leader. The counterclaim seeks a court order compelling televised congressional hearings regarding Federal farm and monetary policy and the enactment of legislation favored by the defendant.

Lawsuits alleging that citizens have been aggrieved by a Member's failure to act in accordance with the citizens' views have been filed against Members of Congress from time to time. As the Senate has noted previously in response to such lawsuits, every citizen has a constitutionally protected right to petition the Government for the redress of grievances. However, elected officials have the discretion to agree or disagree with communications they receive, and to decide how best to respond to the many points of view which are presented to them. This resolution authorizes the Senate Legal Counsel to represent the majority leader in this action.

MEASURE PLACED ON CALENDAR—H.R. 1296

Mr. LOTT. Mr. President, I ask unanimous consent that calendar No. 300, H.R. 1296 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nominations 515 and 516.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL DEPOSIT INSURANCE CORPORATION

Gaston L. Gianni, Jr., of Virginia, to be Inspector General, Federal Deposit Insurance Corporation. (New Position)

DEPARTMENT OF COMMERCE

Stuart E. Eizenstat, of Maryland, to be Under Secretary of Commerce for International Trade, vice Jeffrey E. Garten, resigned.

NOMINATION OF STUART EIZENSTAT

Mr. HOLLINGS. Mr. President, I rise today to speak on behalf of the nomination of Stuart Eizenstat to be the Under Secretary of Commerce for International Trade. In Stu Eizenstat, President Clinton has chosen a real winner. Ambassador Eizenstat brings a wealth of experience and talent to the administration's economic policy team. In Ron Brown we have had the most energetic and effective Secretary of Commerce that has ever held office at the Hoover Building. And, with the selection of Stu Eizenstat, we finally will have an Under Secretary of Commerce for trade who will serve as an aggressive advocate for U.S. business overseas, and an individual who will help defend American business against unfair competition.

Ambassador Eizenstat is a native of Georgia and, in this period of March madness, I should also note that he developed quite a reputation as an exception basketball player. He is a graduate of the University of North Carolina and Harvard Law School.

As a young man Stu served in the White House under President Lyndon Johnson. And, from 1977–80 he served as President Carter's domestic policy advisor. Since leaving the White House, he has served as a lecturer at the John F. Kennedy School of Government at Harvard and as a guest scholar at the Brookings Institute. He is an expert in trade law and he made a name for himself in private practice in Atlanta and Washington. President Clinton named him to serve in Brussels as the United States Ambassador to the European Union. And, in that role he has championed the cause of U.S. business regarding tariff and nontariff barriers to work toward a level playing field for American business.

Stu Eizenstat is outstanding member of our Jewish American community. Throughout his life he has been very active in the Jewish community in Atlanta. While in Brussels, he also served as Special U.S. Envoy for Property Claims in Central Europe, seeking restitution of Jewish communal and private property confiscated by the Nazis during the Second World War.

Mr. President, the International Trade Administration is the cornerstone in our U.S. trade programs. It is the principal agency responsible for promoting U.S. business and exports overseas. It staffs the U.S. Trade Representative, conducts trade missions, and provides policy makers with necessary information on industry and trading partners. And, through the Import Administration and the Office of Textiles and Apparel, ITA is responsible for protecting our markets from unfair competition, like dumping. ITA has typically been the Commerce Secretary's right hand; it has been the most important bureau in Commerce, regardless of who holds office, whether Mac Baldridge or Bill Verity or Pete Peterson or Elliot Richardson. I have no doubt that Stuart Eizenstat will make ITA even more effective as he assumes command.

I have no doubt that Ambassador Eizenstat will hit the ground running when he gets over to the Commerce Department. I know his first objective will be to strengthen our trade enforcement activities. He intends to create a new center to monitor foreign countries compliance with trade agreements. Another principal goal of his is to get Asian nations to open their markets to U.S. products. During this recess, I will be reviewing his efforts to build a new American business center in Shanghai, China.

Mr. President, Stu Eizenstat is a man of superb intellect and high integrity. I can tell you that he knows how to get the job done. I know that he will be an effective leader at ITA and Commerce and I urge my colleagues to support his nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER FOR STAR PRINT—S. 969

Mr. LOTT. Mr. President, I ask unanimous consent that S. 969, the Newborns' and Mothers' Health Protection Act, be star printed to reflect the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, today I am pleased to join my colleagues, Senator NANCY KASSEBAUM and Senator BILL FRIST, in announcing a revised and improved version of S. 969, the Newborns' and Mothers' Health Protection Act of 1996.

This bill requires insurers to allow mothers and their newborns to remain in the hospital for a minimum of 48 hours after a normal vaginal delivery and 96 hours after a caesarean section. Shorter hospital stays are permitted, provided that the attending health care provider, in consultation with the mother, determines that is the best course of action.

S. 969 has garnered wide support and endorsements. Currently, 34 of our Senate colleagues, 21 Democrats and 13 Republicans are cosponsors. Major medical organizations such as the American Medical Association, the American College of Obstetricians and Gynecologists, and the American Academy

of Pediatrics have endorsed this legislation.

More than 83,000 Americans from every State in this Nation have communicated their support to my office.

