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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. SHAW].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 25, 1995.

I hereby designate the Honorable CLAY SHAW to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to 25 minutes and each Member other than the majority and minority leaders limited to 5 minutes, but in no event shall the debate continue beyond 9:50 a.m.

The Chair recognizes the gentlewoman from New York [Ms. SLAUGHTER] for 5 minutes.

HARDSHIPS FOR MEDICARE RECIPIENTS

Ms. SLAUGHTER. Mr. Speaker, this week we celebrate the 30th anniversary of the enactment of Medicare, the only program that provides universal health coverage to virtually every elder American. Unfortunately, today Medicare is in big trouble. Much of the trouble stems from the majority plan to cut coverage and raise fees, not to shore up Medicare, but simply to provide tax cuts for large corporations and wealthy individuals.

The $270 billion in Medicare cuts proposed by the majority means that the average Medicare beneficiary will be liable for an additional $3,400 in out-of-pocket health care expenses. Total out-of-pocket costs would add up to about $29,000 over the 7 years of the budget plan.

I do not know how many seniors back in my hometown of Rochester can afford that level of cost increase. I do know that it will be a hardship for those on a fixed income. This morning I want to bring particular attention to the hardship that the cuts will bring to older women who make up the majority of Medicare recipients. They are the ones who can least afford to bear the brunt of Medicare cost hikes to subsidize tax cuts for the rich.

Elderly poverty is already more prevalent among older women. Only 13 percent of women age 65 or older actually receive a private pension, and even with Social Security, one-quarter of all older women are living near or below the poverty level.

The typical older woman, age 75 or older, has an annual income of $9,170. Where will she find an additional $3,400 over the next 7 years to cover higher Medicare premiums, deductibles, and new copayments?

At any age over 65, women have greater functional limitations due to diseases like arthritis and osteoporosis. That means they have an even greater need for affordable Medicare services like home health care.

Older American women, the majority of all Medicare recipients, have worked hard all their lives, whether in the home taking care of children, aging parents, or ailing spouses, or at jobs that paid them less than men at the same level to help support their families. They do not deserve to be abandoned by Congress in their time of need and they do not deserve to have to do more with less and less simply to subsidize tax cuts.

PROTECT, PRESERVE, AND STRENGTHEN MEDICARE

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

Mr. KNOLLENBERG. Mr. Speaker, July 30 marks the 30-year anniversary of Medicare, and while this vital program is only 30 years old, it is facing a financial crisis that threatens its longevity and the health security of 37 million seniors.

Just a few months ago, Medicare's Board of Trustees, four of whom are members of the Clinton administration, reported that Medicare part A, the hospital insurance trust fund, will be bankrupt in 7 years and unable to pay the hospital bills of our Nation's seniors.

The Republican majority in Congress obviously will not allow this to happen. We understand the importance of Medicare to retirees and stand ready to save this important program from going broke. We have been working very diligently to develop a proposal to preserve, protect, and strengthen Medicare for current and future retirees, and have already laid out six principles that will guide our efforts to reform Medicare.

Instead of acknowledging the spending crisis in Medicare as indicated in the trustees' report, and joining our efforts to save this important program, the President and his political allies have attempted to distort our principles to reform Medicare by scaring seniors with imaginary Medicare cuts. Why? Because they have no plan of their own to solve the Medicare crisis.

House Republicans are not proposing to cut Medicare. Under our plan, Medicare spending will increase each year.

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In fact, Medicare will still be one of the fastest-growing programs in the entire Federal Government, and spending per Medicare beneficiary will grow from $4,800 per beneficiary to $6,700 in the year 2002.

While the lack of leadership and partisan sniping on this crucial issue by the President and his allies is bad enough, House Republicans have recently discovered a stealth attack by the Clinton administration on private pensions. This is another matter.

Last year, the Department of Labor issued an interpretive bulletin that places the $3.5 trillion in private pension assets at risk of being channeled into low-return, economically targeted investments, or ETI's. ETI's are investments which are chosen for their social benefits, rather than the return they generate for pension plan participants and beneficiaries.

These politically targeted investments channel pension funds into public housing construction, community development projects, and other pork barrel programs that are more risky than traditional pension investments. Even the Clinton administration has acknowledged that ETI's are, and I quote, ''less liquid, require more expertise to evaluate, and require a longer time to generate significant investment returns.''

Nevertheless, the President's Labor Department is actively promoting these high-risk investments through a national clearinghouse at a cost of $1 million a year to American taxpayers. I guess finding the revenue for the President's social agenda is more important to the Department of Labor than protecting retirement income for millions of Americans.

Prior to the issuance of the Department of Labor's interpretive bulletin, private pension managers were required to abide by the Employment Retirement Income Security Act, or ERISA, fiduciary standards which forced them to focus entirely on the interest of their pension beneficiaries when investing pension assets.

Because of the Labor Department's interpretation of ERISA, pension managers can now take into consideration the benefits of an investment to third parties.

The Department of Labor's promotion of ETI's flies in the face of its responsibility as the Nation's watchdog and chief enforcer of ERISA.

Last week, the Committee on Economic and Educational Opportunities approved legislation introduced by Congressman SAXTON to stop the Clinton pension grab. The Pension Protection Act of 1995 reinforces ERISA's fiduciary standards, abolishes the ETI clearinghouse, and prohibits the Department of Labor from abdicating its responsibility to pensioners by promoting ETI's.

While the President and our opponents in Congress continue to play politics with retirement issues, an interesting question has arisen: Who really is on the side of seniors? As House Republicans continue to move forward with our proposals to protect, to preserve, and strengthen Medicare and stop the attack on private pensions, and also roll back the President's tax increases on Social Security, it is becoming clear that our opponents' attacks are hollow and nothing more than political rhetoric.

Mr. Speaker, I believe at the end of the day, the American people will reward us for our leadership on senior issues and hold our opponents accountable for engaging in partisan politics.

THE REPUBLICANS AND THEIR CONTROVERSIAL MEDICARE HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. NEAL] is recognized during morning business for 2½ minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, as you have just heard, over the past 30 years little has changed with the Republican Party's view of the Medicare Program. Republicans spent 13 years from 1952 until 1965 attempting to block the creation of the Medicare Program. They said Medicare was nothing more than socialized medicine and an unneeded program.

In 1965, more than 93 percent of House Republicans voted to replace Medicare with a voluntary program, a program with none of the guarantees or protections of our current Medicare system. With this tumultuous history in mind, we should not be surprised that in the name of saving Medicare, Republicans today support slashing Medicare by $270 billion in order to pay for tax cuts for wealthy Americans.

While Republicans' views on Medicare may not have changed over the past 30 years, the health care status of America's seniors during this time has improved significantly.

In 1959, only 46 percent of our seniors had health coverage. With Medicare, that number has increased to 99.1 percent. With Medicare, the life expectancy of seniors has risen significantly and the percentage of seniors living in poverty has been cut in half.

When I travel throughout the Second District in Massachusetts, whether I am in a diner, a library, a seniors center, or a grocery store, there is one consistent message that I hear loud, clear, and often, and that message is: Please, Congressman NEAL, do not let them take my Medicare benefits away.

Let us be honest this morning with our seniors in the Medicare debate. House Republicans passed a bill that would take $87 billion over 10 years out of the Medicare A trust fund, weakening the trust fund in order to give a tax cut to the wealthiest 13 percent of Americans. The truth is, they have not even asked for it.

Higher deductibles, increased premiums, additional copays? House Republicans would require seniors to pay $850 more in out-of-pocket health costs by the year 2002. How much is enough?

MEDICARE PRESERVATION TASK FORCE

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

Mr. BASS. Mr. Speaker, today I rise to talk about the Medicare Program in this country and the need to preserve, protect, and strengthen this vital program, and I would like to respond briefly if I could to some comments I have heard the past couple minutes about how this issue is something that was contrived by the Republicans in order to cut taxes and somehow provide benefits to the rich and to the corporate world.

I would remind those of you on the other side of the aisle that the Medicare problem is not a Republican problem or a Democrat problem because the President has weighed in on this issue and recommended that we do something to preserve this and protect this program, and he thinks that we should reduce the growth of Medicare somewhere in the vicinity of $100 billion.

The Republicans want to preserve and protect this program for generations to come and are in the process of coming up with proposals to reduce the future costs of Medicare by roughly $250 billion.

The issue, my friends, is not whether we save Medicare, but it is how we do it, and this is a program and a problem that should be addressed in a bipartisan fashion, not with each side squabbling against the other and resorting to bickering.

The reason I say that is that yesterday morning, the Medicare Preservation Task Force had a public hearing in Nashua, which is the largest city in my district, and I am proud to say that we have on my Medicare Preservation Task Force a list of very distinguished leaders in New Hampshire in the Medicare and Medicaid State government and so forth, in those professions.

Let me name a couple. Judy Lupien, who is a social services director for the Grafton County Nursing Home; Joe Marcille, the president and chief executive officer of Blue Cross-Blue Shield; Forrest McKerley and Dwight Sowerby, who run major nursing homes in the State; Fred Shaw, a lawyer and doctor in Concord; Kathy Sgambati, who is the assistant commissioner of the New Hampshire Department of Health and Human Services; Reed Morris, who is a resident, a senior citizen at the Pleasant View Retirement Community; Ginny Blackmer, who is a clinical nurse specialist; and Susan Young, executive director of the Home Health Care Association in New Hampshire; and Kristine Thyng, a senior at St.

Anselm's college; Marie Kirn, executive director of the New Hampshire Hospice Association.

This is a group that is dedicated to saving our Medicare Program, and they are not interested in political rhetoric. They want results, and that is what the 104th Congress is going to provide.

We heard from three panels: a panel representing doctors and hospital administrators, a hospital representing the State of New Hampshire which has to provide many Medicare and Medicaid services, and last, a panel consisting of seniors, representatives of the AARP and other groups, the United Seniors Association.

This is not an issue that we can afford to bicker about on a partisan basis because, as the President's own trustees' appointments to the Medicare trust fund state,

> The Medicare program is clearly unsustainable in its present form and we strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms.

That is precisely what my Medicare Preservation Task Force is in the process of addressing, and we heard testimony yesterday from three distinguished panels. We allowed the public half an hour to address the panel with their concerns. In August, we will be putting together a report of recommendations which we will be presenting to the House Ways and Means Committee in September.

This is the way the 104th Congress should go about solving the Medicare crisis that will confront this country, because there is not one person in this body that wants to see 33 million senior citizens lose their benefits in the 21st century.

I am proud of the Medicare Preservation Task Force. I am proud of the 104th Congress for what it has done to bring this problem to the fore and deal with these tough difficult issues. Let us get together and solve this Medicare crisis now and stop the partisan bickering.

On this 30th anniversary of Medicare, let us look to the next 30 years for a program that can be self-sustaining and provide the needed benefits to our seniors that they deserve.

HOUSING CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. KENNEDY] is recognized during morning business for 2½ minutes.

Mr. KENNEDY of Massachusetts. Mr. Speaker, last week the Committee on Appropriations struck a mortal blow against affordable housing in this country. They were swinging at housing but they hit hundreds of thousands of elderly, disabled households and hundreds of thousands of kids and hundreds of thousands of homeless people.

Overall, their bill would cut the housing budget of this country by over 23 percent.

The Republicans are ensuring that public housing dies a slow death by cutting the funds it needs to do the routine maintenance on a day-to-day basis and then slashing by one-third the funding needed to modernize decaying buildings.

The bill kills the drug elimination grants programs, despite its outstanding success over the past few years, and the bill imposes a new minimum rents that force people living in public and assisted housing out of their homes, including elderly living on fixed incomes, many of whom will have to pay 12 to 16 percent more of their incomes toward rent. It means a thousand-dollar-a-year rent increases to most of the elderly receiving assisted housing in this country. And then to really rub salt in their wounds, it cuts the homeless budget in half.

The fact is, the vast majority of public housing authorities are well run in this country, providing safe, decent, and affordable housing to hundreds of thousands of poor people in our Nation. Yet, we see politicians that want to run out in front of some gutted old abandoned decrepit housing and make the Americans believe that that is all public housing.

There are 3,400 public housing authorities in America, only 100 of which are poorly run. There are bad housing projects and we ought to get rid of them, and we ought to get rid of the bad housing authorities, but we ought not to throw out the baby with the bath water and pretend that every single unit of public housing is these decrepit housing photo ops that we see politicians running out and taking their pictures in front of these days.

Let us stand up for the poor. Let us not abandon this country's commitment to making certain that we have a fundamental safety net in America. People look around and they see homeless people on the streets and they are outraged. The only reason we have homelessness is because we do not build affordable housing for the most vulnerable people in this country, and coming in here and wholesale just cutting out the housing budget by 23 percent makes no sense.

Let us make certain that we come at this problem and deal with it. But we are throwing away some of the most important housing in the country without looking at what makes the cheapest housing for the most amount of people.

Let us look at the problem. Let us solve it, but let us not throw it out in order to make a nice, quick fancy speech that will hurt a lot of people and will not help our country.

A MESSAGE FROM THE PUBLIC TRUSTEES ON MEDICARE

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

Mr. HOKE. Mr. Speaker, I want to talk about a report that has been issued by the Social Security and Medicare Board of Trustees. It is labeled, ''The Status of the Social Security and Medicare Programs: A Summary of the 1995 Annual Reports.''

I really want to urge, Mr. Speaker, people who are watching this on C–SPAN, every single American, regardless of whether you are a senior citizen, if you are a citizen of this country, and particularly if you are paying taxes or you are a recipient of Social Security or Medicare, you should get a copy of this report.

This report is like a summary of an annual report. It is like the summary of an annual report that a shareholder would get in a company that he or she owns shares in. Only in this care, this is the summary of the annual report for American citizens about their own government, and specifically how four trust funds are being handled and what their financial health is at this point of time.

I am going to give a phone number, too, because I really urge you very strongly to call your Representative and get a copy of this. I do not think that anybody can truly understand or assess or have a very clear picture of what is going on with Medicare if you have not read this.

It is very clear. It is well written. It is thoughtfully done. I am going to read some things from it. 202–224–3121. That is the switchboard number at the Capitol. 202–224–3121. Call it up, ask for your Representative and ask for this. It is a status of the Social Security and Medicare programs. It is a summary of the 1995 annual reports, and they will have a copy of it at their office. They will send it to you or they can clearly get a copy.

This is a report that was created by the Medicare trustees, and they include Mr. Rubin, who is the Secretary of the Treasury, Mr. Reich, who is the Secretary of Labor, Ms. Shalala, who is the Secretary of HHS, and then a woman named Shirley Chater, who is the Commissioner of Social Security, and two private trustees, David Walker and Stanford Ross.

They are charged with the responsibility of reporting to the Congress, to the President, and to you more than anybody else, Mr. speaker, to the American people, to the public, about the status of these trust funds.

I want to just read a couple of things that are more in a summary nature, and again encourage you to get your own copy of this because it just lays the whole thing out.

It talks about the Social Security trust fund and also the disability insurance trust fund, but the one I want to concentrate on is the Medicare trust fund. What it says is, the Medicare

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 range.

The trustees urge the Congress to take additional actions designed to control Medicare costs, and to address the projected financial imbalance in both the short range and the long range through specific program legislation as part of a broad-based health care reform. The trustees believe that prompt, effective and decisive action is necessary.

And then it shows what the assets of the various funds are. It talks about the taxes. We spend 1.45 percent of our payroll, both that is matched by the employer that is paid for by the employee, for a total of 2.9 percent. That is what pays for the Medicare trust fund. It shows where the money has been in the past and what it is projected to be in the future.

I want to read one other summary that is at the very end of it because I think it is important. I think it is critical. It says, ''A Message From the Trustees.'' This is the fifth set of trust fund reports on which we have reported.

During the past five years there has been a trend of deterioration in the long-range financial condition of the Social Security and Medicare programs and an acceleration in the projected dates of exhaustion in the related trust funds.

With respect to the Medicare Program, the most critical issue, however, relates to the Medicare Program. Both the hospital insurance trust fund and the supplementary medical insurance trust fund show alarming financial results, and it goes on to describe those.

Now, get a copy of this. Read it through yourself so you can cut through some of the rhetoric you hear if you are a regular C–SPAN viewer or that you see in the media. There is a serious problem, and it is our responsibility as your elected officials to deal with it.

This problem did not just come to light in the 104th Congress. The problem has been around for awhile. We certainly knew about it in the 103d Congress, and the reason that we were not able to solve something is that the President and the Democratic majority at that time wanted to bring about a solution that was not very popular with the American people.

I had so much more I wanted to tell you about. The solutions that we are proposing, I will pursue this later in a special order.

HOUSING CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from New York [Mrs. MALONEY] is recognized during morning business for 2 minutes.

Mrs. MALONEY. Mr. Speaker, the HUD appropriations bill that is coming before the House takes a giant step backward. The cuts will have a devastating impact on many regions of the country, including New York City, which I represent.

New York has a chronic problem in providing affordable housing. Section 8 public housing and other programs make the difference for many poor families. The New York City Housing Authority stopped accepting applications for section 8 in 1944. We have over 200,000 families on the waiting list. If this bill passes, we will have no housing for them in the foreseeable future.

New York's housing crisis and the crisis across the country will only grow worse. This bill will eliminate all new section 8 assistance. It will reduce funding for the elderly, the disabled, and AIDS by 45 percent. It will reduce funding for the homeless by 50 percent. This is about ensuring that all Americans have access to one of the most basic necessities of life: shelter.

In this country where we should be the beacon of progress for the rights of all, bills like this one show that we have become part of the darker side of the politics in the world. We cannot let this happen. We can reverse it.

STOP WASTING MEDICARE FUNDS

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

Mr. STEARNS. Mr. Speaker, I do not think many Members know how many more cases of fraud, waste, and abuse have come before our Committee on Commerce. According to the General Accounting Office, the amount of taxpayers' dollars that will be lost to waste, fraud, and abuse for fiscal year 1996 is estimated to be an astounding $19.8 billion, or roughly 10 percent.

In hearings held in both the House and Senate, evidence was presented showing how widespread these practices have become. The Committee on Commerce on which I sit has been holding a series of hearings on waste, fraud, and abuse; and frankly, some of the examples that we have discovered are simply unbelievable.

One such example was transmitted to me by Willis Publishing Co. in Lebanon, GA. I was provided with documented evidence of licensed providers of goods and services marking up their products by as much as a thousand percent. That is right. You heard me correctly. A thousand percent.

You might ask, how is this possible? A good example is billing of Medicare-Medicaid $1,210.55 for 155 adult diapers which on a wholesale level cost 41 cents. Tripling the wholesale cost, a great markup, would have resulted in a price of $1.23 each.

The licensed Medicare provider billed Medicare for $1,210.55, collected $986.44, and then had the nerve to bill Medicaid for the remaining $242.11. U.S. taxpayers paid $7.81 for each one of these diapers which went on wholesale for 41 cents each.

I will include the material I received from Willis Publishing in the RECORD.

Another very telling example of that further demonstrates that this type of abuse, but on a larger scale, was reported during the hearings held before the Senate Select Committee on Aging this past March.

At those hearings, the inspector general at the Department of Health and Human Services testified that a special investigation of home health care visits for which Medicare reimbursement was sought by a health care agency in Florida showed that from the $45.4 million that was claimed, the office of inspector general estimated that almost $26 million did not meet Medicare reimbursement guidelines.

This is just one agency in the State of Florida covering home health visits. Frankly, I shudder to think what the IG's office would find if it investigated all 50 States.

I would like to convey yet another example that was sent to my office by a constituent from Altoona, FL. This letter read, in part, ''The hospital charges seemed to me to be excessive. One in particular in the amount of $195 was for trimming my toenails. My only comment to that would be, that is a pretty expensive pedicure.''

Mr. Speaker, it doesn't take a math genius to figure out how much money we could save by wiping out waste, fraud, and abuse in the Medicare Program. By my calculations, if, as has been reported by the GAO, such practices of bilking Medicare at the cost of $20 billion a year are now prevalent, then by putting a stop to this type of fraudulent behavior we could save $140 billion in expenditures over the next 7 years.

Mr. Speaker, earlier this year I introduced legislation to establish a bipartisan commission on the future of Medicare to make findings and issue recommendations on the future of this program. One of the areas on which the commission shall make specific findings is the need to eliminate waste, fraud, and abuse.

We are doing a vast disservice to our seniors if we do not stop this type of abuse from occurring. Such practice not only costs taxpayers money, but it cheats our seniors by denying them access to benefits they would have otherwise received.

Mr. Speaker, I include the following material for the RECORD:

WILLIS PUBLISHING,
Lebanon, GA, July 13, 1995.

c/o Representative CLIFF STEARNS,
Rayburn Building,
Washington, DC.

MS. CROW: Here is the question I'd like someone to answer during your congressional hearings on fraud and abuse in the Medicare/Medicaid system:

''How are prices set for the goods and services sold to Medicare/Medicaid recipients and who approves those prices?''

It is my belief, based on 2 years research, that there is corruption in every step of the Medicare/Medicaid delivery system. Per our conversation today, here is a synopsis of my findings:

1. ''Licensed providers'' are bribing government officials for the license and then for setting the prices paid at artificially high levels: [Example (see document transmitted with this letter): The ''licensed providers'' of goods and services are marking their products up by as much as 1,000% (one-thousand percent). An example of billing Medicare/Medicaid $1,210.55 for 155 adult diapers which cost 41¢ each wholesale is included with this transmission. Tripling the wholesale cost—a great markup—would have resulted in a price of $1.23 each. The ''licensed Medicare provider'' billed Medicare for $1,210.55, collected $968.44 and then billed Medicaid for the remaining $242.11. U.S. Taxpayers paid $7.81 each for diapers which wholesale for 41¢ each!]

2. Facilities which provide services to the elderly and handicapped are paying bribes to government agency personnel who refer the elderly and handicapped to them for treatment; [I have access to a tape of a conversation between a druggist and a personal care home owner in which the druggist offered a ''kickback'' if the owner would allow him to bill Medicare/Medicaid for all prescriptions of the owner's residents. This was not a ''volume discount'' but an under-the-table bribe.]

3. ''Licensed providers'' are bribing owners of facilities providing housing and other services to the elderly and handicapped to allow the providers to furnish goods and services to their residents; [Example: a ''licensed provider'' approached the owner of a personal care home about providing ''hip protectors'' to the elderly residents of the facility. The ''provider'' said he had a doctor who would ''sign off'' on the ''protectors'' and that the ''hip protectors'' were already ''Medicare approved''. The ''hip protector'' consisted of two cotton pads about 6 inches in diameter connected with Velcro belts to hold them in place around the hips. The price to Medicare—$300.00 per unit!]

4. The nursing home and home-health industries are bribing legislators and government administrators and regulators to channel all Medicare/Medicaid payments into their industries rather than to the less-expensive ''intermediate care'' homes and ''local'' nurses, doctors and social workers who might accomplish the same goals at one-third to one-half the cost of nursing homes and the ''licensed'' home-health agencies. [This is common knowledge among State legislators in Georgia. Studies from Georgia government agencies and corroborating studies from Oregon, Maryland, South Carolina and numerous other places have shown that of the 40,000+ people residing in 24-hour skilled nursing facilities in Georgia with Medicaid funding, more than two-thirds do not need ''skilled nursing'' and would be better off in a smaller, more residential setting like a personal care home with the resultant savings to Georgia taxpayers of more than $350,000,000 per year!

In terms of long term care for the elderly and handicapped, including home-health and residential facilities, here are some experts that you might wish to contact regarding potential savings to Medicare/Medicaid and the real benefits for the elderly and handicapped which would be derived by eliminating the graft and corruption from the system:

Richard Ladd (former head Oregon and Texas agencies handling the elderly and handicapped who succeeded in reducing nursing home populations in both states) (512) 266–7406/266–7648, Austin, TX

Professor Rosalie Kane, Institute for Health Services Research, Univ. Minnesota, 420 Delaware Street SE, Box 197, Mayo Building, Room D–527, Minneapolis, MN 55455 (612) 624–5171]

Larry Polivka, University of S. Florida, Aging Dept., Tampa, FL (813) 974–3468

Please pass along my gratitude to Rep. Stern for the good work. If the fraud and abuse were eliminated in Georgia from the Medicare/Medicaid system, it would reduce the that expenditure by at least 50% while not cutting one needed service to the elderly and handicapped.

I am continuing my research and working with the Georgia Attorney General's office, several legislators and many professionals in the long-term care field. If I find more information, I'll send it along and if there is some specific information you need, please let me know.

Sincerely,

CLAY WILLIS.

SAFE AND AFFORDABLE HOUSING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from New York [Ms. VELÁZQUEZ] is recognized during morning business for 1 minute.

Ms. VELAZQUEZ. Mr. Speaker, I rise today to call attention to the latest attack on our children, the elderly, and the poor. Today, when families are being forced to do more with less, the Republican crafted VA–HUD appropriations bill threatens the most basic human need, safe, and affordable housing.

The VA–HUD appropriations bill cuts homeless assistance by 50 percent, leaving the 600,000 individuals currently homeless with no hope. It slashes public housing subsidies by over $2 billion, sentencing 3 million public housing tenants to higher crime. This will have a devastating effect in New York City.

Cuts in section 8 rental assistance and homeless programs come at a time when we should be working to give everyone a chance at having the basic necessity of shelter. Instead, this legislation forces these Americans further into despair.

These moves are on top of severe reductions already made by Republicans to programs like AFDC, food stamps, and child assistance programs. Cuts like this create a dangerous game of Russian roulette, forcing families to choose between caring for their loved ones, putting food on the table, or providing a roof over their head.

Mr. Speaker, that is simply too high a price to ask our families to pay, all in the name of balancing the budget and tax breaks for the wealthy.

SAVE MEDICARE

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

Mr. SCARBOROUGH. Mr. Speaker, I have got to tell you. I hear all this debate about Medicare and Medicaid and who is saving Medicare and who is trying to gut Medicare and Medicaid. At times I just find it laughable, the type of rhetoric that goes on inside the beltway of Washington, DC, and I am new to this game. I just came to Washington 6 months ago.

I remember over the course of the campaign, what frustrated the American people the most was the fact that Washington politicians loved to engage in doubletalk, double speak. And one of the things they got the biggest kick out of, but also got upset about the most, was the fact that in Washington, DC, a politician calls a spending increase a spending cut. Somebody will come to the floor and say, we are cutting this program by 50 percent, and then you open up the budget and look chapter and verse.

The fact of the matter is, we are only cutting the rate of increase by 50 percent and, in fact, we are spending more next year than we did last year. This happens on all the programs. It is a wonderful way for a Washington politician to sound like they are getting tough on fiscal matters when the fact of the matter is they continue to throw money out in the breeze and do not know how to discipline themselves.

Mr. Speaker, the thing that frustrated me as an average citizen sitting on the couch watching C–SPAN or CNN was the fact that sometimes it was hard to nail them down. And you said, well, one side is saying this, the other side is saying that, what is the truth? Let me tell you. You have an opportunity to get to the bottom of the truth on the Medicare issue.

We had the gentleman from Ohio talk about the summary report of 1995 of the status of Social Security and Medicare programs. I ask you as an American citizen, if you want to get to the bottom of this whole Medicare debate, to call your Representative at 202–225–3121. Call your Representative, ask for that report and it will tell you some very, very troubling things about Medicare.

The first thing it will tell you is that Medicare is going bankrupt in the year 2002. That is in 7 years. The House Republicans did not write this report. House Democrats did not write this report. It was written by the trustees. They came back and reported to President Clinton: Mr. President, we have 7 years before Medicare goes bankrupt, before senior citizens really are left out in the cold in this system. You have to do something to reform Medicare.

Some of us have begun to undergo the task of doing something to save Medicare. Let me just give you a few numbers about spending and Medicare because you are going to hear about how us trying to save Medicare is going to cut the program, going to slash the program. Let us forget Washington doubletalk and double speak for a second and just talk about the facts.

The fact of the matter is, spending on Medicare over the next 7 years is going to increase from about $900 billion to $1.6 trillion, $900 billion to $1.6 trillion. I was never very good in math; that is probably why I ran for office, but the fact of the matter is that in my hometown where I come from, going from

$900 billion to $1.6 trillion over 7 years is a spending increase.

How is it going to affect my parents? How is it going to affect my grandmother? How is it going to affect seniors in our communities across the country? The fact of the matter is, the average senior citizen is going to go from having about $4,600 in Medicare benefits per year to approximately $6,400 in Medicare benefits a year. That is almost a $2,000 spending increase over the next 7 years.

Again, in Washington, DC, some people are going to call that a spending cut. Adding $2,000 over 7 years is going to be considered a spending cut, and they will get out charts and graphs and say, but over the next 7 years, blah, blah, blah, and I will tell you, by the end they are so good at it you almost start to believe them.

Let us look at the cold hard facts. Let us look at the report and let us call a spade a spade. We are going to save Medicare even if the other side is afraid to do anything about it.

MEDICARE AND SOCIAL PROGRAMS ARE UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Minnesota [Mr. VENTO] is recognized during morning business for 2½ minutes.

Mr. VENTO. Mr. Speaker, we have seen a lot of policy changes that are flowing from the budget, and the fact is that the story about whether something is going to be cut or how it is going to be affected reminds me of the fisherman that is cleaning the catfish. He is saying: Please little catfish, hold still. I am not going to do anything but gut you.

The fact is that there is a denial of the intention and the proposal. There is a denial while it is going on. There will be a denial after the cuts and after the changes have taken place. But the fact of the matter is the Medicare and social programs are under attack. This year in 1995, in the housing programs, out of the $16 billion rescission measure, $6 to $7 billion of that came out of housing programs. In the appropriation bill for HUD–VA that is being proposed, there is a 26-percent cut for housing. There is $4 billion more taken from housing. Programs are eliminated. Programs are proposed to be severely cut back.

Public and assisted housing in this Nation, while we frequently look at problem public housing in terms of the media attention, the fact is that it is an overwhelming success in many instances. Four and a half million American families, we have in excess of 4½ million units of assisted and public housing in our Nation. The Federal Government has worked collaboratively, cooperatively, with States and local governments. These public housing programs are enormously important programs for low-income Americans.

If anything is happening in our society today, it is of course the deterioration of income, of wages and jobs, the lack of empowerment for working people. This directly has resulted in their inability to meet their basic needs.

One of those basic needs is housing. Others are health care. Of course, some of these have not passed in entitlements, but the new Republican majority have got plans for you on that. But housing has never been an entitlement. So the consequence is that when we run out of housing, the public or the assisted housing, we end up with people and problems. Those problems have in recent years emerged as a growing and alarming rate of homelessness.

This bill not only cuts the basic programs to build any new housing for seniors and others and the services that will help those people, whether they exist today such as drug elimination, grants for kids or congregate housing services, special services for the elderly, but this HUD–VA appropriation measure goes on to cut the homeless programs by 50 percent from what was provided last year. So not only will they not address the chronic problem of providing decent, sanitary housing for Americans, but the Republicans also go on in this bill to cut the homeless program. So once you are down and out, you are going to be out and on the street.

This answer, this Republican answer, is not the answer, the policy path the American people voted for last November.

What we have in this mean-spirited; extreme unbalanced HUD–VA appropriations bill is a circumstance where those least able to bear the burden of cost cuts are being asked to take on an inequitable share: Housing cuts of 26 percent while we preserve a project for a techno-mansion in space.

Adding insult to injury, the GINGRICH-led Appropriations Committee has cut HUD homeless assistance essentially by 50 percent. Further, the highly praised FEMA Emergency Food and Shelter Program is being cut by 23 percent. This is unconscionable. It is reckless.

The cuts in senior housing, disabled citizens housing, and housing for persons with AIDS, are also drastic and unfair. These three programs are lumped together to compete against each other with a severely smaller pool of dollars—roughly a 46-percent reduction: from 1995 levels of $1.852 to $1 billion for 1996. Additionally, as a result of requiring public housing and section 8 residents to pay a minimum rent of $50 plus utilities, rents will be increased by an average $463 per year for some 600,000 families. About 85 percent of these households are families with children, 10 percent are elderly and 5 percent disabled. Many of these Americans are on fixed incomes. Average annual income in public housing rests around $7,000. An increase of $463 represents nearly 7 percent of those low-income families' income—and while it may not seem like much to some—it will simply be a make or break situation for many of these families.

We cannot ignore the plight and impact on public housing under this harsh Republican legislative initiative. While assuring the continued flow of spending expenditures, in reality precious and scarce Federal dollars for the NASA space station, this Republican appropriations sledgehammer destroys public housing brick-by-brick, tenant-by-tenant, housing authority by authority. The bill would delay outlays for public housing modernization and/or development. It suspends without recourse one-for-one replacement of public housing. It cuts $2.8 billion in capital and operating subsidies as compared from the 1995 level.

Coupled with the elimination of new section 8 assistance to tenants, this bill will literally guarantee an increase in homelessness. This relates to my initial point regarding the vicious cuts in homeless assistance. By making seemingly endless assisted housing waiting lists in reality a dead-end path, this HUD appropriations bill would force an explosion of families, children, and the elderly into the ranks of the Nation's homeless citizens.

And, why? For a space station? Or worse yet tax breaks for affluent Americans, who no doubt have their own housing subsidy in the form of the much supported mortgage interest and State and local tax deductions.

There is no equity in this bill, this budget or the actions to date of this 104th Congress. There is no justice when the rescission bill finally sent to the President the cuts from 1995 spending is 50 to 60 percent in essence $6 to $7 billion from housing programs. And peace will be hard to come by in the future because we will suffer from these shortsighted policies, as sure as millions of our friends and neighbors will languish on terminal waiting lists while enduring substandard housing; as sure as our parents lose their apartments in senior housing projects, or pay the rent with their food or prescription money; or, as certain as more children find it normal to wake up on the street or in a shelter. Our Nation will suffer and the notion and hope of our society will be diminished by such phenomena.

As the able Secretary of Housing and Urban Development, Secretary Cisneros pointed out, these cuts will affect literally millions of people and will devastate the communities in which we live. The Republican housing appropriations will be a monumental setback for revitalizing our distressed communities, and will cripple efforts to provide decent, safe, affordable housing opportunities for all Americans—a fundamental premise of our Nation's housing policy.

The impact in Minnesota graphically illustrates how people are affected by focusing on the changes more closely help place a face of the impact homeless cuts would represent just for the city of Minneapolis: A cut of $3 million—which would cut their transitional and permanent housing by 46 units and reduce the number of people that would be able to be served by over 500 people. My home city of St. Paul would lose $1.7 million in the next fiscal year if these cuts are made.

St. Paul, Minnesota's Public Housing Authority, a nationally recognized PHA will lose over $4.5 million in operating subsidies and modernization dollars.

Because the GOP appropriations bill requires public housing and section 8 residents to pay a minimum rent plus utilities. As I noted earlier, HUD estimates that this would immediately raise rents for approximately 600,000 public housing and section 8 families by an average of $463 per year. Nearly 50 percent of all assisted households in Minnesota would

face an average monthly rent increase of $45 or an average annual increase of $541. Naturally, utilities would include heat—and with no heating assistance, a cold winter could be as deadly as the recent heat wave has been.

People utilizing public housing today are very low income they can't contribute what they don't have, discretionary income. These dollars will be stripped from the necessities of their life and the families that comprise these low-income groups. This little change will work a significant problem, real hardship on the poor—an unfair hardship—on the poorest of the poor.

THE 30TH ANNIVERSARY OF MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized during morning business for 2 minutes.

Mr. OWENS. Mr. Speaker, this week we celebrate the 30th anniversary of Medicare and Medicaid. I emphasize Medicaid because in the ongoing debate about the cuts in Medicare and Medicaid, Medicaid gets left out.

Medicaid is very important. I want to remind everybody that 30 years ago, Democrats created Medicare and Medicaid. Lyndon Johnson, as part of the Great Society program, created Medicare and Medicaid. Democrats created Medicare and Medicaid, just as Democrats earlier created Social Security. Franklin Roosevelt was a Democrat. Democrats created Social Security.

Today we are celebrating the 30th anniversary of Medicare and Medicaid. These two forms of health insurance are the ones which serve those people most likely to need medical care. Yet they are the primary targets of the Republican scorched-earth Grim Reaper budget cutting. While many of my Republican colleagues will rush to the floor next week to defend the continued funding of the B–2 Stealth bomber, they meanwhile are launching a stealth attack against Medicare and Medicaid. Republicans propose to limit the growth of these programs at a rate which is actually one-half of the rate of growth for the private insurance industry.

Because two-thirds of the money in Medicaid goes to the services for the elderly and individuals with disabilities, the Medicaid cuts will drastically reduce access to long-term care for those who need it most but are least able to afford it. If you do not believe it, look at my home of New York City, where the nightmare has already begun. A Coney Island woman has had her 12 hours of daily attendant home care, which is much cheaper than nursing home care. Her 12 hours have been cut back to 4 hours. To make up for the 8-hour difference, they gave her an expensive beeper. She is so sick she cannot even open her mail, let alone use a beeper.

The cuts in Medicare are equally astounding. They will result in low income seniors paying more than double their current monthly premiums by the year 2000. Let us retain the programs created by Democrats. Let us fight to retain Medicaid and Medicare.

THE 30TH ANNIVERSARY OF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. DEUTSCH] is recognized during morning business for 2 minutes.

Mr. DEUTSCH. Mr. Speaker, as you have heard, today is the 30th anniversary of the Medicare Program. I think this is a day to focus on what the Republicans in this Congress are proposing to do to that program.

The Republican budget-passed plan has $270 billion in cuts. They have said, and they have said recently on this floor, and they continue to say that those are necessary to save the plan, to save the plan from itself. Well, the reality is in the last 30 years of the Medicare Program it has never had more than a 10-year actuarial life. In fact, there have been times over the last 30-year period where it has only had a 2-year actuarial life.

The $270 billion number has nothing to do with 10-year actuarial life. It has to do with the budget that they have proposed and some of the outrageous corporate welfare systems that still exist.

Now, what can be done? What is that $270 billion to lead to? The $270 billion will lead to a fundamental change in the Medicare system for beneficiaries. When you go through the numbers, the inevitable result of $270 billion in cuts is that you will have a Medicare system not very similar to the system that exists today. We would have a Medicare system that would force a large percentage of the 37 million people in this country on Medicare into substandard HMOs.

Right now, Medicare reimburses HMOs at about 95 percent of the prevailing fee-for-service in an area. Only about 10 percent of Medicare beneficiaries choose to join those HMOs. The Republican proposal will drive down that reimbursement cost in the neighborhood of 70 percent. I do not doubt there are private for-profit HMOs that will be able to provide service at that cost, but at what quality? That is the question.

MEDICARE-MEDICAID

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I rise today to discuss the Republican plan to cut Medicare for our seniors in order to pay for a tax cut for the privileged few.

The GOP plan is to end Medicare as we know it, a proposal that will devastate American seniors. Do not take my word for it. Just look at what the conservative newspaper, the Washington Times, reported recently. According to the article, the GOP's ultimate goal is to privatize Medicare.

Privatizing Medicare will mean that seniors will pay more in premiums and deductibles and will lose their choice of doctors. The Washington Times reports that recipients who now pay $46.10 per month for Medicare Part B would pay more than $110 per month. And in the year 2002, this plan will cost seniors more than $1,000 in out-of-pocket expenditures. They will be forced to give up their doctors.

It is ironic, Mr. Speaker, that Republican attempts to dismantle Medicare coincide with the program's 30th anniversary. When Medicare was originally proposed in 1965, 93 percent of Republicans supported a privatized health plan that relied on seniors paying the premiums. Today, 30 years later, we see history repeating itself, Republicans looking to dismantle a program that they never wanted in the first place, and that is Medicare.

My message to the American people is a simple one: Do not be fooled when the Republicans talk about slowing the growth of Medicare. It is a sham and a scam. The reality is that their plan will result in very real cuts to benefits and very real increases in costs for seniors who are on Medicare.

Do not be fooled when the Republicans say that these cuts are being made to fix Medicare or to reduce the budget deficit. The reality is that Medicare is being cut to pay for a $245 billion tax cut for large corporations and the privileged few.

THE REPUBLICAN TRIPLE WHAMMY ON MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning business for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to be fair to the Republicans. We should not just talk about the pain they are going to be inflicting by making all the people pay more for Medicare because that is only one part of it. They also plan in their budget to reduce the cost of living every elderly person gets, no matter how low on the income scale.

Their budget balances in the year 2002, only because in part they cut the cost-of-living increase for Social Security. They think older people have been overcompensated for inflation.

But finally, for those older people who live in assisted housing and public housing who have Section 8 certificates, they have a third gift. They are going to raise their rent. So older people are going to find that, if the bill passes that is pending before us, that instead of 30 percent, they will pay 32 percent of their income. Their income will not go up as fast. Maybe that is the consolation when the Republicans cut the cost of living, but they will pay

more for Medicare. They will get less of a cost of living, and their rent will go up.

At least older people who read the comics and remember Al Capp, Lil' Abner, and Evil-Eye Fliegal will know what is happening to them. They are about to get the Republican triple whammy.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 49 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Reverend Ronald K. Austin, Spirit of Peace Baptist Church, Washington, DC, offered the following prayer:

Eternal God, the creator and sustainer of all life, we come before You this morning and pray that You would continue to be our ever present strength. Touch our minds and hearts this day that we might continue to be Your instruments for love and justice in this great Nation of ours. May Your light continue to lead this great body of men and women in the difficult decisions that they must make. Be with them in the good times and especially in the tough times. Also we pray for their families because they need Your strength also. Now help us all, dear Father, to reach that great day when nation will not take up sword against nation nor will they train for war anymore. In Your Holy name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California [Ms. ROYBAL-ALLARD] come forward and lead the House in the Pledge of Allegiance.

Ms. ROYBAL-ALLARD led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be ten 1-minutes on each side.

SUMMARY OF SOCIAL SECURITY MEDICARE ANNUAL REPORTS

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

Mr. HOKE. Mr. Speaker, this is a report that is a summary of the 1995 annual reports of the Social Security and Medicare boards of trustees. I urge every American to call their Representative at 202–224–3121 and get a copy of it. This is the annual report of your Government, about your trust funds for Social Security and, most importantly, Medicare.

It is something that you should read. It is clearly written. There is a problem, and you need to know about it. Outside of this politicized atmosphere of rhetoric, outside of the demagoguery that is going on, you need to be able to read this yourself and make your own decision. It is 202–224–3121, so that you know what is going on with these trust funds. Please call your Representative. Ask for the summary of the annual reports.

HUD PROGRAM CUTS

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

Ms. ROYBAL-ALLARD. Mr. Speaker, the $7 billion cut from HUD's 1996 budget will decimate Federal housing programs when housing needs are at their worst, particularly among families with children.

In 1993 alone, 5.6 million family households were in need of housing. And, every night, 600,000 households are homeless.

These proposed cuts will cause much needless pain and suffering.

A $700 million cut in public housing authority operating budgets will result in increased rents and deterioration of public housing.

These, cuts will also reduce existing housing levels for the elderly, the disabled, and persons with AIDS.

Finally, these cuts prevent distressed communities from leveraging private investment for economic development to improve life in these areas.

This Republican proposal is fused with fact and fiction. The fiction is that these cuts are necessary in order to reduce the Federal deficit, and that all of us must share the pain. The fact is there will be no pain sharing. The rich will get richer and the poor Americans will pay the price.

PROTECT MEDICARE

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

Mr. METCALF. Mr. Speaker, Norma and I have realized the American dream. We built our own log home. We cut down the trees, we built the home, we now own the home free and clear. But what of the future? We are both eligible for Medicare.

We are deeply concerned about Medicare. Previous Congresses have spent all the money, decades of wild, irresponsible spending on pork, and foreign aid, and so forth, and they did not build a secure base for Medicare. It is now an insecure base.

The President's own commission says that Medicare will go bankrupt by the year 2002 if we do not fix it. We are not going to let that happen. The new majority will preserve and protect Medicare. It is going to increase 5 percent or more each year in the benefits. Thousands of people are counting on it. We have given our word, and we will not fail them.

EMBRACE NEW TELECOMMUNICATIONS TECHNOLOGIES

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

Ms. ESHOO. Mr. Speaker, I amended the telecommunications bill to ensure the emergence of the Smart House—a fully automated digital home which the chart next to me diagrams. It is all about the future.

The amendment ensures that the FCC does not limit consumers' ability to use their computers to provide security, maintain air quality, and provide entertainment.

The language is supported by American business alliances including the Telecommunications Industry Association [TIA], the Alliance to Promote Software Innovation [APSI], and the National Cable Television Association [NCTA].

On the other hand, foreign TV manufacturers are pushing for FCC standards that will establish television sets as the gatekeeper to home automation systems.

Mr. Speaker, the issue is simply. We can either embrace the future by allowing new technologies to flourish with minimum Government interference or cling to the past.

I urge you to protect the cable compatibility language in H.R. 1555 and oppose any amendment to limit or strike it.

STRENGTHEN MEDICARE

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

Ms. PRYCE. Mr. Speaker, where is the Democrats' plan to save Medicare?

They cannot fix it by whining.

They cannot solve the crisis by finger-pointing and fear-mongering.

And they cannot fool America's seniors with their demagoguery.

