

Contrary to the spin that is being put on this ruling of Adarand, this particular decision does not dismantle Federal affirmative action programs. In fact, what it does is it throws us back to Crowson, a case that was rendered a number of years ago, and many local and State governments have already proceeded under, which requires a disparity study on affirming the fact frankly that racism still exists in this Nation. It does require a strict scrutiny test, one that causes one to look more closely at the kind of program that might be offered. In fact, I think the precise language might read that it requires a more searching examination.

Then, of course, it talks about the equal protection clause. But the real danger that we face as the Adarand decision continues to be editorialized and spoken about is those that would raise it up as a new day in America. I thought that we were a Nation of equals and those who would offer to help individuals who have yet to face and receive equal opportunity and the American dream. And yet we find those who are poised for the election in 1996, we find my Republican colleagues, all claiming in the name of Dr. Martin Luther King and the dream that they too believe in equal opportunity.

I would ask a simple question, even though these are private sector preferences, where are they when universities prefer those with athletic talents and give athletic scholarships? Where are they when the ivy league schools select the children of alumni to be admitted into their institution? Where are they when schools are out looking for musicians or people who can stand on their head and balance balls three times? Those are preferences.

But let me share with you, there are no quotas and preferences. They were made illegal some years ago. There are goals, of which we aspire to, and someone had the gall, if you will, to suggest the 10-percent set-aside locks in the Federal Government and discriminates against those who cannot comply under those particular set-asides.

I am here to tell you that the set-asides may be 10 percent, but the actuality may be barely 1 percent in terms of minority businesses and women businesses who are receiving contracts under several programs under the Federal Government.

I, too, stand here welcoming the diversity of this Nation, but as well the equality of this Nation. I would simply say that it is time now, Mr. Speaker, not to run away from this issue of equality and diversity. Look at the Adarand decision as it has been presented to us simply as a hurdle to cross, and not a death knell, an elimination for opportunity for all of our citizens.

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

[Mr. GRAHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995-1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal year 1995 through 1999:

COMMITTEE ON THE BUDGET  
Washington, DC, June 8, 1995.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of June 7, 1995.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those Years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The section 602(a) allocations printed in the conference report on H. Con. Res. 218 (H. Rept. 103-490) were revised to reflect the changes in committee jurisdiction as specified in the Rules of the House of Representatives adopted on January 4, 1995.

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 21, 1994.

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

JOHN R. KASICH, *Chairman.*

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 218—REFLECTING ACTION Completed as of June 7, 1995

[On-budget amounts, in millions of dollars]

	Fiscal year	
	1995	1995-1999
Appropriate Level (as set by H. Con. Res. 218):		
Budget authority .....	\$1,238,705	\$6,892,705
Outlays .....	1,217,605	6,676,805
Revenues .....	977,700	5,415,200
Current Level:		
Budget authority .....	1,233,103	( <sup>1</sup> )
Outlays .....	1,216,173	( <sup>1</sup> )
Revenues .....	978,218	( <sup>1</sup> )
Current Level over (+)/under (-) Appropriate Level:		
Budget authority .....	-5,602	( <sup>1</sup> )
Outlays .....	-1,432	( <sup>1</sup> )
Revenues .....	518	-31,643

<sup>1</sup> Not applicable because annual appropriations Acts for Fiscal Years 1997 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than \$5.602 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than \$1.432 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measures producing any net revenue loss of more than \$518 million in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995-1999		
	BA	Outlays	NEA	BA	Outlays	NEA
HOUSE COMMITTEE						
Agriculture:						
Allocation .....	0	0	0	0	0	4,861
Current level .....	499	-155	0	497	-152	0
Difference .....	499	-155	0	497	-152	-4,861
National Security:						
Allocation .....	0	0	0	0	0	0
Current level .....	42	37	0	221	210	82
Difference .....	42	37	0	221	210	82
Banking, Finance and Urban Affairs:						
Allocation .....	0	0	0	0	0	0
Current level .....	-25	-25	0	-75	-75	0
Difference .....	-25	-25	0	-75	-75	0
Economic and Educational Opportunities:						
Allocation .....	0	0	309	0	0	5,943
Current level .....	8	-13	297	104	81	1,674
Difference .....	8	-13	-12	104	81	-4,269
Commerce:						
Allocation .....	0	0	0	0	0	0
Current level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
International Relations:						
Allocation .....	0	0	0	0	0	0
Current level .....	5	4	0	11	11	0
Difference .....	5	4	0	11	11	0
Government Reform & Oversight:						
Allocation .....	0	0	0	0	0	0
Current level .....	0	0	0	4	4	-3
Difference .....	0	0	0	4	4	-3
House Oversight:						
Allocation .....	0	0	0	0	0	0
Current level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Resources:						
Allocation .....	0	0	0	0	0	0
Current level .....	-8	-8	4	0	-2	4
Difference .....	-8	-8	4	0	-2	4
Judiciary:						
Allocation .....	0	0	0	0	0	0
Current level .....	-58	-58	0	-6	-6	0
Difference .....	-58	-58	0	-6	-6	0
Transportation & Infrastructure:						
Allocation .....	2,161	0	0	64,741	0	0
Current level .....	2,161	0	0	4,375	0	0
Difference .....	0	0	0	-60,366	0	0
Science:						
Allocation .....	0	0	0	0	0	0
Current level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Small Business:						
Allocation .....	0	0	0	0	0	0
Current level .....	0	0	0	0	0	0
Difference .....	0	0	0	0	0	0
Veterans' Affairs:						
Allocation .....	0	0	340	0	0	5,743
Current level .....	2	2	334	3	3	1,888
Difference .....	2	2	-6	3	3	-3,855
Ways and Means:						
Allocation .....	0	0	0	0	0	214
Current level .....	44	-37	98	-3,674	-5,711	-3,655
Difference .....	44	-37	98	-3,674	-5,711	-3,869
Total Authorized:						
Allocation .....	2,161	0	649	64,741	0	16,761
Current level .....	2,670	-253	733	1,460	-5,637	-10
Difference .....	509	-253	84	-63,281	-5,637	-16,771