Today, I ask unanimous consent that a summary of the clarifications and changes to S. 969 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

The following comments detail the clarifications and technical changes made to S. 969.:

1. The original bill did not comment on whether or not an attending health care provider would need to obtain authorization in order to keep a mother and newborn in the hospital for the 48/96 hours that are guaranteed for insurance coverage.

The re-introduced bill states that attending health care providers do not need to obtain authorization in order to keep mothers and newborns in the hospital for this period of time.

2. The original bill stated that a decision for early discharge (eg prior to the 48/96 hours) could be made by either the attending health care provider OR mother.

The re-introduced bill states that a decision for early discharge can be made by the attending health care provider in consultation with the mother.

3. The original bill did not address time parameters with regard to follow-up care.

The re-introduced bill states that follow-up care must be timely and must be provided within 24–27 hours following discharge.

4. The original bill did not specify a full range of health care providers.

The re-introduced bill specifies: physicians (obstetricians-gynecologists, pediatricians, family physicians, other physicians), nurse practitioners, nurses, nurse midwives, and physician assistants (where appropriate).

5. The original bill was ambiguous regarding preemption.

The re-introduced bill states that state laws that provide for a guarantee of insurance coverage for 48/96 hours OR have laws that guarantee care based on guidelines from the American College of Obstetricians—Gynecologist and the American Academy of Pediatrics AND have followed-up care consistent with federal law.

AUTHORITY FOR SUBMISSION OF STATEMENTS REGARDING THE DEATH OF EDMUND S. MUSKIE

Mr. LOTT. Mr. President, I ask unanimous consent that Senators have until April 20, 1996, to submit statements with regard to the death of the late Senator Edmund S. Muskie, and that the statements then be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the committees have between 10 a.m. and 3 p.m. on Wednesday, April 10, to file legislative or executive reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. LOTT. Mr. President, I now move to proceed to Senate Resolution 227, the Whitewater legislation, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the the motion to proceed to Senate Resolution 227, regarding the Whitewater extension.

Alfonse D'Amato, Dan Coats, Phil Gramm, Bob Smith, Mike DeWine, Bill Roth, Bill Cohen, Jim Jeffords, R.F. Bennett, John Warner, Larry Pressler, Spencer Abraham, Conrad Burns, Al Simpson, John H. Chafee, Frank H. Murkowski.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur at 2:15 p.m. on Tuesday, April 16, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now withdraw the motion.

ORDERS FOR MONDAY, APRIL 15, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of the adjournment resolution until the hour of 10 a.m. on Monday, April 15; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 2 p.m., with Senators permitted to speak therein for up to 5 minutes each, except for the following: Senator HATCH, 20 minutes; Senator DASCHLE or his designee, 90 minutes; Senator COVERDELL, for 90 minutes.

I further ask unanimous consent that immediately following morning business, the Senate begin consideration of the illegal immigration bill reported by the Judiciary Committee during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, following morning business on Monday, April 15, it will be the intention of the majority leader to begin consideration of the immigration reform bill. Amendments are expected to be offered to that bill. Therefore, I hope that any Senator who intends to offer an amendment will be available on Monday, April 15, to offer and debate their amendments.

Rollcall votes will not occur during Monday's session. However, if any votes are ordered on amendments, those rollcall votes would be ordered to occur during Tuesday's session of the Senate.

Also on Monday, the Senate may be asked to consider any other legislative or executive items that could be cleared for action. Senators should also be reminded that a cloture motion was filed today with respect to the Whitewater Special Committee. Therefore, the cloture vote will occur on Tuesday, April 16, at 2:15 p.m.

ADJOURNMENT UNTIL 10 A.M., MONDAY, APRIL 15, 1996

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 157.

There being no objection, the Senate, at 5:13 p.m., adjourned until 10 a.m., Monday, April 15, 1996.

NOMINATIONS

Executive nominations received by the Senate March 29, 1996:

THE JUDICIARY

M. MARGARET MCKEOWN, OF WASHINGTON, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE J. JEROME FARRIS, RETIRED.

LAWRENCE BASKIR, OF MARYLAND, TO BE A JUDGE OF THE U.S. COURT OF FEDERAL CLAIMS FOR A TERM OF 15 YEARS, VICE REGINALD W. GIBSON, RETIRED.

COLLEEN KOLLAR-KOTELLY, OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE HAROLD H. GREENE, RETIRED.

JOAN B. GOTTSCHALL, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS VICE JAMES B. MORAN, RETIRED.

FRANK R. ZAPATA, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE RICHARD M. BILBY, RETIRED.

DEPARTMENT OF STATE

LESLIE M. ALEXANDER, 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 THE REPUBLIC OF ECUADOR.

PRUDENCE BUSHNELL, OF VIRGINIA, 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 KENYA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RICHARD B. MYERS, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN P. JUMPER, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. RALPH E. EBERHART, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD T. KADISH, 000–00–0000, U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1996:

FEDERAL DEPOSIT INSURANCE CORPORATION

GASTON L. GIANNI, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION.

DEPARTMENT OF COMMERCE

STUART E. EIZENSTAT, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 29, 1996, withdrawing from further Senate consideration the following nomination:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARY BURRUS BABSON, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF 1 YEAR (NEW POSITION), WHICH WAS SENT TO THE SENATE ON JANUARY 22, 1996.