This weekend, the Democrats will pose as proud fathers of Medicare on its 30th anniversary.

But, when the prodigal son comes home facing imminent bankruptcy and desperately needing help, those proud parents turn their backs, close their minds, and close the door on America's senior citizens.

Where it comes to Medicare, the Democrats are deadbeat dads.

We urge the Democrats to join us as we work to strengthen Medicare for today's and tomorrow's retired Americans.

LET US GET TO THE TRUTH ON WACO

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

Mr. TRAFICANT. Mr. Speaker, Federal agents say that cult leaders in Waco were liars, and that may be true. But something does not add up. It is now known that Federal officials came to learn that their so-called surprise raid had been leaked. They were expected to show at the compound. They knew that the surprise element was gone. That raid had danger and escalation written all over it like a neon sign, yet they sent in the troops. Four agents were killed.

Now, let us tell it like it is. Those cult leaders may have been liars, but those Federal agents and leaders have been lying through their teeth, stone cold lying through their teeth. They knew what was happening. They are lying to the American people, and Congress should not allow it.

From Potts down, this thing stinks. You know it. I know it. The American people know it.

Let us get to the truth.

IMPROVE MEDICARE

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

Mr. HEFLEY. Mr. Speaker, Medicare is going broke. If we do nothing about it, in 7 years it will be totally bankrupt. But instead of backing reforms, some Members in this body want to play politics with this very important issue.

Let me share with you a letter I just received from a constituent:

> I am sending the enclosed to you to add to your file of examples of the foolish and wasteful application of government personnel and funds. I would be embarrassed to present this check to my bank for processing.

And here is a check for 1 cent, sent to him as a Medicare B payment.

The Republican Party is determined to save Medicare. Mr. Speaker, we intend to create a Medicare system that offers the best care at the lowest cost. Together we will improve Medicare so that it can be protected and saved.

SENIORS WILL FIGHT FOR MEDICARE

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

Mr. DOGGETT. Mr. Speaker, well, another day has passed without our Republican colleagues disclosing even a single detail of how they are going to hike health care costs for American seniors. What they have disclosed in a cynical memo are the details of how they are going to try to convince seniors that they are not in fact being had.

Yes, Speaker GINGRICH has turned to the same public relations firm that generated that all-time great campaign gimmick, the contract on Americans. And now they have produced an interesting document called, everything you ever wanted to know, not about saving Medicare, but about communicating Medicare.

And what does it tell us? It says: Do not talk about improving Medicare, Republican colleagues. We cannot afford to raise expectations.

Well, that is revealing. Then it goes on to say: Keep in mind that seniors are very pack oriented and very susceptible to being led.

When it comes to older Americans, I respect their intelligence as well as their pocketbook, and they are not going to be led in a pack off a cliff by a bunch of Republicans. They are going to fight for Medicare.

SAVE MEDICARE

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

Mr. HAYWORTH. Mr. Speaker, my good friend from Texas once again comes to the well of the House playing politics with Medicare. Communicating Medicare? What is wrong with that idea? Standing up in town hall meetings saying: Friends, we have a problem, which three Cabinet-level secretaries, three appointees of the President admit that Medicare will go bankrupt in 7 years if we do nothing. What is wrong with that?

And taking time to rationalize and formalize a rational policy on Medicare, where is the crime there? Far better to be engaged with the American public, working to save the program of Medicare, than to march to the well of the House as so many of my liberal friends do trying to scare senior citizens.

The fact is, yes, we are trying to communicate the fact that we have to save Medicare. And, yes, we are engaged in trying to save the very program. Do not let the whine producers, W-H-I-N-E, come to the floor again and again and whine and complain.

Challenge them to be part of the solution and not part of the problem.

MEDICARE

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

Mr. GENE GREEN of Texas. Mr. Speaker, Republicans are accusing Democrats of scaring senior citizens. Seniors should be scared because we do not have a plan yet from the Republicans, only leaked documents that lead us to believe Republicans plan to cut the program substantially. And so I ask one question: Why the secret or the stealth attack on Medicare? Why are the Republicans proposing deep and devastating cuts in the programs for seniors over the next 7 years? Well, they would answer they are trying to save the program from bankruptcy. At least that is what they have been told to say by their pollsters. They are being told to tell them you are saving the program, but they are really gutting it.

Let us think back to the last session of Congress, the 103d session, when Republicans attacked the Democratic plan to shore up Medicare. I remember there was not one Republican vote that helped pass that plan.

Now let us ask: Why are you raiding Medicare to balance the budget while at the same time providing huge tax cuts that almost equal the same amount that you are cutting for Medicare over the next 7 years?

Frankly, if it were up to Republicans, Medicare would not even exist today. But for many years now, Medicare has proven time and time again that it is one of the true success stories of our Government. It has dramatically improved the health care of our seniors and never again will older Americans have to choose between health care and rent or food.

MEDICARE

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

Mr. NORWOOD. Mr. Speaker, once again, one more time we hear the liberal Democrats whining and crying. They go to great lengths to convince senior citizens that Republicans are going to hurt them. But instead of the overheated rhetoric, let us talk about the facts.

It is a fact that in the last Congress, liberal Democrats voted to increase taxes on seniors. Not one Republican voted for that tax increase. Earlier this year, the Republicans voted to give seniors a tax cut to allow the seniors to keep more of the money that they earn. What did the liberal Democrats do? They voted against the tax cut for seniors.

When the trustees of Medicare, including three members of Mr. Clinton's administration, reports that Medicare is going bankrupt, Republicans are stepping up, stepping up to the plate trying to fix Medicare and preserve this system for the next century.

What is the liberal Democratic plan for Medicare? Nothing. Absolutely nothing.

MEDICARE AND OLDER WOMEN

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

Ms. BROWN of Florida. Mr. Speaker, Medicare is a social contract between the Federal Government and the American people. Nearly 20 million older women, many of them in Florida, have come to rely on quality health care under this program.

However, the sad fact is that women age 65 and over already spend an average of $2,827 for acute health care alone—33 percent of the median annual income of older women.

We must support and strengthen Medicare so that it can do more—not less—especially toward paying for prescription drugs and long-term care.

Until there is comprehensive health care reform, the Medicare Program must be protected from cuts that will jeopardize older women.

THE MONCADA BARRACKS

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

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow marks the 42d anniversary of Castro's nighttime attack on the Moncada barracks in Santiago de Cuba, an event which led to the emergence of Castro's rebel army and his ultimate triumphant, yet, as we were later to learn, tragic ride into Havana in 1959.

Little did many Cubans know that what occurred that night in 1953 was only the preamble to a tyranny that Cuba had not seen before. Tomorrow night my colleagues, the gentleman from Florida [Mr. DIAZ-BALART], the gentleman from New Jersey [Mr. MENENDEZ], and I will host a dinner for our congressional colleagues with the participation of four victims of this 36-year-old tyranny.

Among them will be three former Cuban political prisoners who combined spent over 50 years in prison, one of them being a veteran of the Moncada attack. Also joining us will be a survivor of the latest indiscriminate attack last year by Castro on a tugboat filled with Cuban refugees.

These four individuals will offer first-hand accounts of Castro's thirst for political control of the island and the totalitarian methods he uses to maintain that control.

I urge my colleagues to join us tomorrow night.

NRA/WACO

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

Mr. GUTIERREZ. Mr. Speaker, when the Republicans cut the size of committee staffs at the beginning of this Congress, I was worried some congressional work would not get done.

Then, I figured out how the new GOP chairmen were going to manage.

As this week's Judiciary Committee hearings prove, they'll simply turn to the National Rifle Association for help.

But what kind of hearings did the NRA help with?

With hearings on welfare reform?

With hearings on health care?

No—with the Waco hearings.

Hearings where the actions of law enforcement agents were called into question—the same agents that the NRA calls thugs.

Hearings where laws combating the dangerous proliferation of guns are a central issue—the same laws that the NRA wants to wipe off the books.

When I entered Congress 2 years ago, I thought that the gun lobby had too large a role to play in the backrooms of Congress.

Now, it's obvious that they've moved from the backrooms to the committee rooms.

We do not even have to call them the gun lobby these days—because now, they do not even have to do their dirty work in the lobbies anymore.

MEDICARE AT A CROSSROADS

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

Mrs. SEASTRAND. Mr. Speaker, Medicare is at a crucial crossroads. President Clinton's Medicare board of trustees stated in their April 1995 report, and I quote ". . . the fund is projected to be exhausted in 2001 . . ." In other words, if we do nothing—as the liberal Democrats suggest—millions of Medicare recipients will be denied services. But, the obstructionist liberals would rather criticize the strengthening of Medicare than do something to save it. Medicare is a large Government bureaucracy that does not offer the degree of choice seniors deserve. Republicans are going to strengthen and simplify Medicare by controlling its skyrocketing costs and giving seniors more choices in services. Everyone agrees that Medicare is going broke, but only the Republicans in Congress are posing a solution to that problem. I invite my colleagues from the other side of the aisle to end their empty rhetoric and join our effort to save Medicare.

□ 1020

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. HOKE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on House Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

Mr. MINETA. Mr. Speaker, reserving the right to object, it is my understanding that our Democratic leadership has been consulted on this matter and we have no objection to this request, so I withdraw by reservation of objection.

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

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

SAN DIEGO COASTAL CORRECTIONS ACT OF 1995

The Clerk called the bill (H.R. 1943) to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

The Clerk read the bill, as follows:

H.R. 1943

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 "San Diego Coastal Corrections Act of 1995".

SEC. 2. COASTAL DISCHARGES.

Section 304(d) of the Federal Water Pollution Control Act (33 U.S.C. 1314(d)) is amended by adding at the end the following:

"(5) COASTAL DISCHARGES.—For purposes of this subsection, any municipal wastewater treatment facility shall be deemed the equivalent of a secondary treatment facility if each of the following requirements is met:

"(A) The facility employs chemically enhanced primary treatment.

"(B) The facility, on the date of the enactment of this paragraph, discharges through an ocean outfall into an open marine environment greater than 4 miles offshore into a depth greater than 300 feet.

"(C) The facility's discharge is in compliance with all local and State water quality standards for the receiving waters.

''(D) The facility's discharge will be subject to an ocean monitoring program acceptable to relevant Federal and State regulatory agencies.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. MINETA] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Speaker, I urge strong support of H.R. 1943, the San Diego Coastal Corrections Act of 1995.

This bill amends the Clean Water Act to allow San Diego a qualified waiver from the so-called ''secondary treatment'' requirement.

Secondary treatment is a uniform, technology-based requirement involving removal of solids and biochemical oxygen demand that all sewage treatment plants must meet under the Clean Water Act, whether or not solids or biochemical oxygen demand would cause an environmental problem in the receiving water.

For San Diego, this mandate makes absolutely no sense.

Scientists agree that the city's discharge is not harming the ocean environment. San Diego's outfall extends 4½ miles into the ocean and discharges into 310 feet of water. The swift currents easily disperse the effluent.

Because of these factors, scientists have determined that secondary treatment for San Diego would provide no measurable environmental improvement.

Complying with the secondary treatment mandate will cost the city at least $2 billion, and possibly as much as $4.9 billion to comply with all of the requirements EPA has sought to impose on the city in return for a settlement of its lawsuit against the City for failure to achieve secondary treatment.

San Diego's situation has received extensive scientific review because of this EPA lawsuit. After reviewing all of the evidence, the Federal district judge held that there would be no environmental benefit to forcing San Diego to meet secondary treatment. However, the judge cannot waive a statutory requirement. That is something we must do.

San Diego's situation also has come to the attention of the Speaker. After reviewing all the facts, the Speaker decided that a waiver from secondary treatment for San Diego is a prime example of the type of bill to be considered under the new Corrections Calendar.

H.R. 1943 is identical to a provision in the House-passed clean water bill, H.R. 961.

It also is identical to a provision in the Boehlert-Saxton clean water substitute, so the House has already spoken on this issue. We should reinforce it today.

The San Diego waiver is widely supported.

Let me emphasize while Federal bureaucrats in Washington say this must be done, EPA in California, the California EPA, as well as the Association of Metropolitan Sewage Agencies, say this is unnecessary. This is a prime example of the bureaucrats in Washington imposing multibillion-dollar costs on the city which are absolutely unnecessary. It is a good bill. I am glad that it is the first bill brought up under our new Corrections Calendar, and I urge all of my colleagues to support this legislation. Send a message to the bureaucrats in Washington.

Mr. Speaker, I have here letters in support of this legislation from the California EPA, the Governor of California, and the Association of Metropolitan Sewage Agencies, which I will include in the RECORD.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY,
Sacramento, CA, July 21, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to convey the California Environmental Protection Agency's (Cal/EPA's) support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. This bill would deem San Diego's Point Loma Wastewater Treatment Plant to be the equivalent of secondary treatment by virtue of its chemically enhanced primary treatment combined with an exceptionally long and deep ocean outfall.

This support is in recognition of the demonstrated ability of the Point Loma treatment plant to comply with California State Ocean Plan standards. During 1994 the treatment facility met every requirement of its National Pollutant Discharge Elimination System (NPDES) Permit without fail, earning it the distinction of receiving a Gold Award from the Association of Metropolitan Sewerage Agencies. This award could only have been earned with a strict industrial source control program, a well-run treatment plant, and an effective ocean outfall.

The California State Ocean Plan, which is tailored to provide strict standards to protect the marine environment, was developed in 1972 by the State Water Resources Control Board. It was prepared by a team of scientists and was adopted only after a series of public hearings and full disclosure and review by all interested parties. It was also approved by the U.S. Environmental Protection Agency (U.S. EPA). Since the adoption of the initial plan, it has undergone periodic review and been revised in 1973, 1978, 1983, and 1990. This document (now under revision, for completion in 1997) is the basis for NPDES Permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the nation. There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards and therefore would be applicable to the Point Loma outfall despite its termination in federal waters.

There have been public allegations that under HR 1943 San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. The permit will be renewed every five years, with full public review and input. In addition, San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all of the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

I understand that some groups, including the U.S. EPA, support the Ocean Pollution Reduction Act of 1994 but oppose HR 1943. In a July 11, 1995 letter to you, the U.S. EPA Assistant Administrator for Water, Mr. Bob Perciacepe, states that the bill is ''unnecessary, eliminates public review, and is scientifically unsound.'' Nothing could be further from the truth. The bill is necessary to allow San Diego to plan for the future without the vagaries of federal bureaucratic changes; it includes the same public review of the permit and scientific basis as the Ocean Pollution Reduction Act.

Mr. Perciacepe's letter also states that H.R. 1943 conflicts with the National Research Council's 1993 report, *Managing Wastewater in Coastal Urban Areas.* He says that the bill ''would provide for a blanket exemption from secondary treatment, even if changed circumstances or evolving science raise reasonable questions about the continued wisdom of the waiver'' and that this conflicts with the report's caution to allow flexibility to respond to new information. My understanding is that H.R. 1943 includes precisely the flexibility that the National Research Council suggests, allowing the continuously-updated, site-specific criteria of the State Ocean Plan to apply—rather than the one-size-fits-all secondary treatment requirement mandated by the Clean Water Act over 20 years ago.

In summary, we urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that the all necessary protection remains in full force in the future.

Sincerely,

JAMES M. STROCK.

GOVERNOR PETE WILSON,
Sacramento, CA, July 18, 1995.

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

DEAR MR. SPEAKER: The State of California supports H.R. 1943, the San Diego Coastal Corrections Act of 1995. Your leadership in establishing Corrections Day to expeditiously address unnecessary regulations, like the one San Diego has endured for over 20 years, is recognized and appreciated by the citizens of this state, the ratepayers in the San Diego region, and federal taxpayers everywhere.

The question of whether or not San Diego should implement secondary sewage treatment was an issue during my tenure as mayor—and it is a tribute to Mayor Susan Golding that this cause is being carried on despite almost overwhelming bureaucratic and legal challenges presented by the U.S. Environmental Protection Agency and others.

With the passage of H.R. 1943, San Diego will continue to monitor the ocean that is such a precious resource to the community, will continue to have oversight from the U.S. EPA and California's EPA, will comply with rigorous requirements of the California

State Ocean Plan, and will save $3 billion by not having to build unnecessary secondary treatment facilities.

Thank you for your support of this bill and for establishing a procedure for correcting this and other unnecessary regulations.

Sincerely,

PETE WILSON.

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
Washington, DC, July 24, 1995.

Hon. BUD SHUSTER,
Chair, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: I write today to express AMSA's support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. AMSA believes that unique ecosystems often require site-specific solutions to effectively protect water quality. H.R. 1943 provides such a solution by ensuring protection of our coastal waters through the application of site-specific water quality-based criteria for qualifying discharges to marine waters.

The legislation requires San Diego's publicly-owned treatment works (POTWs) to work within the existing permitting and enforcement provisions of the Clean Water Act, and ensure that monitoring and reporting requirements currently in place would continue. Under the legislation, pretreatment requirements and all other provisions of the Clean Water Act would also remain intact. H.R. 1943 will allow San Diego to allocate scarce resources to areas of greatest concern while providing no relaxation of water quality standards and no exemption for effluent toxic pollutant limitations.

Site-specific criteria for marine dischargers is cost-effective and environmentally-sound. For this reason, AMSA urges Congress' support of H.R. 1943.

Sincerely,

KEN KIRK,
Executive Director.

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

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

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

Mr. MINETA. Mr. Speaker, I am opposed to this bill. It is unnecessary and an affront to the communities that most of us represent. In addition, it fails to meet the criteria for corrections legislation as set by the Speaker's guidelines. H.R. 1943 should not be approved by the House, and certainly not under Corrections Day procedures.

THE BILL IS UNNECESSARY

The issue is not whether San Diego should receive a waiver from secondary treatment. San Diego will receive its waiver. Under legislation passed by Congress and signed by President Clinton last year, San Diego alone got the right to seek a waiver, and has applied for a waiver from secondary treatment. EPA has publicly announced that it fully expects to grant the waiver in the near future, after the normal process which includes the opportunity for public comment.

I have observed a common thread in many of the arguments offered in support of H.R. 1943: There is a steadfast commitment to ignoring the legislation that was enacted into law last year which addressed San Diego's need for relief from secondary treatment requirements.

For example, a ''Dear Colleague'' in support of H.R. 1943 claims that ''The fact is, there is no disagreement that San Diego needs this legislation. * * *'' That simply is not true. There is considerable disagreement as to San Diego's need for this legislation, as evidenced by this debate.

Some acknowledge the existence of last year's fix, but try to make the case that H.R. 1943 is necessary because last year's enacted San Diego bill is inadequate. The concern is that last year's bill does not grant a permanent exemption from secondary treatment.

But why should San Diego get a permanent waiver, when not one single waiver recipient in the history of the Clean Water Act has received a permanent waiver of this type?

Is it the cost of reapplying? No. Most of the cost of periodic re-application and review is the cost of monitoring, and that cost will be incurred with or without H.R. 1943.

Is it the risk that San Diego may lose its waiver during a 5- or 10-year review? No. Every other waiver recipient is required to demonstrate that its waiver continues to be appropriate in view of changing conditions or new information. And, none is known to have lost its waiver in the course of such a review. Moreover, if new information or changed conditions prove that the waiver is harming human health, then sound science would dictate that there be an opportunity to reconsider the terms of the waiver.

It also has been suggested that H.R. 1943 is needed because even if, as expected, EPA approves the waiver this August, San Diego will be in the same position as it was previously when EPA reversed a prior tentative approval.

This assertion ignores the fact that San Diego's first effort at getting a secondary waiver failed because the State of California opposed the plan as inconsistent with the State's ocean standards. San Diego then withdrew its waiver application, knowing that, under the law then in effect, to do so was to forever forgo any further option of obtaining a waiver.

This time around, however, the State of California supports the waiver application San Diego has already made under last year's bill.

The simple truth is that no further legislative action is necessary for San Diego to be relieved from the secondary treatment requirements of the Clean Water Act.

This bill is not about San Diego not doing secondary treatment. San Diego is about to receive a waiver of secondary treatment. This bill is about allowing San Diego to do substantially less treatment than it is doing today. This is unconscionable. That is why I will offer a motion to recommit with instructions to adopt the amendment Mr. FILNER offered in committee, which would assure that San Diego would at least not backslide from where it is today.

All of the supporters of this bill argue that San Diego's discharge is not harmful—but they are referring to San Diego's current discharge, and this bill allows a massive rollback of treatment. My motion will require San Diego to meet its current level of treatment, nothing additional, and will not require San Diego to achieve secondary treatment. If San Diego's sewage is not harmful at today's levels, then San Diego should continue today's level of treatment and not be allowed to increase its pollution in the ocean.

THE BILL IS UNFAIR

A second issue I will raise, Mr. Speaker, is the inequity of taking up H.R. 1943 when there are far greater issues to be addressed in the Clean Water Act. H.R. 1943 is an affront to the communities that most of us represent.

At the same time that San Diego is getting special treatment, less than 1 year after it received special treatment allowing it to apply for a waiver, the Republican leadership is supporting a provision in the VA/HUD appropriations which denies $1.4 billion in grants to States and cities to implement Clean Water Act programs. All of our cities and States continue to bear the burden of State and Federal requirements to improve water quality.

Funding for fiscal year 1996 for every city and State is being held hostage by the Appropriations Committee for reauthorization of the Clean Water Act, yet San Diego is singled out for its own private relief bill. San Diego does not have to wait for Clean Water Act reauthorization—and it is the one community which doesn't need any legislation.

Why is it that San Diego, which will receive a waiver from secondary treatment with no further legislation, is getting a bill considered separately, and yet thousands of communities which are in technical violation of the law for failure to have stormwater permits cannot receive separate legislative attention?

Why is it that the hundreds of cities looking for approval of EPA's combined sewer overflow policy cannot receive separate legislative action?

None of these communities will receive any assistance by the action which we are taking today. Thousands of communities which need legislation are being told that they must wait for the larger bill to be considered. Yet the one city that needs no further legislative action to receive the relief which it wants is getting a special bill, just for it, for the third time in less than a year. The thousands of other communities can wait.

H.R. 1943 FAILS TO MEET THE CRITERIA FOR CORRECTIONS LEGISLATION

I also want to note, Mr. Speaker, that H.R. 1943 fails to meet the substantive and procedural requirements for bills to be considered under the corrections procedure. For example, it

does not ''address rules, regulations, statutory laws or court decisions which impose a severe financial burden, are ambiguous, arbitrary, or ludicrous.'' Nor does it ''aid the average family, small business, worker, or promote the well-being of all.'' EPA has already announced that San Diego will receive a waiver of secondary treatment requirements, thereby saving San Diego as much as $1 billion.

It has been suggested that the bill meets corrections criteria because it addresses a court decision and a statutory requirement that impose heavy financial burdens on the taxpayer. This assertion may have been compelling were it not for the fact that last year's enacted bill has already relieved the citizens of San Diego of this burden, by providing for a waiver of secondary requirements.

CONCLUSION

This bill is completely unnecessary, it is an injustice to the majority of communities and citizens that each of us represents, and it is motivated solely by politics.

I recognize that the bill may well pass this House anyway, but it will not pass for the right reasons. That is why I will offer a motion to recommit upon conclusion of the debate. My motion to recommit will simply instruct that the amendment Mr. FILNER offered in committee, assuring that San Diego at least would provide no less treatment than it provides today, be made a part of this bill. My motion will reveal what this bill is really all about. If the proponents just want a secondary waiver, they will support my motion to recommit with instructions. But if what they really want is for San Diego to do less treatment than it is doing today, then they will oppose my motion. We will soon know what this is all about.

If my motion to recommit is defeated, then what we have here is a bill to allow San Diego to rollback its existing treatment, not a bill just to excuse San Diego from improving its treatment levels. And a bill to rollback existing treatment should definitely be defeated.

Mr. Speaker, some background is useful here. In passing the Clean Water in 1972, Congress faced the question of whether to require all cities to do the same level of sewage treatment, or to base treatment requirements on the local conditions of the water body into which the treatment works discharged. Congress decided that the most reasonable approach was to require all cities to do a basic level of treatment—referred to as secondary treatment—and then subsequently and only where clearly necessary to protect receiving waters, standards could be raised to higher levels of treatment. Under the act, all communities were required to achieve secondary treatment by July 1, 1988. The majority of communities have not been required to do more, although some, including my own city of San Jose have gone considerably beyond secondary treatment to tertiary treatment.

The secondary treatment requirement, and the corresponding basic level of treatment for industrial dischargers, has accounted for most of the success under the Clean Water Act, which is widely acknowledged to be the most successful of the environmental statutes. Key to that success is that a basic level of treatment was required up front, so that cleanup could begin before the endless litigation which has plagued most environmental programs. More difficult questions of how much treatment was enough were postponed until later, and in most instances have not needed to be raised at all.

In the 1977 amendments to the act, Congress created the section 301(h) waiver window, under which communities with deep ocean outfalls could apply for and receive a waiver from the secondary treatment requirement if they could show that there would be no harm to health and the environment as a result. Communities could only submit waivers from 1977 through 1982, although waiver applications submitted within the window could be acted on after 1982.

Approximately 40 cities, many of them small communities adjacent to close-in deep waters along the Alaska and Maine coasts, have received the waivers. Unfortunately a few larger coastal cities, with more dubious claims of having deep ocean outfalls, wasted years in failed attempts to qualify for the waiver, and as a result are now far behind where most communities are and are having to play a very expensive game of catch-up. San Diego is on of those cities.

San Diego applied for a secondary waiver during the original section 301(h) application period in 1978, at a time when its ocean outfall was approximately 2 miles out and 200 feet deep. It was originally not EPA, but the State of California under Governor Deukmejian, which opposed San Diego's application as inconsistent with the State ocean plan. California based that decision on the fact that the outfall was in a major kelp bed which was actively used for recreation, and on the fact that it did not consider the existing outfall pipe to be reliable. Several years later, California's concerns were borne out when the outfall pipe burst, spewing sewage which washed ashore forcing the closure of 4½ miles of beaches.

Based on the negative findings of the State of California, President Reagan's administration gave San Diego's waiver application a tentative denial in 1986.

At this point, San Diego had the option of revising its waiver application and continuing to pursue it. It could have, for example, done what it has done in the 1990's, which is rebuild its outfall pipe to a deeper point farther out (it is now approximately 4.5 miles out and 310–320 feet deep) and meet the waiver requirements in that way. San Diego considered that option, but in 1987 rejected it in favor of keeping its existing outfall and investing instead in secondary treatment. As a result, in 1987, San Diego voluntarily withdrew its waiver application, knowing that under law it would as a result be committed to achieving secondary treatment and could not not go back to seeking a waiver.

If San Diego had not withdrawn its application, no waiver legislation would ever have been necessary for San Diego. Only because it first decided to seek a waiver, then in 1987 reversed itself and decided it did not want a waiver, then in the early 1990's reversed itself again and decided it did want to waiver, did Congress have a face the question of providing special legislation for San Diego.

Thus, if the purpose of Corrections Day is to correct ill-advised Federal regulatory or legislative requirements, San Diego's secondary treatment is hardly an appropriate case. The issue of San Diego's secondary treatment stands more for vacillating and inconsistent municipal decisionmaking than it does for Federal intrusiveness and inflexibility. The problem here was not inflexible Federal laws or regulations. Federal law was flexible in that it gave San Diego the opportunity to deal with the objections of the State of California either by going to secondary treatment or by extending its outfall pipe. San Diego's problem was that it could not stick with one decision or the other; it was not capable of handling the flexibility it was given.

San Diego is a better case for giving less flexibility to municipalities than it is for giving more. And I consider that very unfortunate, because as a former mayor myself I have long worked to achieve greater flexibility for municipalities. What has needed correcting here has been local, not Federal.

When San Diego reversed itself for the second time and sought, in the last Congress, a legislatively granted waiver, it made several key representatives as to why it should be accorded the special treatment of having the waiver window reopened for it. First, it represented that it required only a slight deviation from secondary treatment standards and only with respect to biological oxygen demands [BOD]. It would continue to meet, for example, the secondary treatment standard for 85 percent removal of total suspended solids. Second, it would reduce the total amount of its discharge by undertaking a major reclamation project, by which a significant minority of San Diego's total wastewater would be reclaimed and used for various landside purposes. And third, by obtaining a waiver it would be subject to the same kinds of monitoring and periodic renewal that any waiver holder and any permit holder is subject to in order to assure that there are no substantial deviations.

In the course of considering that legislation during 1994, San Diego again began changing its mind as to what it was willing to do. As a result, the bill enacted in the fall of 1994, at San Diego's insistence, relaxed not only the BOD standard from 85 to 58 percent, but also lowered the total suspended solids standard from 85 to 80 percent; and it reduced the amount of reclamation and extended the date by which it would achieve that reclamation, as compared to San Diego's initial representations.

The bill Congress enacted in the fall of 1994 was what San Diego said in the fall of 1994 it could do and was willing to do. Yet now in 1995, San Diego is back trying to get out of what it had just said it would do. Under H.R. 1943, San Diego would receive in effect a permanent exemption from secondary treatment—no conditions, no review, no questions asked. Not only would the secondary treatment standard be tossed aside, but so would the 58 percent BOD standard and the 80 percent total suspended solids standard. Anything that was chemically enhanced primary treatment would qualify. That simply means screening out the larger solids and adding chemicals to the rest—basically untreated sewage except for the addition of chemicals. Any requirement for reclamation would be tossed aside. And there would be no requirement for periodic review. It is important to note that this bill would allow San Diego to provide significantly less treatment than it provides today.

So the issue presented by H.R. 1943 is not whether San Diego should have to do secondary treatment—it will not have to do secondary treatment whether this bill is enacted or not. The issue is whether San Diego should have to do the things it proposed a few months ago that it should do in lieu of secondary treatment and whether it should even have to continue the low level of treatment it provides today.

I should also note that it is sometimes claimed that the Scripps Institution of Oceanography supports this bill. That is not true, and I have reconfirmed that with the director of the institution. There are a couple of employees of the institution who, as individuals, endorsed a secondary waiver for San Diego, but whatever their position may be, they do not speak for Scripps.

Let me conclude with these points. This is not a case of excessive or rigid Federal requirements needing to be corrected. The problem here is that Federal law—section 301(h) in particular—gave San Diego a degree of flexibility which it could not handle. First San Diego wanted a waiver, then it rejected the waiver option, then it wanted the waiver and needed legislation to get it, then it wanted legislation to eliminate the commitments it had devised to get the wavier legislation.

Second, San Diego is already getting its secondary waiver pursuant to legislation enacted last year. No further legislation is necessary or advisable; it's only purpose is to even further weaken the limited protections in the waiver San Diego is about to get under last year's bill. Last year San Diego wanted and got a waiver. This year it wants carte blanche to pollute as it sees fit, and it shouldn't get it.

Third, it is not as though Corrections Day is necessary for there to be congressional consideration of this bill. Provisions similar to H.R. 794 have already been included in section 309 of H.R. 961, which was approved by the House. This situation hardly stands for the proposition that without Corrections Day issues like San Diego's sewage treatment cannot get expeditious legislative action. This issue has already been considered and passed through this committee and the House as part of H.R. 961.

The concept of Corrections Day is that there should be an opportunity to repeal Federal requirements which are so clearly ill-advised that their repeal would be noncontroversial and approved by an overwhelming and bipartisan vote. This bill does not meet those parameters. This bill is not noncontroversial and I oppose it.

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

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for bringing this first corrections day procedure to the floor, and I thank the gentleman from Pennsylvania [Mr. SHUSTER] for yielding me the time.

Mr. Speaker, I rise in support of the first corrections day bill of the 104th Congress, H.R. 1943 represents the correction of a dumb government action and is an excellent start to the corrections process for this Congress.

The concept of corrections day originated with the Speaker of the House earlier this year. At that time, the Speaker created a Corrections Day Task Force to formulate a proposal to bring legislation to the House floor to fix arbitrary, ambiguous, and ludicrous laws, government regulations, or actions.

Mr. Speaker, that task force went to work and produced an excellent proposal. The task force was very ably chaired by the gentlelady from Nevada, Mrs. VUCANOVICH, and also consisted of Representatives ZELIFF and MCINTOSH. These Members held countless meetings and participated in several committee hearings in the appropriate committees of jurisdiction to refine the corrections concept.

The Rules Committee eventually took up their product and held hearings and a markup of House Resolution 168, a House rules change to abolish the Consent Calendar and create a Corrections Calendar.

Mr. Speaker, that resolution passed the House on June 20, 1995, on a bipartisan basis, by a vote of 271 to 146.

The corrections day process agreed to by the House on that day meets the goals established by the Speaker and preserves the deliberative aspects of the legislative process.

The corrections procedure protects the committee system in the House, in which detailed analysis and consideration of legislation takes place. To be eligible for corrections day, bills must be reported by a primary committee of jurisdiction and placed on the Union or House calendar.

The procedure also requires a three to five vote to pass, ensuring that only bipartisan measures will brought to the floor.

To many Americans, this may sound like inside baseball. But the fact is, Mr. Speaker, this procedure will have real results for real people in real towns.

My constituents in upstate New York have been saddled with the costs of unwise regulations generated by this Government for years.

Today, on a bipartisan basis, the House is initiating an innovative new technique to repeal these costly dumb rules.

For 10 years, the city of San Diego has been involved in a dispute over an exemption from the so-called secondary treatment requirement for sewage discharged miles out into the ocean under the Clean Water Act. The San Diego treatment system has been examined by scientists and the California Environmental Protection Agency and both support the need for this legislative exemption.

According to the Congressional Budget Office, estimates to upgrade the San Diego facility to comply with this arbitrary rule could amount to several billion dollars. Additionally, the city estimates that its recent application for a waiver from the rule cost $1 million to prepare. Enactment of this legislation will save potentially billions in construction and other costs.

Mr. Speaker, I am pleased to support this legislation and I am proud to be considering it under the new corrections procedure.

I strongly urge support for this very first corrections day bill to come before this House. Please come over here and vote unanimously for it. We will send these bureaucrats a message.

□ 1040

Mr. MINETA. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], a very distinguished colleague.

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

Mr. CLEMENT. Mr. Speaker, I rise as a strong supporter of the clean water bill when it passed the House last May to urge my colleagues to vote ''no'' on the bill before us today. Let me take a moment to explain why I oppose the

bill before us today even though I supported the larger bill from which it was taken.

I supported the clean water bill because it contained key provisions which were very important to my constituents. Most Members who supported the bill did so for the same reason. For some Members the specific provision their constituents wanted was wetlands reform, for others it was agricultural runoff issues, and still for others, it was relief for their municipalities on the combined sewage overflow issue or on the stormwater permits issue.

Whatever the individual Member issue, there was something in that bill that was very important to each of us and to our constituents.

Now we see the San Diego provision being split off from the rest of the bill for priority treatment. The San Diego provision does none of the things that our constituents want. What San Diego wanted they already got last year: special legislation so they could get a waiver from secondary treatment. They already have that special treatment.

Now we are being asked to ignore our constituents and what they want, but go ahead and give special legislation to San Diego, which already has it.

If your constituents really need wetlands reform, or moderation on agricultural runoff issues, or a break on combined sewage overflow or municipal stormwater permits, then I suggest you vote ''no'' on any bill which gives priority treatment to somebody else's provision in the clean water bill and ignores yours. If we are going to start splitting the clean water bill apart, it ought to solve more than one city's problems. I am sure you will agree with me that our problems are at least as important as San Diego's.

I urge my colleagues to vote ''no'' on H.R. 1943 and on any other clean water split-offs that do not do anything for your constituents.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, this is not special for San Diego. This is special for the taxpayers of the United States, because they are the people that are going to be paying this $2 billion for an unnecessary secondary treatment.

This is exactly what Sam Donaldson was talking about the other day when he stood in the middle of the Arizona desert in his special on regulation and talked about the massive protection for, ''aquatic creatures, water creatures,'' that EPA was thrusting on Arizona. He went to EPA and said, ''Show me the aquatic creatures in the middle of the Arizona desert.'' They could not show it to him. They could not show him a reason for the regulation.

Here we have in San Diego the best ocean scientists in the world at Scripps saying you do not have to have secondary regulation. I will say to my friend, the gentleman from California [Mr. MINETA], I have been to the meetings with EPA sitting there saying, ''We don't care what they say, it says right here in the law you're going to build a $2 billion plant. By golly, you're going to build it.''

This helps all the taxpayers.

It has been said that this is going to prejudice in some way other communities. This is not going to prejudice other communities. This is going to pave the way for other communities to lift their unnecessary regulation. Believe me, all of us are going to be voting right with you. This is a great symbol of common sense and science meeting dumbbell regulation and overtaking it.

Please vote ''yes.''

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

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

Mr. DREIER. Mr. Speaker, I thank my friend, the distinguished chairman of the committee, for yielding me this time.

Today is a great day for the people's House, because this concept, which was first initiated by Speaker GINGRICH following a conversation with the mayor of San Diego and several other State and local elected officials, established corrections day. The concept being very simply that we should look at some of the most preposterous ideas that are out there by way of Government regulation, that have been imposed from Washington, DC on State and local governments and other entities, and deal with them. A three-fifths vote is required, and we will have from this institution taken our action to actually eliminate it.

This issue has raised some controversy on the other side of the aisle, and some statements have been made that frankly need to be addressed. My very good California colleague from the San Jose area up north has said that this is pure politics. Well, Mr. Speaker, this is not pure politics.

As was said by the gentleman from Tennessee, this was addressed earlier by a vote when this institution was under the control of what is now, I am happy to say, the minority party. When the Democrats controlled this institution, they took action providing this waiver, yet the Environmental Protection agency has still been screwing around with this.

We have now gotten to the point where we want to take the firm action that is necessary to deal with it, and that is what we are doing today. It has not been handled adequately. To call it pure politics is way off base. Why? Because the bipartisan effort has come together to deal with this question.

Dr. Ravel, in his last words to BRIAN BILBRAY, who has worked long and hard on this, who was a member of the San Diego County Board of Supervisors, said that this issue needs to be addressed. He is not some right-wing conservative Republican who is playing pure politics; the father who discovered the whole greenhouse effect. He said this to the gentleman from California [Mr. BILBRAY] before he passed away.

My colleagues, the gentleman from California [Mr. CUNNINGHAM], the gentleman from California [Mr. HUNTER], and others have worked on this. This is the responsible thing to do. We should move forward and do it immediately in a bipartisan way.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. PACKARD].

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

Mr. PACKARD. Mr. Speaker, today marks the first Corrections Day in the history of Congress. I cannot tell you how pleased I am that the first issue being considered is one that I have worked for years to get passed.

For over a decade I have worked to relieve San Diego of an arbitrary mandate in the Clean Water Act that costs San Diego ratepayers and the American taxpayers $3 billion for additions and alterations to their sewage treatment system. Even though scientific evidence demonstrates that the city's advanced primary treatment already complies with the standard set forth in the Clean Water Act, we have been forced to submit to the ludicrous regulation.

Today, we have the opportunity to make government more accountable and establish a way for Congress to quickly fix onerous and burdensome regulations. Corrections Day signals the people's triumph over silly, obsolete rules and regulations and the bureaucracies that thrive on them.

I urge a ''yes'' vote on this resolution, and let us put a stop to a requirement of billions of dollars to be paid for no appreciable gain.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, my good friend the gentleman on the other side of the aisle has stated that this legislation was motivated by politics. Commissioner Ganagi, the mayor of San Diego, the Governor of the State of California, the delegation that represents the area, 2 million people, support this legislation. The gentleman from California [Mr. BILBRAY] as a mayor supported this years and years ago and now is in the House and still fighting the same battle. The Ocean Pollution Reduction Act that was rushed through Congress last year only says that San Diego can apply for a waiver. The gentleman stated that no other place has ever received this waiver.

This is an extreme example of an unfunded mandate. Every Member, Republican and Democrat, has onerous rules and regulations by the Federal Government that is inflexible, that

should be allowed some change. The EPA and the rule for off-sewage was written when you dump already treated sewage into a lake or river. Best science from Scripps Oceanographic, these people deal in what is good for the ocean, have stated good science, it actually enhances the ecology of the ocean because this is not dumped into a lake or a river, it is dumped miles and miles out to sea below a depth of 300 feet.

What else does it mean? It means that the residents of California will pay. Think of the senior citizen on a fixed income that is going to have her sewage bill doubled when it is not even necessary and good science says it is not necessary but certain special interest groups fight to change it.

Speaker GINGRICH took a look and said, let's take some of these Federal regulations that affect Members on both sides of the aisle, that are onerous and that are not working, written with good intention but they are inflexible, and let's change some of that on the House floor.

That is what this is about. For years and years we have been working on this situation, and just applying for a waiver does not do it. This does it. This completes that requirement. The delegation from San Diego, with Mr. HUNTER, Mr. PACKARD, Mr. BILBRAY, myself, and even Mr. FILNER on the other side of the aisle, have worked on this thing over and over again trying to make this change. This is a chance finally to come to fruition. I ask my colleagues to support it. It is important, and it is one of the first steps we have to bring logic back to this House.

Mr. MINETA. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, today is a very sad day in this House in my opinion. When I was first elected to the House of Representatives back in 1988, it was a fall after a summer when the Jersey shore and many of the States along the eastern coast had experienced very severe ocean pollution problems, beach washups, problems from sewage discharge and from other pollution that was dumped into the ocean. I thought at that time after the very strict laws that were passed, the Clean Water Act and various other legislation, that we had learned the lesson that we cannot dump in the ocean. Today I find out that that simply is not true. The message that we are sending today to the American people is that it is OK to dump in the ocean. It does not matter. This Congress does not care.

How ironic that on the first Corrections Day, instead of dealing with things that are really arbitrary or ludicrous or capricious like the $250 toilet seat or other agency actions that we know should be taken up on Corrections Day, instead we are granting an automatic and permanent waiver for the ocean discharge of waste. I guess the idea of protecting our environment, our water, our oceans in which we swim and fish is something that this House now considers, and I think one of the gentleman said, arbitrary or ludicrous, since this is a substantive requirement of Corrections Day.

The whole idea of trying to achieve secondary treatment is not ludicrous and it is certainly not arbitrary. It makes a lot of sense. That is why we have laws on the books which this is trying to change that require secondary treatment.

Secondary treatment is critical to the removal of organic material from sewage. This is the material that is linked to diseases like hepatitis and gastroenteritis for swimmers.

Mr. Speaker, we have in the Clean Water Act an effort to try to go down this slippery slope. Let us not kid ourselves. This is not just San Diego. Today it is San Diego, tomorrow it is going to be other California cities, then other cities around the country. We remember during the Clean Water Act that the Clean Water Act reauthorization specifically allows waivers, not only for San Diego but for a number of other cities around the country. Then they added the provision that said that for cities that were under 10,000 or municipalities that had under 10,000, that they might be able get a waiver. Then they added Puerto Rico, then Alaska. This is the beginning of the end in my opinion for secondary treatment and the requirement that that imposes. The notion that somehow that is okay and that we are going to take this material and dump it further and further out to sea and somehow it is not going to come back, that is the ludicrous part of what we are considering today.

In light of what occurred a couple of months ago in the Clean Water Act, I guess there is no reason to be surprised today. We are dealing with a number of efforts to degrade the environment. The Interior appropriations bill, the cuts in funding for both NOAA and EPA which we are about to address, all of these things are gradually taking us down the slippery slope. In addition to that, I think we have to understand that this bill eliminates a number of things that are very important. It eliminates the public review of the decision to allow the waiver. Essentially without this bill under the existing waiver process that is already law, there would be a public review that would start occurring sometime this summer or sometime in the near future. This is eliminated under this bill.

Also there has been a lot of mention about the scientific basis for this. Another thing this bill eliminates is basically the ability to look at the science in the future, because once the waiver is granted, if we find out that this process does not achieve what the authors are saying it is going to achieve, what opportunity is there to go back and look at the future science of the process?

I guess my problem here today, Mr. Speaker, is that I just think that the process of considering this bill on the Corrections Day Calendar is really improper because it is essentially saying to this House that Corrections Day is a day when we can make exemptions to environmental laws.

Coastal and ocean waters do not recognize State boundaries. We learned that a few years ago in New Jersey when medical waste from New York washed up on our shores. As a representative from a coastal State, I can tell you that my constituents do not want ocean disposal of waste. They do not want environmental loopholes and waivers. They certainly do not consider environmental regulations that protect our water, our estuaries, our wetlands and our beaches as arbitrary and capricious. Although today we are talking about California, this sets a very dangerous precedent. Today it is California but next Corrections Day it may be your neighboring State. There is absolutely no way that we are going to ultimately obtain the goal of the Clean Waste Act which is fishable and swimmable waters around this Nation if we continue this process.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

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

Mr. Speaker, it is a historic day. For the first time we have before us an item from the Corrections Calendar. As Chairman of the Corrections Day advisory group, I would like to discuss why I and the majority of Members of the Speakers advisory group recommended this bill for consideration on the Corrections Calendar. In fairness, I want to acknowledge that three members of the advisory group opposed placing this item on the calendar.

Let me say that the fact that this bill does not have unanimous support does not disqualify it from the corrections procedure.

Obviously, I would prefer that every Member support this bill, but in designing the corrections procedure we anticipated some opposition to items on the calendar. If we restrict ourselves to only those items with unanimous support we would not need the Corrections Calendar.