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (September 21, 1994)				Current Level				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development .....	13,397	13,945	0	0	13,396	13,945	0	0	-1	-0	0	0
Commerce, Justice, State .....	24,031	24,247	2,345	667	23,821	24,205	2,345	667	-210	-42	0	0
Defense .....	243,432	250,515	0	0	241,405	249,636	0	0	-2,027	-879	0	0
District of Columbia .....	720	722	0	0	712	714	0	0	-8	-8	0	0
Energy and Water Development .....	20,493	20,888	0	0	20,293	20,784	0	0	-200	-104	0	0
Foreign Operations .....	13,785	13,735	0	0	13,492	13,717	0	0	-293	-18	0	0
Interior .....	13,521	13,916	0	0	13,516	13,915	0	0	-6	-2	0	0
Labor, HHS and Education .....	69,978	69,819	38	8	69,678	69,807	38	7	-300	-12	0	-1
Legislative Branch .....	2,368	2,380	0	0	2,367	2,380	0	0	-1	0	0	0
Military Construction .....	8,837	8,553	0	0	8,735	8,519	0	0	-102	-34	0	0
Transportation .....	13,704	36,513	0	0	13,622	36,511	0	0	-82	-2	0	0
Treasury-Postal Service .....	11,741	12,256	40	28	11,575	12,220	39	28	-166	-36	-1	0
VA-HUD-Independent Agencies .....	70,418	72,781	0	0	70,052	72,780	0	0	-366	-1	0	0
Reserve .....	2,311	6	0	0	0	0	0	0	-2,311	-6	0	0
Grand total .....	508,736	540,276	2,423	703	502,664	539,133	2,422	702	-6,072	-1,143	-1	-1

U.S. CONGRESS  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC June, 1995.

Hon. JOHN KASICH,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995. These estimates are compared to the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H.Con.Res. 218), and are current through June 7, 1995. A summary of this tabulation follows:

[In Millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current level +/- resolution
Budget authority .....	1,233,103	1,238,705	-5,602
Outlays .....	1,216,173	1,217,605	-1,432
Revenues:			
1995 .....	978,218	977,700	518
1995-99 .....	5,383,577	5,415,200	-31,643

Since my last report, dated February 22, 1995, the Congress has cleared, and the President has signed, the 1995 Emergency Supplementals and Rescissions Act (P.L. 104-6) and the Self-Employed Health Insurance Act (P.L. 104-7). These actions have affected the current level of budget authority, outlays, and revenues. Congress also cleared for the President's signature the 1995 Emergency Supplementals and Rescissions bill (H.R. 1158), which was vetoed by the President.

Sincerely,

JUNE E. O'NEILL.

PARLIAMENTARIAN STATUS REPORT 104TH CONGRESS,  
1ST SESSION HOUSE ON-BUDGET SUPPORTING DETAIL  
FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS  
JUNE 7, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues .....			978,466
Permanents and other spending legislation .....	750,343	706,271	
Appropriation legislation .....	738,096	757,783	
Offsetting receipts .....	-250,027	-250,027	
Total previously enacted .....	1,238,412	1,214,027	978,466
ENACTED THIS SESSION			
1995 Emergency Supplementals and Rescissions Act (P.L. 104-6) .....	-3,386	-1,008	
Self-Employed Health Insurance Act (P.L. 104-7) .....			-248
Total enacted this session .....	-3,386	-1,008	-248
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted .....	-1,923	3,154	
Total current level <sup>1</sup> .....	1,233,103	1,216,173	978,218
Total budget resolution .....	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution .....	5,602	1,432	
Over budget resolution .....			518

<sup>1</sup> In accordance with the Budget Enforcement Act, the total does not include \$3,905 million in budget authority and \$7,442 million in outlays for funding of emergencies that have been designated as such by the President and the Congress, and \$841 million in budget authority and \$917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, on June 2, 1995, a United States Air Force F-16 Fighting Falcon was shot down over Bosnia.