Much inaccurate information has been put out by those who would like to see corrections day fail. It boggles my mind that these new defenders of corrections day claim San Diego should not be a correction bill, when it was this very situation which prompted the Speaker to suggest the idea of corrections day. I would remind my colleagues that many of these same defenders of the corrections day process are the ones who argued strenuously not to even have corrections day.

Mr. Speaker, the San Diego waste water problem is precisely the type of legislation we should be doing on this calendar. It will save the nearly 2 million residents of San Diego County billions of dollars. This bill is narrow in

scope as it should be to be considered on this calendar, and it has bipartisan support. Most importantly it is time we bring over 20 years of wrangling between the EPA and San Diego to an end. Delaying this legislation will only cost the taxpayers of southern California millions more of their tax dollars with no change in the end result.

I urge a ''yes'' vote in support of this legislation.

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Mr. MINETA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

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

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

Mr. MINETA. Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from San Diego, CA [Mr. FILNER].

Mr. FILNER. Mr. Speaker, my colleagues, I rise today in strong support of H.R. 1943. Let me stress that this has been a bipartisan effort, both in San Diego, where the request originated, and in this Congress, where I hope a bipartisan coalition will pass this legislation today.

Without this legislation, San Diegans would be forced to pay billions of dollars to meet a bureaucratic requirement that makes no sense, given San Diego's geographic position and technological method of treating sewage.

This has been a long fight for me personally. In fact, I have spent more than 6 years fighting against this nonsensical requirement. I was one of the first members of the San Diego city council who was convinced by the testimony of marine scientists from the world-renowned Scripps Institute of Oceanography that San Diego was already doing the right thing for the environment.

One of the first bills that I introduced in 1993 as a freshman in the 103d Congress was H.R. 3190, which is very similar to the bill we are discussing today. And in late 1994 in the 103d Congress, my colleagues in the Congress unanimously passed my legislation to allow San Diego to apply for a waiver from the requirements of the Clean Water Act.

Mr. Speaker, that bill allowed San Diego to apply for a waiver from the Clean Water Act's secondary treatment standards. I am proud to state that that application has been submitted and, because it was based on sound science, it has already received preliminary approval by the EPA. We have no doubt that this application will soon receive final approval.

But we are here today to take the necessary next step; that is to remove the requirement that San Diego reapply for that waiver every 5 years. I want to ensure that San Diego is not required to spend millions of taxpayer dollars every 5 years to reapply for a waiver, or that it run the risk that some EPA administrator in the future, as it has in the past, may reject the waiver application and force San Diego into a wasteful transformation of its sewage treatment system.

Mr. Speaker, some of my colleagues have legitimate concerns about this legislation, but I want to reassure all of my colleagues that San Diego will still have to meet the basic environmental mandates of the Clean Water Act and that no damage to the marine environment will result.

This bill requires that San Diego comply with one of the most restrictive State ocean plans, California's ocean plan, which stipulates a minimum of 75 percent suspended solids removal. The California State ocean plan, which has been approved by the national EPA, includes a list of standards for specific chemicals that is more restrictive than Clean Water Act standards.

These standards will apply, despite the fact that San Diego's ocean outfall is 4 miles out to sea, and therefore outside of the 3-mile jurisdiction of the State, because H.R. 1943 would require that the city of San Diego apply to the State of California and EPA for an NPDES permit ever 5 years. Because of this permit requirement, I have no doubt that the EPA will hold San Diego to State of California ocean plan standards.

Finally, at the request of the marine scientists from the Scripps Institute, this bill will require San Diego to continue its comprehensive ocean monitoring system. I urge my colleagues to support this bill. It is the right thing to do for both the environment and the taxpayers of San Diego.

Mr. Speaker, I want to point out, finally, that the protections in this bill to require San Diego to meet the California State ocean plan and to submit to the comprehensive ocean monitoring system will protect against some of the fears that my colleagues have.

This means that San Diego will not only measure the quality of the effluent that is entering the ocean outfall but, more importantly, it will conduct a thorough assessment of the effects of the effluent on the marine environment. This monitoring system will be evaluated in turn not only by State and Federal agencies, but will be made available for review by the best marine scientists in the world, the experts that work at Scripps.

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

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

Mr. MINETA. Mr. Speaker, if I could ask my colleague a question on that. With regard to the standards, is my colleague familiar with this motion to recommit that I intend to offer?

Mr. FILNER. Mr. Speaker, I am.

Mr. MINETA. Mr. Speaker, I ask my colleague how he feels and whether he will be supporting that motion.

Mr. FILNER. Mr. Speaker, as my friend knows, in the Committee on Transportation and Infrastructure I submitted an amendment, which he has in his recommittal motion, which will in fact help this bill meet some of the problems that some of my colleagues have by requiring certain standards that we already meet that we are pledged to do, that will require no extra expense. I think that makes this bill stronger when it goes to the Senate and when it goes to the President.

Mr. MINETA. Mr. Speaker, I thank my colleague.

Mr. FILNER. Mr. Speaker, I say to my colleague, that requirement makes a lot of sense.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT] the distinguished chairman of the Subcommittee on Water Resources and Environment.

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

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this commonsense legislation. I would point out that it has been considered at some length in the Subcommittee on Water Resources and Environment, over which I have the pleasure of chairing. It has been considered by the full committee, and as a matter of fact, everyone in this House has essentially approved the language of this legislation, because it was included in H.R. 961. I did not support that bill; however, we did have an alternative, the gentleman from New Jersey [Mr. SAXTON] and myself, and that same language was in the alternative.

Mr. Speaker, this just makes a whole lot of sense. Scientists agree that the city's current level of treatment is not harming the ocean environment. Complying with the secondary treatment mandate will cost the city over $2 billion, and possibly as much as $4.9 billion, if the city is enforced to install all the treatment facilities that EPA has sought to require the return for settlement of its litigation against the city.

We are moving in the right direction. Frankly, this debate over this bill is not over environmental protection. I take a back seat to no one on being a strong environmentalist. It is about process. I urge my colleagues on a bipartisan basis to support this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from Nevada [Mrs. VUCANOVICH] for bringing this issue to the House floor.

Mr. Speaker, my colleagues might ask what is a Representative from Indiana doing talking about an issue that

affects southern California? But as a member of the advisory committee on Corrections Day, this is an issue that is exactly what we were looking for in trying to correct unnecessary problems created in our regulatory process.

Mr. Speaker, it is an example of how the one-size-fits-all approach actually ends up with a stupid result. The environmental scientists at the Scripps Institute say that this waiver for San Diego is actually proenvironmental. It will help create a better environment for southern California.

The professional radical environmentalists say, ''No, no, we cannot allow any waivers at any time.'' But the scientists, the biologists, say this action will be good and will help clean the environment in southern California.

When I asked mayors in Indiana, Do you mind if we start giving waivers for cities around the country where the situation is different for them on some of these environmental regulations, they said to me, ''No, I think it is a good idea. Have the situation taken into account for each city, but give us a chance to also make our arguments when an issue comes up.''

Everyone wants to do what is best for the environment in their region. It will help save taxpayer dollars and it is time that we act how to solve this problem.

Mr. Speaker, I talked with Mayor Golding of San Diego earlier this morning and she told me that she has been working on this issue for 20 years and that EPA has failed to give them a waiver or allow them to do what is both good economics and good for the environment.

Mr. Speaker, we have waited 20 years so far for a waiver from EPA. I do not think we need to wait anymore. It is time that Congress act and grant this exemption and do something that is good for the environment and for the citizens of San Diego. I strongly urge my colleagues to vote in favor of this bill.

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

Mr. CONDIT. Mr. Speaker, first of all let me say I rise in support of Corrections Day. I received numerous phone calls in my office supporting the approach for us to begin to curb government regulation, overburdensome government regulation, and I think today this is a good procedure by which we can begin to do that. Both sides of the aisle, we want to do away with overburdensome regulation. We want to do away with regulations that are unneeded.

Mr. Speaker, I also want to rise in support of H.R. 1943. What I think we are doing today, this type of legislation is ideally served for the need of the Corrections Day procedures. The Clean Water Act is a perfect example of an unfunded mandate. H.R. 1943 will help alleviate from the local government a burden of $3 billion, an unnecessary burden, because of this regulation.

Mr. Speaker, I think Corrections Day is intended to give us immediate response to misguided laws or government policy. This is clearly a misguided initiative by the EPA. I ask my colleagues to vote for H.R. 1943.

Mr. MINETA. Mr. Speaker, I yield 1 minute to our very fine colleague, the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Speaker, I am a Member of the corrections advisory committee, and I support the idea of a Corrections Day. But that Corrections Day ought to be to correct laws or regulations that have unintended and burdensome effects. We ought to correct on a bipartisan basis. We ought to limit our corrections to those we can all support and we will ensure against abuse of that corrections calendar if we do not take up controversial issues like the San Diego provisions that is before us today.

We do not want the corrections calendar to become a fast track for special interests seeking favored treatment. This is a divisive bill. It is over something that is already going to be done by the EPA. It is based largely on a false anecdote.

Mr. Speaker, I hope this is an aberration as to what we are going to have on the Corrections Day calendar and is not a signal of how this calendar will work in the future. Let us correct issues that ought to be corrected, that we all agree upon, and not take up controversial issues such as this one where there is such divisiveness.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas, Mr. JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, for years now Washington has been piling regulations and mandates on its citizens with little regard for the heavy toll these burdens have on real people. Today we take the first step toward restoring common sense to Washington policy-making.

Mr. Speaker, I would disagree with the previous speaker that this is a controversial issue. I think that on wastewater, San Diego is trying to get a waiver and they had to spend $2.2 million of taxpayer money just to complete the forms. To renew it every 5 years, they are going to spend another $2.2 million.

Mr. Speaker, that is government bureaucracy at its worst. It needs to be fixed. By making this simple correction, we can meet environmental requirements and save a local government and local taxpayers billions of dollars.

Mr. Speaker, it is about time the Congress used good judgment. Let us pass this bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, Members of the House, this bill is exactly what Corrections Day ought to be about. The scientific community says that San Diego's treatment facility is as good or better than secondary treatment requirements under the technicalities of the Clean Water Act.

The scientific community agrees that they should not have to do what the technicalities require, because they are doing as good or a better job than the technicalities. And yet, the community has to spend millions of dollars every 5 years to get a waiver, which they may or may not get depending upon who is in charge of the EPA.

Mr. Speaker, not only does the scientific community agree that they should not be required to do this secondary treatment, but the California EPA agrees and the local Sierra Club agrees. And yet, the community still has to spend taxpayer dollars to get someone in EPA to agree every 5 years.

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Mr. Speaker, this is exactly what Corrections Day ought to be about. This bill ought to pass. We ought to end this stupid technical requirement when the science says it is unnecessary.

Mr. MINETA. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from California [Mr. BERCERRA].

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

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

I must say, as another member of the advisory committee of Corrections Day, I am also very disturbed by this particular bill coming up. This is not the appropriate type of vehicle to do this. We are here to try to correct dumb legislation. This does not fit the bill.

I must say that I must agree with Mayor Golding of San Diego, who said she does not want to get rid of the public comment period provided by this bill; H.R. 1943 would undo the ability of the local communities to have comment, to give comment on this particular waste disposal facility. It is essential, as the mayor has said. I believe it is, as well. This is not the way to go. We should not be trying to undo laws that protect the community.

I would urge Members to oppose this particular Corrections Day bill because it does not fit the definition of a corrections day bill.

Mr. SHUSTER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point I want to make, a couple of points, first, the mayor of San Diego has just been referred to by the previous speaker. The mayor of San Diego strongly supports this legislation. So it would be very misleading, and I know that the gentleman certainly would not do that on purpose; it would be very misleading to suggest anything other than the fact the mayor of San Diego strongly supports this legislation.

I think it is particularly interesting when you look at this debate today, Mr. Speaker, you will see that all six Members of Congress from the San Diego area, the southernmost part of California, Republicans and Democrats, strongly support this legislation. But when you look at who is opposing this legislation, you see the majority of those who spoke are not even from California.

Yes, we have had some northern Californians speak. We are about to have a Pennsylvanian speak against this bill, somebody from New Jersey, from Michigan, from Tennessee.

It is very interesting that, in a sense, what this boils down to, it is the Washington-knows-best crowd versus the people-know-best coalition, and it is unanimously the people, the Members of Congress, who represent the area who are strongly in support of this legislation. But people from across other parts of the United States seem to think they know best what is best for this particular region of the country.

Most interesting, the California EPA supports this legislation. The California water quality people support this legislation. The mayor of San Diego supports this legislation. The Governor of California, a former mayor of San Diego, supports this legislation. So the people who are on the ground, the people who know the problem most intimately and, yes, the scientists who know the problem most intimately support this legislation.

I think that is an excellent reason to give overwhelming support to this. I urge it be supported.

Mr. MINETA. Mr. Speaker, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BORSKI], who knows best, who is the ranking Democratic member of the Subcommittee on Water Resources and Environment.

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

Mr. BORSKI. Mr. Speaker, I am strongly opposed to H.R. 1943—legislation which is unneeded in its concept, unworkable in its implementation, and sets a terrible percedent.

There is no reason whatsoever for this bill—none whatsoever.

San Diego's problem was taken care of last year. What this bill is seeking to correct has already been corrected.

If people say that requiring San Diego to meet secondary treatment standards of the Clean Water Act is dumb, what would they say about passing bills to solve problems that have already been solved?

Legislation was passed last year by Congress and signed by the President allowing San Diego to apply for a waiver of the secondary treatment standards of the Clean Water Act.

The Environmental Protection Agency has been acting quickly on the San Diego waiver application.

On August 12, less than 1 month from today, EPA will issue a proposed permit granting San Diego the waiver it is seeking.

If we do nothing today, San Diego will have its waiver by the end of the year.

H.R. 1943 makes changes in the existing law but they are not improvements.

Instead of requiring San Diego to have its waiver reviewed every 5 years—as the other 40 cities with waivers must—H.R. 1943 would grant San Diego a permanent waiver with no provisions for review.

Instead of requiring San Diego to meet basic treatment standards, as San Diego officials said they could last year when we passed the Ocean Pollution Reduction Act, sponsored by Mr. FILNER, H.R. 1943 has minimal and undefined standards that are lower than San Diego is meeting today.

H.R. 1943 is an open-ended license for the city of San Diego to greatly reduce its sewage treatment for as long as it wants.

With all its drawbacks, this legislation has already passed the House as part of H.R. 961, the so-called Clean Water Act Amendments of 1995. Why are we doing it again?

Why is this provision of all the changes in H.R. 961 being singled out for special treatment? Why San Diego when its waiver is already on the way?

If we are looking for a bill for Corrections Day, why not a combined sewer overflow provision that would help a lot of cities, such as Philadelphia, New York, and Chicago?

The CSO provision in H.R. 961 is supported by every interest group, is noncontroversial and would easily get the votes needed for passage.

Why San Diego and why not Philadelphia, New York, Chicago, and all the other cities that face costs of more than $15 billion to correct their CSO overflow problems?

Why the people of San Diego and not the 32 million people served by sewage treatment systems with CSO's?

It is not economics. I believe the budgets of Philadelphia, New York, Chicago, and virtually all other cities could use as much financial help as San Diego.

It is not tax base. I am sure San Diego has as many resources to draw on as all other cities that have already invested in secondary treatment and now face the bills for combined sewer overflows.

The question remains: Why San Diego?

Let's provide the help where it is truly needed and not where local officials have good connections with the leadership of the Republican Party.

San Diego has gotten the correction it needed and it was done in the proper manner. They don't need passage of this bill.

I urge my colleagues to reject H.R. 1943.

Mr. SHUSTER. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from San Diego [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, as someone who just came from the private and public sector out there, trying to address environmental problems, into this House, I was rather confused as to where the opposition to this bill came from. Now I understand, and it is a total misconception of the text, and I would like to point out to my colleagues that once you find out the facts and the data here, it is quite obvious that anybody reasonable would address this.

Some have said this is a partisan proposal. Mr. Speaker, when the gentleman from California [Mr. FILNER], the gentleman from California [Mr. CUNNINGHAM], and the gentleman from California [Mr. HUNTER] can agree on anything, that is not only bipartisan, it is bipolar.

The fact is I would say this to my colleagues, both Republicans and Democrats, look at who is supporting this and try to find a reasonable reason why reasonable people cannot sometimes, though their politics may be different, come to a reasonable conclusion backed up by science.

My colleague from New Jersey raised the concern about pollution and the problems there. Let me point out that the California plan is twice as stringent as the New Jersey contact water standards, that if New Jersey had this plan, we would probably be able to avoid a lot of problems.

I am quite concerned about the last speaker from Pennsylvania pointing out saying it is just money that we are talking about and if it is just money, why do we not allow cities to dump raw sewage and overflow into our waterways. I think what has happened is, because my colleague from Pennsylvania missed the point here, this is not talking about just money, we are talking about the fact that the environmental impact report that was drawn up in the 1980's pointed out that going to this secondary mandate was going to be an adverse environmental impact. In fact, if any reasonable person looked at the environmental impact report, it said that the no-project option was the environmentally preferred alternative.

So I hope my colleague from Pennsylvania recognizes this is not just money we are talking about here. This is talking about protecting the environment.

The public review that was brought up by the gentleman from California, I would like to point out that not only does this maintain the public review process, constantly maintains it in the same 5-year cycle as existing law, but it also continues to require over 250,000 tests be made annually, 250,000 tests for pollution and environmental impact, the most extensive testing in the United States, in fact, so extensive that the EPA has contracted with the city of San Diego to do their testing for the northern Baja California area.

Mr. Speaker, the real issue here is does the environmental regulation take precedence; does the process and

the procedure in Congress take precedence over the environment of our country?

This is clearly an issue where you have to recognize that the scientists of the National Academy of Sciences, 33 scientists of Scripps Oceanography, the most highly noted oceanographic institution in the world, have said that we should not be requiring San Diego to go ahead with secondary.

I would ask my colleagues on the other side of the aisle, if you do not believe in the scientists, if you do not believe in commonsense application of our environmental regulations, what do you believe in? Do you believe that the regulation is more important than the environment?

I hear this is where the real test is.

Mr. Speaker, as somebody who not only spends a lot of time surfing and sailing in this ocean we are talking about, but as someone who has fought long and hard to clean up environmental problems along the border and along our beaches, it is quite frustrating to see colleagues who mean well for the environment but are not willing to recognize problems even when the scientists and the facts tell you this should be changed.

I am placing at this point in the RECORD a letter from James Strock, from the California EPA, which clearly points out the California ocean plan will continue to be enforced, the EPA will continue to have public hearings every 5 years and will continue to either permit or not permit the continuation of the discharge at the present location.

Mr. Strock points out that the continuing information will constantly be used to determine if this process should go forward, and if this law should apply.

Mr. Speaker, I guess it comes down to the fact, do my colleagues in Congress care more about 27 pounds of studies and the $1½ million that is wasted? And that is $1½ million that could be used for taking care of the 300 plus beach closures we have had in my district, and not one of them, not one was contributed to by the treatment problem or treatment issue, not one out of over 300, and I am saying to you, please, colleagues, join with us.

The gentleman from California [Mr. FILNER], the gentleman from California [Mr. BILBRAY], the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. CUNNINGHAM], the gentleman from California [Mr. PACKARD], if we can see the light, if we can see the facts, if we can see the environmental stakes that are here, please, take a look at the fact that maybe those who swim and live on this ocean, those who will live with the successes and failures there, maybe we do have the ability to observe problems in the existing law and threats to existing environmental issues, and maybe you will come across and recognize that this is a bipartisan project to protect the environment and join with us in protecting the environment.

Mr. Speaker, I ask permission to revise and extend my remarks.

Mr. Speaker, this morning we will be considering H.R. 1943, the San Diego Coastal Corrections Act of 1995, under Speaker GINGRICH'S Correction Calendar. I have had the opportunity to speak with many of you regarding this important issue, and appreciate the high level of interest which has been expressed in fixing this problem. Under current law, coastal dischargers like San Diego are required to provide traditional secondary treatment of their municipal sewage discharges.

However, the secondary sewage regulation—part of the original Clean Water Act written in 1972—was intended for cities and municipalities which discharge into rivers and lakes, and shallow estuaries.

Scientists from the Scripps Institute of Oceanography, the National Academy of Sciences, and the California EPA all agree that because of its deep ocean outfall, its industrial pretreatment process and chemically enhanced primary treatment—chemical secondary—the present sewage treatment program utilized by San Diego does not harm the ocean environment. Because of the extensive scientific evidence documenting this situation, which is unique to San Diego, the San Diego Coastal Corrections Act provides permanent relief from the secondary sewage regulation.

As I have talked to you separately about this legislation, I have noticed several recurring questions which are very important, and for which I want to ensure the correct answers are available.

The latest and timeliest document to add to evidence that this regulation is unnecessary for San Diego is the following letter from Jim Strock, the Secretary of Environmental Protection for the California Environmental Protection Agency, to Chairman Shuster of the House Transportation and Infrastructure Committee, in strong support of H.R. 1943. This letter leaves absolutely no question as to the scientific validity and environmental soundness of H.R. 1943.

I would like to read excerpts of the letter and include it for the RECORD:

There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards, and therefore would be applicable to the Point Loma (San Diego) outfall despite its termination in federal waters.

This document (the State Plan) is the basis for NPDES permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the nation.

There have been public allegations that under H.R. 1943, San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. This permit will be renewed every five years, with full public review and input.

* * * San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

* * * we (Cal EPA) urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that all the necessary protection remains in full force in the future.

My colleagues, that last sentence says it all. The feds at EPA who have tried to force San Diego to comply with a Federal regulation scientifically proven to be unnecessary should pay close attention to their counterparts at the California EPA who have concluded that it makes no sense to comply with the secondary sewage regulation.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

July 21, 1995.

HON. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure,
Washington, DC.

DEAR MR. CHAIRMAN. The purpose of this letter is to convey the California Environmental Protection Agency's (Cal/EPA's) support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. This bill would deem San Diego's Point Loma Wastewater Treatment Plant to be the equivalent of secondary treatment by virtue of its chemically enhanced primary treatment combined with an exceptionally long and deep ocean outfall.

This support is in recognition of the demonstrated ability of the Point Loma treatment plant to comply with California State Ocean Plan standards. During 1994 the treatment facility met every requirement of its National Pollutant Discharge Elimination System (NPDES) Permit without fail, earning it the distinction of receiving a Gold Award from the Association of Metropolitan Sewerage Agencies. This award could only have been earned with a strict industrial source control program, a well-run treatment plant, and an effective ocean outfall.

The California State Ocean Plan, which is tailored to provide strict standards to protect the marine environment, was developed in 1972 by the State Water Resources Control Board. It was prepared by a team of scientists and was adopted only after a series of public hearings and full disclosure and review by all interested parties. It was also approved by the U.S. Environmental Protection Agency (U.S. EPA). Since the adoption of the initial plan, it has undergone periodic review and been revised in 1973, 1978, 1983, and 1990. This document (now under revision, for completion in 1997) is the basis for NPDES Permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the Nation. There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in Federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards and therefore would be applicable to the Point Loma outfall despite its termination in Federal waters.

There have been allegations that under HR 1943 San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. The permit will be renewed every five years, with full public review and input. In addition, San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and

full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all of the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

I understand that some groups, including the U.S. EPA, support the Ocean Pollution Reduction Act of 1994 but oppose HR 1943. In a July 11, 1995 letter to you, the U.S. EPA Assistant Administrator for Water, Mr. Bob Perciacepe, states that the bill is ''unnecessary, eliminates public review, and is scientifically unsound.'' Nothing could be further from the truth. The bill is necessary to allow San Diego to plan for the future without the vagaries of Federal bureaucratic changes; it includes the same public review of the permit and scientific basis as the Ocean Pollution Reduction Act.

Mr. Perciacepe's letter also states that H.R. 1943 conflicts with the National Research Council's 1993 report, Managing Wastewater in Coastal Urban Areas. He says that the bill ''would provide for a blanket exemption from secondary treatment, even if changed circumstances or evolving science raise reasonable questions about the continued wisdom of the waiver'' and that this conflicts with the report's caution to allow flexibility to respond to new information. My understanding is that H.R. 1943 includes precisely the flexibility that the National Research Council suggests, allowing the continuously-updated, site-specific criteria of the State Ocean Plan to apply—rather than the one-size-fits-all secondary treatment requirement mandated by the Clean Water Act over 20 years ago.

In summary, we urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that the all necessary protection remains in full force in the future.

Sincerely,

JAMES M. STROCK,
Secretary.

SECONDARY EQUIVALENCY FOR SAN DIEGO WASTEWATER TREATMENT FACILITY—SUPPORTED BY SOUND SCIENCE

Judge Brewster stated, in his findings in his March, 1994 Memorandum Decision and Order Rejecting the Proposed Consent Decree, that ''the scientific evidence without dispute establishes that the marine environment is not harmed by present sewage treatment, and in fact appears to be enhanced.''

The National Academy of Sciences 1993 report ''Wastewater Management for Coastal Urban Areas'' stated that the Clean Water Act's uniform requirements have not allowed a process that adequately addresses regional variations in environmental systems around the country or that the law responds well to changing needs. In the case of deep ocean discharge, such as San Diego, they concluded that biochemical oxygen demand and suspended solids were of little concern.

In addition, the Academy scientists concluded that chemically enhanced primary treatment is an effective technology for protecting the environment coupled with deep ocean discharge. Specifically, the report states ''chemically enhanced primary treatment is an effective technology for removing suspended solids and associated contaminants.''

Scientists from all over the country have testified in various forums, including under oath in the federal district court in San Diego, that San Diego's current level of treatment fully protects the offshore environment.

A May 1991 ''Consensus Statement'' by thirty-three of the scientists from the Scripps Institution of Oceanography fully supports the concept of advanced primary treatment for discharge in deep swiftly moving marine waters such as those that exist off Point Loma.

During June, the Environmental Protection Agency (EPA), announced a preliminary determination to approve San Diego's waiver application stating ''San Diego has laid out a detailed wastewater plan that makes both environmental and economic sense.''

The local Sierra Club unanimously supports a waiver for the Point Loma Wastewater Treatment from secondary treatment.

The California Environmental Protection Agency supports secondary equivalency for the San Diego system and has stated that the city's sewage treatment system is ''fully capable of protecting the marine environment without the need for expensive secondary treatment.''

SUPPORT THE SAN DIEGO COASTAL CORRECTIONS ACT (H.R. 1943)

Under current law, coastal dischargers like San Diego are required to provide traditional secondary treatment of their municipal sewage discharges.

However, the ''secondary sewage'' regulation, (part of the original Clean Water Act written in 1972) was intended for cities and municipalities which discharge into rivers and lakes, and shallow estuaries.

San Diego discharges into the Pacific Ocean, 4.5 miles from shore into receiving waters 300 feet below the surface.

The National Academy of Sciences, scientists from the Scripps Institute of Oceanography and the California EPA all agree that because of its deep ocean outfall, its industrial pre-treatment process and chemically enhanced primary treatment (chemical secondary), the present sewage treatment program utilized by San Diego does not harm the ocean environment.

Because of the extensive scientific evidence documenting this situation, which is unique to San Diego, the San Diego Coastal Correction Act provides permanent relief from the secondary sewage regulation.

If San Diego was forced to comply with the secondary sewage regulation, which has been scientifically shown to be unnecessary, San Diego ratepayers would have to pay $3 billion dollars for additions/alterations to the sewage treatment plant.

The federal regulation is not only unnecessary, it is extremely costly, even though no measurable or justifiable benefits are achieved by complying with it. An environmental impact report detailed environmental damage that would occur should the city be required to comply with the regulation.

However, the San Diego Coastal Corrections Act in no way relaxes or relieves the City from continued compliance with stringent state and federal clean water requirements. San Diego must still submit monthly, quarterly, and annual reports to both the EPA and the Regional Water Quality Control Board, which is the State agency that monitors San Diego's discharge permit.

San Diego's Ocean Monitoring program is one of the largest in the world, with over 250,000 samples being taken and analyzed annually. The City conducts comprehensive chemical and physical tests of treated effluent, ocean sediments, and biological organisms.

The City is still required to comply with these state and federal standards under the San Diego Coastal Corrections Act.

THE EPA WAIVER DOES NOT RESOLVE SAN DIEGO'S PROBLEM; H.R. 1943 DOES SOLVE SAN DIEGO'S PROBLEM

Ocean Pollution Control Act of 1994 (EPA waiver)	San Diego Coastal Corrections Act of 1995 (H.R. 1943)
Cost:	
The waiver is temporary. Every Five years, San Diego must resubmit a waiver application to the EPA at a cost to ratepayers of $1.2 million	H.R. 1943 provides a permanent long-term solution for San Diego, provided that state and federal clean water standards are continually met.
Process:	
The EPA may or may not approve the waiver application, every five years	The EPA issues the operating permit every five years for the Point Loma Sewage Treatment Plant, subject to compliance with state and federal clean water standards.
Public review and public hearing process as EPA considers waiver application	Public review and hearing process as EPA considers re-issuing the NPDES operating permit, every five years.
Protections:	
San Diego's discharge must comply with Clean Water Act standards, and the more stringent California State Ocean Plan standards, or its operating permit will not be renewed	San Diego's discharge must comply with Clean Water Act standards, and the more stringent California State Ocean Plan standards, or its operating permit will not be renewed.
Regular monthly, quarterly and annual reports to EPA and Regional Water Quality Control Board to ensure Point Loma's discharge is in compliance with both state and federal clean water requirements	Regular monthly, quarterly and annual reports to the EPA and Regional Water Quality Control Board ensure Point Loma's discharge is in compliance with both state and federal clean water requirements.
Science submitted in the City's water application concludes that San Diego's current sewage treatment process meets the requirements of the secondary sewage mandate	Science submitted in the City's waiver application is identical to that required by H.R. 1943.

Notes: The cost of the waiver application ($1.2 million) must be paid by ratepayers every 5 years.

The process under the waiver is uncertain—the EPA has reversed its position on granting a waiver application to San Diego numerous times.

Because H.R. 1943 ensures protections to the ocean environment must continue, it makes environmental and economic sense to pass San Diego's Coastal Corrections Act.

□ 1130

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to the rule, the previous question is ordered.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MINETA. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MINETA moves to recommit the bill, H.R. 1943, the San Diego Coastal Corrections Act of 1995, to the Committee on Transportation and Infrastructure, with instructions to report back the bill with an amendment which provides that chemically enhanced primary treatment as required by this Act result in the removal of not less than 58 percent of the biological oxygen demand (on an annual average) and not less than 80 percent of the total suspended solids (on a monthly average).

The SPEAKER pro tempore. The gentleman from California [Mr. MINETA] is recognized for 5 minutes in support of his motion to recommit.

Is the gentleman from Pennsylvania opposed to the motion to recommit?

Mr. SHUSTER. I am opposed to the motion to recommit.

The SPEAKER pro tempore. Then the gentleman from Pennsylvania will be granted 5 minutes.

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

Mr. MINETA. Mr. Speaker, I offer this motion to recommit with the intent of preserving the ability of San Diego to continue its current practices and engage in less than secondary treatment.

This motion to recommit will allow San Diego to achieve the level of wastewater treatment which it feels it can meet, which San Diego is meeting today, and which San Diego feels is appropriate for its ocean discharge. This motion will not require San Diego to meet secondary treatment, and neither will it require San Diego to undertake any additional treatment beyond what it does today.

Last year, the Congress passed, and President Clinton signed, legislation to allow San Diego to apply for a waiver from secondary treatment. San Diego has now applied for such a waiver, and EPA expects to approve the waiver application. In fact, San Diego will likely have its waiver from secondary treatment long before this bill has any chance of becoming law.

As a part of the waiver application, San Diego represented that it would consistently meet discharge limits of 58 percent removal of BOD and 80 percent removal of suspended solids—precisely the terms which are in the motion to recommit.

Mr. Speaker, there is general agreement that San Diego should not be required to achieve secondary treatment. And, this motion will not require secondary treatment. But, there is also general agreement that San Diego should not do less treatment than it is already doing. Yet that is exactly what the bill would allow. It is one thing to vote for the proposition that San Diego should not have to improve its treatment to achieve the secondary standards. But, it is a very different thing to vote for the proposition that San Diego should be able to turn off existing treatment. By your vote on this motion to recommit, you will make it clear which proposition you support.

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

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

Mr. FILNER. Mr. Speaker, the gentleman knows I strongly support H.R. 1943. But as I said in the committee that considered the substance of his recommittal motion, I thought that this would give a lot of security to people to vote for this bill who have some concerns that San Diego would backslide. I do not believe that that would be the case. San Diego has said in its waiver application, has said in time after time, that it meets these standards that the gentleman has in his recommittal motion, so San Diego, I agree, will not be having to do anything more than it is doing now and would have no extra expense, but would give people who have concerns the ability to vote for this legislation.

I would ask for my colleagues in this bipartisan way to accept this motion because it allows everybody to say, yes, San Diego will meet these things without any additional concerns.

So I think H.R. 1943 is strengthened by the gentleman's motion, and I will be supporting it.

Mr. MINETA. Mr. Speaker, all arguments in favor of a waiver for San Diego are predicated upon the level of treatment which the city is currently achieving. That is, 58 percent removal of BOD and 80 percent removal of suspended solids. Not one speaker in favor of this bill has argued, nor can they argue, that any scientific evidence supports radical reductions in sewage treatment for San Diego. Yet, without standards and under this bill as written, San Diego will be able to turn off existing treatment.

If the motion to recommit is rejected, San Diego may be able to reduce the level of treatment which it currently achieves to as little as 30 percent removal of BOD and suspended solids. That is an enormous potential drop in water quality, one that San Diego has not even said it wants. It is the wholesale abandonment of the Clean Water Act program, and contrary to San Diego's current program. There is no way this can fairly be characterized as just a little correction.

Opponents of the motion amendment may argue that such a rollback of treatment will not occur, but there is nothing in this bill which would prevent such a dramatic increase in pollution off the California coast. If it is not going to happen, why are we being asked to vote to allow it?

Opponents of this motion will argue that it is micromanagement. How ironic. We are here today with the full House considering the details of one permit for one community out of the thousands of permits issued by States and EPA. The House is specifying the terms of the permit, and yet, if there is an attempt to place some standards in the permit, we are accused of micromanagement. It is this bill which is micromanagement and inappropriate.

This motion does nothing to increase the obligations of San Diego. It will allow San Diego to implement its wastewater treatment program in the precise manner San Diego has advocated. And, it will continue to offer a basic level of protection to California coastal resources.

I urge support of the motion to recommit.

Mr. SHUSTER. Mr. Speaker, I rise in strong opposition to this motion to recommit.

Mr. Speaker, the debate has clearly demonstrated that a secondary treatment waiver for San Diego is supported by strong science, by California scientists, by the California EPA.

Now my good friend talks about a waiver from EPA. Well, where has the EPA been for the past several years? Indeed I am told that the waiver that is now being talked about actually includes in it new regulations that go beyond the clean water bill. Some waiver.

This motion to recommit should be defeated, and the legislation before us should be supported.

Now the gentleman from California [Mr. MINETA] would require San Diego to meet a 58-percent biological oxygen demand and no less than 80 percent total suspended solids. Well, all scientists agree, all scientists agree, that BOD is not a meaningful measurement in the ocean. There is plenty of oxygen in the ocean, and the California State ocean plan, therefore, has no BOD limit for deep ocean outfalls because one is not necessary. Now can San Diego backslide? Well, only if the State water quality standards let them, and those State standards, we are told, are among the toughest in the Nation. In fact, they are tougher even, we are told, than the New Jersey standards. The State plan does have a 75-percent total suspended-solid requirement which San Diego must meet. The State plan also has over 200 other requirements relating to metals, toxics, and other actual contaminants. San Diego must meet all these requirements so there can be no backsliding.

In summary the California State ocean plan is among the toughest in the Nation and will insure protection of the ocean environment. Vote no on this last-ditch effort to impose additional unnecessary Federal conditions on a commonsense reform plan.

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

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

Mr. BILBRAY. Mr. Speaker, environmental regulation should not be punitive. This motion is a punitive action. It is a devious approach to shelve this whole proposal because there is no statement in here of reporting back. It is specifically to kill this proposal, and the fact is the gentleman from California knows the clean ocean plan in California and knows that it has solid removals that are not at 30, but at 75, so worse-case scenario.

Maybe the problem is that we are each talking to different environments here. The gentleman is talking about people who have discharge in the shallow lakes, shallow bays, rivers, and the gentleman wants to punish San Diego because they happen to have a situation that the scientists and the people who study this issue point out that this environmental regulation, as presented, is inappropriate and that the constant attacks at trying to pull this off of the back of the ratepayers in the district of the gentleman from California [Mr. FILNER] and pull it off the backs of the impact on the beaches in my district is absolutely absurd for the gentleman to continue this unless all the gentleman feels is the fact that my constituents had to spend money on this issue. So I do not care about the benefit to the environment, I do not care about it if it is going to hurt. My biggest concern is I want to get San Diego.

Well, remember there are a whole lot of working-class people in San Diego. They are Democrats and Republicans, and they are independents, and their environment is just as important as the gentleman's environment, and, if the gentleman's environment was being hurt, we pull together to work with the gentleman, but our environment is being hurt by the regulation, and, just as much as the gentleman had a responsibility to go to secondary to help the environment, we have just as much responsibility to not go to the——

Mr. SHUSTER. Mr. Speaker, I urge defeat of this motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

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

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 179, nays 245, not voting 10, as follows:

[Roll No. 563]

YEAS—179

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—245

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Bryant (TX)
Collins (MI)
Gilman
Hilliard
Mfume
Moakley
Myers
Reynolds
Volkmer

☐ 1201

Mrs. KENNELLY, Mr. KENNEDY of Massachusetts, and Mr. BERMAN changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINETA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 156, not voting 9, as follows:

[Roll No. 564]

AYES—269

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Filner
Flanagan
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor

Paxon	Scarborough	Taylor (NC)
Payne (VA)	Schaefer	Tejeda
Peterson (FL)	Schiff	Thomas
Peterson (MN)	Schumer	Thornberry
Petri	Seastrand	Thornton
Pickett	Sensenbrenner	Tiahrt
Pombo	Shadegg	Torkildsen
Pomeroy	Shaw	Traficant
Porter	Shays	Tucker
Portman	Shuster	Upton
Pryce	Sisisky	Vucanovich
Quillen	Skeen	Waldholtz
Quinn	Smith (MI)	Walker
Radanovich	Smith (NJ)	Walsh
Ramstad	Smith (TX)	Wamp
Regula	Smith (WA)	Watts (OK)
Riggs	Solomon	Weldon (FL)
Roberts	Souder	Weldon (PA)
Roemer	Spence	Weller
Rogers	Stearns	White
Rohrabacher	Stenholm	Whitfield
Ros-Lehtinen	Stockman	Wicker
Rose	Stump	Wolf
Roth	Stupak	Young (AK)
Roukema	Talent	Young (FL)
Royce	Tanner	Zeliff
Salmon	Tate	Zimmer
Saxton	Tauzin	

NOES—156

Ackerman	Gephardt	Murtha
Andrews	Gibbons	Nadler
Baldacci	Gonzalez	Neal
Barrett (WI)	Gordon	Oberstar
Becerra	Gutierrez	Obey
Beilenson	Hall (OH)	Olver
Berman	Hamilton	Owens
Bevill	Harman	Pallone
Bishop	Hastings (FL)	Payne (NJ)
Bonior	Hefley	Pelosi
Borski	Hinchey	Poshard
Boucher	Holden	Rahall
Brown (CA)	Hoyer	Rangel
Brown (FL)	Jackson-Lee	Reed
Brown (OH)	Jacobs	Richardson
Bryant (TX)	Jefferson	Rivers
Cardin	Johnson (SD)	Roybal-Allard
Clay	Johnson, E. B.	Rush
Clayton	Johnston	Sabo
Clement	Kanjorski	Sanders
Clyburn	Kaptur	Sanford
Coburn	Kennedy (MA)	Sawyer
Coleman	Kennedy (RI)	Schroeder
Collins (IL)	Kennelly	Scott
Conyers	Kildee	Serrano
Costello	Kleczka	Skaggs
Coyne	Klink	Skelton
Cramer	LaFalce	Slaughter
Danner	Lantos	Spratt
DeFazio	Levin	Stark
DeLauro	Lewis (GA)	Stokes
Dellums	Lipinski	Studds
Deutsch	LoBiondo	Taylor (MS)
Dicks	Lofgren	Thompson
Dingell	Lowey	Thurman
Dixon	Luther	Torres
Doggett	Maloney	Torricelli
Doyle	Manton	Towns
Durbin	Markey	Velazquez
Engel	Martinez	Vento
Eshoo	Mascara	Visclosky
Evans	Matsui	Ward
Farr	McCarthy	Waters
Fattah	McDermott	Watt (NC)
Fazio	McHale	Waxman
Fields (LA)	McKinney	Williams
Flake	Meehan	Wilson
Foglietta	Meek	Wise
Forbes	Menendez	Woolsey
Ford	Miller (CA)	Wyden
Furse	Mineta	Wynn
Gejdenson	Mollohan	Yates

NOT VOTING—9

Barcia	Hilliard	Myers
Bateman	Mfume	Reynolds
Collins (MI)	Moakley	Volkmer

□ 1220

So—three-fifths having voted in favor thereof—the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Tuesday, July 25, I missed rollcall votes 563 and 564 during consideration of H.R. 1943, the San Diego Coastal Corrections Act. Had I been present I would have voted ''aye'' on 563 and ''nay'' on 564. In addition I missed rollcall vote 565 during consideration of S. 395, to lift the ban on Alaskan oil exports. Had I been present I would have voted ''aye.''

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to section 2 of House Resolution 197, I call up the Senate bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 395

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

TITLE I

SEC. 101. SHORT TITLE.

This title may be cited as the ''Alaska Power Administration Asset Sale and Termination Act''.

SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as ''Snettisham'') to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as ''Eklutna'') to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as ''Eklutna Purchasers''), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

SEC. 103. EXEMPTION AND OTHER PROVISIONS.

(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the memorandum of Agreement.

(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program (''Program'') of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public

Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85–508, 72 Stat. 339, as amended).

(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) submit to Congress a report documenting the sales; and

(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklunta Purchasers.

(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

(h) As of the later of the two dates determined in subsections (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E) respectively; and

(2) in paragraph (2) by striking out ''and the Alaska Power Administration'' and by inserting ''and'' after ''Southwestern Power Administration,''.

(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the ''Surplus Property Act of 1944'' (50 U.S.C. App. 1622).

(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining ''first use'' of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.

SEC. 104. DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

TITLE II

SEC. 201. SHORT TITLE.

This title may be cited as ''Trans-Alaska Pipeline Amendment Act of 1995''.

SEC. 202. TAPS ACT AMENDMENTS.

Section 203 of the Act entitled the ''Trans-Alaska Pipeline Authorization Act'', as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

''(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

''(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

''(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States;

''(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection; and

''(C) shall consider, after consultation with the Attorney General and Secretary of Commerce, whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

''(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

''(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.

''(4) The Secretary of Commerce shall issue any rules necessary for implementation, including any licensing requirements and conditions, of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

''(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President who may take appropriate action against such person, which may include modification or revocation of the authorization to export crude oil.

''(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.''.

SEC. 203. ANNUAL REPORT.

Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

''In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.''.

SEC. 204. GAO REPORT.

The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

SEC. 205. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;

(2) $13,000,000 in fiscal year 1997;

(3) $10,000,000 in fiscal year 1998;

(4) $8,000,000 in fiscal year 1999;

(5) $6,000,000 in fiscal year 2000;

(6) $3,500,000 in fiscal year 2001; and

(7) $3,500,000 in fiscal year 2002.

SEC. 206. OIL POLLUTION ACT OF 1990.

Title VI of the Oil Pollution Act of 1990 (Public Law 101–380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

''SEC. 6005. TOWING VESSEL REQUIRED.

''(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal

Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours of a request for assistance. The towing vessel shall be capable of—

''(1) towing the vessel to which the response plan applies;

''(2) initial firefighting and oilspill response efforts; and

''(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting, and marine salvage efforts.

''(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.''.

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by it shall take effect on the date of enactment.

TITLE III

SEC. 301. SHORT TITLE.

This Title may be referred to as the ''Outer Continental Shelf Deep Water Royalty Relief Act''.

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

''(3)(A) The Secretary may, in order to—

''(i) promote development or increased production on producing or non-producing leases; or

''(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

''(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

''(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400–800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

''(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

''(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

''(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

''(iv) For purposes of this subparagraph, the term 'new production' is—

''(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

''(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

''(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

''(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.''.

SEC. 303. NEW LEASES.

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

''(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.''.

SEC. 304. LEASE SALES.

For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

AMENDMENTS OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to section 2(b) of House Resolution 197, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. YOUNG of Alaska: (1) Strike title I.

(2) Strike sections 201 through 204 and insert the text of H.R. 70, as passed by the House.

(3) Strike section 205.
(4) Strike section 206.
(5) Strike title III.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Alaska [Mr. YOUNG].

The amendments were agreed to.

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

The title of the Senate bill was amended so as to read: ''A bill to permit exports of certain domestically produced crude oil, and for other purposes.''

APPOINTMENT OF CONFEREES

Mr. YOUNG of Alaska. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG moves pursuant to House Resolution 197 that the House insist on its amendment to S. 395 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MILLER of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 395 be instructed to insist upon the provisions of the House amendments which strike Title III of S. 395.

The SPEAKER pro tempore. Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes.

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

Mr. MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the reason that we are offering this motion to instruct today is, this bill which has been passed by the House, and passed by the House with a substantial vote, goes to the Senate. There will be an attempt in the Senate to put a provision into the bill which is simply a raid on the Treasury by the Senate and by the major oil companies in this country.

It has to do with the idea of drilling for oil in deep water in the Gulf of Mexico. However, it is an idea whose time has come and has gone, because technology and the economics of the oil business have overwhelmed that idea. What we once thought was deep water today is no longer deep, and the oil companies are in a mad rush to secure the right to develop these properties in the Gulf of Mexico.

They have engaged this past May in the fourth largest bid sale in the history of the Outer Continental Shelf, furiously bidding against one another with bonus bid dollars for the right to develop these leases in deep water. They need no further incentive from the Federal taxpayers. They need no gift of money from the Federal taxpayers for them to engage in this activity. They are going to drill these deep water leases in the Gulf of Mexico because they have a financial incentive to do so.

These are some of the most promising fields in the entire world. There are promising quantities of oil now that only a few years ago we never believed would be present. These are some of the most promising fields in the world in terms of the security of the reserves, once we have located them.

Many oil companies spent the last 5 years going to Vietnam and going to China and going to Indonesia and going to the Soviet Union and going to Kazakhstan and going to Russia. What they have found out is while they have found oil, they have found great amount of trouble. All of a sudden, the United States of America looks awfully good to these oil companies in terms of a security of reserves, in terms of their ability to go to Wall Street and be able to borrow money because they have reserves, like mining companies and others, they have it in the United States of America. That is why they are going to the Gulf of Mexico.

They have no need for Federal taxpayer incentives to do so. Also, they are going to the Gulf of Mexico because now the technology allows them to go to Mexico. It allows them to go there with greater certainty, because of the development of computerized and digital data that is available on a geological basis that we simply did not have 5 and 10 years ago. It may be speculative, but the speculation is dramatically reduced. We can look at pools of oil that we could not see 5 years ago. That is why the oil companies are going there. They are going there simply because it is in their best interests.

Mr. Speaker, the fact of the matter is that it is just simply a sound business judgment to go to the Gulf of Mexico to develop these resources. When they go there, we are told now in the business journals that this oil will be developed for about $3 a barrel, which they will sell at the wellhead for about $14 to $15 a barrel, which will sell into the world price of oil at somewhere between $18 and $20, or $22, depending on that current price. This is a profitable venture.

Now comes along Senator JOHNSTON from Louisiana, who says the way you can really get these people to drill is to go out there and to offer a royalty holiday.

Let me remind the Members of the House, this is July 25. This is not December 25. This is not Christmas. This is the middle of July. We should not be making this Christmas in July for the oil companies, who have already made the determination by putting millions of dollars on the table, billions of dollars into research, to go there and to drill this oil.

This is too late and it is out of date. It does not make any sense. This is the equivalent of telling General Motors that we will give them a tax credit for every car that gets 20 miles per gallon. They already have the technology. They are already doing it. This is the equivalency of saying, ''We will give you $500 if you put an air bag in the car.'' They have already determined it is in their financial interests to put an air bag in the car, because that is what the public wants. We should not be handing out incentives that are not needed and cost the public.

Mr. Speaker, many people on this floor have railed against corporate welfare. Here we are on the ground floor. The decision we can make today is whether or not we want to create a new category of corporate welfare. Corporate welfare is when we give corporate entities the public's taxpayer dollars, we give them the taxpayer dollars, whether they need it or not, whether there is any showing that they need it or not, and whether there is any public benefit. That is the nature of corporate welfare.

Mr. Speaker, that is the nature of corporate welfare: no economic showing, no public benefit, and no showing of need by these entities. Yet, we are prepared to shower this money on them in the bid sale, where there was this furious competition last May. If this provision becomes law, we stand to lose $2.3 billion of the taxpayers' money that we will simply transfer from hard-working people in this country to Chevron and Shell and BHP and BP and other companies, both foreign and domestic. If this bill becomes law from existing leases in deep water, where they have already made the economic decision to drill, we stand to lose somewhere between $10 and $15 billion additional, and we have not even dealt with the issue of the future leases.

The House should support this motion to instruct. There were no hearings on this bill in the House. The Senate, the last time they had a chance to vote on this measure, voted overwhelmingly to defeat this measure, because it was not in the interests of the taxpayers and/or the Nation.

Mr. Speaker, the Senate, with no debate, has added a non germane royalty holiday to S. 395, which is the Senate version of the Alaska oil export bill. No comparable bill has been introduced in the House. We have held no hearings on this scheme. We have held no markup. We are going to be asked to accept it in conference carte blanche, and I would bet you dollars to doughnuts that the authors of the bill before us will accept the holiday scheme in a nano-second.

The royalty holiday scheme is premised on the argument that rich oil companies need multibillion-dollar inducements to buy leases in the deep water of the Gulf of Mexico. There are two basic problems with this argument: first, it is completely, utterly, documentedly false; and second, even if some relief is warranted, the amounts provided are grotesquely excessive. If the oil industry truly needs a holiday paid for by the American people, does it

really need to fly on the Concorde, stay at the Ritz, and dine at Le Gastronie Extraordinare?

I wonder how many Members of the House remember the old sideshow trick where a magician would keep everyone busy watching one hand while he picked someone's pocket with the other. That's what is going on with this legislation.

The Republican leadership of the House is trying to distract the attention of the American public with hysterical hearings on Whitewater and Waco. Meanwhile, the Republicans are carefully and comprehensively wreaking havoc on the American economy, the economic security of middle income working families, students, the elderly, and taxpayers.

Let me tell you what is going to happen to this bill when it goes to a conference with the Senate, because it is part of a well-orchestrated plan to pick the pockets of the American taxpayer be several billion dollars.

False premise No. 1: Without royalty forgiveness, oil companies will not bid on deep water leases.

On May 10, representatives of 88 oil companies braved a torrential Louisiana rainstorm to submit nearly 900 bids for leases—many of the deep water leases—in the Gulf of Mexico. It was the fourth largest lease sale in gulf history. The huge success of the auction illustrates why the holiday is not needed. Indeed, had the royalty holiday been in place on May 10, it is estimated taxpayers would have lost over $2 billion in future royalties.

The oil industry itself is the best source for discrediting the royalty holiday scheme.

The New York Times of June 18, 1995, reported, ''The Great Oil Rush of the mid-1990's is on, and in a most unexpected setting,'' the Gulf of Mexico. ''It will be the biggest thing since Prudhoe Bay—there is no question about it,'' one industry analyst concluded.

The great interest in the May sale came as no big surprise to serious observers of the industry. Business Week had predicted ''furious'' bidding at the May 10 lease sale because of a ''feverish black-gold rush in the Gulf [in which] new players are rushing to get in, while old ones scramble to return.''

''Improved economics, better technology, and growing experience are converging in the Gulf of Mexico's ultra-deep water areas to fuel a new era of U.S. offshore development,'' the Oil and Gas Journal reported in March.

Forbes noted last November that Shell and British Petroleum admit they could develop the first 500 million barrels from the nearly 3,000 foot deep MARS platform at a cost of just $3 a barrel!

The Wall Street Journal reported in January of this year that ''industry executives believe tension leg platforms can be affordable in water as deep as 6,000 feet.''

Oil executives are not making any of these decisions on the faint hope of a royalty holiday from Washington; like most business people, they do not make decisions on the hope of a tax break. They are going to the deep water for the same reason bank robber Willie Sutton went to the banks: that's where the money is.

And I would note that the national media has already figured out this outrageous scam. The Senate-passed royalty holiday has already been featured on NBC and ABC evening news programs as examples of outrageous waste.

False premise No. 2: Oil companies need the royalty relief contained in the Senate bill to finance development of deep water leases.

But the Senate bill doesn't merely allow the Secretary of the Interior to forgive development costs. It mandates that whenever the Secretary finds that royalties would present any obstacle to development on existing leases, royalties must be forgiven on no less than 17.5 million, 52.5 million, or 87.5 million barrels of oil, depending on the depth. And on future leases—for 5 years—there be no finding of hardship; royalties must be forgiven at the prescribed level, even if it is many times the true cost of development.

Now, it is not as though the oil industry is laboring under such tax burdens. According to the Congressional Research Service, the effective tax rate for oil and gas companies is just 17 percent, and independent producers enjoy a rate of zero, thanks to the depletion allowance, depreciation, and tax credits. And, the tax plan passed by the House would eliminate the alternative minimum tax, driving down the burden even further.

Last, let me address the argument that this royalty holiday costs taxpayers nothing, as its proponents claim. True, the Congressional Budget Office scored the holiday as having no cost, but only because of the clever way the question was phrased.

CBO says the holiday is without cost because it presumes that, as the bill asserts, deep water leases would not be developed without a holiday. Therefore, none of the revenues derived from these tracts would be realized without the holiday, and there is no loss to government from giving away tens of millions of barrels of oil.

Of course, the premise is absurd. As we have noted, companies are bidding on deep water tracts without a holiday. In addition, for future tracts, no finding of the need for financial relief is required, so the argument that there is no loss may well be unsubstantiated.

Last, as the CBO analysts have admitted to my staff, CBO's findings could just as easily apply to every cent of revenue ever derived from deep water tracts, even beyond the tens of millions of barrels allowed under the royalty scheme, because of the assumption that none of these tracts would have been developed but for the forgiving of royalty payments.

When my staff asked CBO whether the amounts of free oil given away by S. 395 bore any relationship to actual development costs—the supposed basis for the holiday—CBO admitted there is no relationship. The holiday may allow many times the amount of free oil required to pay back development costs.

So, CBO's conclusion is more a matter of defining the tracts as unproduceable absent a royalty holiday than accurate fiscal analysis. And the definition of the tracts is contained in the legislation itself. It is a purely circular piece of logic that camouflages a multibillion-dollar loss for the U.S. taxpayer.

Mr. Speaker, we cannot amend the royalty holiday provision today, but as sure as we are sitting here, it will be in the version of this bill that comes back to us from conference, where we will not be able to address it. The bill before you is the host for this parasitic legislation designed to suck away billions of dollars from the taxpayers who own this valuable oil and gas, and we cannot allow that legislation to pass.

We are lectured to ''run government like a business.'' We are cutting programs for children, the elderly, the disabled, the sick, and the hungry. It is a scandal and a disgrace to lavish billions of additional dollars on one of the wealthiest industries in America in an absurd inducement to encourage it to do what it is already doing: drill for deep water oil in the Gulf of Mexico.

If the Congress is adamant about giving a multibillion-dollars holidays away, there are many Americans far more deserving than the oil industry.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CALVERT], chairman of the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

Mr. CALVERT. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Martinez, CA, to instruct House conferees to not agree to the Senate-passed provision providing an incentive for leasing of the Outer Continental Shelf lands in water depths exceeding 200 meters.

□ 1230

Mr. Speaker, I chair the Subcommittee on Energy and Mineral Resources of the Committee on Resources. We are the panel of jurisdiction on OCS oil and gas matters. I do not disagree with his assessment of the process at issue, the committee and subcommittee have not had a hearing on deepwater leasing incentives this Congress. However, the gentleman is very aware that the committee did hold an oversight hearing on June 23, 1994, on the ''Economic Health of the Domestic Offshore Oil and Gas Industry'' which focused on the desirability of incentives for the development of the Gulf of Mexico oil and gas resources.

The Clinton administration was noncommittal at that hearing but has since agreed with legislative provisions drafted in the other body which provide an incentive to lease and develop deepwater tracts. The gentleman makes reference to a lease sale conducted by the Minerals Management Service a few months ago which did indeed bring in nearly one-third of a billion dollars in bonus bids, some of which were for deepwater tracts. But, the gentleman from California misses the point—as the CBO has acknowledged by the revenue score on this provision, while a certain volume of oil and gas which may be discovered and developed on such tracts will be royalty free, the lost revenue is offset by expected increases in bonus bids at competitive auction of such tracts. In other words, Mr. Speaker, had the deepwater incentives been in effect for the leases offered up for bid in April, the sum of the high bids would likely have been much greater than even the admittedly large sum which was collected.

The MMS believes this to be the case, as well, and has thrown its support behind deepwater incentives structured in the manner outlined in the Senate position. That is, the average depth of water in the lease tract determines the number of barrels of oil, or equivalent volume of natural gas, for which no

royalty would be due. Let me emphasize, Mr. Speaker the risk remains entirely with the lessee that hydrocarbon resources will be discovered in paying quantities. If a dry hole is drilled on a deepwater tract no royalty relief is available, of course, yet a bonus bid will have been paid to the U.S. Treasury, a bonus bid which will be incrementally larger than it would be without deepwater incentives. And if oil or gas is discovered, the economics of developing the field is enhanced such that wells will likely stay on line longer generating a larger domestic supply of an important resource.

For these reasons, Mr. Speaker, I join with the chairman of the Resources Committee in opposing the motion of the gentleman from California. We should give our conferees as much latitude as possible to strike a deal with the other body which best serves the Nation. This motion restricts our ability to achieve that end, and should be defeated.

Mr. MILLER of California. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, obviously there are not a lot of people on the floor now. I presume, and I sincerely hope that there are people looking in over C–SPAN in their offices or there are staff people and that they have not made their mind up on this.

I am speaking obviously in favor of this motion to instruct. Very frankly, I have been through this before on this floor. It has not succeeded yet, but I am appealing. You see I am looking right at the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. CALVERT] now. I am sincerely making an appeal on the basis that I am the ranking member on the Subcommittee on Energy and Mineral Resources, and very happy to be working with the gentleman from California [Mr. CALVERT] and with the gentleman from Alaska [Mr. YOUNG].

Our Committee on Resources, what used to be Interior, while it has had a division of opinion as to what should be done and what is in the national interest, has always had great comity and we have worked together and respected each other's opinions. On this, I have worked very hard as the ranking member to try and be a good and productive person on the subcommittee and in the committee as a whole.

Obviously, coming from Hawaii, some of the issues that are involved here are something where people could say, ''Well, you don't have to pay attention to it.'' But on the other hand that means I can be objective about it, too. I do not have axes to grind on this.

I want it made clear, I am for this kind of drilling. I am not opposed to the oil in the gulf. On the contrary. I see it as security for the United States. We do not have to go overseas looking for oil, either currently for our uses or for looking to reserves. I think it should be profitable. From my understanding of the situation, it is going to be. That is what bothers me.

Many of the people here in the House this year have made particular references about deficit reduction. I have found, in my membership on this Subcommittee on Energy and Mineral Resources, that everybody who comes in wants to get rid of the royalties.

This is due the public, it is due to the taxpayers. It is nobody being ripped off. If anybody is being ripped off, it is the taxpayer in the sense that these royalties go into the Treasury and help us to form the fiscal basis for being able to reduce the deficit, or able to fund other much needed programs.

That is why I am making my appeal to the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. CALVERT] to have a revelation, to have an epiphany here on the floor as a result of this discussion, perhaps, that yes, you do see that we are not trying to stop people in Louisiana, we are certainly not trying to stop the oil companies from being able to make a profit. We want people to work. I do. I am for this as an activity, as I indicated.

But it is absolutely clear that there is no reason that is persuasive that, absent this royalty holiday, if you will, that the oil will not be drilled for, that the jobs will not be there, that the security of the United States in terms of being able to have oil will be mitigated in any way. It is quite the opposite.

I know that in other instances, other than just the oil question, where there are other minerals that are extracted on the mainland of the United States, they also want to get royalty relief. Yet I find that the States have severance taxes, they have excise taxes, they have all kinds of taxes that they impose. But when it comes to the Federal taxpayer being able to get a share in terms of revenues coming into the Treasury, we want to cut it off.

My bottom line is this, then: You cannot have it both ways. You cannot say that we are going to have deficit reduction, that we are going to cut spending and have table-thumping, table-pounding rhetoric in that regard, and then turn around and give all the money away. This is a real test.

I do appeal to the chairman of the committee and the chairman of the subcommittee, join with us on this particular issue. This was put in from the Senate side. This did not come out of the House.

The gentleman from California [Mr. CALVERT] is quite correct. There was a hearing in June 1994. It did deal with whether or not this was going to be an economic drag. What we found with the lease bidding, it is not.

I do appeal to you. This did not come out of our committee hearings. We have not had a fight over this in the House. We do not have to acquiesce to this in the Senate. That is what this motion to instruct is all about. Please join with us on this. Think about it a little, as to whether it is in our interest to move ahead and simply acquiesce with the Senate.

I say on behalf of, I believe, our process in the House and the relationships we have on our Committee on Resources, and on behalf of the taxpayers who will not benefit from this move, please, let's agree with this motion to instruct. Let's try and do, for once, something that is sensible in terms of the security of our oil reserves and the security of our taxpayer, that we mean it when we talk about having the proper incentives vis-à-vis the Treasury.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to instruct. My friend the gentleman from Hawaii has asked some legitimate questions. Let me try to answer them if I can right now.

First, the Secretary of the Interior currently has the authority in new leases to grant initial royalty holidays based upon water depths. The notion is that we can and in fact in the next 5-year lease plan, the leases will contain royalty relief for these deep water drills. Why? Because they will not occur without some royalty relief. Louisiana has recognized the same thing in our State and has granted royalty relief to get wells drilled that would not otherwise be drilled. The Secretary has the authority as to new leases and intends to exercise it.

Second, he is not sure of his authority in regard to current leases where drills are not going to occur unless some royalty relief is provided. He is asking for a clarification of that authority. In fact, the Clinton administration and the Secretary of the Interior supports what the Senate has done in S. 158 which was negotiated at the end of the last Congress and is not contained in the Senate version of the bill we are debating now.

The motion to instruct would invalidate what the Secretary of the Interior and the Clinton administration want to see happen and in fact have encouraged the Senate to include in the bill we are debating.

What do they want to include? They want to include a provision that clarifies the Secretary's authority to grant royalty relief on existing leases in deep waters of the central and western Gulf of Mexico only in those areas where drills would not occur but for this royalty relief. In short, what the Secretary is asking for, and these are his words through Bob Armstrong, the Assistant Secretary of Land and Minerals Management, U.S. Department of the Interior:

> We support S. 158. It is consistent with the administration's objectives. The deep water areas of the gulf contain some of the most promising exploratory targets in the United States but industry confronts substantial economic and technological challenges to bringing it into production. The responsible and orderly development of these resources are in the national interest.

Our Interior Secretary is asking for this clarification. The Senate has provided it in the bill. The motion to instruct would eliminate it. We ought to vote against this motion to instruct.

Why is it important to have this clarification? Because without it, the Secretary may not be able to in fact provide the same royalty holiday that he is going to provide in the new lease program on current leases that are not going to be developed without this authority.

The expectation is that if the Senate provision is adopted later on when the conference reports or later on by action of this House as well, that we are likely to see at least two new fields, and the Secretary of the Interior has said probably 12 new fields are going to be brought in that would not be brought in otherwise.

What does that mean? That means that we are not going to get that production unless this royalty relief is provided just as the Secretary has concluded new leases are not going to be developed in the next 5 years without some assistance to make sure that those leases are brought forward, some royalty relief.

Does it mean we are giving up the royalty income indefinitely? No. It simply means that a royalty holiday is provided to get the project started.

What is the effect of it? The effect is that if you bring in leases that would not otherwise be developed, the Nation gets the benefit of that oil.

Second, once the leases are in production and the royalty holiday is over, the Government then begins collection the money. The likelihood is tat the Treasury will collect millions upon millions of dollars that it would not otherwise collect because the leases would never get drilled. It is that simple.

We in Louisiana who have been from time to time the No. 1 gas-producing State in America, the Nos. 2, 3 or 4 depending upon whose calculations and what kind of depression we are in oil-producing State in America, we in Louisiana have come to understand that. We give royalty relief for the same reason, to get the wells drilled. Once they are drilled and production is on board, the royalty holiday is over, then the people of Louisiana start collecting not only the benefits of the jobs and the production but the royalties from those fields that would not otherwise be drilled.

The Secretary of the Interior is asking for that same authority. It is on the administration's request now that the Senate has included this language. To adopt this motion to instruct is to go against the wishes of the administration and against the national interest.

I ask that Members oppose the motion to instruct.

Mr. MILLER of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, a holiday and a vacation is something you take normally. But this time what is happening is the American people are being taken. Because when you go on a holiday, you pay for it. What these guys want is the oil companies are going to get a holiday and the taxpayers are going to pay for it.

We have had stories on this floor about welfare queens getting double dips on welfare and we have talked about government outrages. This is the biggest check of all. This is someone in business buys an oil field, confident there is going to be oil there. They are going to drill for this oil. We say, ''Wait, please stop, don't drill yet. We want to send you a couple extra million from the Federal taxpayers.''

Again, who pays for the holiday? The taxpayers are going to pay for the holiday.

We just heard the previous speaker say these are lucrative fields. That means there is lots of oil in these fields. The oil companies bid for these fields without the prospect of this holiday.

□ 1245

Now, we are telling them, ''Hang on just a minute, if you will just wait a little bit, we will give you some extra money.'' I do not understand this method of doing business.

Republicans come to Congress and they say they are going to run this place like a business. Yes, this is the way to run a business; when you are going out of business, when you are having a distress sale. We do not need to have a distress sale.

My colleagues would not run their family assets this way, and their family portfolios. They would not be sitting there after they had sold off a piece of land, they would not call up the buyer and say, ''Wait a minute. Let me give you another million and a half dollars for you to farm that land. Let me give you a couple extra million dollars to drill on that land.''

Mr. Speaker, this drives up the deficit and it shifts the burden to average taxpayers. This is a rip-off for the richest oil companies in America. This is welfare for people that have billion-dollar corporations. And for the rest of us, it is going to mean higher taxes for families in America.

Mr. Speaker, we will not be able to take a vacation to pay for this oil holiday for the oil companies that got this language in the bill.

Mr. YOUNG. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, the gentleman from Hawaii [Mr. ABERCROMBIE] said that he hoped that there were those who were watching on C–SPAN. I can just imagine the group that is watching in my home State of Louisiana, which consists of former employees in the oil industry in the United States, when there was a domestic program. But 450,000 of those people lost their jobs because of incredibly short-sighted energy policy.

Mr. Speaker, what we are hearing this afternoon is, in the terms of the vernacular, logic that resembles a dry hole. What we have in the Gulf of Mexico is nothing more than an opportunity for which people compete and they take their technology and make a determination, through a bidding process, as to whether they will roll the dice in the Gulf.

If these gentleman are so sure of where there is oil, I can guarantee them they can get a much higher paying job in private industry. They can certainly do better from their seats here in Washington guessing where oil is than those poor engineers who have simply spent most of their life with an educated guess, 9 out of 10 of which ends up with a dry hole.

But what are we really talking about today? We are not talking about oil or even the politics of oil. We are talking about the politics of politics. Some of my colleagues live in areas where they do not have employees who understand this industry, and who realize the high risk and who also understand that you do not bid at all when the risk raises itself above those levels of not being rewarded in any way.

Mr. Speaker, the State of Texas is light years ahead of our policy. What did they do? They figured out that when they gave people incentives on marginal and low possibility land, they would do something they were not going to do anyway. That has resulted in revenue increases in Texas; not revenue losses.

The Secretary of the Interior must certify that the area under consideration for his leniency, and a delay of royalty payments, will not otherwise receive a bid or be drilled upon. It will not happen without this occurrence. It will not happen without his certification. And, therefore, we have both the logic, the inducement, and two States have already shown us that it is economically beneficial to do so.

Mr. Speaker, I cannot imagine having someone enter into a more easily predictable outcome based on the experience of two States that know an awful lot more about this subject than those folks who are so chagrined. If anything, it reminds me of being back in debate class when a group from Oxford once told me that an argument that I made was much like the way a drunk used a lamppost; it was support and not illumination.

We have heard a lot of that this afternoon from areas that would not understand what a rig looked like, would not know what a blowout preventer did, and by the way, that never offered one bit of assistance to the half million people who intimately are familiar with those areas of Kazakhstan, those areas in the North Sea, the areas around the world, because they had to give up their Louisiana jobs to go to work there and see their families now and again.

Mr. Speaker, we can help the Treasury, we can help an industry, and do them both at the same moment, and it is incredible to me that we would be wasting time arguing about it.

Mr. MILLER of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would first say the presentation by the two gentlemen from Louisiana is interesting. It is simply not factual. There is no certification by the Secretary for the new leases that we are talking about. And the fact is that this bill says that deep water is 200, 400 meters. The fact is that we have platforms that are working in 2,860 feet, 2,900 feet. And the Wall Street Journal tells us this is now profitable, developable oil at 6,000 feet of water.

So, Mr. Speaker, we run around chasing these people with taxpayer dollars to get them to drill in 400 or 500 foot water. Their rigs are in the water today at 2,900 feet, at 2,800 feet, at 3,000 feet, and they have an all-time record in terms of the gushers. Why? Because the technology blew right past this Government's policy. When the technology enabled them to see for the first time 3-dimensional formations, then they went back to the gulf, because the economics said go to the gulf; not because of us.

These rigs have been built. They have been built in Houston, they have been built in Louisiana, they have been built around the world, and we are sitting here debating the policy and the rigs are pumping oil today. They do not need any help from the Treasury.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, the question before the House is not whether these leases will be developed. They will be. It is now economical to go down to several thousand feet. They are predicting they will go to 10,000 feet in the future.

An article from Forbes, ''Deep and Deeper,'' interviewing a gentleman who has developed a new company for deepwater exploration. ''We think we can make serious money out of 20-million-barrel fields in 15,000 feet of water.'' An article from Business Day, the New York Times, ''Oil Companies Drawn to the Deep,'' and on and on.

The fact is, these leases will be developed. The sole question before the House of Representatives and for the Members to think about before they vote is whether or not the free market will prevail and taxpayers will get a fair return for the depletion of these Federal resources.

That is the sole question before the House. Do we need to give the oil companies an incredible break for something they are already prepared to do; something for which the technology already exists; something that is already profitable? Do we want to give them a break to keep doing it? That is the question.

Are we going to run this Government like a business? Are we serious about balancing the budget? Or do we have $15 billion to give away to an industry that is beginning to again enjoy record profits?

Mr. Speaker, I think the average American parked at the gas pump filling up their tank would say, We do not think these companies need a tax break. They are already gouging us at the pump. I do not want them to gouge me in Washington, DC, too.

These leases will be developed without a tax break; without a break in the royalties.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of California. Mr. Speaker, these leases are developed. This bill responds to a problem that existed in 1988, 1989; not the economics of the oil industry worldwide today and not the economics of the American oil industry.

Mr. DEFAZIO. Mr. Speaker, this is, plain and simple, an attempt to obfuscate the facts. And for those around here who supported the balanced budget amendment, for those around here who are voting for these appropriations bills, slashing student loans, and they are going to cut Medicare, there are alternatives. The alternatives are to raise and maintain revenues.

Mr. Speaker, if my colleagues do not vote for this motion to instruct, they will be ceding another $15 billion of revenues, royalty giveaways, to companies that are full well prepared to make profits under the existing scheme, but they are happy to take an additional $15 billion of taxpayers' money. They are always happy to take more of the money that is due to the taxpayers.

Mr. Speaker, it is time to have true fiscal responsibility in this House, to stop BS'ing the people about the issue here. The issue is not development or nondevelopment or national security. We all agree they should be developed, but we do not need to give away $15 billion to do it.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I rise in opposition to the motion to instruct.

Mr. Speaker, I am looking at what has happened over the years with the exploration of oil and it seemed to me that it was not too many years ago that we were talking about how we needed to develop our own resources here at home so that we could be more secure.

Mr. Speaker, I am looking at some of the budget arguments and I have before me a publication here from the Congressional Budget Office that talks about the economic impacts of trying to encourage drilling in the outer continental shelf and it says that no adverse budgetary impacts in most cases, and it goes ahead and lists four of those specific cases.

First of all, it says if the Department of the Interior waived royalties only for production from existing leases that would otherwise be unprofitable and would shut down anyway, the Government would not lose receipts.

It goes on and says that if the Department of the Interior waived royalties only for new production from existing leases, the Government would not lose receipts in instances in which that new production resulted from some specific expenditures, for example, capital costs as in Senate bill 318, that the company would not probably make without a waiver.

Third, it goes on to say that the Department of the Interior, if it waived royalties only for new leases that firms in the industry would bid on, even in the absence of waivers, bonus bid payments which are categorized as offsetting receipts, would be likely to rise commensurate with the drop in the present value of future royalty payments.

A fourth case of no adverse budgetary impact would arise if the Department of the Interior waived royalties for new leases that would otherwise be unprofitable for companies to bid on. In other words, without a waiver of royalties, these additional lease sales would not occur under current law because potential bidders will view these lease properties as uneconomical. Hence, the net budgetary impact would be zero for pay-as-you-go purposes under the congressional scorekeeping rules.

Mr. MILLER of California. Mr. Speaker, I yield myself 30 seconds just to say, it is interesting, but the fact is the CBO analysis has already been disproved, because the leases are being developed. The rigs are on site. The oil is being pumped. It is being sent to market.

As the Wall Street Journal and the New York Times have pointed out, it is being sent to market now in record volume from the gulf. So CBO says if these leases were never developed, yes, we would never get any revenue. However, the leases are being developed because the development is being driven by the economics of the oil industry, not governmental policy.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support of the Miller instruction to the conference.

Mr. Speaker, my colleagues favored the export of Alaskan oil yesterday and they favor this bill today, but this issue has nothing to do with it. It is not, as has been described, some sort of a clarifying and technical amendment. It is a slam dunk.

This is the sort of issue, this issue added with no or little debate on the Senate floor, not subject to hearings in the House, is the reason that the American public is up in arms across this country when these actions happen in this House. How do the oil companies and the others get these type of fantastic billion dollar breaks? This will

make a good program for ''Believe It Or Not'' in terms of what is happening to the Federal budget.

Mr. Speaker, at a time when the majority is advocating $280 billion in cuts in Medicare, then on the other hand they are falling all over themselves trying to give away the revenue of the Federal Government that comes from offshore oil, in this instance the deep oil resources. The majority of Republicans are falling all over one another trying to provide incentives. Incentives that are not needed.

Mr. Speaker, I listen to my colleagues talk. What is the effective tax rate on oil companies? The big ones pay 17 percent, the independents pay virtually nothing when all the deductions are taken into consideration. Who else in this country has a 17-percent tax rate or a zero tax rate?

But yet it is not enough that oil and energy corporations have decimated the Tax Code. Now they are going back to the royalties, those dollars that flow so that we can restore the natural resources and pay for some of the problems that are associated with the development of this deep oil development.

If this is such a good bill, why can it not be subject to hearings? Why can it not be subject to full debate? Why does it have to be a slam dunk on an unrelated measure? I will tell my colleagues why. Because this will not stand up to the light of day. That is why. It is bad process. It is bad policy. It is bad politics and it is a type of issue that ought to be stricken from this bill and stripped and given, if it can stand up to justification.

Mr. Speaker, I listen to my colleagues talk about free enterprise and how they are in favor of free enterprise, but yet there are some who want to play the game and rhetoric of free enterprise, they just do not like to practice it so much.

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They do not like the part where they invest money, take a chance, and lose the money, and so what my colleagues in the Senate and the House here that come from these areas and represent those types of advocates are saying is when they have problems, when they have layoffs, when they do not have jobs, then we are going to come back and try to guarantee them they can have a profit no matter what.

What type of subsidy, what type of guarantees and assurance do you need? If there is a need for this subsidy, this measure not only gives the permits to go back or the Secretary to retroactively provide for a lifting of the royalties on existing leases, which would cost $2.3 billion based on just the leases made in May, it mandates it prospectively also. There is no opportunity for flexibility or judgment, this Senate language mandates the application of this new policy.

What happens if the price of oil changes? That happens just about every day. If the price goes up, obviously these leases and the recovery of this oil becomes even more economically feasible than today.

If this legislation were put in law, it is a policy. The money flows out no matter what.

Mr. Speaker, I urge support of the Miller motion to instruct.

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

Mr. Speaker, I rise in strong opposition to this motion to recommit, and it never ceases to amaze me the beautiful rhetoric that occurs on this floor and the emotionalism that happens with very little, what do I say, validity or honesty in it.

I suggest respectfully they ought to tell the truth. This is nothing more than the Secretary is already doing. The Secretary has asked for this. The Secretary has asked for this; in fact, I have a letter from Mr. Armstrong——

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. No; no.

Mr. MILLER of California. You are accusing Members of not telling the truth. Will the gentleman yield?

Mr. YOUNG of Alaska. I apologize if they take it from that. The fact is Mr. Armstrong says, in fact, he needs this.

Mr. MILLER of California. This is nothing different than what the Secretary is already doing. This takes discretion away from the Secretary.

Mr. YOUNG of Alaska. Reclaiming my time; just sit down; reclaiming my time.

Mr. MILLER of California. You are accusing Members of not telling the truth.

Mr. YOUNG of Alaska. Referring to the Secretary, if I may—reclaiming my time——

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman from Alaska will suspend. The gentleman from California will suspend.

Mr. YOUNG of Alaska. I say respectfully this is my time.

The SPEAKER pro tempore. The gentleman from Alaska will suspend. The gentleman from California will suspend.

The gentleman from Alaska controls the time. The gentleman from Alaska has reclaimed his time. The gentleman from Alaska now has the floor.

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

Mr. Speaker, may I suggest respectfully the idea I heard the word ''gouge'' at the pump, that the oil companies are gouging people at the pump; if we do not accept the gentleman's motion to recommit, they will be further gouged. That is not true. You know that. If there is any gouging at the pump, it is by this Congress, by other government agencies taxing these people that are using that gas. That is the high price of gasoline at the pump.

Let us not kid ourselves. That is where the high price comes for every consumer. If you do not believe it, go down the list and see the amount of money you are paying for gasoline. Today it is probably less than 1951 for the gas itself. It is all the other money this Congress raises and every other government raises. That is what it is. Let us not use the term ''gouge,'' that this is going to happen.

Again, may I stress this is an action on behalf of the administration, your President, your Secretary of the Interior. It is rare that I embrace Secretary Babbitt; I mean that does not happen. In this case, Mr. Babbitt has asked for it. The President has asked for it. It is very similar to what we have done and other countries have done, Canada, Norway, Great Britain.

May I stress one of the things that bothers me the most, the people talking for this motion to recommit have never ever supported any type of domestic oil production of any type, and may I suggest respectfully we never have, I have never done this, I have been here 24 years, I have never seen anyone that has been speaking supporting domestic oil production.

We have lost 400,000 jobs or more in this field, and we have sent our technology over to China, we have sent it to Colombia, we have sent it to Venezuela, we have sent it to Russia. I would feel a lot better if I thought for a moment they were sincere in this idea the taxpayers are getting ripped off. The taxpayers are not getting ripped off.

The CBO report says specifically this is budget neutral. In fact, what we will do, we will be raising money for the taxpayer because there will be areas where we will be drilling.

I also heard it is already happening. If you read it very carefully, what we are suggesting here, the Secretary can grant the so-called holiday, I call it incentive, in areas that are not profitable or will not be open, that have already been leased, or those areas that would be very difficult to develop a further stage in deep water.

Those who may be listening on the TV station in their offices, let me suggest one thing: If you want drilling off the coast of California, if you want drilling off the coast of Florida and Oregon and Washington and Maine and Massachusetts, North Carolina, if you want drilling there, then you go for the gentleman's motion to instruct conferees, because that is what will happen.

This is an incentive to try to get our remaining oil, domestic industry, further off, further into the Gulf of Mexico, and if it is profitable, it gives us the oil we should have.

So I am going to suggest the motion to instruct, if you really want drilling off your shores, which I have heard that no one wants, then you vote for the gentleman's motion to instruct the conferees. If you want to give the incentives that the administration wants, the Secretary of the Interior wants, those people are the ones that

suggested this, then I suggest that you vote against that motion and you vote with the committee and do not instruct.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Louisiana.

Mr. HAYES. Was this not the measure that passed the Senate by the vote of 74 to 25?

Mr. YOUNG of Alaska. Absolutely. What concerns me, we heard there were no hearings. There were hearings on this side of the aisle in 1994 under the committee on which the gentleman from California [Mr. MILLER] was chairman at that time. I can tell you there is a difference in the makeup of the Congress today, but I want to get back, this is not Democrat and Republican, as the gentleman from Louisiana [Mr. HAYES] will tell you, the gentleman from Louisiana [Mr. TAUZIN] will tell you, other people who have spoken, including myself. This is whether we are going to retain any type of domestic oil production in those areas that are very questionable in development.

So I am asking my colleagues to vote ''no'' on the motion offered by the gentleman from California to instruct conferees.

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

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I would like to give some very Republican reasons for supporting this Democratic motion, and I respectfully disagree with the chairman of the committee.

I have got to tell you the first reason is talking about fiscal sanity, we do not have this money to give up.

We continue to talk about getting tough with welfare recipients. That also includes corporate welfare recipients. This is corporate welfare any way you cut it.

Second, for many Republicans, I think the fact that the President and Secretary Babbitt support it is a good enough reason except for the fact that they do not know what they support. We have Secretary Babbitt coming to my district in the Gulf of Mexico one day saying that he is against any drilling in the Gulf of Mexico. The next day he is throwing out leases. That is fine, if that is the administration's position, if the administration supports this type of drilling, that is their prerogative, but I do not believe in forgiveness of this sort of debt.

The New York Times has reported, ''The great oil rush of the mid-1990's is on and in a most unexpected setting, in the Gulf of Mexico. It will be the biggest thing in some time.'' Business Week has also reported that a ''feverish black gold rush in the Gulf of Mexico has begun which new players are rushing to get in while the old ones are scrambling to return.''

Let me tell you something, there is nothing questionable about what big oil wants to do in the Gulf of Mexico. I do not think we need to give them any more incentives.

If you believe in free enterprise, if you believe in the free market, then let the market prevail. Let the invisible hand prevail. We do not need any more Federal handouts.

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

I am terribly surprised the gentleman from Florida would speak as he just spoke. There is no loss to taxpayers. CBO says this. I agree with him, President Clinton, and Secretary Babbitt, as I mentioned before, but these are not true facts as far as loss of money. This is budget neutral. It also probably will increase moneys as we go forth and create new jobs.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Alabama [Mr. CALLAHAN], a great leader and fine Congressman, one of the new cardinals in the U.S. Congress.

Mr. CALLAHAN. I thank the gentleman for yielding me this time, and I thank him for the very fine comments.

I sat here and listened to the debate that is taking place, and all of you make good points. All of us, though, are listening to the attack on big oil and all of us are talking about the loss of revenue to the Federal Government.

But in the State of Alabama, where we do have offshore drilling, let me tell you there are many more things that are so beneficial to the State than just the Federal taxation of it. That is the revenue that goes to the States.

The States participate in the AG sections. We receive royalties. Part of the royalties from that, in Alabama, we very wisely, in 1984, set up a trust fund, a perpetual trust fund. Gov. Edwin Edwards told me had Louisiana done what we did a few years ago, there would be no need for any taxation in Louisiana.

We set up a perpetual trust fund; all the royalties, all the taxes go into that perpetual trust fund. Now it has more than a billion dollars in that fund.

So what is that billion dollars doing? It is generating revenue for education, generating revenue for roads and other things in Alabama.

While we are talking about the Federal portion of it, let us not lose sight of the fact the States are the ones reaping a great deal of the monetary benefits of this.

I recognize the environmental concerns. We do not have those severe problems in Alabama. We have not had major oil spills. We have done it right, and the oil companies have done their job right.

But most importantly, let us not lose sight of the fact the States have been big beneficiaries of this money, and we want to increase this trust fund in Alabama, this constitutionally protected perpetual trust fund that someday, hopefully, will generate enough money to provide all the educational needs in the State of Alabama.

I urge you to vote against this motion to instruct.

Mr. MILLER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, there currently resides in the deep water reserves of the Gulf of Mexico an estimated 15 billion barrels of oil. That is a large amount of petroleum. It is estimated to be probably twice the size of the celebrated Prudhoe Bay reserves.

These 15 billion barrels of oil are the property of the people of the United States of America. This Government has the responsibility to husband that resource and to make sure that the people get at least a fair return should that resource be developed, and it is in the process of being so developed.

That is the real question before us today. These resources will be developed. They are being developed, and, as a matter of fact, when the May 10 leases were up for bid, 88 companies submitted almost 900 bids for those leases which were let in May.

If the provisions of this bill were in effect, the Senate version of the bill were in effect when those leases were let, the taxpayers of the United States would have lost an estimated $2.3 billion.

If the motion offered by the gentleman from California [Mr. MILLER] is not passed, it is estimated that the taxpayers of the United States will lose an estimated $12 billion over the period of time that these resources are exploited by the petroleum companies who will successfully bid on those leases. That is the issue here.

This resource will be developed. It is only a matter of time. It is finite, as all of the petroleum resources of this planet are finite. It will be developed. The technology exists now to develop them. It is only a matter of time.

Will the people of our country benefit at all from this activity? We must pass the motion offered by the gentleman from California [Mr. MILLER] to instruct. Otherwise the taxpayers of this country will lose $12 billion.

Again, I want to stress the gentleman speaks with little knowledge of what he speaks of.

Fifteen billion barrels, we have already produced 13 billion barrels in Alaska. We expect to produce about 4 or 5 billion barrels out of Prudhoe Bay. That is the largest single American domestic field we have ever had.

All I am asking for is the opportunity to develop those other domestic fields offshore and onshore.

I want to stress this very strongly, that this, without this amendment as proposed in the Senate side, there will be chances where there will be areas that would be developed, will not be developed, as we develop them; as I said before, get the wells drilled, get the people working, employ those 400,000 Louisianans that were lost. Let them

have the jobs that are needed and they will pay taxes. Our taxpayers will come out much further ahead.

If we adopt this motion to recommit, we, in fact, will lose the opportunity that we need for these frontier areas.

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I will be very up-front with everybody. I even think this will be good in the State of Alaska outside of sale 92. We have some other areas that should be developed in very deep, deep water. Unfortunately the administration does not support that, we are not going to attempt to do that, but I do think, if we want to have a steady supply of oil for the United States, we have to look at these areas. We cannot balance the budget, we cannot have a sound economy, we cannot have people working, when we are importing over 52 percent of our oil today from overseas countries, and it is odd to me that every time we try to help our own domestic companies in some way, we are accused of helping big oil, or it is a rip-off, or it is a taxpayer's rip-off.

May I suggest, Mr. Speaker, the biggest rip-off is our buying foreign oil, and it is a policy that was set forth by some of the gentlemen that were speaking previously. The policy is to destroy the domestic oil-producing companies in this country, and they have done a good job of doing that. This motion to recommit will be a further attempt to destroy any of our domestic companies.

So again I urge a ''no'' vote on the gentleman from California's motion to instruct conferees.

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

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, for the average American, perhaps the biggest financial break we get is in December when many credit companies inform us that in light of the holiday season, the minimum payment due for the month is waived.

That's the extent of it for the average, hard-working American.

Yet, under what the other body is proposing, it would be Christmas every day, all year, for some of the largest, multinational, oil conglomerates in the world.

They would get a holiday from having to pay royalties for drilling oil in federally owned waters.

A multibillion-dollar royalty holiday, at the taxpayers' expense, as an alleged incentive for these companies to do what they are already doing in the first place.

Now, whatever your position is on H.R. 70, the nongermane royalty holiday provision added by the other body to its version of this legislation simply has no business being accepted by House conferees as a middle-of-the-night deal.

That is why it is so important that the Miller motion to instruct be passed, so that, in effect, we remove any temptation on behalf of some of our colleagues to fall prey to the wiles of the other body on this matter.

The bottom line: If my colleagues voted for the Klug-Rahall mining claim patent moratorium to the Interior appropriation bill last week, a vote for the pending motion would be consistent. It would be a consistent vote against the giveaway of America's natural resource wealth.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I can only urge my colleagues again, as I mentioned before, let us leave the conferees work with the conferees. This is a Senate provision, not a House provision. I have said all the arguments, that this, in fact, was suggested, it was supported, it was promoted by Secretary Babbitt, Mr. Armstrong, President Clinton, and is also not a ripoff to the taxpayers. This, in fact, would increase moneys to the Treasury of the United States and mean that it will make us less dependent on those fossil fuels we are importing today.

Again the biggest ripoff to the taxpayers today is that oil we are buying from the sheiks, and that oil we are buying from the Qadhafis, and that oil is we are buying from the Saddam Husseins. That is a ripoff because the policy of those that were speaking in the well in the previous years that have driven our domestic industry off our shores overseas and not hiring our American workers. We have lost those jobs. We have got to try to get them back. We will have further legislation to bring more workers back to our shores. We will start developing our oil onshore, as it should be developed onshore, and we will have development in the gulf if we pass the amendment that was promoted by the Senate, or at least discussed by the Senate. But to have us reinstructed, or be instructed, by this motion by the gentleman from California is wrong for this Nation, it is wrong for the taxpayer, it is wrong for this conference chairman, it is wrong for this Congress to do.