The pilot's fate was unknown.

What was known was that if he had survived, he had gone down in a hostile, war-torn land where Bosnian Serbs were using captured United Nations peacekeepers as human shields.

While the Nation waited for answers, a Navy ship steamed into the Adriatic Sea.

Aboard the ship was the 24th Marine unit, commanded by Col. Martin R. Berndt.

On June 8, at 3 a.m. Bosnian time, Colonel Berndt was notified that the downed pilot had been located. The marines moved quickly.

They hastily assembled a TRAP team, for Tactical Recovery of Aircraft Personnel, under the command of Lt. Col. Chris Gunther.

By 5 a.m., Colonel Berndt, Lieutenant Colonel Gunther, and their Marines were aboard helicopters en route to the Bosnian coast.

Forty-five minutes later, before crossing into Bosnian air space, the Marines were joined by EA-6B Prowlers from the USS Roosevelt, F/A 18 Hornets from Marine Fighter Attack Squadron 533, and two Air Force A-10 Thunderbolts.

AWACS airborne warning and control system aircraft, which had been in radio contact with the downed pilot, circled overhead and directed the Marines to his approximate location.

The Marines hit the objective at 6:40 a.m. The Cobra gunships went in first, flying fast and low over the trees to identify and destroy any potential threat from the ground.

Seconds later, the first Super Stallion landed. Marines leapt from the aircraft and deployed to secure the area.

As the second CH-53 touched down, 29-year-old Captain Scott O'Grady, the F-16 pilot who for 6 days had evaded capture and lived off the land, sprang from a tree line and ran toward the Marines.

Colonel Berndt reached out, grabbed O'Grady, and pulled him safely aboard the chopper.

"I'm okay," O'Grady said. "Get me out of here."

Colonel Berndt obliged.

From the time they landed to the time they lifted off, the Marines spent less than 2 minutes on the ground.

During the flight back to the ship they were fired on by surface to air missiles and small arms.

At least one round hit the helicopter that carried Captain O'Grady.

But it was not enough to stop the U.S. Marines, and today Captain Scott O'Grady is safely home.

This operation demonstrates many things.

It demonstrates the superior capabilities of our equipment, and the effectiveness of our tactics.

It demonstrates our military's exceptional capability for inter-service communications and cooperation.

But above all, it demonstrates the unequalled skill, valor, of American troops.

Courage saved Captain O'Grady—his own courage, and the courage of the Marines who pierced the Bosnian dawn to pull him from harm's way.

The TRAP team that rescued Captain O'Grady included two Sea Cobra helicopter gunships; four Harrier attack jets; and 41 Marines from an 81 mortar platoon from the 3rd Battalion, 8th Marines.

These elements are home based at Camp Lejeune, NC.

Much of Camp Lejeune is in the third congressional district, and I am here tonight as their Representative in Congress, to commend their actions over Bosnia.

These Marines are daring. They are intrepid. They are dauntless.

They represent the very best America has to offer, and their actions reflect great credit upon each individual Marine, the 3rd Battalion, the 8th Marines, the 24th MEU, and Camp Lejeune.

I am proud to represent them.

The Marines of Camp Lejeune demonstrate the spirit and meaning of the Corp's proud motto: "Semper Paratus"—"Always faithful".

I say thank you Captain O'Grady and thank you to the U.S. Marine Corps.

COL. MARTIN BERNDT—A TRUE  
AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise with pride tonight to address my colleagues and a salute an American hero, Marine Col. Martin Berndt. Just a few days ago Richard and Muriel Berndt were not aware of the danger their son faced until it was over. The Springfield Township, Montgomery County, PA, couple knew he was overseas, but did not know that Col. Martin Berndt led the marine unit that rescued Air Force Capt. Scott O'Grady. O'Grady's F-16C was downed Friday, June 2, by a Serbian SA-6 missile in Bosnia-Herzegovina. He commands 2,000 Marines that belong to a Marine amphibious unit.

But the couple were awakened from a peaceful night's rest in their Oreland, PA, home where they have lived for 34 years. They had heard about the successful mission around 2 a.m., but at 6 a.m., his daughter-in-law called Mr. Berndt, Sr., to tell him that his son was in charge of the entire operation which was so successful.

Their son had been involved with military operations in Vietnam, Haiti, Panama, and the Persian Gulf, and after a successful mission, Colonel Berndt said, "Well, tomorrow it is back to work."