So, Mr. Speaker, at this time I urge a large ''no'' vote on this motion.

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

Mr. MILLER of California. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman from California has 4 minutes remaining.

Mr. MILLER of California. Mr. Speaker, let me say that I represent as much, if not more, oil than anyone else in this Congress. I represent four of the seven major oil companies in this country and worldwide, and I represent many other oil companies in my district. We are a major, major economy dependent upon oil, and, when I talked to the executives of those oil companies, they made one thing very clear. They no longer make decisions based upon governmental policy because it is too transitory. They make decisions based upon going to the bank, and showing them what they can do, and borrowing the money, and making the investment, and going to work, and they have decided now that the Gulf of Mexico is where they should go. They are going on their own hook. They are going in the private capital markets because that is where they can make the profit. They do not need this. They do not even want it, but we are going to give it to them.

Let me say to the freshmen in this Congress, Mr. Speaker, this is the process that they ran against. This is the process whereby a controversial provision is not considered in the House. There are no hearings. There is no debate. When we go to the Senate, where this was slipped into a bill with no vote, no debate, last year the Senate debated it, and it was killed overwhelmingly.

Now they managed to get it back in, as they can do in the Senate. It will be brought back to my colleagues, and they will have to vote up or down on whether or not to kill Alaskan oil, a provision that my colleagues overwhelmingly support. That is why Senator JOHNSTON is going to take this controversial provision, attack it to that bill in Congress, and my colleagues are going to get a choice on whether or not to vote to export Alaskan oil. My colleagues have already made that decision. They are going to make the second decision for my colleagues. They are going to put a giveaway of over $15 million of taxpayer money to the major oil companies when they do not need it.

I say to my colleagues, you ought not to go along with that process because that's not the open government, that's not the debate, that you pledged to your constituents.

This is now tax loopholes get created in the dark of the night in the depth of the Senate. This is how corporate welfare gets created in the dark of the night in the depth of the Senate, and the House is told to take it or leave it.

Mr. Speaker, unless my colleagues vote for this motion to instruct, they will not get an independent vote, a separate vote, on the issue of a royalty holiday for some of the wealthiest, the least taxpaying, corporate entities in this country, and my colleagues are entitled to more, their constituents are entitled to more. But that is the game that is going on here. They are stacking the deck, they are rigging the game, so my colleagues will never get to confront directly this issue.

I say to my colleagues, this is your one chance. You vote for a motion to instruct, you vote to preserve your rights down the road to make a decision on whether or not you think this is good or bad, but let me tell you. All of the economic journals, all of the industry journals, tell you there is no need for this. Don't take my word for it. Look at Forbes, look at the Wall Street Journal, look at the oil press,

and they'll tell you this is the hottest property in the world. No tax incentives needed. Now, if you want to give that away in the middle of the night when you're trying to balance the budget, when you're out here hacking and hewing away at programs that it is tough to go home and explain if you're going to do that, then I think you're not playing fair with your constituents because what you say is the big guys with the lobbyists, the big guys with the lawyers, they can slide in under the process, they don't have to work in the daylight, they don't have to work out on the open floor. They can work inside of one Senator's mind about a problem that existed, a problem that existed 5 years ago, a problem that has been overwhelmed by world oil economics, a problem that has been overwhelmed by technology.

Mr. Speaker, the reason they are going there today is because they could not see the oil 5 years ago. This has no impact on State revenues because the States do not get any share of these revenues. They are not the A.G. revenues. This is simply a gift from the American taxpayers to foreign oil companies and domestic oil companies that do not need it. Vote for the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. MILLER].

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 161, not voting 12, as follows:

[Roll No. 565]

YEAS—261

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Camp
Canady
Cardin
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Dunn
Durbin
Ehlers
Ehrlich
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Horn
Hoyer
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
Stark
Stearns
Stokes
Studds
Stupak
Talent
Tanner
Tate
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
White
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—161

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentsen
Bilbray
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coleman
Collins (GA)
Combest
Cooley
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Emerson
English
Everett
Fields (LA)
Fields (TX)
Flake
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gonzalez
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hoke
Hostettler
Houghton
Hunter
Istook
Jackson-Lee
Jefferson
Johnson, E.B.
Johnson, Sam
Kim
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
Martinez
McCrery
McDade
McKeon
Meyers
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myrick
Nethercutt
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Pombo
Poshard
Pryce
Quillen
Quinn
Radanovich
Richardson
Roberts
Rogers
Roth
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Spence
Stenholm
Stockman
Stump
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torres
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (AK)
Zeliff

NOT VOTING—12

Bateman
Boucher
Collins (MI)
Cox
Edwards
Hilliard
Moakley
Myers
Reynolds
Roukema
Sanders
Volkmer

☐ 1346

Messrs. FIELDS of Louisiana, TAYLOR of Mississippi, WHITFIELD, and SALMON changed their vote from ''yea'' to ''nay.''

Messrs. DICKS, BARCIA, WELLER, BAESLER, LONGLEY, FAWELL, GRAHAM, POMEROY, ENSIGN, CREMEANS, MCINNIS, HILLEARY, CRAPO, WELDON of Pennsylvania, CASTLE, FRELINGHUYSEN, BLUTE, MCCOLLUM, and HORN, and Mrs. CHENOWETH changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, on rollcall No. 565, a motion to instruct conferees on the Senate provision regarding deep water oil drilling on the Alaskan North Slope oil, I was unavoidably detained in my office.

Had I been present, I would have voted ''yes.''

The SPEAKER pro tempore (Mr. MCINNIS). Without objection, the Chair appoints the following conferees on S. 395: On House amendment No. 1: Messrs. YOUNG of Alaska, CALVERT, BLILEY, MILLER of California, and DINGELL.

On House amendment No. 2: Messrs. YOUNG of Alaska, CALVERT, THOMAS, ROTH, BLILEY, COBLE, MILLER of California, HAMILTON, DINGELL, and MINETA.

On House amendment No. 3: Messrs. SPENCE, KASICH, and DELLUMS.

On House amendment No. 4: Mr. COBLE, Mrs. FOWLER, and Mr. MINETA.

On House amendment No. 5: Messrs. YOUNG of Alaska, CALVERT, and MILLER of California.

There was no objection.

☐ 1345

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the

bill, H.R. 2002, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of bill, H.R. 2002.

□ 1349

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 24, 1995, title III was open for amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLF: On page 53, after line 13, insert the following:

(c) The repeal made by this section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law, other than 49 U.S.C. section 5333(b), on the date of enactment of this act.

Mr. COLEMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] reserves a point of order.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and the time be equally divided.

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

Mr. COLEMAN. Reserving the right to object, Mr. Chairman, the legislative language in the bill was accorded 40 minutes. It seems appropriate to me that we could indeed limit this to about 15 minutes. I object, if we cannot limit it to 7½ minutes on each side.

The CHAIRMAN. Objection is heard.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, 10 minutes on each side.

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

There was no objection.

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

If Members could just listen, because we are changing something that people have raised an issue on. Many Members are concerned about the reduction in transit funding, and I am concerned. We have tried to assist transit authorities faced with increased operating costs who have said that without some change in section 13(c), they will have no choice but to reduce service or increase fares. This perfecting amendment to anyone who has raised this issue is being offered to help address the concerns of some Members about the effect of repeal of 13(c) on transit workers' bargaining rights.

I want to make clear that this perfecting amendment, under this amendment no rights existing under any Federal or existing State law will be affected. I urge Members to read the amendment.

Let me read it. It says:

The repeal made by this Section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law.

It makes clear that collective bargaining rights are not repealed by the committee's action on 13(c). They are not repealed.

Why is this amendment important? We have all heard from our local transit operators in support of 13(c) repeal. Who will be helped by our vote for this amendment? We will be helping senior citizens on fixed incomes use mass transit to visit the doctor. We will be helping school children in the inner city to take the subway or bus to school. We will be helping the working poor who own no care and whose only means of transportation is mass transit.

This amendment will protect transit service for the single mom with two children on a limited income who relies on transit to get to work to provide for her family. By giving transit operators some flexibility to meet the cost of operating their systems, this amendment will also be helping to protect the jobs of transit workers because, without this amendment, more transit workers will lose their jobs.

Without changes to 13(c), all of these people, our constituents, could be faced with paying higher fares or waiting longer for the bus because service has been reduced.

Let me provide a real-life example. Over the last several years, the Committee on Appropriations has funded a demonstration program called Joblinks. The Joblinks Program provides transit services to welfare mothers to get to their jobs in hopes of getting them off welfare. The recipient in this case, Triangle Transit in North Carolina, after 6 months of delay and mounting cost of litigation caused by 13(c), withdrew the request for Federal funds.

That means welfare parents in North Carolina will not be able to participate and get jobs, as Members in this body say they want them to. The results of 13(c) in this case actually harm the poor. Defeat the attempt to get the welfare mothers into the work force and off welfare.

But the impacts of reductions in transit operator assistance can be lessened with repeal of 13(c). Nothing could be further from the truth that this amendment will help everyone. The amendment I send to the desk this afternoon is in large measure an amendment to clarify an issue that has become clouded in the 13(c) debate.

Time and again, opponents of 13(c) have suggested section 343 of this bill will abrogate all existing rights, and it does not.

I urge every Member who came here last night to talk about their concerns about 13(c) and about their transits and want more transits operating to vote for this. Before you vote, come over and look at all the transits in the country that support repealing 13(c). From Alabama, California, Connecticut, the District of Columbia, Florida, Illinois, the Regional Transportation Authority, Indiana, Iowa, Missouri, Nevada, New Jersey, and New York, the New York City Department of Transportation, the New York City Metropolitan Transportation Authority, the Buffalo-Niagara Frontier Transportation Authority. It goes on and on and on.

Frankly, frankly, if we do not repeal 13(c), then all of you who come and run around and talk about, I want more operating subsidy for my transit, you frankly will have been talking out of both sides.

This is the way to help the transit people. This is the way to help the poor people in the inner city. This is the way to keep fares down whereby people can continue to ride.

Repeal of 13(c) will not impact on existing employee bargaining rights. It would not impact on existing bargaining rights. Some people in North Carolina have spoken to me. It would not repeal the Taylor law in New York. It would not abrogate anything in Wisconsin. It would not change anything in Texas. The vast majority of the State have provided for public employees and transit workers to deal in collecting bargaining.

Mr. Chairman, I close with this: As I made the comment last night, I opposed the amendment of the gentleman from Pennsylvania [Mr. FOGLIETTA] because he wanted to take the money out of the FAA. Last night as we were debating that issue, the computer in Chicago shut down. So we made the right decision there. But I have told them that they should go to the Senate and get the Senate to increase operating subsidies, and I will fight for more operating subsidies to help you in the inner city.

But, my goodness, you want to go over to the Senate and fight for more

operating subsidies and then here is the chance to give your transit the greatest opportunity going. To increase the operating subsidies over there will be like putting money, bad money after bad money.

I urge Members, if they really care about mass transit, support this perfecting amendment which protects the bargaining rights but will also protect the people that drive and ride mass transit.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] insist on his point of order?

Mr. COLEMAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] is recognized for 10 minutes.

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

I guess the problem I am having with the argument of the gentleman from Virginia is that, first of all, he claims great savings as a result of the rewrite of the labor law in the bill. He claims it. We had no testimony whatsoever about how much money this would save.

□ 1400

This is a totally phenomenal argument being made by the gentleman from Virginia. Let me tell the Members what the Department of Labor said. It said that repeal would open the door to elimination of bargaining rights in 23 States, where bargaining for public transit employees is not protected nor provided for.

In those cases where continuation of collective bargaining rights has been achieved by contracting with a private management company, bargaining could be eliminated by transferring these private employees to public employment.

In other situations where public transit employee bargaining is provided for, in 28 States, the repeal of section 13(c) could cause transit employees not only to lose their collective bargaining rights, but also their jobs, Mr. Chairman, as transit systems use Federal funds to contract out, with no obligation to the established work force. I think it is inappropriate for the chairman to have offered this amendment to his own bill when he does not answer some questions, so I am going to ask him to answer some.

What happens to collective bargaining rights when existing employee collective agreements are deemed terminated?

What about job protections and the application of collective bargaining rights to employees affected by future transit grants?

Is it not true that the gentleman's amendment still calls for repeal of 13(c) and the termination of all existing labor protection agreements?

This amendment, therefore, would change nothing if the gentleman answers that in the affirmative; it still repeals a major labor policy and protection program.

Is it not true that by repealing 13(c), States would no longer be required to protect transit workers' collective bargaining rights as a condition for receipt of Federal transit grants?

I think everyone here recognizes that this amendment is an idea dreamed up by the majority in order to see to it that we can automatically affect State law. The repeal provision still exposes thousands of transit workers to the loss of collective bargaining rights and future protection against job losses caused by the Federal transit grants.

I am most concerned, Mr. Chairman, that once again here on the House floor, we are attempting to rewrite labor laws. In the Committee on Appropriations we should not have done it in the first place. A number of us opposed this provision in the subcommittee and in the full committee, when given the opportunity.

Ultimately, now, we are confronted once again, because I offered an amendment to strike out that labor law provision, with that rewrite of labor law by the committee. Now we have an amendment that is called a perfecting amendment, that I know the Chair would have ruled in order so that we could collectively, in the House, do the drafting of the legislation on labor law, one that I consider to be a very serious mistake.

Mr. Chairman, because of that, and because I think that I know the answers to all of the questions I asked of the chairman of the committee, I will offer an amendment.

AMENDMENT OFFERED BY MR. COLEMAN TO THE AMENDMENT OFFERED BY MR. WOLF

Mr. COLEMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN to the amendment offered by Mr. WOLF: At the end of the Amendment by Mr. WOLF, insert (d) The repeal made by this Section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law, notwithstanding any other provisions in this Act.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment. We need to take a look at the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I will take less than that time. I do want to mention that on the next amendment, Coleman-Ney, of course I am supporting this amendment. For those of us who are supporting that amendment, I just wanted to urge, although I duly respect the point of view of my colleague, I want to urge a ''no'' vote on that, on the basis that in fact this would create a hodge-podge set of laws across the United States. I think that has to be of grave concern to us.

Also, the amendment currently before us does nothing but clarify the fact that in States that do not currently protect the bargaining rights of men and women, transit workers will lose rights under H.R. 2002. Therefore, again, for those supporting on a bipartisan basis the Coleman-Ney amendment, I would urge a ''no'' vote on this amendment.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] insist on his point of order?

Mr. WOLF. Continuing to reserve my point of order, Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if Members want to know how to save money, read the letter from all the transits. Nobody in this body ought to vote until they read all of the transit letters. They have made it clear. This was not dreamed up in the minds of the majority, it was dreamed up in the minds of the transit.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have heard it alleged that nobody knows if this will save any money. I can report to the Members, as chairman of the Committee on Transportation and Infrastructure, that the head of L.A. Transit came in and told us if we eliminated 13(c) they could save $100 million a year, and a week later, the mayor of Los Angeles came to town, and I challenged him on this point. He said, ''Congressman, that is a conservative estimate.'' Across America, the transit authorities are telling us that they can save money by giving them the flexibility that they would have if 13(c) is eliminated.

I do not like to do this. In fact, I do not like to do it in the way we are doing it on an appropriations bill, but we play the cards we are dealt. We are faced with a very tough situation in funding transit. Less money is going to be made available. If less money is made available, then that means there have to be cuts in service or we have to finds ways to cut costs. One of the ways to cut costs is to give flexibility to the transit operators across America, so we can continue to provide service to the American people.

For all of those reasons, Mr. Chairman, given the budgetary climate we find ourselves in, this is something that we should be supporting; that is, the elimination of 13(c).

Finally, Mr. Chairman, I would make the point, this is one more reason to be supporting taking transportation trust funds off-budget, because if we remove transportation trust funds off-budget, that means the transit account in the highway fund then is available without restriction to be spent, and those surplus balances in there can be dedicated to transit, so one way in these tight budgetary times to get more money for transit is to support trust funds off-budget, and also to eliminate 13(c).

The CHAIRMAN. Does the gentleman from Virginia insist on this point of order?

Mr. WOLF. No, Mr. Chairman; I withdraw my point of order.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Texas [Mr. COLEMAN], the distinguished subcommittee ranking member, for yielding time to me.

Mr. Chairman, we are looking here at perfecting amendments and perfecting amendments to the perfecting amendments. We are dealing with points of order. I submit to my colleagues, Mr. Chairman, that this is not the proper way to address such an important issue as this 13(c) section is. This is an important amendment as regards labor and management relations in our country and in the transit industry. It is an important amendment in regard to a contract that we have with the American worker entered into in 1964, when we passed the Urban Mass Transit Act.

This is not the proper way to be dealing with such an important issue on an appropriation bill. The proper manner, whether we are for repeal or for reform of 13(c), is in the authorizing committee. That is where we should be discussing and having hearings and taking into consideration reforms that may be necessary in the 13(c) section.

I would hope, no matter what we do on these perfecting amendments, what points of order are granted or not granted, that we keep in mind the bottom line here, and that is support for the Coleman-Ney effort, which is to strike the total repeal of 13(c) which is in the current bill. I hope we support Coleman-Ney, despite what happens on all these perfecting amendments.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to get one or two points straightened out here. It has been mentioned a number of times that the Regional Transportation Authority of Illinois supports the elimination of 13(c). That may very well be correct, but that is simply the administrative agency. There are four operating agencies under the RTA: The CTA; the Chicago Transit Authority; Metro Suburban Railroads; and Pace Suburban Buses. Those three entities all oppose the elimination of 13(c).

Mr. Chairman, I would also like to state that it has been mentioned on this floor that the mayor of the city of Chicago supports the elimination of 13(c). I have checked with him as recently as this morning, and he tells me that it is absolutely not correct, so I wanted to set the record straight on those issues. I ask Members to support Coleman. Oppose Wolf and support Coleman.

Mr. COLEMAN. Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment to the amendment.

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

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I stand here in surprise when I hear my colleague and friend, the gentleman from Virginia [Mr. WOLF], the chairman of our committee, as well as the gentleman from Pennsylvania lamenting the sad state of affairs for mass transit in this country, and what we could do to replenish the coffers of mass transit. What they suggest we do is to repeal 13(c), and ask the working people of this Nation to pay for it.

That is not the way to go. We have over 200,000 transit employees throughout this Nation who have collective bargaining rights which would be eliminated by eliminating and repealing 13(c). What we should be doing is being more equitable in the distribution of our funds.

In the budget we are increasing funding for highways by almost $1 billion, and we are cutting funds for mass transit by $400 million, 44 percent. If we want to be fair, let us not put the burden of the solution of the transit problem on the backs of the working people, but rather let us be equitable in the distribution of funds for transportation.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. COLEMAN. Mr. Chairman, if I would now offer as a substitute my amendment which is at the desk that strikes section 343, would we still be required to operate under the pending time left on the Wolf amendment, and would the unanimous-consent agreement that we made last night with respect to section 343 be abrogated because we would not be under that parliamentary situation?

The CHAIRMAN. The Chair would say this is not a proper substitute. After we have disposed of this amendment, the gentleman could offer his substitute.

Mr. COLEMAN. I thank the Chairman for that information.

The CHAIRMAN. The Chair would supplement it to say that would be under a separate time limit.

Mr. COLEMAN. That was in the unanimous-consent agreement from last night, Mr. Chairman?

The CHAIRMAN. That is correct.

Mr. COLEMAN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] is recognized for 1½ minutes.

Mr. COLEMAN. Mr. Chairman, let me say to my colleagues in the House, regardless of which side they are on with respect to 13(c), all of them know that for my part, I have worked very hard to reform section 13(c). I offered amendments in the subcommittee and in the committee. I offered them to the Committee on Rules. I have never yet been able to effect a reform, simply because of the procedures that were put upon us here in the House by the Republican-controlled Committee on Rules.

Let me say, Mr. Chairman, that we will have an opportunity at reform if we vote against the Wolf amendment and for my subsequent amendment that I will offer that takes away section 343. By doing that, we permit the Secretary of Labor to move forward with rules they have already begun to promulgate that require a 60-day maximum, for which 13(c) will have to be dealt with by the Department of Labor. No more long delays. That is where they claim all the savings come from. If that is really the case, why go through the machinations of all of these amendments?

□ 1415

The Secretary of Labor agrees with them. But that is not good enough for them.

I will tell you what it is. There are a bunch of people over here that do not think that workers ought to have collective bargaining rights. I understand that theory and that kind of thinking. I come from a right-to-work State. But even in right-to-work States, we protect workers and give them a right to sit around and discuss unions. We do not say that is against the law in a free country. We let workers decide whether or not they want to have collective bargaining to maintain their jobs, a fair wage, and a standard of living so that they can educate their kids and provide for their families. There is nothing wrong in America with us continuing to do that.

I urge a ''no'' vote on the Wolf amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 1 minute.

Mr. WOLF. Mr. Chairman, I urge strong support for the substitute. Your reform is basically worthless. Before you vote on it, read the letter from APTA. It says the Coleman reform is basically worthless.

Third, I support collective bargaining rights and they would all come back into play.

Fourth, everyone knows what is going on here. Basically on this vote we are going to vote on whether or not we want to lift a little bit of the burden on the working poor and the people that live in the inner city and ride mass transit.

Just read the letters. Read the letters from the transits. Just read them and look at the list. This is the last chance frankly if this thing does not go for Members to come back to the floor and say, ''I want to help mass transit,

can you get us more subsidy?'' This is the best opportunity to help mass transit.

I strongly urge Members, we have perfected it, we have dealt with the collective bargaining issue, we have made it clear that it will stay in effect. This is a good amendment for your constituents and for the country, and I urge an ''aye'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

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

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Virginia [Mr. WOLF] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: On Page 53, strike section 343.

Redesignate subsequent sections of Title III of the bill accordingly.

The CHAIRMAN. Pursuant to the order of the Committee on Monday, July 24, 1995, the gentleman from Texas [Mr. COLEMAN] and a Member opposed will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would strike section 343 of the bill which repeals section 13(c) of the Federal Transit Act. I am pleased to be joined in a bipartisan effort that we have here today by the gentleman from Ohio [Mr. NEY].

In discussing this issue with many of our colleagues on both sides of the aisle, I found many of them to be unfamiliar with the section 13(c) program. This could be because our committee never held a hearing specifically on the significant provision of labor law or the ramifications of repealing it.

I am limiting my time, and I want others to be able to speak on this issue because if affects Federal transit employees all over America. What I found in section 13(c) is to understand that it was designed and intended to protect the bargaining rights of our Nation's 200,000 bus drivers and other transit workers. It assures that the distribution of Federal grants to local transit systems does not harm transit workers and that employee issues arising out of the provisions of Federal assistance are properly addressed through collective bargaining.

It arose from the public takeover of private transit companies. That is what happened. There is usually a reason why laws come about. This is what happened. In its 30-year history, section 13(c) has provided a remarkable measure of labor-management stability in an industry that has experienced unprecedented growth and change. In urban, suburban and rural communities alike, section 13(c) has provided an effective system for transit systems to manage significant changes without harming employees. The last thing we all need are these constant problems in terms of transit. Because as we have said over and over again, as everyone in here realizes and recognizes, these are workers that have a lot to do about whether or not other Americans get to work, whether or not someone can shop, whether their children can go to school. A lot of times these issues need to be addressed very clearly.

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

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] rise in opposition?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 20 minutes.

Mr. WOLF. Mr. Chairman, I yield myself 3 minutes.

I rise in strong opposition to the Coleman amendment. Members ought to know that the 13(c) statute provides protection for transit workers for up to 6 years for full compensation and benefits.

Everybody out there listening, do you get 6 years? That is what happens there. That is why the single parent is paying so much when she has to ride the transit. No other segment of the economy gets that.

As a result of 13(c), transit districts cannot privatize their service. In fact, the cost to comply with section 13(c) is substantial.

Let me give Members a few examples. Chicago Regional Transit Authority stated that it would privatize its operation but for 13(c). It estimates its savings could be as high as 25 to 40 percent. In fact, according to an independent study, privatization would save the Chicago Regional Transit Authority $96.1 million in 1996. That is a lot of money even for this Congress where we talk in terms of millions and billions.

The Utah Transit Authority cannot use van pools in an area where there is already bus service, even though it would be more efficient.

Indianapolis Public Transit Corporation estimates without the burdens of 13(c) it could save 25 to 35 percent in operating costs. If we could save 25 to 35 percent in operating costs around here to operate this place, we would do it.

Opponents of section 13(c) suggest it is not necessary. They talk about this mythical reform. Here is what APTA says about this reform. It says, ''The proposal does not address APTA's concerns. The proposal would permit the issuing of conditional certifications, in apparent contravention of Federal case law. The proposal appears to institute a schedule for Department of Labor action but provides no meaningful relief to transit systems if the schedule is not met.''

In short, APTA says the ''proposed procedural changes have such significant loopholes as to render them meaningless.''

We have received letters from over 40 transit districts. I thank the transit districts because they are fighting for their riders as they should. While they fight for their riders, we have no obligation to fight here for them. The largest transit districts in the country, New York, Chicago, Philadelphia, Pittsburgh, all support repeal. Citizens Against Government Waste supports repeal.

Mr. Chairman, I strongly urge a ''no'' vote on the Coleman amendment. It does absolutely nothing and would just make fares go up even more.

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

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank my colleague for yielding me the time.

In a blatant attempt to end-run the authorizing committee, Mr. Chairman, H.R. 2002 contains an outright repeal of 13(c) protections for transit employees. There are 100 reasons why transit costs can go up to people across the country. I do not think we need to lay that blame upon the worker.

Section 13(c) of the Urban Mass Transportation Act of 1964 states that if the Federal Government is going to provide moneys to be used to acquire private transit companies and operate transit services that are in financial trouble, such actions should in no way worsen the transit employees' position. This is what 13(c) is all about.

Do I believe there needs to be reform? We want to talk about prices, and we hear from the urban centers and the mayors about we need reform. That is what we wanted to do. We wanted to strike and replace and put some true reform in there, that the unions also agreed that there should be reform. Of course I believe in reform, but the process of the House did not allow me or anyone else to offer a reform amendment, even though rule XXI was waived to allow for the 13(c) repeal.

There is another body, I urge those supporting us to remember. This bill is not leaving here and going on to the President of the United States, Mr. Chairman. This bill is going on to the U.S. Senate where some reform could be addressed, as we would have had we the opportunity.

In closing and urging the support of the Coleman-Ney amendment I would stress—even if you are philosophically against collective bargaining, I am not, but even if you are, for our Americans—I urge all my colleagues to vote in favor of this amendment which will afford the authorizing committee, the

appropriate committee, to take such actions.

If you do not support collective bargaining, Mr. Chairman, I still believe that this is not the appropriate way to make changes, because it is going through the back door and trying to undo collective bargaining piece by piece. You put it out front and do it that way. I urge support for this amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a member of the committee.

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

Mr. PACKARD. Mr. Chairman, the bill language does not change collective bargaining or labor rights. It simply prevents labor from vetoing the funding of operating capital for transit districts.

That is what we are trying to do, is to remove that veto power so that the transit districts can get their operating capital in a normal, standard, and timely manner. That is all we want to do. Section 13(c) must be repealed to allow that to happen.

One transit district in my congressional district, the North County Transit District of San Diego County, had funds held up for more than 2 years by the Department of Labor. These were funds that were approved by both the Congress and the Department of Transportation. The Department of Labor, however, had other plans.

During the 2-year delay, the transit district had to acquire outside legal assistance which cost them an additional $111,000. Because the particular grants that had been held up were grants for operating assistance, fares simply had to be raided in order to accommodate that lack of funds.

If you really look at this thing clearly, what the amendment does is, in effect, pass a tax increase on to the workers of America. Those that are the lowest income, that rely on transit ridership, those are the ones that are going to pay the ticket.

That is a tax increase on the poorest of the working people of America. I cannot believe that that is what the Democrats would like to do, yet that is what this amendment does.

I urge support of the repeal of 13(c). Keep the bill in its current form. Vote ''no'' on this amendment and do not pass a tax increase on to the riders of our transit systems across America.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in strong support for the Coleman-Ney amendment. As a member of the Committee on Transportation and Infrastructure, I strongly object to the methods being undertaken by the Committee on Appropriations to amend existing law by slipping it into the bill.

If collective bargaining rights need to be repealed or reformed, then it should be the task of the authorizing committee to undertake this assignment. But no matter what your position is on this issue, I believe we can all agree that it should be up to the appropriate committee to weigh in and take whatever action is necessary to address the concerns raised in regards to section 13(c).

I urge all my colleagues to look before they leap. Vote ''yes'' on the Coleman amendment to strike this provision in the bill.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. I thank my good friend for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment to strike the provision that would repeal 13(c) of the Federal Transit Act. In a perfect world, I would prefer to have done this in our authorizing committee, but we must play the hand we are dealt. Overall, I think we have worked out some excellent compromises with the Committee on Appropriations, this being one of them.

□ 1430

The fundamental point here is that in this budgetary climate we have our head in the sand if we think we are going to be able to provide the funds that are necessary to support our transit properties across America. We have got to find ways for them to either raise fares, nobody wants to do that; cut service, nobody wants to do that, or cut costs, and one of the ways to cut costs is to eliminate 13(c).

Now, there have been many charges made that this really is not going to save any money. Yet, the chairman of the appropriations subcommittee has pointed out, Chicago says they can save $96 million a year; Los Angeles tells me they can save 1 million a year and the mayor of Los Angeles tells me that is a conservative estimate.

So you take those examples and extrapolate across America. We are talking about giving transit properties the opportunity to cut their costs by very, very substantial margins.

What does that mean? It means that they will not have to cut service. It means that they will not have to raise prices. It means that instead they will be able to provide the public the service it needs and, yes, provide the jobs that are required to provide that service.

Now, there have been many, many examples of 13(c) being used simply as a way to block efficiencies, operating efficiencies, or investment efficiencies, that the transit properties across America had hoped to achieve. There are numerous examples.

Transit authorities in Las Vegas, for example, had to spend $400,000 in legal fees simply to obtain grants that were being blocked by 13(c). In Boise, ID, the transit authority had to spend a million dollars, little Boise, ID, in legal costs and legal fees to obtain a grant and was forced to litigate the matter in court. And, yes, what did the Department of Labor do? It ultimately imposed 13(c) terms on the Boise Transit Authority that were more burdensome, more burdensome than those required by the union.

Triangle Transit in North Carolina had to spend $500,000 extra to purchase buses after delay. Central Arkansas Transit Authority almost went out of business because of the delays. Example after example points up the cost of 13(c) and points up the importance of defeating this amendment so that the transit authorities have the capability to function properly.

And get this, the New York dock provision, labor provision, applies to transit employees getting Federal money. What that means is a transit employee can get up to 6 years' protective benefits, 6 years' pay, if they were laid off as a result of a Federal grant.

Now, this benefit is unequal in any other employment sector. I know most of the people I represent in central Pennsylvania would dearly love to be able to get 6 years' pay if they were laid off as a result of a Federal grant. This is just one part of the overall problem and one of the many reasons why we should defeat this amendment and give the transit properties the opportunity to manage their properties.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, we know where the money is coming from. We know where the money is coming from that the Republicans are talking about in this proposal. The money is coming out of the paychecks of the hard-working transit workers.

Make no mistake about it. By eliminating 13(c), in essence what my colleagues are doing is eliminating the workers' right to collective bargain. So while they are talking all about how they are standing up for hard-working people by eliminating the hard-working people's ability to collective bargain and their ability to stand up for themselves and earn a living wage, that is where they are getting their money and it is not right.

Mr. Chairman, I urge a ''no'' vote on Wolf and a ''yes'' vote on the Coleman and Ney amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], a member of the committee.

Mr. DELAY. Mr. Chairman, the gentleman from Rhode Island may not be aware that the gentleman from Virginia amended his own amendment by making sure that nothing in the repeal of 13(c) abrogates any rights of mass transit employees to bargain collectively or renegotiate or discuss terms and conditions of employment.

This is a perfect exampled of a labor protection that has run amok. We have, for over 30 years built a system that has cost the taxpayers, that has

cost low-income riders, that has driven up the cost of mass transit to outrageous sums, and it is because of things like 13(c) that has pushed the envelope. We have got to bring it back to some sort of reasonableness.

This repeal of 13(c) only gives transit authorities the necessary flexibility to reduce operating expenses. It was intended at the beginning to protect the rights of transit workers employed by private transit authorities that were acquired by public agencies in States that prohibited collective bargaining. Now, 30 years later, ironically the same jobs that 13(c) seeks to protect may be those same jobs that are lost because of it.

Mr. Chairman, 13(c) has become a means to pursue broader labor objectives and will ultimately mean the loss, not the protection, of jobs in the transit industry. The certification process itself is used by labor to pursue their agenda and has led to inexcusable delays in receipt of transit funding.

The GAO found that not only does the Department of Labor take an average of 81 days to certify a grant application, but a lot of time its takes 25 weeks before it can be processed and the negotiation of new 13(c) protections could take as long as 30 weeks. You know what that does? It drives up the cost of transit facilities, facilities that are going to help the poor.

Mr. Chairman, I would just ask my Members to take a look at this sheet that is out here on the desk of the number of transit authorities that support the repeal of 13(c), not exactly Republican strongholds, like Chicago; Washington, DC; Los Angeles; New York City; Trenton, New Jersey; Newark; in Ohio, the entire Department of Transportation and Cincinnati and Cleveland, in Pennsylvania, Philadelphia.

So, Mr. Chairman, I just ask Members to do what is right. Bring reasonableness to labor protection and vote against this amendment.

Mr. COLEMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise in strong support of the Coleman amendment to strike the provisions in this bill which repeal the labor protection rights of transit employees.

As the ranking Democratic member of the committee with jurisdiction over this issue, I am particularly opposed to the use of an appropriations bill to make such sweeping legislative changes affecting so many transit employees and their families in so many cities. An issue of this magnitude should move through the normal legislative process with hearings, markup, and floor action spearheaded by the authorizing committee—not by the appropriations committee.

In fact, the Committee on Transportation and Infrastructure held hearings earlier this year on the 13(c) program. If changes to this program are needed, they can and should be made as part of our committee's upcoming National Highway System [NHS] bill. What is our rush to legislate major changes in an appropriations bill when our committee will soon approve its own transportation bill?

Mr. Chairman, I testified with my chairman and good friend, BUD SHUSTER, at the Rules Committee and urged them not to protect the provisions in this bill repealing 13(c) from points of order.

The committee chose to do otherwise.

I also asked the Rules Committee to protect from points of order the 13(c) reform amendment offered in committee by Mr. COLEMAN, if they protected the 13(c) repeal provisions contained in the bill. The Committee chose to do otherwise.

The Rules Committee denied Members of the House—unfairly I believe—the right to vote on an amendment reforming 13(c), rather than repeal it outright. But being denied reform does not mean that we should throw out the baby with the bathwater by eliminating the entire program, as this bill does.

Let me quote from a letter from Mr. Peter Cipolla, the General Manager of the Transportation Agency in my district, ''although administrative reform is necessary in certain areas, I personally do not believe that an outright repeal of 13(c) is justified.'' How can anyone be clearer than that.

Once again, I urge my colleagues to support the Coleman amendment to strike the hastily conceived 13(c) repeal provision contained in this bill.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

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

Mr. POSHARD. Mr. Chairman, I rise in strong support of the Coleman amendment.

Mr. Chairman, I rise in opposition to the provision contained in the 1996 Transportation appropriations bill that would repeal certain labor laws known as 13(c). Because of my opposition to the repeal of this measure, I strongly support the Coleman amendment that would have the effect of restoring this provision of the bill.

Eliminating section 13(c) is not about government reform, as some argue here on the House floor today. It is about taking away the right for the men and women in every one of our districts to earn a competitive and fair wage. Without this important provision, many workers, especially those in rural areas, would be unable to afford to take these jobs created through federally-funded projects.

In my congressional district, prevailing wages are providing 15 years of work and good jobs to those working on the Olmstead Lock and Dam project. Without the guarantee of prevailing wages, these jobs would not have existed for those worked on this project even though most of the workers are not from my district. Prevailing wages mean the difference between providing for our families and being on food stamps.

As we debate section 13(c) let us not forget what repealing this measure will mean to our hard working men and women and their families. Section 13(c) is about fairness and opportunity for our workers, not about government reform and downsizing.

Because I believe in the American worker, I must oppose the repeal of section 13(c) and ask my colleagues to support efforts to restore the provision.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Chairman, I rise in support of the Coleman amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Texas to protect the rights of the working people of America.

Section 13(c) of the Federal Transit Act has worked for 30 years to help America's transit workers and it should not be changed through the appropriations process.

There have been no hearings and there has been no consideration whatsoever by the authorizing committee of this repeal.

In fact, the chairman of the Transportation and Infrastructure Committee, as well as the chairman of the Surface Transportation Committee, both objected to protecting this provision from points of order.

Although the Republican leadership has promised to respect the wishes of the authorizing committees, their zeal for this campaign against the working people of America overrode the need for following the rules of the House.

If changes are going to be made to this important labor protection provision, they should be done through the authorizing committee after hearings and committee markup.

This repeal is clearly outside the jurisdiction of the Appropriations Committee.

This proposed repeal takes no account of the changes that have been implemented by the Labor Department to streamline the 13(c) approval process.

Under the new procedures, proposed on June 29, the Department of Labor will issue 13(c) certifications within 60 days of receiving an application from the Federal Transit Administration.

In some cases, involving replacement equipment, there will be no referral to the labor unions and no need for the review period. Approval will be nearly automatic.

According to the Department of Labor,

> The guidelines include a strict time frame that both the unions and transit authorities must follow which will expedite the release of the grant funds.

Even before these streamlining changes were proposed, 13(c) was not the villain it has been made out to be.

Only a small percentage of grant applications have suffered through delays.

The vast number of 13(c) applications are approved by the Labor Department within 90 days of being received.

The costs of the 13(c) program to protect worker rights has not been huge.

In the 30 years since the Federal Transit Act was passed, more than $90 billion in Federal grants have been issued. Individual employee claims under 13(c) have totalled less than $10 million—a small part of the program.

Mr. Chairman, section 13(c) is an important labor protection provision that helps protect the rights of experienced and capable transit workers in an industry that is undergoing massive changes.

While 13(c) may need reforms, the Department of Labor has already begun that process.

It is possible that even more reform may be necessary but that process should take place in the authorizing committee as provided by the House rules.

Section 13(c) should not be repealed and it should not be done in this manner. I urge support for the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise in very strong opposition to the Wolf amendment and in support of the Coleman-Ney amendment.

Mr. Chairman, it is a sad reflection on the House of Representatives that such a major change to a long-standing provision of Federal transit law is taking place as part of an appropriations bill in a willy nilly, last minute type of amendment process that does not do justice to the processes of the House of Representatives.

In fact, this bill not only repeals 13(c), but it goes so far as to abrogate existing labor management agreements that were negotiated under the provision. The effect of this scheme will be to subject the hard-working men and women in the transit industry to the whims, fancies, and caprices of federally subsidized transit authorities.

Stripped of their ability to bargain collectively, these workers and their families are truly being sold into slavery by this body. It is ironic that while the House expresses concern over human rights violations in China, at the very same time it appears willing to violate the rights of U.S. citizens employed in the transit industry. This must not be allowed to happen.

Mr. Chairman, I do urge support for the Coleman-Ney amendment and also urge my colleagues that the first order of votes will be to defeat the Wolf amendment pending thereto. That will be necessary in order to provide a clear message to the working men and women of this country that we will not renege on their contract.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

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

Mr. KLECZKA. Mr. Chairman, I stand in strong support of the Coleman amendment to protect workers' rights in this country.

Mr. Chairman, I support the Coleman amendment because I believe we should stand by American workers and protect the principle of collective bargaining.

The Coleman amendment would reverse the bill's repeal of section 13(c) of the Federal Transit Act. This section represents one of the only collective bargaining rights that 200,000 transitworkers across the country have.

Section 13(c) requires that transit systems, as a condition for receiving Federal transit aid, make fair and equitable arrangements for affected transit workers. It thereby ensures that conflicts on these systems between workers and management are resolved through collective bargaining.

That is not too much to ask of these entities, yet it is an essential protection for these Americans. It must be maintained.

Over the last century, we have gradually, but progressively improved the rights of American labor. Collective bargaining is one of the fundamental principles of our evolution into a society that allows workers to organize in order to improve their lots in life and their opportunities to gain fair treatment for themselves and their families. Repealing 13(c) will turn back the clock. And, as my colleague Representative MARTIN SABO has said, "This is another fundamental attack on the income of working people in this country."

Hundreds of transit workers from my district in Wisconsin have contacted me to voice their opposition to this repeal. They, like many across the country, see their lifestyles in jeopardy if section 13(c) is repealed. We cannot allow that to happen. We have to allow them access to this established and effective process to raise their grievances so they can get a fair deal.

My colleagues, a vote against the Coleman amendment is a vote against American workers. They have been under assault in this body, but they are still the most productive, most resilient, and finest in the world. We should preserve this tool for them. Vote for the Coleman amendment and maintain collective bargaining for transit workers.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, the cornerstone of this debate over 13(c) is the argument that repeal will somehow cut operating costs. Why do these cost cutters always want to take it out of the hide of labor?

□ 1445

Why do they not look elsewhere than workers' paychecks? No, it seems to me that the Republican side always is consistent. Whenever there are sacrifices to be made, they want to take it out of the hide of labor. Let labor take the hit. They do not go to capital to take cuts. They do not go to management to give up benefits. They go to workers. You give up pay and benefits, you shoulder the burden. This is wrong. This is the wrong approach.

We ought to have this whole issue hammered out in the Committee on Transportation and Infrastructure, make some changes to put a 60-day limit on the time for DOT certification of 13-c compliance in transit grants, but let us not gut the rights of the working people of this country with this amendment.

Vote for Coleman.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of Mr. COLEMAN's amendment and wish to express my strongest possible opposition to repealing the section 13(c) program. Repealing 13(c) would mean threatening the rights of hundreds of thousands of transitworker across this Nation.

I welcome the opportunity to reform the section 13(c) program. But the rule for this bill does not permit an amendment to reform 13(c), only to eliminate it. We have no choice but to strike this repeal from the bill. In doing so, we give the Transportation and Infrastructure Committee the chance to make the necessary reforms in this program without trampling on the rights of working American men and women.

Mr. Chairman, I cannot more strongly urge my colleagues to support this amendment. The repeal should not be in this bill. It should not have been protected from a point of order. But more than anything else, section 13(c) should not be repealed.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

(Mr. FRELINGHUYSEN asked and was given permission to extend his remarks.]

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Coleman amendment and in support of ending the outdated provision known as 13C.

Mr. Chairman, the time has come to end this provision, which has been an albatross around the neck of all public transit authorities.

Proponents of keeping 13C argue that it was developed as part of the collective bargaining process. 13C was not a result of collective bargaining, it resulted from a legislative provision that was passed in the 1960's.

As most of us know, 13C has simply outlived its useful life. The current application of this law extends way beyond the original intent. It has become the key obstacle that prohibits public transit agencies from even considering the economic benefit of competitive contracting.

Supporters of this amendment argue that this bill will impede labor's collective bargaining rights. Well, this is simply not true. In fact, 13C intrudes into local decisionmaking and the collective bargaining process. Repealing 13C does not in any way remove labor's collective bargaining power.

Based on labor protection law of the 19th century, if a protected employee is adversely impacted, that employee is entitled to 6 year's full salary.

This antiquated protection violates fair and equitable collective bargaining and insures that public transit authorities, greatly dependent upon Federal assistance, will rarely risk such an expense. Thus—innovation and competition are stifled.

Repealing 13C is supported by every transit authority across the Nation, including New Jersey Transit. Under 13C, every Federal transit grant is reviewed by the national office of the labor unions. If the national union does not like a particular grant proposal, the union simply refuses to sign off on the grant and therefore holds the funding hostage, adding to the cost of operating mass transit.

This practice has to stop and sanity must be restored.

In these times of reduced Federal operating assistance, public transit authorities must have as much flexibility as possible to build projects on time and on budget. Without this flexibility, New Jersey and other States will not be able to provide the quality service that the public expects and deserves.

We need to end the veto power that labor holds over transit projects. 13C has been a gift to organized labor for far too long. 13C needs to be repealed. Let the local transit authorities manage the systems that they are in charge of and reject the Coleman amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, you have heard all of the news here today. You have heard the Committee on Transportation and Infrastructure, and the committee of substance say they want to get a look at this 13(c) so they can reform it, not repeal it. That is why we should not support the Wolf amendment. We should support the Coleman amendment, which seeks rights and justice for transit workers.

I have heard a lot from the opposition about transportation authorities. They have a big list here. But no one has shown you and talked to you about transportation workers.

I have over a thousand signatures from transportation workers right here who are saying that they do not seek repeal of this. They know that reform is necessary, but they are solid working people in this country. Therefore, they need a chance.

But our opposition today would like not to hear their voices and would not want them to get a chance to come to the table to have a chance to talk.

There have been some delays. It will be corrected if it goes back to the Committee on Transportation and Infrastructure.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Chairman, let us be clear what this debate over section 13 (c) is all about.

This debate today is one more attack in the ongoing war the Gingrich Republicans have declared against working people.

Last week, in the middle of the night, the Labor Appropriations Committee launched the first missiles. In the middle of the night last Tuesday:

They voted to cut health and safety regulations.

They voted to cut OSHA enforcement.

They voted to cut dislocated worker assistance.

They voted to cut the school-to-work program.

And today, they're trying to take collective bargaining rights and job protection rights away from over 200,000 transit employees.

Mr. Speaker, in America today, the average CEO makes 150 times more than the average worker;

While corporate profits have gone up 80 percent—wages for most Americans have gone down 20 percent. And yet, supporters of this bill are trying to convince us that the problem in America today is that bus drivers are making too much money.

Mr. Chairman, I'm sick and tired of getting lectures from people who complain about transit workers trying to make a living wage—but don't bat an eye when CEOs and corporate moguls make millions.

Until we value every single hand that shapes this Nation—until we value bus drivers and steelworkers as much as we value Wall Street bankers and CEOs—this Nation is not going to get where it needs to go.

I urge my colleagues: Support the Coleman-Ney amendment. And keep section 13 (c) alive.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, as a member of the authorizing committee, I rise in strong opposition to the Coleman amendment.

Section 13(c) protective arrangements provide transit workers, depending on their length of employment, up to 6 years of their full compensation and benefits. That is outrageous.

If we want to talk about workers, we want to talk about the rights of those who are employed and laboring in this country, let us think about those who are riding the transit, those who are paying the fares, and let us think about their higher costs because of the waste and the inefficiency caused by 13(c).

Section 13(c) labor protection is a costly, antiquated and burdensome component of the Federal transit program that has impeded innovation, it has impeded efficiency and growth in the provision of our transit services. Increasingly, expensive labor protection requirements imposed by administrative fiat and often without legal basis has imposed significant costs and unnecessary restrictive conditions on transit services.

The complete absence of any procedures with definitive time limitations governing 13(c) negotiations by the department has led to inexcusable delays in the receipt of transit funding. For instance, the American Public Transit Association found the average delay in the 13(c) certification process was 25 weeks, and a negotiation of new 13(c) protection typically consumed 30 weeks' time.

The Department of Labor acknowledged at one point in 1994 that almost $300 million in grant funds had been delayed for over 6 months due to 13(c) processing.

The central Arkansas Transit Authority in my State, its very future was jeopardized because of 13(c). 13(c) also affords labor interests a second bite at the apple by providing opportunity to achieve rights and benefits unions are unable to achieve at the collective bargaining table.

Cost savings inherent in contracting out services, using part-time workers, are lost because of 13(c).

Vote to ensure lower costs for workers by rejecting the Coleman amendment.

Mr. COLEMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in strong support of the Coleman amendment and of the contract rights of the bus drivers in my district. Nobody has a right to take those away.

Mr. Chairman, I rise in strong support of the Coleman amendment. No one in this body has the right to cancel a contract, privately negotiated, between workers and their employers. Section 13(c) has served as the basis for stable and productive collective bargaining in the transit industry. Its repeal would undermine a system of labor relations that works and replace it with labor strife. No one in this body has the right to cancel private contracts in Toledo, OH.

Across our Nation, over 200,000 bus drivers and mass transit employees are protected by the collective bargaining agreements covered by section 13(c). The purpose of section 13(c) is to assure transit workers that their collective bargaining contracts will not be jeopardized by Federal transit aid programs. It provides a fair mechanism for the continuation of collective bargaining agreements in the face of service or structural changes. This makes perfect sense. It would be unproductive, even silly, if every shift in Federal transit policy resulted in reopening union contracts and risked labor conflicts. Section 13(c) helps avoid strikes and lockouts. Do the advocates of its repeal want strikes and lockouts?

In part because of 13(c), the transit industry's growth and expansion in urban, suburban and rural areas has been accomplished without needlessly harming transit workers and with the substantial support of transit labor rather than its opposition.

Some argue that 13(c) should be repealed because it slows the Federal transit grant process. I agree that some reforms are in order, but repeal is an amputation where a course of antibiotics would suffice. The Transportation Committee is already considering appropriate changes to section 13(c) which would assure the timely release of grants. Reforms such as a guarantee of certification

within 60 days, the application of model labor agreements, and expedited decisions make steps in the right direction without throwing out a labor relations mechanism that works.

Mr. Chairman, I urge my colleagues to support the Coleman amendment. Let's let the authorization process work and avoid even more slash-and-burn legislation in this appropriations bill.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise today to voice my strong support for the Coleman-Ney amendment to H.R. 2002. Obviously the amendment would restore section 13(c) of the Federal Transit Act. Section 13(c) is an important collective bargaining tool for over 200,000 transit workers nationwide. While there may be some agreement on both sides of the aisle that reform of this section may be needed, this appropriations bill seeks to strike out the provision entirely. If my colleagues here on the floor did not hear me I will reiterate, I said this appropriations bill would repeal section 13(c) of the Federal Transit Act. We are talking about making a major policy change through an appropriations bill and that's not right, we should be having full, fair, and open debate on this issue, in the authorizing committee of jurisdiction. Mr. Chairman, regardless of whether you support or oppose section 13(c), I urge you and the rest of my colleagues to vote yes on this amendment so we can give the working men and women, people who help keep this Nation moving, a fair shake and address this important labor protection in the right legislative vehicle, we cannot and should not steamroll this important labor right by repealing 13(c) through an inappropriate appropriations provision.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I rise in the strongest support for striking the bill rider that destroys collective bargaining rights unilaterally and does so outside the normal legislative process. If we do not adopt this amendment, we will drive down wages and bust unions. The premise of the 13c repealer ingenuously represents that without it—transit systems will be forced to cut services and routes. Make no mistake about this, the cuts in this bill will force the reductions, not the working people struggling to make a decent living wage and support their families. The cuts in this bill will cut the throats of the transit agencies, while making 13c repeal the flimsy gauze to staunch the financial hemorrhaging of mass transit programs. This ruse will not fool the workers of this Nation who depend on mass transit for their jobs and for getting to their jobs.

If there are legitimate problems with 13c fix them in the sunshine of an open legislative process. Mend not end. The legislating on this appropriations bill cannot withstand the scrutiny of the normal legislative process, let us not resort to stunts to pass hidden agendas. Strike this assault on honest working people. Reform, do not wreck 13c. Make no mistake, if you are for working men and women you will vote for the Coleman-Ney amendment. Vote ''no'' on Wolf.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding me this time.

Section 13(c) might have originally had a purpose back in 1964, but today it is used simply as a means to pursue broader labor objectives using transit grants as the hostage.

Section 13(c) guarantees benefits for displaced workers for up to 6 years after they have lost their jobs, 6 years. Local governments and transit authorities cannot afford that kind of featherbedding. It does not make sense in today's environment.

We hear about attacks on the working people of this country by repealing that. If you care about the working people of this country, what about the working person who has to take mass transit to work each day? It is coming out of their transit fares. They are going up and up and up, nibbling at their paychecks.

It just does not make sense in today's environment.

When I was chairman of the county board in Fairfax and tried to privatize some of our functions in order to save transit dollars, we found that 13(c) was not used to protect workers. It was used to halt privatization and other innovative ways that we could bring more inexpensive transportation means to provide for the average citizen, not those rich people in limousines who drive to work, but people who could not afford to get to work any other way. This is a working man's amendment to repeal section 13(c). Section 13(c) today holds transit agencies hostage to innumerable delay tactics which costs financially strapped agencies millions of dollars and for absolutely no benefit.

Its time is outdated. It is time to go. It is time to be repealed.

I urge the defeat of the gentleman's amendment.

Mr. COLEMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of the Coleman amendment and am proud to rise in support of working men and women in my district that are serving in the transit employment jobs.

The fact is you can talk about the specific provisions of those contracts. Name a single transit worker who has 6 years of support without working. In other words, we are getting the details of the contract, but not the practical impact. This provision is there to ensure people are not going to be arbitrarily let go, that they are not going to be fired without any recourse.

You know what; it works. That is apparently what the opponents of section 13(c) do not favor. You did not like working people having the opportunity to bargain and have decent wages and benefits, stability in our transit system, people that are licensed and qualified to do the job they are being asked to do, and they do it damn well in Minnesota. Mr. Chairman, we don't need to move to the lowest common denominator—we can be fair to workers without bankrupting the transit systems. Protecting and treating workers fair isn't the problem. The problem is budgets that cut workers' benefits and pay and break workers' contracts in the name of the GOP contract which extends lavish tax breaks to the affluent. Support the Coleman amendment and reject the Wolf amendment. Don't trade workers' rights and wages for political expediency.

□ 1500

Mr. COLEMAN. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this is a very unfortunate piece of legislation. In 1935 we made a basic decision in this country that we believed in the right of collective bargaining for working men and women, and now we see a whole series of measures to eliminate that right. Repeal of 13(c) simply eliminates the right to collective bargaining for mass transit employees.

Mr. Chairman, I spent almost 16 years in the State legislature trying to get funds from mass transit and to make sure they spent the funds rationally, and I still support that goal, and we have to have decent projects, but eliminating collective bargaining is not the way to go.

Mr. COLEMAN. Mr. Chairman, I yield myself 2 minutes, the balance of my time.

Mr. Chairman, first of all I want to say to my colleagues we have heard a lot of speeches down here about the letters that the chairman of the subcommittee has received from transit properties. These are the letters from transit workers.

My colleagues, let me tell you something. These are people with families. These are people who are trying to earn a living by working every day in the transit arena all across America.

These letters are not from transit properties who say, ''Save us money by cutting the wages, by not bargaining with workers that do the job every day to keep these transit properties functioning.'' There is absolutely nothing wrong with us reading these kinds of letters.

Let me tell my colleagues what they say. They say we understand the needs oftentimes to do things more rapidly. Some of the frustration about 13(c) is cited in these letters.

Let me tell my colleagues these are American citizens. They pay taxes, thank goodness. They have got jobs. But I want to clarify some of the myth

that has been circulated in the Dear Colleagues around here about 13(c).

First of all, striking this provision that was poorly added in the Committee on Appropriations that should not have been there in the first place should have come through the Committee on Labor. What they did was, of course, say, ''No, no, you can't repeal this because this way you won't get to change 13(c).'' False. Both the majority whip and the chairman of the Committee on Commerce, Science, and Transportation have been down here saying what are they doing? Nothing. Incorrect also.

Mr. Chairman, on June 29 the Department of Labor proposed changes in the rules so that in effect the revised guidelines mean that certification by the Department of Labor will occur within 60 days, within 60 days. Now that is reform. That is what the workers talk about. That is what the transit property owners talk about.

I say to my colleagues, ''You don't have to crush the workers in order to get reform of 13(c).'' I urge a ''no'' vote on the Wolf amendment, an ''aye'' vote on the Coleman amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for the remaining 3 minutes.

Mr. WOLF. Mr. Chairman, I was not going to say much, but I heard some of the stuff, and I just have to.

I come from a blue-collar family background. My dad was a policeman in the city of Philadelphia, helped start the Fraternal Order of Police; my mom worked in a cafeteria; and if my colleagues wanted to match blue-collar pedigrees, I will do it with just about any of them.

When I hear about people who are working with their hands, Jesus worked with his hands. He was a carpenter. I mean my colleagues are inferring that we do not care about people who work with their hands. That is not right, and my colleagues know it is not right.

There are a lot of people though who come and can afford the transit. There are neighborhoods whereby, if the transit stops after 10 o'clock at night, they cannot get home when they are working a 4-to-12 shift. That is what we are trying to do, to allow the transit to have the burden.

A young person in my district that lives out in the western end that comes into the Vienna stop pays $3.25 to take the ride in from Vienna, $3.25 back out, and $2 to park. A single parent with kids has a hard time doing that. That is what we are trying to get control of.

I heard the gentleman from Michigan [Mr. BONIOR] speak, and I have great respect for the gentleman. Frankly, if there was a 13(c) for rich CEO's, I will repeal it with the gentleman. If he wanted to offer it, I will get down there and repeal it. I agree they have too-high salaries, but I also agree the transit fares are too high because many working people cannot afford it.

In closing the debate it is really this: 13(c) was put in years ago, and it was a good law. It has now been abused. I do not know if we are going to be successful or not, but I tell my colleagues we have at least generated debate. If we are successful, that is going to be good for transit riders. If we are unsuccessful, I believe the committee and all of my colleagues who have spoken so eloquently, who I all respect and personally like, now have a obligation, an obligation not to be a phony, but to be real, and take this up, and reform it, and pass it whereby we can do these things, and I know many of my colleagues spoke eloquently and many of them or most are my friends, and I believe that we will do that.

The issue is vote ''no'' on Coleman, which really does not want to do anything because the act says his reform is meaningless. Vote ''yes'' on Wolf. Help keep the fares down, and help make it so working men and women can get to work without being driven out of business.

Ms. PELOSI. Mr. Chairman, repealing section 13(c) in the Transportation appropriations legislation is the wrong policy.

Section 13(c) ensures the collective bargaining rights of more than 200,000 transit workers across the country. What does this mean?

It means that when taxpayers make a Federal transit investment, employee-employer issues will be handled through collective bargaining where employees have voluntarily organized for that purpose.

It means that when Federal dollars are used, collective bargaining rights are there to protect the jobs, the pay, and the benefits of your hard-working, middle-class, neighbors who are transit employees.

Repealing section 13(c) continues the extreme Republican assault on working families. Transit workers, who play by the rules, are going to have their job protections stripped away.

Reform of section 13(c) is needed, is recognized by everyone that it should be done, including the Metropolitan Transportation Commission of the San Francisco Bay area. Indeed, the Department of Labor has proposed needed reforms which are under review by the Transportation and Infrastructure Committee.

Mr. Chairman, I strongly oppose repealing the worker protection provisions section 13(c) contains. It makes sure that when we spend taxpayer money, real, hardworking people get decent pay and job protections. Reject this extreme Republican assault on American families.

Ms. BROWN of Florida. Mr. Chairman, here we go again, another Republican attack against the working people. That's why I rise in support of the Coleman amendment to maintain workers' bargaining rights under section 13(c). Current language in the bill threatens the collective bargaining rights of more than 200,000 transit workers across the country.

Many Members on both sides of the aisle support sensible reforms of this program, but do not support repeal. They recognize that efforts to address the legitimate concerns by industry and by Members are ongoing.

The Transportation and Infrastructure Committee, of which I am a member, has jurisdiction over section 13(c). Our committee is reviewing the 13(c) program as well as the Department of Labor's recently released reform proposals.

DOL's proposed regulations would significantly reform the mechanism used for the administration of 13(c), thereby directly addressing the principal concern of the industry: the timely release of Federal transit grants. In short, the DOL regulations would ensure the certification of all transit grants in 60 days or less while preserving collective bargaining rights and longstanding protective provisions agreed upon by labor and management.

Efforts by the authorizing committee as well as the Labor Department to reform section 13(c) are far more sensible than using an appropriations bill to gut major labor legislation that for much of its history has enjoyed bipartisan support. This bipartisan support is best illustrated by a recent letter sent to the Speaker by 25 of our Republican colleagues opposing repeal of section 13(c).

I urge my colleagues to support the Coleman amendment and give the authorizing committee an opportunity to reform the 13(c) program. Let's preserve the collective bargaining rights of thousands of hard-working transit workers nationwide.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

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

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Texas [Mr. COLEMAN] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The unprinted amendment offered by the gentleman from Virginia [Mr. WOLF], and the amendment offered by the gentleman from Texas [Mr. COLEMAN].

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

AMENDMENT OFFERED BY MR. WOLF

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. WOLF] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The clerk will designate the amendment.

The clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 9, as follows:

[Roll No. 566]

AYES—201

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—224

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tate
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Bateman
Collins (MI)
Forbes
Harman
Hilliard
Jefferson
Moakley
Reynolds
Waters

□ 1527

Messrs. PETERSON of Florida, MINGE, and TIAHRT, and Mrs. COLLINS of Illinois changed their vote from ''aye'' to ''no.''

Messrs. DICKEY, BILBRAY, GOODLATTE, SMITH of Texas, SAXTON, SALMON, and SHADEGG, Mrs. CHENOWETH, and Mrs. LINCOLN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, on rollcall vote number 566 I am recorded as voting ''no.'' It was my intention to vote ''yes''.

AMENDMENT OFFERED BY MR. COLEMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas [Mr. COLEMAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 15, as follows:

[Roll No. 567]

AYES—233

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—186

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble

Coburn	Hobson	Paxon
Collins (GA)	Hoekstra	Petri
Combest	Horn	Pombo
Cooley	Hostettler	Porter
Cox	Hunter	Portman
Crane	Hutchinson	Radanovich
Crapo	Hyde	Ramstad
Cubin	Inglis	Regula
Davis	Istook	Roberts
Deal	Johnson (CT)	Rogers
DeLay	Johnson, Sam	Rohrabacher
Dickey	Jones	Roth
Doolittle	Kasich	Royce
Dornan	Kim	Salmon
Dreier	Kingston	Sanford
Duncan	Klug	Saxton
Dunn	Knollenberg	Scarborough
Ehlers	Kolbe	Seastrand
Emerson	LaHood	Sensenbrenner
Ensign	Largent	Shadegg
Everett	Latham	Shaw
Ewing	Laughlin	Shays
Fawell	Leach	Shuster
Fields (TX)	Lewis (KY)	Skeen
Foley	Lightfoot	Smith (MI)
Fowler	Linder	Smith (TX)
Franks (CT)	Livingston	Smith (WA)
Frelinghuysen	Lucas	Souder
Funderburk	Manzullo	Spence
Gallegly	McCollum	Stockman
Ganske	McCrery	Stump
Gekas	McInnis	Talent
Gilchrest	McIntosh	Taylor (MS)
Gillmor	McKeon	Taylor (NC)
Goodlatte	Meyers	Thomas
Goodling	Mica	Thornberry
Goss	Miller (FL)	Tiahrt
Graham	Molinari	Upton
Greenwood	Montgomery	Vucanovich
Gutknecht	Moorhead	Waldholtz
Hall (TX)	Moran	Walker
Hancock	Morella	Wamp
Hansen	Myers	Watts (OK)
Hastert	Myrick	Weldon (FL)
Hastings (WA)	Nethercutt	White
Hayworth	Norwood	Wicker
Hefley	Nussle	Wolf
Heineman	Oxley	Young (FL)
Herger	Packard	Zeliff
Hilleary	Parker	Zimmer

NOT VOTING—15

Abercrombie	Forbes	Pryce
Bateman	Harman	Reynolds
Becerra	Hilliard	Schaefer
Collins (MI)	Jefferson	Stearns
Cunningham	Moakley	Waters

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unable to make a rollcall vote on the Transportation appropriations bill today, No. 567, the Coleman amendment. Had I been present, I would have voted ''yes.'' I ask that that vote be reflected at the end of the rollcall vote for that particular amendment in the RECORD.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, rollcall No. 566, had I been present, I would have voted ''no.'' Rollcall No. 567, had I been present, I would have voted ''yes.'' I would like the RECORD to reflect, due to unavoidable delay, I was unable to be present.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Chairman, I did not realize this was a 5-minute vote. I was sitting in the cloakroom and missed the last vote.

I asked that the RECORD reflect that I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Chairman, on the last vote, I did not participate. I ask that the RECORD reflect that had I been present, I would have voted ''no.''

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—PROVIDING FOR THE ADOPTION OF MANDATORY STANDARDS AND PROCEDURES GOVERNING THE ACTIONS OF ARBITRATORS IN THE ARBITRATION OF LABOR DISPUTES INVOLVING TRANSIT AGENCIES OPERATING IN THE NATIONAL CAPITAL AREA

SECTION 401. SHORT TITLE.

This title may be cited as the ''National Capital Area Interest Arbitration Standards Act of 1995''.

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than ⅔ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

SEC. 403. DEFINITIONS.

As used in this Title—

(1) the term ''arbitration'' means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term ''arbitrator'' refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's ''funding ability'' is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term ''interstate compact agency operating in the national capital area'' means any interstate compact agency which provides public transit services;

(5) the term ''interstate compact agency'' means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term ''public welfare'' includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

SEC. 404. STANDARDS FOR ARBITRATORS.

(a) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) COMPACT AGENCY'S FUNDING ABILITY.—An arbitrator rendering an arbitration award involving the employees of an interstate

compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) REQUIREMENTS FOR FINAL AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

SEC. 405. PROCEDURES FOR ENFORCEMENT OF AWARDS.

(a) MODIFICATIONS AND FINALITY OF AWARD.—In the case of an arbitration award to which section 404 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award with in 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this title or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 404.

The CHAIRMAN. Are there amendments to title IV?

If not, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Department of Transportation and Related Agencies Appropriations Act, 1996''.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER: At the end of the bill, add the following new title:

TITLE V

ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

Mr. NADLER. Mr. Chairman, I, along with the gentleman from California [Mr. ROYCE], the gentleman from Minnesota [Mr. MINGE], the gentleman from Wisconsin [Mr. NEUMANN] and with strong support from the Porkbusters Coalition, the Council for Citizens Against Government Waste, and the National Taxpayers Union, offer this amendment to keep valuable taxpayers' dollars from being wasted on an outrageous boondoggle in my district in New York City.

The issue is simple. In my district, there is an elevated highway, 13 blocks long, about three-fifths of a mile. This elevated highway, we have just finished repairing it just last December for about $92 million of the taxpayers' money.

Now Donald Trump wants the taxpayers to shell out another $350 million to tear down this brand-new highway and move it a few hundred feet so that it will not interfere with the site lines of the prospective purchasers of the apartments in a new high rise luxury development he plans to build adjacent to it.

Mr. Chairman, no one even claims that there is any transportation purpose for this project, no transportation purpose whatsoever. The only purpose of this boondoggle is to enable potential buyers of the luxury apartments in Donald Trump's project to have an unobstructed view of the Hudson River, thereby increasing the potential sales price of these units and the potential profits gained by the investors in Mr. Trump's project.

I would like to point out that the local State Senator, the local assembly member, the local city council member, the two local community planning boards in New York City, the Coalition for a Livable West Side, and 4,000 New Yorkers whose signatures are on petitions I hold here, strongly oppose this project.

I want to thank the gentleman from California [Mr. ROYCE], the gentleman from Minnesota [Mr. MINGE], and the gentleman from Wisconsin [Mr. NEWMANN], the Porkbusters Coalition, the Council and Citizens Against Government Waste, and the National Taxpayers Union for the strong support they have given this amendment and the work they have done to put the brakes on this boondoggle.

Much has been said in this Chamber in recent months about balancing our budget, stopping waste and putting an end to taxpayers subsidies for millionaires and billionaires. Today we have an opportunity to buttress these statements with action.

Donald Trump has been quoted as saying, ''I discovered for the first time but not the last that politicians do not care too much what things cost; it is not their money.''

Well, it is our constituents' money. This bipartisan coalition is answering Mr. Trump's cynicism by saying no.

I urge my colleagues to vote for the Nadler-Royce-Minge-Neumann amendment to send a clear message that the days when a little influence peddling could get the Federal Government to take the taxpayers for a ride by spending $350 million to tear down a brand-new, perfectly good highway and move it just to increase someone's profits are over.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

The gentleman from New York proposes a limitation on funds to proceed with construction of the Miller Highway in New York City. As I understand it, he claims that Donald Trump is seeking to use taxpayer funds to tear down and move a newly refurbished highway to enable him to build luxury housing on the west side of Manhattan. I think the amendment, as I understand it, represents good government and I support it.

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

I rise, Mr. Chairman, in support as well of the Nadler amendment. I wanted to praise my colleague for spearheading this effort to eliminate pork from his own district.

The Miller Highway in Manhattan has just been renovated at a cost to taxpayers of $92 million. It was completed, this renovation, in December, just 8 months ago. So now we are looking at a highway that has a life of 35 to 40 years. The intent of this amendment is to disallow this newly refurbished, taxpayer funded, multimillion dollar highway from being demolished and moved at an additional cost of $350 million.

Why would that be done? It is not because the highway is unsafe or because advances have made the highway unnecessary, but because this brand-new highway does not guarantee a spectacular river view of a projected housing development nearby. I have heard the view lots are expensive, but $350 million, frankly, colleagues, is too much.

Not only does our colleague from Manhattan oppose this boondoggle; it is also opposed by many local officials, including, I am told, the mayor of New York, Rudolph Giuliani, so I defer to their wisdom as to what is not good for their district. I strongly support the Nadler amendment. I urge my colleagues to do the same.

□ 1545

Mr. COLEMAN. Mr. Chairman, I rise in support of the amendment. This side of the aisle supports the amendment offered by the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS: At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for planning or execution of the military airport program.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 10 minutes.

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

Mr. Chairman, in 1990 the Members of this body came up with a piece of legislation that embodied a good idea. That good idea was that if we are going to be closing military airports that had the potential for civilian use, that we ought to apply some of the funds that we use for airport improvement toward those airports, so they could serve two objectives: first, so they could serve the objecteive of making potentially successful civilian airports occur; and the second objective was so we could lighten the load on our traffic problem in major metropolitan areas. Therefore, we set up this program which said that when we had a military airport that was either closed or due for closure, that we could convert it as long as it served the twin purposes of being viable at some point and served the purpose of lightening the traffic problem in major metropolitan areas of the country. Thus was born the Military Airport Program.

Mr. Chairman, in the 1996 appropriations bill which is in front of us, $37 million has been set aside for this program, which is an increase of about $6 million over last year's appropriation. Mr. Chairman, I would submit that this is a good idea which is not being carried out and executed the way the program is being presently run.

Since 1990, 12 airports have received funding under this particular proposal. In 1994, the GAO issued a report analyzing the extent to which the FAA had complied with the conditions of the 1990 law which set up this program. Here is what the GAO had to say: ''Nine of the 12 airprots in the Military Airport Program do not meet the level established program goals. Five of the airports are not located in congested air traffic areas and are unlikely to increase capacity, and nine of the airports selected had already been operating as joint or civilian airports for 10 or more years.''

Mr. Chairman, this is the legislative equivalent of us saying that we have a traffic problem in certain areas of the country, and setting aside highway funds to alleviate the traffic problem, whether it be in Washington, DC or Philadelphia or New York or Los Angeles or some highly traveled area, and then spending the money in isolated areas that do not have a traffic problem.

This was a good idea. It said that military airports that could be successfully converted for civilian use ought to, if that conversion would ease the air traffic control problem and flight problems that we have in the country. The problem is that the good ideals and good ideas behind this legislation have in fact never been carried out.

I would suggest that the solution, Mr. Chairman, is not to abolish this program, because it is a fundamentally good idea. The solution embodied in my amendment is for a timeout. It is to say that for the present fiscal year, let us not throw good money after bad. Let us take a deep breath, let us go back to the authorizing committee, so it can analyze the results of this GAO report and other criticisms of the program, and make it work better.

It says, again to use the analogy of the highway program I talked about earlier, if we are setting aside taxpayers' money to alleviate traffic, let us alleviate traffic. Let us not put the money into road projects in parts of the country that do not need it.

Mr. Chairman, I have no doubt that we will hear in the minutes ahead, and I have no doubt of the accuracy, that many of these projects are worthy, they are beneficial to the areas that they serve, and are justifiable on any of a number of host of criteria. The problem is that those criteria meet the conditions of the General Airport Improvement Program, for which any airport in America can apply and compete fairly for the funds. They typically do not meet the criteria set forth by the Congress when it enacted this law in 1990.

Put simply, my amendment says, ''Let us take a time out. Let us not throw good money after bad. Let us take the $37 million out of this amendment that is in for 1996, let us go back to the authorizing drawing board, and let us not throw good money after bad.''

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

The CHAIRMAN. Is the gentleman from Virginia [Mr. WOLF] in opposition to the amendment?

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

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Military Airport Program is designed to convert for civilian use airfields on military bases which are closing, and to allow civilian use of current military airfields. The program is intended to focus on military airfields in congested areas, thereby opening up and adding needed capacity to the national aviation system, which it clearly needs.

Mr. Chairman, I am aware of the GAO report that the gentleman mentions, but under the new management the FAA is working to resolve the issue, and frankly, if they do not, then I will be inclined next year when the gentleman offers the amendment to, frankly, accept the amendment or to do something. However, until they are given that time, I think the amendment is wrong. Certainly with the Base Closure Commission continuing to close these facilities that are no longer needed, we should take advantage of the airfields that were built at Federal expense which could relieve airway congestion at the busier, larger airports.

Mr. Chairman, I urge a ''no'' vote.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN] and ask unanimous consent that he be permitted to allocate the time.

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

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Chairman, I was chairman of the Subcommittee on Aviation of the Committee on Public Works and Transportation when this program was initiated. At the time we included a provision in the AIP program to convert military airfields to civilian use or to joint use, we were experiencing enormous delays costing over $7 billion to air travelers in the late 1980's and early 1990's.

In fact, last year there were 248,000 delays of 15 minutes or more at America's major airports. That is down 20 percent since we initiated this language providing for conversion of military airfields and since we initiated expansion of our airport capacity.

There are 500 million passengers traveling by air in the United States. Ninety-four percent of all paid intercity travel in America is by air. We have half of all the world's air transportation in the United States. We cannot expand infinitely all existing airports. We need to make use of the available resource of military airfields that are being closed down and convert them to either all civilian use or joint use with military facilities, and we are doing that.

Our committee last year held hearings on the GAO report that the gentleman from New Jersey has referenced, and we made corrections, we made adjustments as GAO recommended, and we included those

changes in the legislation. There is no need for further delay, stop now, take another look, do not proceed with this program.

It is extremely important that we proceed to use the capacity of existing military airfields, so we do not have to spend the billions of dollars that it will take to build new airports, or billions of dollars to expand existing airports, but use those facilities that are already in place for a very modest percentage of what it costs to build a new airport. Defeat the amendment. It is ill timed and ill advised.

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

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this amendment. My good friend, the gentleman from New Jersey, [Mr. ANDREWS], is absolutely correct when he says this was a good idea, but it was an idea that had problems with it. GAO was correct when they identified these problems. The key point here, however, is that as a result of identifying these problems, we took action to correct these problems, and in the AIP bill we rewrote the law.

For example, we required that the fund could be used for these military airports only if they reduced delays at airports with 20,000 hours of annual delays or more, so we have already acted, based on the GAO report, to correct these problems. Therefore, there is no reason for further delay.

Mr. Chairman, I would add that the FAA has also acted to tighten up their approvals and their oversight on this particular provision, so there is no reason to delay. The need exists and we should proceed. I assure the gentleman from New Jersey, if we uncover other problems, we will deal with those problems in the AIP program, the Airport Improvement Program, when it next comes before this House.

Finally, Mr. Chairman, I would point out that this amendment will not save a penny. It would merely reallocate the money to other portions of the program. Mr. Chairman, that would be a good idea if the problem still existed, and if there were better places to spend the money. The fact is, this is a very worthy program. Indeed, with the base closings, with the increase in air traffic, with the increase in passenger travel, and indeed, in the past 8 or 9 years, we have had more than a doubling of passenger travel.

For all those reasons we should reject this amendment, this well-intentioned amendment, because a year ago it would have made a lot of sense, but the problems have been corrected, so I would urge that we defeat this amendment.

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

Mr. COLEMAN. Mr. Chairman, I am happy to yield the balance of my time to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey [Mr. ANDREWS]. I will not go into the merits of the program. I think that has been discussed by both the former chairman of the Subcommittee on Aviation and the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER].

Let me say to my friend from New Jersey that he cites a couple of problems within the program that the GAO has indicated in their study, and he indicates that he agrees with the GAO report. Let me just cite for a second a case in point as a model example under this program.

Scott Air Force Base, in my congressional district in southwestern Illinois, was one of the first military airports funded under this program. In the last 3 years, Scott Air Force Base has received over $20 million in order to move forward with a civilian airport at Scott. Let me also say that this $20 million has been used as leverage by the State of Illinois and local officials, and the State now has committed a substantial amount of money from the State of Illinois and the county of St. Clair.

In addition, Mr. Chairman, the FAA has made substantial commitments to the civilian airport at Scott. Let me tell the Members that without the MAP program, Scott Air Force Base and Mid-America Airport at Scott would not be under construction today. Because of the MAP program, we will have a new civilian airport at Scott Air Force Base. Mid-America Airport is due to open in November of 1997, which will provide relief to St. Louis International Airport and create thousands of jobs in the St. Louis metropolitan area. I assure my colleagues that we would not have seen the progress that we have seen so far in Mid-America Airport had it not been for this program.

Mr. Chairman, let me finally conclude by saying that we have, through the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, acted on the 1994 GAO report. As my colleague, the distinguished chairman of the committee, has indicated, they have acted upon the report.

I would ask my colleagues to join the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Virginia [Mr. WOLF], the gentleman from Texas [Mr. COLEMAN], the gentleman from Minnesota [Mr. OBERSTAR], and others to oppose the amendment.

The CHAIRMAN. The Chair would inform the Members that the gentleman from New Jersey [Mr. ANDREWS] has 5 minutes remaining, the gentleman from Virginia [Mr. WOLF] has 7 minutes remaining, and the gentleman from Virginia [Mr. WOLF], has the right to close.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

□ 1600

Mr. COLEMAN. I thank my colleague the gentleman form New Jersey for yielding me the time.

Mr. Chairman, first of all I respect very much what the gentleman from New Jersey perceives to be a significant problem in terms of dealing overall in a budget-tightened environment.

I think that we should not hasten to say that the idea of this amendment was all wrong. I think the problem that the chairman and I have in the subcommittee and others who have spoken out against this amendment is that we need to think about what the effect of an amendment is if and when it is passed. In this instance, I believe, I may be incorrect and maybe the gentleman could correct me, but my understanding of the situation will be that funding for 12 airports that are currently in the program located in New York, Texas, Illinois, New Mexico, South Carolina, New Hampshire, Nebraska, Tennessee, California, and Guam would be cut out of the bill were this amendment to prevail. I do not like changing the rules in the middle of the stream. I think that what we need to do is work with the gentleman and others who have problems with this program and tighten down the parameters of it so that we do not do the things that the gentleman from New Jersey may indeed be correctly concerned and worried about.

I would just say to the gentleman from New Jersey, I certainly understand his amendment. He has my commitment to work with him in the future should this amendment not prevail.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 4 minutes.

Mr. ANDREWS. I appreciate the questions, Mr. Chairman, that have been raised during this debate. I would like to attempt to answer them. Does it not make sense to help military facilities that were on the base closure list convert to civilian use? Yes. But only 2 of the 12 facilities we are talking about were on the base closure list. The other 10 were used for either mixed or strictly civilian use for dates going all the way back to 1952. This is really not something that is being done in the context of the base closure list.

Should we not be doing something to deal with the very serious problem of the overflow of air traffic in the country? Absolutely. But here is what the GAO said in 1994 about this program:

> The FAA has made no efforts to better define such needs or to develop a mechanism for allocating funds. Also, the FAA has not analyzed the impact of the program on enhancing capacity in major metropolitan areas or system-wide.

I think the burden of proof for changes that have occurred since that report a year ago should be on those who want more taxpayer money for the program. My suggestion would be, let them prove it is working first, then let's give some more money perhaps in the 1997 appropriations bill, after we see the changes that I accept have attempted to be made.

The question is, What would happen to the 12 projects that are under consideration, that are more than under consideration, that are under way? The answer is there would be a 12-month interruption in their funding. I realize that would be difficult and undesirable. During that time, the authorizing committee could reexamine this situation, analyze what works, what does not work and bring legislation to the floor which could go forward and expedite solutions to these problems. Again, I think you fix it first, and the input more money into it.

Finally, the distinguished chairman of the authorizing committee, the Committee on Transportation and Infrastructure, says, ''Well, if the amendment were to pass, it would just go right back into the bill, anyway. It would not really save any money.'' I take at face value, Mr. Chairman, representations by the chairman of the Committee on Rules and others on the majority side that we are going to have a lock box amendment at some point in this Congress that will probably work retroactively. As I understand the commitments that have been made on the majority side, when the Brewster-Harman lock box amendment finally reaches its way to the floor and is enacted as I believe it will be, it will go back and capture any savings that were taken out of these bills over the last weeks.

I would just suggest to this: We are being asked in this Congress to make some very difficult and controversial decisions—about less money for reading teachers to teach children how to read, less money for Medicare, abolition of programs that help senior citizens pay their heating and air conditioning bills, questions about funding for research about some of our more serious diseases, an appropriations bill coming here later this week that cuts funding for Head Start.

I am not saying this program is a bad idea. I am not saying everything that has gone on under it has been all bad. That is certainly not true. But I am saying in that environment, in this context, should the burden of proof not be on those who claim the program ought to be fixed to show it has been fixed? I do not think they have met the burden of proof. I think the right thing to do is to prove this amendment, cut out funding in 1996, fix the program by 1997 and then refund it when it makes sense and is working the way it is supposed to.

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

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], chairman of the Subcommittee on Aviation.

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

Mr. DUNCAN. I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I oppose the amendment being offered by Mr. ANDREWS.

This amendment would eliminate funding for the military airport program. This program sets aside only 2.5 percent of airport improvement program funds for military airports.

Converting military bases to civilian use saves the taxpayers money. The $37 million we would spend next year to help convert military bases to civilian airports would increase airport capacity and help reduce congestion and delays.

It is much cheaper than building new airports such as the one at Denver that cost more than $4 billion.

I am aware that GAO criticized the management of the military airport program in a report last year.

However, as chairman of the Aviation Subcommittee, I am prepared to eliminate the military airport program as part of the AIP reauthorization if necessary. But the subcommittee needs an opportunity to examine this worthy program in light of the GAO report, legislative changes made in response to that report, and recent developments. Eliminating the program now in this bill would be premature.

Therefore, I urge the defeat of this amendment.

Mr. Chairman, I include the following letter for the RECORD:

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES, KING STREET, ALEXANDRIA, VA

July 24, 1995.

Hon. JOHN J. DUNCAN JR.,
Chairman, House Aviation Subcommittee,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the thousands of men and women who manage and operate our nation's airports, I am writing to express our opposition to amendments to H.R. 2002 to be offered by Representative Andrews (D–NJ) to lower the funding level for the Airport Improvement Program (AIP) and limit funding for the Military Airport Program.

The Airport Improvement Program has suffered dramatic funding reductions over the past several years. This amendment would cut yet another $37 million from the program and would represent a step backward. Any proposed changes to the Military Airport Program are more properly considered in the context of next year's reauthorization of the Airport Improvement Program, not in H.R. 2002.

Please oppose the Andrews amendments to lower the AIP and/or Military Airport Program funding levels currently contained in H.R. 2002.

Thank you for your leadership on this important issue.

Sincerely,

CHARLES M. BARCLAY,
President.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia is recognized for 1 minute.

Mr. WOLF. Mr. Chairman, I rise again in opposition to the amendment. The point that it does not save any money has been made. Also, a number of these communities have been fairly hard hit by base closings.

I have a community in my own district, and we do not have an airport so it is not involved in this. But I know how hard hit the community was. To do this to them would be inappropriate. I would ask that there be a ''no'' vote on the amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to the amendment offered by the distinguished gentleman from New Jersey [Mr. ANDREWS]. This amendment would eliminate an important and successful aviation program.

The Military Airport Program encourages a more efficient use of existing airports by facilitating the conversion and joint use of military airports for civilian purposes. In addition to avoiding unnecessary duplication, the Military Airport Program helps relieve congestion and enhances safety.

This Member believes it would be a serious mistake to eliminate a program which has provided significant benefits since its creation and offers tremendous potential in the coming years. As additional military bases are closed, there will be an increased need to facilitate their conversion to civilian uses. The Military Airport Programs will help meet this need.

This Member urges a ''no'' vote on this harmful amendment.

Mr. MINETA. Mr. Chairman, I strongly oppose the amendment which would abolish the important program which develops military airports for civilian use.

The Department of Defense has closed a number of military airfields in the past few years. If these airports can be converted to civil use they can make a substantial contribution to our aviation system.

The Military Airport Program is particularly important because it funds types of development which are not eligible under the basic AIP program. The eligible development includes development of terminal buildings, gates, parking lots and utility systems. These are the types of development most needed to convert military airports to civil use.

Since the military program was authorized in 1990, it has funded development at 12 airports. The program has made a substantial contribution to developing out civil airport system. It can make an even greater contribution in the future.

In support of his amendment, my colleague cites a 1993 GAO report which criticized the military program. GAO's report was fully considered when we reauthorized the airport program last year. We found much of the criticism to be misdirected, reflecting GAO's theories of what priorities should be followed in the program. These priorities were exclusively GAO's; they were not part of the governing law which we had passed.

The bottom line is that the conference committee decided, on a virtually unanimous and bipartisan basis, to renew the military program, notwithstanding the GAO criticisms.

There is no reason to reverse our decision at this time. I urge a ''no'' vote on the amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ANDREWS].

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

RECORDED VOTE

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 5, noes 416, not voting 13, as follows:

[Roll No. 568]

AYES—5

Andrews
Klug
Lincoln
Stupak
Torkildsen

NOES—416

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

NOT VOTING—13

Bachus
Bateman
Collins (IL)
Collins (MI)
Forbes
Gillmor
Hall (OH)
Harman
Hilliard
Jefferson
Moakley
Reynolds
Rose

□ 1628

Mr. REED changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall No. 568, the Andrews amendment on H.R. 2002, the Transportation appropriations bill, I was unavoidably delayed. Had I been present, I would have voted ''no.'' I ask that my statement appear in the RECORD immediately following rollcall No. 568.

□ 1630

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the staff of the transportation appropriations subcommittee for their yeoman work over the past 7 months in putting this bill together. Starting early this year with the dozens of hearings we held, working long days and nights drafting the bill for the subcommittee markup, moving the legislation through the full committee and bringing the bill to the floor today, I salute John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and Deborah Frazier of the subcommittee staff as well as my associate staff member, Lori-Beth Feld Hua. In my first year as chairman of the subcommittee, these men and women have provided invaluable help as we have worked to develop a bill which is responsive to the transportation needs of America and the American taxpayers, and I am proud to be associated with them.

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

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I wanted to, if I might, to the chairman, the gentleman from Virginia, add my thanks and congratulations to the staff that he named, and I wanted to add, if I might, the minority staff, Cheryl Smith, Christy Cockburn, my associate staff, Bob Bonner, Terry Peel, and I wanted to thank all of them collectively together. Without all of their work, we could not have brought the bill out.

Mr. MARTINI. Mr. Chairman, I rise today with regard to my support for the Transportation appropriations bill for fiscal year 1996. I must commend Congressman FRANK WOLF, the chairman of the Subcommittee on Transportation of the Appropriations Committee, for taking the necessary steps to produce a balanced bill which weighs the needs to our Nation's infrastructure against the need to organize our fiscal house.

The state of our Nation's infrastructure is one of the most vital issues facing this Congress and our country. The free flow of commerce over the Nation's highways, railways, rivers, oceans, and air provides the basis for our national economic stability. There would be no commerce absent of the means to transport goods over the miles of infrastructure found throughout this great country. Furthermore, the ability to defend this country in a time of need will become exponentially more difficult if we neglect transportation issues.

Funding for the New Jersey Urban Core project, currently appropriated in the bill, is vital to the residents of my State. It is critical in terms of jobs and essential in regards to our mass transit system. The Urban Core project seeks to link several existing New Jersey transit rail lines and modernize the equipment and facilities in order to make travel on the rail network quicker, safer, and more convenient to all current and future patrons. Innovative programs of this nature are a developmental imperative. They will propel our country into the 21st century.

Today, guaranteeing safe and efficient transportation is of the utmost importance. Planes, trains, and automobiles are the chosen modes of transportation. In a world increasingly characterized and reliant upon the clock, dependable mechanisms of transportation are crucial. In the race to provide efficient transportation, we must remember that a strong emphasis on safety is our duty.

Mr. Chairman, I ask my colleagues to support this measure because it will move our country forward to meet the future transportation and infrastructure needs of American citizens.

Mr. STOKES. Mr. Chairman, I rise today in strong opposition to H.R. 2002, the fiscal year 1996 Transportation Appropriations bill. Though this bill possesses many provisions that are flawed, I am particularly concerned by the bill's repeal of section 13(c) of the Federal Transit Act that protects transit employees' collective bargaining rights.

Contrary to the representations of the proponents of this bill, the record of section 13(c) has been a success. The program is designed to protect the rights of America's transit workers by requiring the secretary of labor to certify that local transit authorities have met certain criteria for preserving transit workers' existing collective bargaining rights, and protects workers from losses caused by transportation grants made by the Federal Government. The Department of Labor has effectively and efficiently administered this program for over 30 years.

Unfortunately, the repeal of section 13(c) represents a clear and unrestrained attack on the working men and women of this country. It is no coincidence that this attack has been included in this appropriations bill. Contrary to the claims of the new Republican majority that the repeal of section 13(c) will result in cost savings and increased efficiency, the majority's real objective is to take away from the American worker the rights and privileges they have worked so hard and so long to achieve.

The impressive performance of section 13(c) is reflected in more than 1,000 grants, totaling more than $4 billion, that are distributed every year while protecting the rights of transit workers. This successful partnership with the Federal Government has helped ensure that an infusion of Federal funds is not used to diminish the living standards of other workers in local communities. Since 1964, the bipartisan support of section 13(c) has been reaffirmed in legislation enacted in 1968, 1974, 1982, 1987 and most recently in 1991 in the Intermodal Surface Transportation Efficiency Act.

For over 30 years, the transit employees collective bargaining and job protection program have served to help ensure collective bargaining rights for over 200,000 public and private sector transit workers throughout this Nation. There is no doubt that this program now under attack has made tremendous progress in the areas of job security, fair wages, and working conditions for thousands of Americans in the transportation industry.

Not only has the section 13(c) program improved the lives of transit workers and their families, it has also brought remarkable labor relations stability to a transit industry that has undergone dramatic changes. Further, the program has served to ensure the structured introduction of technological and service improvements for all Americans. This added stability has decreased the cost of transportation to industry, local governments and private citizens.

Mr. Chairman, beyond the fact that the section 13(c) program has been good for America, it has also proven to be the right thing to do. The rights of workers to organize and use collective bargaining as a means of protecting work rights is essential to the American labor movement. The rights of transit employees to choose their representatives and engage in collective bargaining is just as fundamental. Without the collective bargaining provisions of section 13(c), the scales would be unfairly weighted in favor of management and against the working men and women of America.

I would also like to add that the attempt by the majority to curtail worker rights is also inappropriate because it circumvents the appropriate authorizing committee that should consider the proposed repeal of this important law. With limited opportunity for debate and hearings this repeal of the section 13(c) legislation in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the United States House of Representatives. This attempt to short circuit the process can only have one result, the compromise of not only the rights of American transit workers but also the right of the American public.

Mr. Chairman, in closing, H.R. 2002 reflects my colleagues' desire to sacrifice the interests and obligations of this country to the working men and women of America in exchange for short term gain and inequality. I urge my colleagues to vote against this bill.

Mr. DELAY. Mr. Chairman, section 330 of the bill relates to the Corporate Average Fuel Economy Program which is administered by the National Highway Traffic Safety Administration. The section imposes a 1-year freeze on the ability of NHTSA to increase the CAFE standards for passenger cars and light trucks and vans.

This provision has strong bipartisan support as evidenced by a Dear Colleague letter circulated last week which includes the signatures of the minority leader and the minority whip, as well as several of my Republican colleagues.

Mr. Chairman, NHTSA is in the process of rulemaking activity on CAFE, which could result in a sharp increase in the standards for light trucks and vans. Because of the light truck market now represents over 40 percent of total vehicle sales and it is a segment which is dominated by domestic manufacturers this action would be devastating to the Nation's economy.

The purpose of Section 330 is to establish a pause in this rulemaking process, to give the Congress an opportunity to review the CAFE program, to determine if the underlying statute, written more than 20 years ago, is still adequate in light of current circumstances. In fact, the authorizing committee has already begun that process, with a hearing which was held last Monday in the Commerce Committee's Energy and Power Subcommittee.

In offering this provision in subcommittee, it was my intent that NHTSA would withhold any further action directed toward increasing CAFE standards, and that the CAFE standards for light trucks and vans for the 1998 model year, which must be issued during fiscal year 1996 to meet industry's lead-time requirements, should be identical to the standard that is currently in effect for those vehicles for the 1997 model year. This intent is clearly stated in the committee report which accompanies the legislation.

Mr. Chairman, I also want to clarify that it was the committee's intent that although this provision would not take effect until the fiscal year which begins on October 1, we fully expect that the agency will follow its regular rulemaking process, and will not rush to action on any increase in CAFE standards, in order to try and beat this deadline. Such an action would clearly be counter to the intent of the House, and would not be viewed favorably by this member of the Transportation Appropriations Subcommittee.

Ms. FURSE. Mr. Chairman, I rise today in support of H.R. 2002. I commend Chairman WOLF and Ranking Member COLEMAN, and all the members of the subcommittee, for their hard work on this legislation.

I am pleased that the bill before House today includes $85.5 million for the Westside Light Rail Project in my district. Westside Light Rail is the Oregon's top transportation priority, and an integral part of our State's planning for the 21st century. Combined with Oregon's land-use planning laws, Westside Light Rail will serve as the heart of efforts to manage the massive growth our region expects over the next 20 years.

Earlier this year, I was pleased to help organize a remarkable panel which testified in favor of Westside Light Rail before the fiscal year 1996 Transportation Appropriations Subcommittee. It included both Democratic and Republican members of Congress, State and local officials, as well as representatives from the private sector business, all of whom strongly support the project. All these groups know that Westside Light Rail is a integral link with virtually every facet of our community in Oregon, and is key to our future. Oregon is so supportive that in 1990, voters approved a bond for $125 million by 74 percent. In fact, the project to Hillsboro is an overmatch—we are providing 33 percent in local funds rather than the required 20 percent.

This year, I was proud to meet with every member of the Transportation Appropriation Subcommittee and bring them up to date on Westside's progress. Westside Light Rail is one of my top priorities in Congress, and I am pleased that this legislation recognizes its importance to Oregon's future.

I urge my colleagues to pass H.R. 2002.

Mr. ORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, since my election to this House in November 1990, I have been an ardent supporter of the line-item veto. For the most part, our effort has been bipartisan. Not only have Republicans worked for this concept, but many Democrats, including President Clinton, have labored in this effort. In the last Congress, I helped to forge the agreement which brought similar legislation to the House under Democratic leadership. That legislation passed this House, not once but twice, with bipartisan support only to die in the other House.

Recognizing the bipartisan support and the overwhelming public support for the concept of a line-item veto, the Republicans included it in their Contract for America. It was called a ''cornerstone'' of the contract and was filed

as H.R. 2, the second piece of legislation filed this Congress.

During debate on H.R. 2, Mr. SOLOMON, chairman of the Rules Committee stated:

> We got a Democrat President and here is Solomon up here fighting for the same line-item veto for that Democrat President.

In the same debate, Speaker GINGRICH stated:

> We have a bipartisan majority that is going to vote for the line-item veto. For those who think that this city has to always break down into partisanship, you have a Republican majority giving to a Democratic President this year without any gimmicks an increased power over spending, which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United State [sic] without regard to party or ideology.

With great fanfare, on February 6, President Reagan's birthday, the House passed H.R. 2, line-item veto by a vote of 294 to 134. The other body has also passed its own version of line-item veto.

But then what happened? Nothing. Since the House and Senate versions of the line-item veto differ, the normal course of legislative action would be to appoint members of a conference committee to work out those differences and report back the legislation to both Houses for final passage. It could take a few days or even a few weeks to resolve the differences. But much more complex legislation has been conferenced in much less time.

If the line-item veto were truly a priority, you would think that conferees would have been appointed immediately and the conference would have moved forward rapidly toward final enactment. However, to date no conferees have even been appointed.

I have been extremely disturbed by the news coming from the Republican leadership.

On June 7, the headline of the Washington Times read: ''GOP Puts Line Item on Slow Track.''

In that article, Chairman SOLOMON is quoted:

> Perhaps the best thing is to wait until fall when the Budget is finished. There is no sense in going through with it now.

On July 13, the headline of the Washington Times read: ''Line Item Veto * * * Bites the Dust.''

In that article, Speaker GINGRICH is quoted: ''My sense is that we won't get to it this year.''

Last week the headline of the New York Times read: ''Push for Line Item Veto Runs Out of Steam.''

The article stated:

> No Republican in Congress could be found who would concede that he or she is less eager for a line-item veto now that Republicans are in control, but many, like Mr. McCain and Mr. Solomon, ascribe those feelings to unidentified colleagues.

Mr. Chairman, the people of the United States and Members of this House overwhelmingly support line-item veto. It is unacceptable for the leadership to tell them we will pass it, and then sit and do nothing.

Therefore, last week I went to Rules Committee and asked for a rule to allow me to offer an amendment to add line-item veto to the transportation appropriations bill.

The committee apparently thought it was such a great idea, that they made it in order for Chairman SOLOMON or Chairman CLINGER to offer such an amendment, stating that it was their idea.

Pride of authorship is not important here; passage of the line-item veto is. Therefore, I support the Solomon amendment and urge the gentleman from New York to offer it now.

However, it appears that this amendment will not be offered if the Speaker promises to appoint conferees. If that is the case, the appointment of conferees at this late date, and only after being forced to do so by this amendment, will appear to be a hollow and transparent act calculated to once again remove the line-item veto from public attention and further delay any significant action to keep our promises and enact the line-item veto.

I ask the chairman of the Rules Committee to offer his amendment. If he does not wish to do so, I ask him to appoint me his designee to offer the amendment so that line-item veto will be taken off the slow track, will not run out of steam, will not bite the dust, but will be placed where it belongs on the fast track toward bipartisan enactment.

Mr. Chairman, if he is not here to do so, I send an amendment to the desk.

AMENDMENT OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows;

Amendment offered by Mr. ORTON:

At the end of the bill, add the following new title:

TITLE V—LINE ITEM VETO

LINE ITEM VETO AUTHORITY

SEC. 501. (a) IN GENERAL.—Not withstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of the dollar amount of any discretionary budget authority specified in this Act, or the conference report or joint explanatory statement accompanying the conference report on this Act, if the President—

(1) determines that such rescission—

(A) would help reduce the Federal budget deficit;

(B) will not impair any essential Government functions; and

(C) will not harm the national interest; and

(2) notifies the Congress of such rescission by a special message not later than 10 calendar days (not including Sundays) after the date of the enactment of this Act.

(b) DEFICIT REDUCTION.—If the President submits a special message under subsection (a), the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by the special message.

(c) LIMITATION.—A special message submitted by the President under subsection (a) may not change any prohibition or limitation of discretionary budget authority set forth in this Act.

LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED

SEC. 502. (a) IN GENERAL.—Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) CONGRESSIONAL REVIEW PERIOD.—The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session, beginning on the 1st calendar day of session after the date of submission of the special message, during which the Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) SPECIAL RULE.—If a special message is transmitted by the President under this title and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the 1st Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such 1st day.

CONGRESSIONAL CONSIDERATION OF LINE ITEM VETO

SEC. 503. (a) PRESIDENTIAL SPECIAL MESSAGE.—If the President rescinds any budget authority as provided in this title, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this title;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGE TO HOUSE AND SENATE.—

(1) A special message transmitted under this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. A special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Such message shall be printed as a document of each House.

(2) A special message transmitted under this title shall be printed in the first issue of

the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission disapproval bill introduced in the House of Representatives not later than the 3d calendar day of session beginning on the day after the date of submission of a special message by the President under this title.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) The committee of the House of Representatives to which a rescission disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the 8th calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed 2 hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than 1 bill described in subsection (c) or more than 1 motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under this title.

(2) It shall not be in order in the Senate to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

DEFINITIONS

SEC. 504. As used in this title:

(1) The term ''rescission disapproval bill'' means a bill that only disapproves, in whole, rescissions of discretionary budget authority in a special message transmitted by the President under this title and—

(A) the matter after the enacting clause of which is as follows: ''That the Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on _____.'', the blank space being filled in with the appropriate date and the public law to which the message relates; and

(B) the title of which is as follows: ''A bill to disapprove the recommendations submitted by the President on _____.'', the blank space being filled in with the date of submission of the special message and the public law to which the message relates.

(2) The term ''calendar days of session'' shall mean only those days on which both Houses of Congress are in session.

JUDICIAL REVIEW

SEC. 505. (a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(4) Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia that is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

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

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

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2, rule XXI.

The rule states, in pertinent part, no amendment to a general appropriation bill shall be in order if changing existing law. The amendment imposes additional duties and modifies existing powers and duties.

I ask for a ruling from the Chair.

The amendment is clearly legislative in nature. The amendment amends the Budget Act of 1974 and creates a new mechanism for line-item veto not currently in existing law, provides a congressional procedure for expedited consideration of bills disapproving recommendations of the President, creates auditing reports by the GAO, and provides for special standing in the courts for judicial review.

The CHAIRMAN. The gentleman from Virginia raises a point of order against the amendment offered by the gentleman from Utah [Mr. ORTON].

Since the gentleman from Utah [Mr. ORTON] is not the designee of the gentleman from New York [Mr. SOLOMON], the Chair asks the gentleman from Utah, does he wish to be heard on the point of order?

Mr. ORTON. I do, Mr. Chairman.

However, the amendment which I submitted to the desk is not the Solomon amendment. It is slightly different. It is the amendment which I submitted to the Committee on Rules asking to be made in order.

The Committee on Rules did not make my amendment in order but changed it slightly and made it in order for the gentleman from New

York [Mr. SOLOMON] to present or the gentleman from Pennsylvania [Mr. CLINGER]. They have chosen not to do so.

I believe that line-item veto is so critical that we cannot simply sit back and do nothing.

The CHAIRMAN. Will the gentleman address the point of order?

Mr. ORTON. Not yet.

The CHAIRMAN. The gentleman must address the point of order.

Mr. ORTON. I am addressing the point of order. I believe that the line-item veto is appropriate to place on the transportation appropriations bill. The Committee on Rules felt so also by making it in order for the chairman of the committee to submit.

It is my intention, I believe that each of us must go on the record as to whether or not we feel it is important to continue pushing line-item veto, and I will announce that if the Chair rules against me on the point of order, that I will appeal the ruling of the Chair and ask for a recorded vote.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Utah [Mr. ORTON] is altogether legislative in character, and, as such, is not in order on a general appropriation bill under clause 2, rule XXI.

The point of order is sustained.

Mr. ORTON. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the committee?

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

RECORDED VOTE

Mr. ORTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 139, not voting 14, as follows:

[Roll No. 569]

AYES—281

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bonior
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Condit
Costello
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gordon
Green
Gutierrez
Hamilton
Hayes
Hefner
Hinchey
Holden
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kleczka
Klink
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Nadler
Neal
Neumann
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Rush
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Thornton
Thurman
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—14

Bachus
Bateman
Collins (MI)
Emerson
Forbes
Harman
Hilliard
Jefferson
Lantos
Markey
Moakley
Reynolds
Rose
Smith (NJ)

☐ 1659

Mr. RUSH and Mr. PETERSON of Florida changed their vote from ''aye'' to ''no.''

Messrs. BERMAN, MCDERMOTT, FIELDS of Louisiana, and MOLLOHAN changed their vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

☐ 1700

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 194, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The speaker pro tempore. Under the rule, the previous question is ordered.

The amendment printed in section 2 of House Resolution 194 is adopted.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 61, not voting 12, as follows:

[Roll No. 570]

YEAS—361

Abercrombie
Ackerman
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)

Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Schiff
Schumer
Scott
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—61

Allard
Andrews
Barrett (WI)
Becerra
Beilenson
Borski
Brown (CA)
Brown (OH)
Clay
Collins (IL)
Conyers
Cooley
Dellums
Dingell
Engel
Evans
Fattah
Filner
Flake
Foglietta
Frank (MA)
Graham
Gutierrez
Hancock
Hefley
Hinchey
Kaptur
Lofgren
Maloney
Manton
Markey
McDermott
Meehan
Menendez
Mfume
Mineta
Nadler
Neal
Olver
Owens
Payne (NJ)
Pickett
Rangel
Roth
Rush
Sanders
Scarborough
Schaefer
Schroeder
Sensenbrenner
Serrano
Stark
Stokes
Studds
Stump
Towns
Velazquez
Volkmer
Watt (NC)
Waxman
Yates

NOT VOTING—12

Bachus
Bateman
Collins (MI)
Forbes
Greenwood
Harman
Hilliard
Jefferson
Moakley
Reynolds
Rose
Williams

□ 1718

The Clerk announced the following pair:

On this vote:

Mr. Bachus for, with Mr. Moakley against.

Mr. ROTH changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, the House voting device did not record my vote on final passage of the Transportation appropriation bill.

I intended to vote ''no'' on final passage.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, I was unavoidably absent earlier this afternoon for several votes. Had I been present, I would have voted ''no'' on rollcall 566, the Wolf amendment.

I would have voted ''yea'' on rollcall 567, the Coleman amendment.

I would have voted ''no'' on rollcall 568, the Andrews amendment.

I would have voted ''no'' on rollcall 569, sustaining the ruling of the Chair.

And, I would have voted ''no'' on rollcall 570, final passage of the Transportation appropriations bill.

I ask unanimous consent that my statement appear immediately after the votes.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Friday, July 21, I missed roll call vote 546. Had I been present I would have voted ''nay.'' On Monday, July 24, I missed five rollcall votes during consideration of H.R. 2002, the Transportation appropriations of fiscal year 1996. On rollcall vote Nos. 558, 559, 560, 561, 562, I would have voted ''nay.''

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on yesterday, July 24, during rollcall No. 556, the Miller of California amendment to the Young of Alaska substitute, and 557, passage of H.R. 70, Alaska oil bill, I was unavoidably delayed. Had I been present, I would have voted ''yes'' on 556 and ''no'' on 557.

PROVIDING FOR CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

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

Mr. GOSS. Mr. Speaker, House Resolution 198, the rule for the fiscal 1996 Commerce, Justice, and State appropriations bill, is a ''plain Vanilla'' rule needing little in the way of explanation. It is an uncomplicated, open rule, a fair rule. Despite concerns that some Members have been taking a little advantage of some of the previous open rules, the Rules Committee has not placed limits on time, the number of amendments, or procedural motions. Nor will you find any extraordinary waivers included in the rule.

Of course, due to the perennial problem of enacting authorizing bills prior to the consideration of appropriations measures, we have provided the standard waivers for violations of clause 2 and 6 of rule XXI contained within the bill. Members may be interested to know that the Rules Committee is actively exploring ways to avoid this problem—and related problems with the budget process—in the future.

The Subcommittee on Legislative and Budget Process together with the Subcommittee on Rules and Organization of the House are in the process of holding hearings to examine the 1974 Budget Act and what improvements can be made to it. It is my hope that future Congresses will be immune from routine waivers of House rules because of an awkward budget process.

Finally, Mr. Speaker, this rule continues the successful practice of giving the Chair the right to give priority in recognition to those Members who have printed their amendments in the RECORD. This procedure, without infringing on the rights of any Members, has helped to raise the level of debate in this body by allowing Members to be fully prepared for amendments and issues that arise on the floor.

So I urge Members to support this rule so we can proceed with the consideration of the Commerce, Justice, State appropriations bill. This important legislation provides funding for three Cabinet-level departments—although Congress may be eliminating one of them, the Department of Commerce—and funding for numerous related agencies. Under this rule, any Member will be able to offer amendments to make cuts, or changes in the bill's funding priorities. For instance, I intend to support an amendment offered by my friends, Mr. SOLOMON and Mr. HEFLIN, to eliminate funding for the Economic Development Administration.

The EDA is another example of a targeted Government program that over the years has strayed so far off-target that it's time in this gentleman's view to end it and begin again. Another area of special concern to all taxpayers, and especially those in my district of southwest Florida, is the money provided State Department in this bill for peacekeeping efforts and the United States diplomatic mission in Haiti. I look forward to appropriate debate on these topics.

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

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

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

Mr. HALL of Ohio. Mr. Speaker, as my colleague from Florida has described this is a simple rule to allow for the consideration of the State/Commerce/Justice appropriations bill for fiscal year 1996. The rule is essentially open although it does waive clauses 2 and 6 of rule XXI allowing unauthorized appropriations and reappropriations in the bill. This is necessary, Mr. Speaker, because the House has not yet provided authorizations for most of the agencies in the bill. The rule also allows a motion to recommit with or without instructions.

While I plan to support this rule, I am concerned with some of the provisions of this bill. In the area of crime prevention, the bill zeros out a number of important crime prevention programs popular with local policemen and our constituents. For example, the Community Oriented Policing Services Program, known as the COPS program, is eliminated. This program funds new policemen and would eventually put 100,000 new officers on the streets. The COPS program has already provided funds for more than 20,000 new officers throughout the United States, including in my own district of Dayton, OH. It has won the praise of police chiefs and sheriffs from all around the country who contend the program is nonbureaucratic and visionary.

This program and other prevention measures are expected to be folded into a $2 billion general law enforcement block grant. The problem with this, Mr. Speaker, is that funds could be used on anything from street lights to public works projects and will not necessarily have to be spent on crime prevention. In addition, the funding under this block grant is contingent upon another bill becoming enacted. I really do not think this is fair treatment to our constituents, who have heard us promise, time and time again, that we will help local communities fight crime.

Another problem in the area of crime is a reduction of funds for the violent crime reduction trust fund and the bill's lack of support for crime fighting initiatives such as drug courts and violence against women countermeasures. While I understand the committee expects these programs to be picked up through the block grant, I believe that many of them will be shrunk and even eliminated. This is not what the American people want to see in the area of crime prevention.

To its credit, the committee did retain funds in this bill for the Department of Commerce, although the Department's budget is greatly reduced. The Commerce Department is the only Cabinet-level department that works with American businesses and can help our companies compete in the global marketplace. I do not believe funding should have been eliminated for the Advanced Technology Program [ATP] which helps stimulate new technologies among U.S. companies. Therefore, I offered an amendment to the rule to allow Representative MOLLOHAN to offer a floor amendment on this. Unfortunately, my amendment lost on a partisan vote.

Finally, Mr. Speaker, I would be remiss if I did not express my concern with the bill's restrictive language on the use of funds for peacekeeping missions. I believe we regularly need to evaluate our participation in peacekeeping missions, and make sure other countries do their part. However, language in this bill could seriously interfere with the President's ability to conduct foreign policy. This could hurt us and damage our relationships with other countries at a time in which we need multinational cooperation with respect to troubled spots in the world.

As I indicated earlier, Mr. Speaker, I will support this rule which was reported out of committee with no opposition. I urge my colleagues to join me in voting for it.

□ 1730

Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, when the Committee on Rules met to consider the rule on this bill, I specifically requested that three amendments be made in order which otherwise would not be in order under the anticipated rule.

Mr. Speaker, I rise today to make the House aware of these amendments, and to sensitize the House to the fact that, first, the amendments were not made in order, and second, what I plan to do in the alternative.

Mr. Speaker, each one of these amendments spoke to major policy issues, in my opinion, and consequently, merited a rule allowing them to be offered during consideration of the Commerce, Justice, State bill. However, they were not.

The first would have related to the COPS Program, a program which is now ongoing. It was authorized in last year's crime bill. There are approximately 20,000 police officers, or probably more like 25,000, approaching that anyway, officers out there on the streets across America under the COPS Program.

This is a 3-year commitment that the Federal Government has made to these

communities, I am sure, in every single congressional district in the country, and it is a program that is working tremendously well. It is administratively very efficient, and substantively the information we are getting back is very useful and very well received in communities as a concept: community policing. It is a good program in fighting crime. That program is up, it is operating, those policemen are on the street, and the commitment is made.

Unfortunately, Mr. Speaker, in this bill before us, that program is not funded. Those commitments, under this bill, cannot be made. The program that was funded was the block grant program, which was passed by the majority in the first part of this year. It was anticipated by the majority that the block grant program would replace the COPS Program, even though the COPS Program is operating very well, and it is in midstream.

Therefore, what we have is a program that is up and operating, doing well, not being funded in this bill. This new program that is not even authorized; it is simply somebody's legislative initiative at this point, being funded under the bill. That is a problem. That is a problem which I tried to address with an amendment that would fund these programs in the alternative.

My amendment that I asked be made in order by the Committee on Rules would have funded the block grant program, if that became law. If the block grant program was not authorized, it would take that money and continue funding the COPS program. Unfortunately, that amendment was not made in order. I, therefore, am going to be forced, as we proceed, to make a motion to strike the block grant funding that is in the bill, and substitute funding for COPS. I would have preferred to proceed in the more bipartisan way.

The second amendment, Mr. Speaker, relates to the Byrne Program. I intend to offer an amendment to take just $30 million from the total $50 million incarceration of illegal aliens fund, move it over to the very popular Byrne program; $30 million which will enhance that community funding, community police funding, in the very popular Byrne Grant Program for all of our communities. Again, I requested an amendment which would have enhanced the Byrne grant program significantly by merging it with the total amount available for the incarceration of illegal aliens. That amendment was not approved.

Finally, Mr. Speaker, I requested authority under the rule in the Commerce title of the bill to restore funding to the very successful, and think strategically very important Advanced Technology Program. This program was initiated under the Republican administration, the Advanced Technology Program is strategic in the sense that it looks at emerging economies and says that the United States ought to be doing what its counterparts, its competitors around the world are doing: funding technology initiatives. That amendment was not made in order, and under the rule, Mr. Speaker, I can only offer an amendment which strikes restrictive language on ATP, which I plan on doing.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. STARK].

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

Mr. STARK. Mr. Speaker, I want to thank the distinguished gentleman for yielding time to me.

Mr. Speaker, it is rare that I have such an opportunity to thank my colleagues across the aisle, and particularly to congratulate the new leadership. Had I known what new vistas would open to us under this new leadership, I might have considered this much earlier.

I received this morning, as did all of my colleagues, a nice communication from Mr. Livingood, our Sergeant at Arms. Mr. Livingood has informed me that he has taken a renewed interest in manners, or, excuse me, matters of protocol, and has announced that he has hired Pamela Gardner ''Muffy'' Ahearn as the director of protocol for the U.S. House of Representatives at, I would imagine, about $60,000 or $70,000 a year, for which we could hire a couple of policemen. She has extensive professional experience in dealing with foreign dignitaries. I do not know about us here, but with foreign dignitaries, embassies, and high-ranking government officials with all issues of protocol, she is going to help us.

If Members have been worried about wearing white shoes after Labor Day, correct titles and forms of address and introductions, determining the order of precedence, for example, in California, illegal aliens are no longer eligible for medical care or education, but legal aliens may be, and a legal alien who served in the military might be. It is very important that Members know that, proper seating by rank, appropriate gifts and exchange thereon.

The Speaker is going to let us vote on lobbyists giving us gifts. We will have a lot of gifts and we will need Ms. Ahearn to give us the protocol on what we do when we get these gifts from lobbyists; cultural traditions and taboos; dietary restrictions and preferences, I am sure the Speaker will be interested in that one; appropriate toasts following a meal; and language interpretation requirements.

When Members are making protocol arrangements, for example, if the junior Senator from Oregon were worried about filling out his spousal identification card, he should make it out to the bearer, I would suppose, but Ms. Ahearn can in fact advise us on those matters. When we visit schools, the children who no longer get school lunches, should they sit at the same table with those Republican children who bring their lunch from the local caterer? This will be interesting to know, and very helpful for us, as we carry on our business.

Mr. Speaker, I am glad that the Republicans are dealing with the serious matters of this House as they eliminate funding for school lunches, as they destroy Medicare. It will be interesting to know how we write those letters of condolence to the seniors who will no longer have Medicare available to them, and letters of congratulations to those rich seniors who will get the benefit of the $245 billion in tax cuts. We cannot write that, I am sure, looking too longingly at it. However, all of these things are matters which each of us here in the House should be concerned about.

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

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

Mrs. SCHROEDER. Mr. Speaker, I want to make sure I understand the gentleman. We just heard from the gentleman from Ohio [Mr. HALL], who was talking about the bill, how we are doing away with the COPS program, we are doing away with significant funding for the Violence Against Women Act, we are doing away with all sorts of things in this bill. However, the gentleman is telling us we have now hired our own in-house Miss Manners?

Mr. STARK. Yes.

Mrs. SCHROEDER. If the gentleman will continue to yield, does the gentleman know, has there been a lot of misbehaving? Have people been dressing poorly on the floor? I notice the gentleman gave me a copy, and I got one in my office, too. It talks about toasts. Have people been giving inappropriate toasts here? What is this?

Mr. STARK. Mr. Speaker, if I were this lady, I understand she makes $62,000 a year, she should drink a toast to the Speaker. That is a pretty nice salary for advising many of us who need help with our manners. I certainly could use some assistance in that, and the gentlewoman is correct.

Mrs. SCHROEDER. If the gentleman will continue to yield, did this go to both sides of the aisle, or is it just the Democrats that are considered in such lack of protocol?

Mr. STARK. I believe this letter was sent to all Members, and I am sure that in the most bipartisan spirit we all will have our manners and our protocol dressed up.

Mrs. SCHROEDER. If the gentleman will yield further, I think it might be interesting. I just worry that maybe many of the interns will be out there creatively thinking of questions for our new ''Miss Manners'' or ''Miss Protocol'' or whoever this is, and I would hope that maybe Roll Call or someone could print the questions and answers. This could be very interesting.

Mr. STARK. I would think under the Freedom of Information Act.

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Speaker, may I make a parliamentary inquiry? I think this is very useful, and I think it has an appropriate time for discussion in the

well, but we are trying to talk about the rule on Commerce, Justice, State, which is the scheduled business for this moment. I do not want to call a point of order on the gentleman, but am I on the right track?

The SPEAKER pro tempore. The gentleman's point is well taken, and besides that, the time of the gentleman from California [Mr. STARK] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am concerned that we will be considering amendments to the Commerce, State, Justice appropriations bill that would effectively abolish the Commerce Department. Only a few weeks ago the chairman of the Committee on Government Reform and Oversight said proposals for the abolition of the Department of Commerce and other departments would be coordinated through the committee.

The problem is that the Committee on Government Reform and Oversight has held no hearings on any legislative proposal to abolish the Commerce Department, and has not voted on any such proposal.

Regardless of whether you do, or do not, think the Department of Commerce should be abolished, you should vote against these amendments.

The Appropriations Committee has already cut 20 percent from the Commerce Department's administrative budget. Now, Chairman CLINGER wants to cut an additional 25 percent. A 45-percent cut would effectively abolish the Commerce Department.

A cut of this magnitude would withhold funds the National Weather Service relies on to operate its weather satellites. Funds could be withheld that are needed to provide for the monitoring of textile and apparel imports so that our Government can tell when other countries are violating their textile and apparel agreements with us.

We should not be making these kinds of decisions as a floor amendment to an appropriations bill. Both the Commerce Committee and the Science Committee—the committees of principal jurisdiction over the Commerce Department—have failed to act on legislation abolishing the Department. In fact, the Commerce Committee held its first hearing on the subject just this week.

Further, business groups have expressed their opposition to dismantling the Department, in the manner proposed by this amendment. Dennis Picard, chairman and CEO of Raytheon, Michael H. Jordan, chairman and CEO of Westinghouse, and seven other business leaders said the following in a recent letter opposing abolishing the Department:

Proposals to eliminate the Department of Commerce can only appear to be inherently antibusiness at a time when our industries face a global challenge as great as any time in our nation's history.

Mr. Speaker, I urge my colleagues to vote against the amendment. if we want to abolish the Commerce Department, we should take the time to do it the right way.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mr. Speaker, I think the gentlewoman made a very important point. What we are seeing happening on this floor is all sorts of legislation on appropriation bills where we really have not had hearings, and decisions are being made of such tremendous magnitude.

I wanted to talk a bit, too, about the Violence Against Women Act. As Members know, we had hoped for about $120 million or more. That was what everybody thought was coming when we voted 421 to 0 on this bill. What we have seen in my area is domestic violence spilling out onto the street. I have all sorts of incidents where it may have started in the home, but what transpired was it spilled out onto the street, and many people were harmed.

I also must say that the COPS program has worked very well in my area. We have been very, very pleased to see that working. I am very saddened to see that that may be cut.

□ 1745

The Commerce Department has done a tremendous job in increasing exports in my area. We can attribute about a 30-percent increase in jobs just because of Commerce's work on that. We may have an amendment that cuts that.

I think that was the concern of the gentleman from California when he read this letter that we all got in our office today, is that the issue of priorities is one that troubles all of us.

We are glad that this rule is open. I am glad that there is an attempt hopefully to save legal services, but maybe that will not happen, either.

There are so many things happening here every day that people are not able to digest, that to suddenly read that we are going to have a protocol office that is going to talk to us about dietary restrictions and manners and our table menus and place cards is a little troubling. I think that was the perspective that we wanted to put into it. I understand that is not in this bill.

We are having a rule, it is an open rule, we can offer a lot of amendments but we are very apt to lose them on a whole lot of things that have really made a difference in America. It is not like the money is not being spent. It is always being spent somewhere. That was our point. I am sorry if people got upset on that side. It is really rather extraordinary. I am pleased the gentleman from California brought it up and put this letter in the RECORD. I think all of us might look at that and scratch our head and say, ''What does this really mean?''

Mr. THOMAS. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentlewoman for yielding. Perhaps she is not aware that this is a position that in the sergeant at arms under her party as the majority was called the director of special events. There are no significant changes. It is simply that it was vacant when the leadership changed. Perhaps the gentlewoman is also not aware that her leadership on House Oversight, the gentleman from California [Mr. FAZIO], the gentleman from Maryland [Mr. HOYER], and the other members of the Committee on House Oversight on her side of the aisle supported unanimously the continuation of this position.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for pointing that out. I just want to say that, no, we did not know that and I think these are new duties that have been added is my understanding.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, as we began the debate on this rule, the gentleman from West Virginia [Mr. MOLLOHAN] had brought up the fact that his amendment to this bill was denied because he wanted to restore funding to the Clinton COPS Program. In this bill we are denied funding for the Clinton COPS Program.

There is going to be an amendment later today offered by the gentleman from West Virginia [Mr. MOLLOHAN] which will take $2 billion from the $3.2 billion in block grants to fund the Clinton COPS Program. The program to date is very efficient, it is a model of efficiency, it is effective, it is up, it is running and it is working. As the application form we can see being placed forward here, it is a two-page form.

All you do, police officers around this Nation fill out this form, there is a fax number you can actually fax it in to the Department of Justice to get your grant approved. You do not need grant writers. you do not need consultants. It is a model of efficiency. The administrative cost for the COPS Program is 1.5 percent. Under the proposed block grants by my friends on this side of the aisle, it is 2.5 percent. If we take a look at the Senate block grant program, it is 15 percent for administrative costs. Here is a program that is up, it is running, and we have over 20,000 police officers on the street within the first year. The application, fill it out, fax it in.

One of the big complaints we hear is there is no flexibility in the Clinton COPS Program. We are on round 2 of COPS MORE. COPS MORE stands for making officer redeployment effective. Today $41,700,000 was released for police officers to be put into civilian

help, to be put in for equipment, to be put in overtime. All the flexibility that local police officers say they need, you find it in the COPS MORE Program. We are on round 2. There will be 3 more rounds yet this year.

The other problem I have with this bill is when we requested and the Department and the President requested over $10 million for rural law enforcement. This bill strikes out the $10 million for rural law enforcement officers. Twenty-five percent of this country lives in rural areas. I was a police officer, a city police officer, a State police officer. I worked in rural areas. I have worked in the big city. Crime does not respect if you live in a rural area or in a big city. If a criminal is going to make an attack upon you, they don't care if you are Democrat or Republican, if you come from a big city of a little city. We have money here. We need it for the COPS Program.

Underneath the current proposal put forth by the majority, there is no money whatsoever to hire one police officer. There is a wish, there is a hope. That is why police officers around the country support the Clinton COPS Program.

Earlier today we had a press conference. The Fraternal order of Police support it, National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research Forum, National Organization of Black Law Enforcement Officers, National Troopers Coalition, National Sheriffs Association, National Black Police Officers Association, Federal Law Enforcement Officers Association, Major Cities Chiefs, and U.S. Conference of Mayors all support the COPS Program. I urge Members to support the Mollohan amendment.

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

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

I just wanted to comment that we understand the authorization-appropriations cycle is a little bit out of whack. As I said in my opening remarks, we are trying to work that out so we do not have these problems.

I think we have got a very fair rule here. We have heard a lot of discussion about issues we are going to talk about in the bill, but I have not heard any opposition to the rule.

Mr. Speaker, I include the following data for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 24, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	38	73
Modified Closed[3]	49	47	12	23
Closed[4]	9	9	2	4
Totals:	104	100	52	100

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

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

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

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 24, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95)
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95)
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95)
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95)
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95)
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/11/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 A: voice vote (7/21/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 24, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I include the following letter for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 25, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: H.R. 2076, the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act of 1996, contains a provision that falls within the jurisdiction of the Commerce Committee. Specifically, H.R. 2076 raises the fee rate under Section 6(b) of the Securities Act of 1933 from the authorized level of 1/50th of one percent to 1/29th of one percent. Because the fee is raised to a level beyond that which is authorized by statute, this provision of H.R. 2076 would be in violation of clause 2 of Rule XXI of the Rules of the House.

Increases in this fee, coupled with difficulty in funding the SEC's operation, have been an ongoing problem, inherited from past Congresses. The Commerce Committee has been concerned that this situation not be allowed to continue indefinitely. Chairman Rogers, Chairman Archer and I have forged a permanent solution to the problem of SEC fees and funding. This agreement will be codified in the statutory reauthorization of the SEC; this agreement will, over a five year period, step down the 6(b) fee, together with other SEC fees, to a level approximately equivalent to the cost of running the Agency. At that point, the SEC will be funded entirely by means of an appropriation.

Based on the agreement I have with Chairman Rogers and Chairman Archer to work out this problem, I would not oppose a waiver of Rule XXI clause 2, with respect to a one-year extension of the 6(b) fee. This action is taken with the understanding that the Commerce Committee will be treated without prejudice as to its jurisdictional prerogatives during further consideration of this and any similar legislation.

I would appreciate inclusion of this letter as part of the RECORD during the consideration of this bill by the House.

Thank you for your consideration of this matter. With best regards,

Sincerely,

THOMAS J. BLILEY, JR.,
Chairman.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, and that I may be permitted to include tabular and extraneous materials.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 198 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2076.

□ 1752

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes, and the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, on August 26, 1994, the President signed into law the fiscal year 1995 Commerce-Justice-State appropriations bill and said this: ''This Act marks a bold first step in our effort to combat violent crime in America.''

Today, Mr. Chairman, we bring to the floor the second, even bolder, step in our effort to combat violent crime in America, a step that adds over $2 billion in Federal, State and local resources to the fight against crime.

We have done that in the context of a bill that, first, reduces general discretionary spending by some $700 million in budget authority and more than $1.1 billion in outlays from the current year; second, reduces the Commerce Department to basic programs; third, supports the State Department; fourth, provides funding for over 20 other independent agencies.

Overall, this bill provides $23.1 billion in regular discretionary budget authority, which is $722 million below the current year and $3.4 billion below the President's request.

For the crime trust fund, the bill provides almost $4 billion in budget authority, which is $1.7 billion above the current year, and $28 million below the budget request.

For law enforcement, one of the prime responsibilities of the Federal Government, this bill provides $14.5 billion, an increase of $2.2 billion over the current fiscal year, an 18 percent increase, to support key programs, Federal, State, and local, to fight violent crime.

Of that, $4 billion is from the violent crime reduction trust fund, an increase of $1.7 billion over the current year, to provide substantial new resources to our local communities, including: $2 billion for the Local Law Enforcement Block Grant, passed by this House on February 14, 1995, to reach 39,000 law enforcement agencies around the country. This program provides funding for local officials to decide what they need to fight crime—cops, equipment, drug courts, prevention programs, whatever they believe important—not Washington telling them what they need, rather local officials tell us what they need. Mr. Chairman, this program has come to be known as the ''COP-TION'' program, ''COPS'' with a local option.

It also provides $525 million for the Byrne State and Local Law Enforcement Assistance Grants, very popular with our local officials; $500 million for the Truth-in-Sentencing Grants for State prison construction, to help States lock away violent criminals, a brand new program; and other programs providing more than $3 billion in resources to State and local communities to aid in their fight against crime.

The bill also provides major new funding initiatives for immigration, anti-terrorism and Federal law enforcement.

For enforcing our Nation's immigration laws, the bill provides $2.3 billion, an increase of $730 million, including a $378 million increase for the Immigration and Naturalization Service to hire 3,000 more employees. It means 1,000 more Border Patrol agents and 400 more inspectors on the border, and doing that with no new border fee as the administration has proposed. It means over 1,450 more investigators and detention and deportation personnel to locate, apprehend and remove illegal aliens from the United States.

Spending on Federal law enforcement and the Judiciary will increase by 4 percent, up $438 million, including

funds to sustain the 750 DEA and FBI agents we restored in fiscal year 1995; and $236 million to provide 1,100 staff to activate 10 new and expanded prisons scheduled to open in 1996.

In addition, the bill provides $243 million for anti-terrorism resources requested by the President in a budget amendment submitted just last Monday, July 17, in response to the tragic Oklahoma City bombing.

Overall, Mr. Chairman, this bill is the toughest anti-crime appropriations bill this House of Representatives has ever produced.

But as tough as the bill is on crime, it is even tougher on low priority spending. Every other title of this bill is down, and down significantly: Commerce, down 17 percent; State, USIA, and Arms Control and Disarmament, down 9 percent; related agencies, down 23 percent. In the Department of Commerce, the bill provides $3.4 billion, down $715 million below the current year and $1.3 billion below the President's request.

For many, we have not cut enough. For many, we have cut too much.

The National Institute of Standards and Technology is down $350 million, from $750 to $400 million. No new funding is provided for the Advanced Technology Program, but bill language is included to assure that the $180 million in anticipated unobligated carryover funding is used for a 1-year closeout of prior year commitments. It maintains $81 million for manufacturing centers and $263 million for our NIST's premiere internal research program.

□ 1800

NOAA, the National Oceanic and Atmospheric Administration is down $200 million to $1.8 billion. Its basic functions, though, are preserved.

EDA has been cut 25 percent, as is the Minority Business Development Agency. U.S. Travel and Tourism gets $2 million through the October White House Conference and then it is abolished.

It regroups the functions of the Commerce Department into three basic functions which we think will help as we consider what we do with the Commerce Department: first, trade and infrastructure; second, economic and statistical information; and third, science and technology.

We hope this sets the stage for the decisions about the Department's future that will be made through the authorization process.

For the State Department, and other international accounts, the bill is down $500 million from $5.7 billion to $5.2 billion, conforming international spending to the budget realities we face here. Funding is at or below all the authorization levels in the House-passed bills and includes some major reductions, particularly for the USIA.

Peacekeeping contributions at the U.N. are funded at $425 million, down $108 million from last year and $20 million below the request. The bill includes language requiring notification by the President to the Congress of any new or expanded peacekeeping mission. The bill merges the Inspectors General of State and USIA ahead of schedule to begin consolidation of those agencies right away.

On related agencies, we reduced the Legal Services Corporation by one-third to $278 million. We impose real restrictions to end abuses by the LSC. As an interim step, while the authorization process gears up, the bill imposes restrictions on what LSC-funded attorneys can do, including: requiring a competitive bidding process for those local grants; timekeeping requirements on the local field agencies; independent auditing, so the Congress knows how funding is spent; prohibitions on representing cases on redistricting, lobbying, class action suits against the government, prisoner litigation, representation of drug dealers; and subject LSC grantees to Federal waste, fraud and abuse standards.

We have reduced the SBA by $333 million to $590 million, preserving its core functions of assisting small business, but at less cost to the taxpayer.

Overall, Mr. Chairman, the bill provides $27.6 billion: $23.1 billion in discretionary budget authority, down $723 million; $4 billion in the Violent Crime Reduction Trust Fund, $1.6 billion above last year.

Mr. Chairman, we produced a bill, I think, that is as tough on crime as any we have ever produced and even tougher on low-priority spending programs. I want to thank all the members of the subcommittee who worked with us under very difficult circumstances to craft a bill that, I think, most of us can support.

Mr. Chairman, I want to pay special tribute to the gentleman from West Virginia [Mr. MOLLOHAN]; the ranking member of our subcommittee, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, who has just done yeoman's work assisting us; the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat; and all the members of the subcommittee, the gentleman from Arizona [Mr. KOLBE], the gentleman from North Carolina [Mr. TAYLOR], the gentleman from Ohio [Mr. REGULA], the gentleman from New York [Mr. FORBES], the gentleman from Colorado [Mr. SKAGGS], and the gentleman from California [Mr. DIXON].

Mr. Chairman, these are hard times. I have said before that in this bill this year we are eating bugs and drinking rainwater. We attempt to reduce overall spending, but preserve what is important.

I have told our members that this is a year for hard choices, but the rewards are enormous. The American people have sent us here to do a job, and that is what we are trying to do.

Mr. Chairman, I urge my colleagues to support this bill for what it is: a bold step in our effort to combat violent crime in America and a bill that is tough on crime, but even tougher on spending.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses:					
Direct appropriation	119,643,000	73,229,000	74,282,000	-45,361,000	+1,053,000
Crime trust fund 1/	17,400,000	15,500,000	.....	-17,400,000	-15,500,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	-62,761,000	-14,447,000
Counterterrorism fund	.....	26,398,000	26,898,000	+26,898,000	+500,000
Administrative review and appeals:					
Direct appropriation	.....	54,336,000	39,736,000	+39,736,000	-14,600,000
Crime trust fund 1/	.....	33,180,000	47,780,000	+47,780,000	+14,600,000
Total, Administrative review and appeals	.....	87,516,000	87,516,000	+87,516,000	.....
Office of Inspector General	30,484,000	36,744,000	30,484,000	.....	-6,260,000
Total, General administration	167,527,000	239,387,000	219,180,000	+51,653,000	-20,207,000
Appropriations	(150,127,000)	(190,707,000)	(171,400,000)	(+21,273,000)	(-19,307,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(+30,380,000)	(-900,000)
United States Parole Commission					
Salaries and expenses	7,450,000	6,781,000	5,446,000	-2,004,000	-1,335,000
Legal Activities					
General legal activities:					
Direct appropriation	416,834,000	437,080,000	401,929,000	-14,905,000	-35,131,000
Crime trust fund	4,600,000	7,591,000	7,591,000	+2,991,000	.....
Total, General legal activities	421,434,000	444,671,000	409,520,000	-11,914,000	-35,131,000
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	+1,528,000	.....
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	-1,116,000	.....
Civil liberties public education fund	5,000,000	5,000,000	.....	-5,000,000	-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000	.....	-6,609,000
Offsetting fee collections - carryover	-4,500,000	.....	-16,000,000	-11,500,000	-16,000,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-8,622,000	.....
Direct appropriation	41,003,000	43,490,000	20,881,000	-20,122,000	-22,609,000
United States Attorneys:					
Direct appropriation	829,024,000	909,463,000	896,825,000	+67,801,000	-12,638,000
Violent crime task force	15,000,000	15,000,000	.....	-15,000,000	-15,000,000
Crime trust fund	6,800,000	14,731,000	14,731,000	+7,931,000	.....
Total, United States Attorneys	850,824,000	939,194,000	911,556,000	+60,732,000	-27,638,000
United States Trustee System Fund	103,183,000	109,245,000	101,598,000	-1,587,000	-7,649,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-3,594,000	.....
Direct appropriation	62,586,000	65,054,000	57,405,000	-5,181,000	-7,649,000
Foreign Claims Settlement Commission	830,000	905,000	830,000	.....	-75,000
United States Marshals Service:					
Direct appropriation	396,782,000	446,887,000	418,973,000	+22,191,000	-27,914,000
Crime trust fund	.....	16,500,000	25,000,000	+25,000,000	+8,500,000
Total, United States Marshals Service	396,782,000	463,387,000	443,973,000	+47,191,000	-19,414,000
Support of United States prisoners	296,753,000	295,331,000	250,331,000	-46,422,000	-45,000,000
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	+7,018,000	.....
Community Relations Service	20,379,000	20,695,000	.....	-20,379,000	-20,695,000
Assets forfeiture fund	55,000,000	55,000,000	35,000,000	-20,000,000	-20,000,000
Total, Legal activities	2,235,073,000	2,424,619,000	2,221,408,000	-13,665,000	-203,211,000
Appropriations	(2,223,673,000)	(2,385,797,000)	(2,174,086,000)	(-49,587,000)	(-211,711,000)
Crime trust fund	(11,400,000)	(38,822,000)	(47,322,000)	(+35,922,000)	(+8,500,000)
Radiation Exposure Compensation					
Administrative expenses	2,655,000	2,655,000	2,655,000	.....	.....
Advance appropriation	.....	2,655,000	.....	.....	-2,655,000
Payment to radiation exposure compensation trust fund	.....	18,264,000	.....	.....	-18,264,000
Advance appropriation	.....	30,000,000	16,264,000	+16,264,000	-13,736,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	+16,264,000	-32,655,000
Interagency Law Enforcement					
Interagency crime and drug enforcement	374,943,000	378,473,000	374,943,000	.....	-3,530,000
Federal Bureau of Investigation					
Salaries and expenses	2,038,774,000	2,305,387,000	2,084,857,000	+46,083,000	-220,530,000
Counterintelligence and national security	80,421,000	82,224,000	82,224,000	+1,803,000	.....
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	.....	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Other initiatives (crime trust fund)	.....	13,100,000	80,600,000	+80,600,000	+67,500,000
Construction	.....	99,259,000	98,400,000	+98,400,000	-859,000
Subtotal	2,203,595,000	2,564,370,000	2,430,481,000	+226,886,000	-153,889,000
(Counterterrorism supplemental)	(28,200,000)	.....	(48,940,000)	(+20,740,000)	(+48,940,000)
Subtotal, operating level	(2,231,795,000)	(2,564,370,000)	(2,479,421,000)	(+247,626,000)	(-104,949,000)
Digital telephony (crime trust fund)	.....	33,400,000	.....	.....	-33,400,000
Total, Federal Bureau of Investigation	(2,231,795,000)	(2,617,770,000)	(2,479,421,000)	(+247,626,000)	(-138,349,000)
Drug Enforcement Administration					
Salaries and expenses	799,944,000	845,409,000	828,729,000	+28,785,000	-16,680,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-3,810,000	.....
Direct appropriation	756,513,000	798,168,000	781,488,000	+24,975,000	-16,680,000
Crime trust fund	.....	12,000,000	12,000,000	+12,000,000	.....
Total, Drug Enforcement Administration	756,513,000	810,168,000	793,488,000	+36,975,000	-16,680,000
Immigration and Naturalization Service					
Salaries and expenses:					
Direct appropriation	1,102,475,000	1,453,471,000	1,421,481,000	+319,006,000	-31,990,000
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(-1,659,000)	.....
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(+26,132,000)	.....
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(+4,381,000)	.....
Immigration examinations fund	(291,097,000)	(304,572,000)	(450,217,000)	(+159,120,000)	(+145,645,000)
Breached bond fund	(6,200,000)	(6,356,000)	(6,356,000)	(+156,000)	.....
Total, Salaries and expenses	(1,735,790,000)	(2,129,273,000)	(2,242,926,000)	(+507,136,000)	(+113,653,000)
Immigration initiative (crime trust fund)	100,800,000	335,498,000	152,842,000	+52,042,000	-182,656,000
Border control system modernization (crime trust fund)	154,600,000	.....	150,900,000	-3,700,000	+150,900,000
Construction	50,000,000	.....	11,000,000	-39,000,000	+11,000,000
Immigration Emergency Fund	30,000,000	.....	.....	-30,000,000	.....
Total, Immigration and Naturalization Service	(2,070,990,000)	(2,464,771,000)	(2,557,470,000)	(+486,480,000)	(+92,699,000)
Appropriations	(1,182,475,000)	(1,453,471,000)	(1,432,481,000)	(+250,006,000)	(-20,990,000)
Crime trust fund	(255,200,000)	(335,498,000)	(303,542,000)	(+48,342,000)	(-31,956,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(+188,132,000)	(+145,645,000)
Federal Prison System					
Salaries and expenses	2,381,634,000	2,630,259,000	2,614,578,000	+232,944,000	-15,681,000
Prior year carryover	-30,000,000	.....	-40,000,000	-10,000,000	-40,000,000
Direct appropriation	2,351,634,000	2,630,259,000	2,574,578,000	+222,944,000	-55,681,000
Crime trust fund	.....	13,500,000	13,500,000	+13,500,000	.....
Total, Salaries and expenses	2,351,634,000	2,643,759,000	2,588,078,000	+236,444,000	-55,681,000
National Institute of Corrections	10,302,000	10,158,000	.....	-10,302,000	-10,158,000
Buildings and facilities	276,301,000	323,726,000	323,726,000	+47,427,000	.....
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(+96,000)	.....
Total, Federal Prison System	2,638,237,000	2,977,645,000	2,911,806,000	+273,569,000	-65,839,000
Office of Justice Programs					
Justice Assistance:					
Direct appropriation	97,977,000	102,345,000	97,977,000	.....	-4,368,000
Crime trust fund:					
Drug Courts	29,000,000	150,000,000	.....	-29,000,000	-150,000,000
Violence Against Women Grants	26,000,000	174,900,000	74,500,000	+48,500,000	-100,400,000
Ounce of Prevention Council	1,500,000	.....	.....	-1,500,000	.....
Crime prevention	.....	30,000,000	.....	.....	-30,000,000
Model intensive prevention	.....	48,216,000	.....	.....	-48,216,000
State prison drug treatment	.....	27,000,000	27,000,000	+27,000,000	.....
Other crime control programs	.....	4,426,000	900,000	+900,000	-3,526,000
Subtotal, Crime trust fund	56,500,000	434,542,000	102,400,000	+45,900,000	-332,142,000
Total, Justice Assistance	154,477,000	536,887,000	200,377,000	+45,900,000	-336,510,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants	62,000,000	240,000,000	50,000,000	-12,000,000	-190,000,000
Weed and seed fund	13,456,000	5,000,000	(23,500,000)	-13,456,000	-5,000,000
Subtotal, Direct appropriations	75,456,000	245,000,000	50,000,000	-25,456,000	-195,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Crime trust fund:					
State and local block grants:					
Byrne grants	450,000,000	260,000,000	475,000,000	+25,000,000	+215,000,000
Local law enforcement block grant	1,300,000,000	1,902,964,000	2,000,000,000	+700,000,000	+97,036,000
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,475,000,000	+725,000,000	+312,036,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	-75,000,000	
State Correctional Grants	24,500,000	500,000,000	500,000,000	+475,500,000	
State Criminal Alien Assistance Program	130,000,000	300,000,000	300,000,000	+170,000,000	
Youthful offender incarceration		9,843,000	19,843,000	+19,843,000	+10,000,000
Rural law enforcement		10,252,000			-10,252,000
Other crime control programs		26,799,000	13,700,000	+13,700,000	-13,099,000
Subtotal, Crime trust fund	2,004,500,000	3,034,858,000	3,333,343,000	+1,328,843,000	+298,485,000
Total, State and local law enforcement	2,079,956,000	3,279,858,000	3,383,343,000	+1,303,387,000	+103,485,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	-6,750,000	
Public safety officers benefits program:					
Death benefits	27,645,000	26,474,000	26,474,000	+829,000	
Disability benefits	2,072,000	2,134,000	2,134,000	+62,000	
Total, Office of Justice Programs	2,419,400,000	3,995,853,000	3,762,828,000	+1,343,428,000	-232,825,000
Appropriations	(358,400,000)	(526,453,000)	(327,085,000)	(-31,315,000)	(-199,368,000)
Crime trust fund	(2,061,000,000)	(3,469,200,000)	(3,435,743,000)	(+1,374,743,000)	(-33,457,000)
Total, title I, Department of Justice	12,243,088,000	15,291,039,000	14,474,522,000	+2,231,454,000	-816,517,000
Appropriations	(9,898,088,000)	(11,326,839,000)	(10,534,035,000)	(+635,987,000)	(-792,804,000)
Crime trust fund	(2,345,000,000)	(3,964,200,000)	(3,940,487,000)	(+1,595,487,000)	(-23,713,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(+96,000)	
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	20,949,000	20,949,000	20,949,000		
International Trade Commission					
Salaries and expenses	42,500,000	47,177,000	42,500,000		-4,677,000
Total, Related agencies	63,449,000	68,126,000	63,449,000		-4,677,000
International Trade Administration					
Operations and administration	286,093,000	279,558,000	284,885,000	-1,208,000	-14,673,000
Export Administration					
Operations and administration	36,844,000	46,441,000	36,644,000		-9,797,000
Economic Development Administration					
Economic development assistance programs	407,783,000	407,783,000	328,500,000	-79,283,000	-79,283,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	-12,144,000	-11,183,000
Total, Economic Development Administration	439,927,000	438,966,000	348,500,000	-91,427,000	-90,466,000
Minority Business Development Agency					
Minority business development	43,789,000	47,921,000	32,000,000	-11,789,000	-15,921,000
United States Travel and Tourism Administration					
Salaries and expenses	16,326,000	16,303,000	2,000,000	-14,326,000	-14,303,000
Total, Trade and Infrastructure Development	868,230,000	899,315,000	749,476,000	-118,752,000	-149,837,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	46,896,000	57,220,000	40,000,000	-6,896,000	-17,220,000
Economics and statistics administration revolving fund	1,677,000			-1,677,000	
Bureau of the Census					
Salaries and expenses	136,000,000	144,812,000	136,000,000		-8,812,000
Periodic censuses and programs	142,063,000	193,450,000	135,000,000	-7,063,000	-58,450,000
Total, Bureau of the Census	278,063,000	338,262,000	271,000,000	-7,063,000	-67,262,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
National Telecommunications and Information Administration					
Salaries and expenses	20,961,000	22,932,000	19,709,000	-1,252,000	-3,223,000
Public broadcasting facilities, planning and construction	28,983,000	7,959,000	19,000,000	-9,983,000	+11,041,000
Endowment for Children's Educational Television	2,499,000	2,502,000	.....	-2,499,000	-2,502,000
Information infrastructure grants	48,962,000	99,912,000	40,000,000	-8,962,000	-59,912,000
Total, National Telecommunications and Information Administration	101,405,000	133,305,000	78,709,000	-22,696,000	-54,596,000
Patent and Trademark Office					
Salaries and expenses	82,324,000	110,868,000	100,000,000	+17,676,000	-10,868,000
Total, Economic and Information Infrastructure	510,385,000	639,855,000	489,709,000	-20,676,000	-149,946,000
SCIENCE AND TECHNOLOGY					
National Institute of Standards and Technology					
Scientific and technical research and services	264,486,000	310,679,000	263,000,000	-1,486,000	-47,679,000
Industrial technology services	434,673,000	642,458,000	81,100,000	-353,573,000	-561,358,000
Construction of research facilities	64,639,000	69,913,000	60,000,000	-4,639,000	-9,913,000
Total, National Institute of Standards and Technology	763,798,000	1,023,050,000	404,100,000	-359,698,000	-618,950,000
National Oceanic and Atmospheric Administration					
Operations, research and facilities 2/	1,829,292,000	2,021,135,000	1,690,452,000	-138,840,000	-330,683,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	+3,000,000	.....
Direct appropriation	1,823,292,000	2,018,135,000	1,687,452,000	-135,840,000	-330,683,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(55,500,000)	.....	.....
(By transfer from Damage assessment and restoration revolving fund, permanent)	8,500,000	3,900,000	3,900,000	-4,600,000	.....
(Damage assessment and restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-2,400,000	.....
Total, Operations, research and facilities	1,830,292,000	2,018,135,000	1,687,452,000	-142,840,000	-330,683,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	.....	.....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	.....	.....
Construction	97,254,000	52,299,000	42,731,000	-54,523,000	-9,568,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	20,000,000	-2,936,000	-3,347,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	-241,000	-250,000
Fishermen's contingency fund	999,000	1,000,000	999,000	.....	-1,000
Foreign fishing observer fund	400,000	396,000	196,000	-204,000	-200,000
Fishing vessel obligations guarantees	250,000	250,000	.....	-250,000	-250,000
Total, National Oceanic and Atmospheric Administration	1,953,404,000	2,096,709,000	1,752,410,000	-200,994,000	-344,299,000
Technology Administration					
Salaries and expenses	9,992,000	13,908,000	5,000,000	-4,992,000	-8,908,000
National Technical Information Service					
NTIS revolving fund	8,000,000	.....	.....	-8,000,000	.....
Total, Science and Technology	2,735,194,000	3,133,665,000	2,161,510,000	-573,684,000	-972,155,000
General Administration					
Salaries and expenses	36,471,000	35,826,000	29,100,000	-7,371,000	-6,726,000
Office of Inspector General	16,887,000	22,249,000	21,849,000	+4,962,000	-400,000
Total, General administration	53,358,000	58,075,000	50,949,000	-2,409,000	-7,126,000
Total, Department of Commerce	4,103,718,000	4,682,564,000	3,368,197,000	-715,521,000	-1,274,367,000
Total, title II, Department of Commerce and related agencies	4,167,167,000	4,730,710,000	3,451,646,000	-715,521,000	-1,279,064,000
(By transfer)	(55,500,000)	(55,500,000)	(55,500,000)	.....	.....
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,657,000	1,662,000	1,662,000	+5,000	.....
Other salaries and expenses	22,583,000	24,172,000	24,172,000	+1,589,000	.....
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	+1,594,000	.....
Care of the building and grounds	3,000,000	4,003,000	3,313,000	+313,000	-690,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	+1,907,000	-690,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,758,000	1,892,000	1,892,000	+134,000	.....
Other salaries and expenses	11,680,000	13,603,000	12,178,000	+498,000	-1,425,000
Total, Salaries and expenses	13,438,000	15,495,000	14,070,000	+632,000	-1,425,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,385,000	1,413,000	1,413,000	+28,000	.....
Other salaries and expenses	10,300,000	9,446,000	9,446,000	-854,000	.....
Total, Salaries and expenses	11,685,000	10,859,000	10,859,000	-826,000	.....
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	220,428,000	226,024,000	226,024,000	+5,596,000	.....
Other salaries and expenses	2,119,699,000	2,419,941,000	2,185,000,000	+65,301,000	-234,941,000
Direct appropriation	2,340,127,000	2,645,965,000	2,411,024,000	+70,897,000	-234,941,000
Crime trust fund	.....	30,700,000	41,500,000	+41,500,000	+10,800,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,452,524,000	+112,397,000	-224,141,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	+68,000	-2,000
Defender services	250,000,000	295,761,000	260,000,000	+10,000,000	-35,761,000
Fees of jurors and commissioners	59,346,000	72,008,000	59,028,000	-318,000	-12,980,000
Court security	97,000,000	116,433,000	109,724,000	+12,724,000	-6,709,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,746,723,000	3,163,187,000	2,883,594,000	+134,871,000	-279,593,000
Administrative Office of the United States Courts					
Salaries and expenses	47,500,000	53,445,000	47,500,000	.....	-5,945,000
Federal Judicial Center					
Salaries and expenses	16,828,000	20,771,000	18,828,000	.....	-1,943,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	+4,425,000	.....
United States Sentencing Commission					
Salaries and expenses	8,800,000	9,500,000	8,500,000	-300,000	-1,000,000
Total, title III, the Judiciary	2,904,699,000	3,335,994,000	3,045,398,000	+140,709,000	-290,596,000
Appropriations	(2,904,699,000)	(3,305,294,000)	(3,003,898,000)	(+99,209,000)	(-301,396,000)
Crime trust fund	.....	(30,700,000)	(41,500,000)	(+41,500,000)	(+10,800,000)
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,726,878,000	1,748,438,000	1,716,878,000	-10,000,000	-31,560,000
Security enhancements	.....	9,720,000	9,720,000	+9,720,000	.....
Registration fees	700,000	700,000	700,000	.....	.....
Total, Diplomatic and consular programs	1,727,578,000	1,758,858,000	1,727,298,000	-280,000	-31,560,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	-20,696,000	-9,204,000
Security enhancements	.....	1,870,000	1,870,000	+1,870,000	.....
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	-18,826,000	-9,204,000
Capital investment fund	.....	32,800,000	16,400,000	+16,400,000	-16,400,000
Office of Inspector General	23,850,000	24,250,000	27,669,000	+3,819,000	+3,419,000
Representation allowances	4,780,000	4,800,000	4,780,000	.....	-20,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	-1,000,000	.....
Acquisition and maintenance of buildings abroad	421,780,000	421,780,000	391,780,000	-30,000,000	-30,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	-500,000	.....
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000	.....	.....
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	.....	.....
Administrative expenses	183,000	183,000	183,000	.....	.....
Total, Repatriation loans program account	776,000	776,000	776,000	.....	.....
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	-300,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	-3,919,000	.....
Total, Administration of Foreign Affairs	2,723,561,000	2,773,040,000	2,688,975,000	-34,606,000	-84,065,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
International Organizations and Conferences					
Contributions to international organizations, current year assessment	872,661,000	923,057,000	870,000,000	-2,661,000	-53,057,000
Contributions for international peacekeeping activities, current year assessment	533,304,000	445,000,000	425,000,000	-108,304,000	-20,000,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	-3,000,000	-3,000,000
Total, International Organizations and Conferences	1,411,965,000	1,374,057,000	1,298,000,000	-113,965,000	-76,057,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	12,858,000	13,858,000	12,358,000	-500,000	-1,500,000
Construction	6,644,000	10,398,000	6,644,000		-3,754,000
American sections, international commissions	5,800,000	6,290,000	5,800,000		-490,000
International fisheries commissions	14,669,000	14,669,000	14,669,000		
Total, International commissions	39,971,000	45,215,000	39,471,000	-500,000	-5,744,000
Other					
Payment to the Asia Foundation	10,000,000	10,000,000	10,000,000		
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000			-5,000,000	
Total, Department of State	4,190,517,000	4,202,312,000	4,036,446,000	-154,071,000	-165,866,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	54,378,000	76,300,000	40,000,000	-14,378,000	-36,300,000
United States Information Agency					
Salaries and expenses	475,845,000	496,002,000	445,845,000	-30,000,000	-50,357,000
Technology fund		10,100,000	5,050,000	+5,050,000	-5,050,000
Office of Inspector General	4,300,000	4,593,000		-4,300,000	-4,593,000
Educational and cultural exchange programs	238,279,000	252,676,000	192,090,000	-46,189,000	-60,586,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000			-42,000,000	
Subtotal	280,279,000	252,676,000	192,090,000	-88,189,000	-60,586,000
Eisenhower Exchange Fellowship Program, trust fund	2,800,000	300,000	300,000	-2,500,000	
Israeli Arab scholarship program	397,000	397,000	397,000		
International Broadcasting Operations 3/	468,073,000	395,340,000	341,000,000	-127,073,000	-54,340,000
Radio Free Asia: Operations 3/	10,000,000	(10,000,000)	(5,000,000)	-10,000,000	
Broadcasting to Cuba 3/	24,809,000	(26,063,000)	(24,809,000)	-24,809,000	
Radio construction	85,314,000	85,919,000	70,164,000	-15,150,000	-15,755,000
East-West Center	24,500,000	20,000,000		-24,500,000	-20,000,000
North/South Center	4,000,000	1,000,000		-4,000,000	-1,000,000
National Endowment for Democracy	34,000,000	34,000,000	28,000,000	-6,000,000	-6,000,000
Total, United States Information Agency	1,414,117,000	1,300,327,000	1,082,646,000	-331,471,000	-217,681,000
Total, related agencies	1,468,495,000	1,376,627,000	1,122,646,000	-345,849,000	-253,981,000
Total, title IV, Department of State	5,659,012,000	5,578,939,000	5,159,092,000	-499,920,000	-419,847,000
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(-51,746,000)	
Maritime Security Program		175,000,000			-175,000,000
Operations and training	76,067,000	81,650,000	64,600,000	-11,467,000	-17,050,000
Ready reserve force:					
Maintenance, operations and facilities	149,653,000			-149,653,000	
Rescission	-158,000,000			+158,000,000	
Total, Ready reserve force	-8,347,000			+8,347,000	
Maritime Guaranteed Loan Program Account:					
Guaranteed loans subsidy	25,000,000	48,000,000	48,000,000	+23,000,000	
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(+750,000,000)	
Administrative expenses	2,000,000	4,000,000	4,000,000	+2,000,000	
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	52,000,000	+25,000,000	
Total, Maritime Administration	94,740,000	308,650,000	116,600,000	+21,860,000	-192,050,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	206,000	212,000	206,000	.....	-6,000
Commission on Civil Rights					
Salaries and expenses	9,000,000	11,400,000	8,500,000	-500,000	-2,900,000
Commission on Immigration Reform					
Salaries and expenses	1,894,000	2,877,000	2,377,000	+483,000	-500,000
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,122,000	1,090,000	.....	-32,000
Competitiveness Policy Council					
Salaries and expenses	1,000,000	503,000	.....	-1,000,000	-503,000
Equal Employment Opportunity Commission					
Salaries and expenses	233,000,000	268,000,000	233,000,000	.....	-35,000,000
Federal Communications Commission					
Salaries and expenses	185,232,000	223,600,000	185,232,000	.....	-38,368,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000	.....	.....
Direct appropriation	68,832,000	107,200,000	68,832,000	.....	-38,368,000
Federal Maritime Commission					
Salaries and expenses	18,569,000	18,947,000	15,000,000	-3,569,000	-3,947,000
Offsetting fee collections	.....	-2,228,000	.....	.....	+2,228,000
Direct appropriation	18,569,000	16,719,000	15,000,000	-3,569,000	-1,719,000
Federal Trade Commission					
Salaries and expenses	98,928,000	107,873,000	98,928,000	.....	-8,945,000
Offsetting fee collections - carryover	-4,500,000	.....	-16,000,000	-11,500,000	-16,000,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-8,622,000	.....
Direct appropriation	54,788,000	59,611,000	34,666,000	-20,122,000	-24,945,000
Japan - United States Friendship Commission					
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000	.....	-3,000
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	.....	.....
Legal Services Corporation					
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	-122,000,000	-162,000,000
Marine Mammal Commission					
Salaries and expenses	1,384,000	1,425,000	1,000,000	-384,000	-425,000
Martin Luther King, Jr. Federal Holiday Commission					
Salaries and expenses	300,000	350,000	250,000	-50,000	-100,000
Ounce of Prevention Council					
Crime trust fund 4/	.....	14,700,000	.....	.....	-14,700,000
Securities and Exchange Commission					
Salaries and expenses	297,405,000	342,922,000	297,405,000	.....	-45,517,000
Offsetting fee collections	-192,000,000	.....	-184,293,000	+7,707,000	-184,293,000
Offsetting fee collections - carryover	-30,549,000	.....	-9,667,000	+20,882,000	-9,667,000
Investment adviser fee - offsetting collection	(-8,595,000)	.....	.....	(+8,595,000)	.....
Direct appropriation	74,856,000	342,922,000	103,445,000	+28,589,000	-239,477,000
Small Business Administration					
Salaries and expenses	251,504,000	242,831,000	221,247,000	-30,257,000	-21,584,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	+6,050,000	.....
Direct appropriation	242,154,000	239,531,000	217,947,000	-24,207,000	-21,584,000
Office of Inspector General	8,500,000	9,200,000	8,750,000	+250,000	-450,000
Business Loans Program Account:					
Direct loans subsidy	9,596,000	12,426,000	5,000,000	-4,596,000	-7,426,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	145,010,000	-129,429,000	+94,175,000
Micro loan guarantees	1,216,000	1,700,000	1,700,000	+484,000	.....
Section 503. prepayment	30,000,000	.....	.....	-30,000,000	.....
Administrative expenses	97,000,000	99,910,000	97,000,000	.....	-2,910,000
Total, Business loans program account	412,251,000	164,873,000	248,710,000	-163,541,000	+83,837,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Disaster Loans Program Account:					
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	-17,721,000	
Administrative expenses	78,000,000	80,340,000	78,000,000		-2,340,000
Contingency fund (emergency)	125,000,000	100,000,000		-125,000,000	-100,000,000
Total, Disaster loans program account	255,153,000	214,772,000	112,432,000	-142,721,000	-102,340,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	-2,839,000	
Total, Small Business Administration	923,427,000	630,906,000	590,369,000	-333,058,000	-40,537,000
State Justice Institute					
Salaries and expenses 6/	13,550,000	13,550,000		-13,550,000	-13,550,000
Crime trust fund		600,000			-600,000
Total, State Justice Institute	13,550,000	14,150,000		-13,550,000	-14,150,000
Total, title V, Related agencies	1,897,883,000	2,221,997,000	1,454,582,000	-443,301,000	-767,415,000
Appropriations	(2,055,883,000)	(2,206,697,000)	(1,454,582,000)	(-601,301,000)	(-752,115,000)
Rescission	(-158,000,000)			(+158,000,000)	
Crime trust fund		(15,300,000)			(-15,300,000)
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(-51,746,000)	
TITLE VI - GENERAL PROVISIONS					
Procurement: General Provisions 7/	-11,769,000			+11,769,000	
Total, title VI, general provisions	-11,769,000			+11,769,000	
Grand total:					
New budget (obligational) authority	26,860,050,000	31,158,679,000	27,585,240,000	+725,190,000	-3,573,439,000
Appropriations	(24,673,050,000)	(27,148,479,000)	(23,903,253,000)	(-1,069,797,000)	(-3,545,226,000)
Rescission	(-158,000,000)			(+158,000,000)	
Crime trust fund	(2,345,000,000)	(4,010,200,000)	(3,981,987,000)	(+1,636,987,000)	(-28,213,000)
(By transfer)	(55,500,000)	(55,500,000)	(55,500,000)		
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(+96,000)	
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)		
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(-51,746,000)	
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)		

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".

2/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.

3/ The 1996 request and recommendation include funding for Radio Free Asia and Broadcasting to Cuba. In 1995, these activities were funded separately.

4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.

5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.

6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the institute.

7/ The FY 1995 budget authority amount reflects the unspread balance.

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

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

I am pleased to have the opportunity to speak about the Commerce, Justice, State, Judiciary, and related agencies fiscal year 1996 appropriations bill. I want to again congratulate Chairman HAL ROGERS on his first bill as subcommittee Chair.

Mr. ROGERS has done an absolutely excellent job this year as the new chairman of our subcommittee. His performance is all the more impressive in light of the personal tragedy he has recently faced. I cannot imagine how difficult it must have been to have performed his professional duties so well in the face of those circumstances yet HAL ROGERS' courage shines through. The people of the Fifth Congressional District of Kentucky are fortunate to have HAL ROGERS as their Representative. And we are fortunate to have him as our colleague and chairman of this subcommittee.

He has handled this bill with great skill—beginning with very exhaustive hearings which explored the detail of the agency budgets under our jurisdiction. Hal did not waste time chasing simplistic solutions. Instead he pursued the course of a responsible legislator, following a sound, measured approach in writing this bill.

He has been assisted by a very capable and dedicated staff, as have I. And I would like to take a moment to acknowledge the professionalism and talent of the staffs on both sides of the aisle for this subcommittee.

While I do not agree with every funding level in this bill, there are many areas where the chairman and I see eye to eye:

Crime fighting is a top priority for the Nation and this bill is as generous as possible in assisting the Department of Justice in this regard. We have been able to fund new FBI and DEA positions which we added in the bill last year, and for which Chairman ROGERS fought so hard.

In addition, the bill includes an extremely generous immigration initiative. The approach the chairman has taken attacks the illegal alien program on all fronts—700 new border patrol agents, 400 new inspectors, 945 new detention personnel, and 750 new investigators.

Further, funds provided in this bill will allow INS to continue its automation initiatives so that INS agents can perform their duties in a modern world.

And, of course, we are all happy that the Byrne Law Enforcement Grant Program is funded. I will be offering an amendment to increase funds for the Byrne Grant Program because it is such an effective tool for local law enforcement.

This bill also funds the State Department at levels consistent with proposals to reinvent government.

And, finally, I am pleased the subcommittee funded U.S. contributions to the U.N. and international organizations.

Having said this, there are areas of this bill where I have grave concerns. In this regard, the budget realities facing the chairman should not go unmentioned. The shortage in this subcommittee's 602–B allocation is directly related to the recently passed budget resolution.

The budget resolution is the blueprint for a budget cutting frenzy which is dangerous for our Nation. During Budget Committee considerations I was very distressed to see Members carelessly propose drastic cuts to programs that meant a lot to people, often the less fortunate. They did so without a full analysis of the effect of these cuts on the American people.

And these budget resolution guidelines have dictated chairman ROGERS' allocation in the appropriations process. So I stand here very uncomfortable about the premise under which we are operating: one that forces our Nation's crime-fighting initiatives, our competitiveness agenda, and our diplomatic functions to compete in less than a zero sums game.

And who has been the hardest hit by this exercise? The Commerce Department. Chairman ROGERS has acted responsibly by not dismantling the Department in the appropriations process as some illconceived proposals would recommend.

However, I do have concerns with cuts in civilian technology programs at NIST and the Fisheries and Ocean Programs at NOAA. I will be offering two amendments to address these important policy issues.

Another area of special concern is in the Crime Trust Fund. This bill does not fund the highly effective COPS Program and prevention programs. Let me repeat that, Mr. Chairman. This bill does not fund the COPS Program. We have over 20,000 new police officers, in virtually every congressional district in this country, to whom the Federal Government has committed multiyear funding. The problem is that there is not one red cent in this bill for the COPS Program. Instead, it funds a block grant program which is not even authorized. Nor will it likely be authorized, since the President, Congress, and the American people have invested hundreds of millions of dollars in the COPS Program which is already out there getting police onto the streets. In my opinion, Mr. Chairman, it is irresponsible to stop this program midstream—in effect throwing our investment away. I will be offering an amendment to fund the COPS Program in place of the block grant program.

Other areas which concern me are: The restriction of funds to exclude postconviction defender organization; The slashed funding and restrictions imposed on the Legal Services Corporation; the conditions placed on the President regarding UN peacekeeping; the cut in funding for international broadcasting; and the large State criminal alien assistance increases, which is a concern I probably hold in the minority in this body.

But, as I have stated, the chairman has done well in such an austere context. I offer my personal congratulations to him. And I look forward to working with him to strengthen this bill through the remainder of the appropriations process.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for his very kind and generous remarks.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I want to congratulate both the chairman and the ranking member for the work that both they and their staffs have done. Let me highlight a couple of points that I would like to make about the bill.

First, from my area of representing a border area, I am very pleased with the funding that we have in here for immigration enforcement officers and the outright rejection of a border crossing fee. That is an issue that has raised its ugly head in the other body and is continuing to do so. I hope with our action here, and in the Senate appropriations, that we will lay that issue to rest.

I am very pleased with the emphasis that we place in this legislation on the flexibility for local and State law enforcement. I think it is extraordinarily important that we given that kind of flexibility. I would have preferred to see great cuts in the Commerce Department. There are some areas that I think we should have cut more deeply, but that issue is going to be one that we are going to be dealing with as we get into the authorization issue of what we do with the Commerce Department.

Finally, let me just say, Mr. Chairman, this bill is good evidence of a shrinking pot of discretionary funding that is available. I congratulate the chairman, the staff, and the other Members for the job that they have done in putting together a reasonable bill under the circumstances.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise to congratulate the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] on the job they have done in bringing this very important bill to the floor, but I also rise in support of the amendment offered by the gentleman from West Virginia on the COPS Program, which will be the first amendment discussed this evening.

The goal was simple when we passed the crime bill, and it is very simple today: Put more cops on the beat, crime rates will fall, and our families will be safer. The Mollohan amendment will help us meet that goal by providing continued funding for programs like COPS FAST, programs that help police departments hire new officers and develop innovative community policing programs.

Mr. Chairman, my Republican colleagues intend to abolish these programs and replace them with open-ended block grants. I think they miss the point. The Republican block grant proposal does not guarantee more cops on our streets. In fact, under the Republican proposal, grant money could be used for anything from street lighting to road construction.

The COPS Program guarantees more cops on the street, and I challenge the Republicans to make the same guarantee. They cannot. COPS grants flow straight from the Justice Department to the local law enforcement agencies. We cut down on administrative overhead by streamlining the application process and taking other steps to reduce red tape.

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The COPS Program empowers local communities to take responsibility for community safety by putting more police officers where they are needed the most. It does not mandate a Federal solution to problems that are often unique to neighborhoods and communities. The COPS Program succeeds because it empowers community police departments to find innovative, new strategies to combat crime and make the best use of available resources.

Neighborhood officers work with volunteers to keep our streets safe and our communities informed. Crime fighting experts and officers on the beat agree that community policing works. The COPS Program is a nonbureaucratic solution to a terrible problem, and the result is a marked decrease in crime, in theft, in burglary, and other more serious crime.

In Sacramento, citizens are involved in this effort, working with local law enforcement and injecting in their efforts a new spirit of cooperation and teamwork.

I want to talk about how this program has worked in communities in my district because it really provides an example of how successful this program can be and how, with some support, we can begin to address fundamental problems with local solutions, not Washington answers. In Sacramento County, CA, several groups of volunteers and local law enforcement officers have joined hands to establish sheriff's community service centers.

In North Highlands, part of my district in the unincorporated part of Sacramento County, we have put together, without fanfare, with tireless devotion, I might add, a group of volunteers and deputies who have made a tremendous contribution to community safety. This photo to my right shows our sheriff, Glenn Craig, and others at the dedication of this community center. With an all-volunteer staff and a roster of deputies paid through a COPS grant and county matching funds, the North Highlands center is both a thriving community center, and an indispensable component of the county law enforcement team.

Volunteers work side by side with deputies, helping out with many of the day-to-day responsibilities that keep the wheels of justice turning, taking crime reports, providing a safe haven for neighborhood kids, helping others navigate through the sometimes confusing world of law enforcement and county services.

Since January of this year, these volunteers and others have logged 4,000 crime reports. Many of these volunteers spent 40 hours a week at the center. As one volunteer put it, a real sense of pride in their contribution to the neighborhood motivates their involvement.

The spirit of community involvement extends well beyond the walls of this North Highlands center. The office space is donated, so is the furniture, right down to the carpet.

Deputies like Willy Nix have found new ways to approach old problems. Deputy Nix, a patrol cop before coming to work with the North Highlands staff, talked to me just the other day about the advantages of community policing. An officer on patrol usually has just enough time to drive to a location, take a report, and drive away. Now, he said, ''I can work with local agencies, the neighbors, the landlords, and all the people in the community to attack crime from every angle.''

In some areas, drug dealers have literally trashed the community. Deputy Nix works with community members and service center volunteers to address this problem from the branches down to the roots, towing abandoned cars, cleaning up yards strewn with garbage, and returning the streets to law-abiding citizens. Yes, Deputy Nix is busy. He sets time aside to work with local schoolchildren. Because center volunteers have worked hard to establish after-school programs, many of these kids have more than just a uniform to turn to, they have an entire network of support, from reading and arts programs to safe recreational facilities in the evening.

What may seem like a commonsense solution is only possible if other communities can afford to hire officers like Willy Nix. In cities and towns around the country, volunteers are committed to breaking down barriers and developing a community commitment to law enforcement which will rise to the challenge, but only if given the opportunity.

The Mollohan amendment gives them that opportunity, and I urge its adoption by the Members here this afternoon.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to commend the chairman of the committee and the ranking member. In the face of a very difficult challenge and very high-priority programs, they have achieved a $1.1 billion reduction over the 1995 number and at the same time maintained the high-priority items.

Certainly, this bill fights crime, and that is the No. 1 priority with the American people, and all the programs that will impact on crime prevention are fully funded and in some cases extra money has been put in.

Second, in Legal Services, which it is controversial, it has been reined in. The criteria have been established that ensure that money expended for Legal Services will be directed to helping people with their personal problems. I call it ''Legal Medicare'' because it does allow the poor to have access to legal representation and avoids the political activities that have happened in the past.

Third, it puts a strong management focus on the Commerce Department. It has features in this bill that will ensure that Commerce does just what that name implies, and that is further the commerce of the United States. We are the world's largest exporter. Commerce is very important to the people of this Nation, both from the standpoint of jobs as well as access to the goods and services that they find highly desirable.

The last feature that I would like to emphasize is that it does fund the International Trade Administration in the Commerce Department. This ITA is very important because it enforces the trade laws. It ensures the playing field will be level. We have just observed this in the issue between ourselves and Japan, and particularly enforces the two features in the trade laws that are very important for the protection of American jobs, anti-dumping and countervailing. It stops injury to U.S. industries, saves U.S. jobs, I think, a very important feature of the bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to compliment the chairman of the committee, the gentleman from Kentucky [Mr. ROGERS], and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], for a fine job on a tough bill.

I am here tonight during this general debate because I really take exception to the local law enforcement block grant that the majority party has put in here. They have gutted the Clinton COPS Program. They have put it all into this local law enforcement block grant and funded it with $3.2 billion. The problem is they called it local law enforcement block grant, but in their bill not one police officer is hired. We have no guarantee of any police officers working the street.

Having been a city police officer, having been a State trooper, the best

crime fighting we have is a police officer on the street working with the communities, working with the citizens they should serve.

We have 20,400 police officers under the Clinton COPS Program. We have none under the $3.2 billion law enforcement block grant proposed.

What does your application look like? Your administrative costs, you admit in your own report, are going to be about 2.5 percent. The other body says it is going to be 15 percent. You are going to have to fill out paperwork after paperwork in order to get a grant for, hopefully, a police officer or a police car.

How much money is being awarded underneath your program will depend upon the crime index. The Department of Justice has done their analysis. They said how much a city will get will depend upon their crime index. The more crime you have underneath your proposal, the more money the jurisdiction will get. The next year, if the crime comes down, as crime is coming down now, they will lose money. Having been a police officer, you have got to fight crime more than 12 months.

Take the city of New York, which has a 31 percent decrease in murders for 1995. Will they get 31 percent less money next year? You cannot have an effective program if every 12 months you are going to renew the amount of money you are going to give them. If they are effective, we should reward them for effective law enforcement and reducing crime, not punish them by taking away money.

When you take a look at it, we have had the Clinton COPS Program for about 8 months. The Police Executive Research Forum actually did an analysis, contacted their members, 220 of them around the country, and said, ''What do you like, do you like this proposed local block grant that the Republican Party is putting forth, or would you keep the Clinton program, the Clinton COPS program?'' Of those 220 police executives who responded, only 5 percent, 5 percent support a block grant, discretionary block grant that you propose. The rest of them support the Clinton COPS programs.

I am just not up here talking about this because of my 12 years in law enforcement, but every major police organization in the country opposes what you are trying to do in this bill. The FOP, Fraternal Order of Police, National Association of Police Organizations, Police Executive Research Forum, National Troopers Coalition, National Sheriffs' Association, National Black Police Officers' Association, major city chiefs, U.S. Conference of Mayors, they are opposed to what you are doing with this block grant because they know what happened in the 1960's and 1970's when so much money was wasted on airplanes, on tanks, on real estate, on consultants on studies, and nothing ever went to fighting crime.

So while the bill overall is a good bill, this local block grant that does not guarantee one police officer, that only 5 percent of the police executives in this country support, cannot win over my support and, therefore, we have asked, and the gentleman from West Virginia [Mr. MOLLOHAN] has brought forth an amendment. It is going to be the first one up tonight to take $2 billion and put it back to guaranteed police officers across this Nation with the Clinton COPS program.

Support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR], the very distinguished member of the subcommittee, in fact, the vice chairman of the subcommittee who has helped us a great deal this year, especially.

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to thank, first of all, our chairman and the hard-working staff on both sides of the aisle and our minority ranking member for the work in putting this bill together.

Our chairman has spent a lot of hours, and this is his first time at this, and very trying time, and I especially appreciate the good job that he has done.

Now, there is no bill that is perfect. I, in fact, would like myself to have seen the Legal Services zeroed out, but it was cut, and we moved it in the right direction.

In the area of the police program, and I appreciate the gentleman's remarks and respect him a great deal for what he was saying, that many of the police organizations may question block grants, this is going to give local law enforcement officers a chance to put the money where they will. I talked with a Democrat sheriff now, but he was former president of the National Sheriff's Organization, and he pointed out that the 100,000 COPS Program was a myth.

First of all, you have got a few dollars to start, maybe 10,000, 15,000 police all across the country. Then after each year, money was taken away until after, I think, the third year it was down to zero. He said, ''If we had the money to put more people on the force now, we would have already done it. A program that withdraws the dollars quickly from us is no help at all,'' and he would not, as a past president of the National Sheriff's Organization, even participate in the so-called 100,000 police program.

We will take monitoring from Congress. We have to work with our local governments, but I think the block grant can be of enormous benefit to individual police departments.

I cannot go back to the 1960's and debate what the gentleman said about areas where there might have been waste. But we can have, with local governments and local forces trying to utilize these funds rather than Washington bureaucrats dictating, we can, I think, get a law enforcement program that will be far more secure, demanding the kind of accountability and giving people what they want, which is a lower crime rate.

I hope that we will support the block grant program and support this bill, and again I thank our chairman and our staff for the work.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, I support the Appropriations Committee's recommendation for the Legal Services Corporation. I urge my colleagues to join me in supporting the vital work of Legal Services Programs across the country.

My distinguished colleague, HAL ROGERS of Kentucky, worked long and hard as chairman of the Appropriations Subcommittee to achieve the recommendation before us. It was a difficult decision that strikes a balance between the demand by our constituents for fiscal austerity and the basic needs of the poor for legal help with their everyday civil legal problems.

Legal Services Programs have a proud record of accomplishment in Kentucky and in my district. Central Kentucky Legal Services has been working since 1977 with low-income residents of central Kentucky, serving an estimated poverty population of 58,000. This program is known for its creative partnerships with other community agencies, such as the law care program it sponsors jointly with the Fayette County Bar Association. Law care, which provides pro bono help to county residents, is a model program for donated legal services in Kentucky and in areas of similar size nationally.

Another collaboration, with the Bluegrass Area Development District Area Agency on Aging, resulted in the long-term care ombudsman program. This program has won national recognition for its success in providing services to elderly citizens in nursing homes.

In addition, Central Kentucky Legal Services has been instrumental in helping low-income parents get improved child support collection services. Over the years it has helped literally thousands of abused women get protection and support for themselves and their children.

Our vote today unfortunately will decrease rather than increase Legal Services' resources. In typifies the harsh budget climate for most federally funded programs. But it will enable the Legal Services Corporation to maintain basic services to the poor and to keep alive the basic American promise of equal justice for all.

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Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Chairman, I rise to take this opportunity to commend the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, the gentleman from Kentucky [Mr. ROGERS], for his excellent work on this bill.

As Chairman of the Committee on International Relations, which authorizes and has oversight responsibility for many of the items in this bill, I can attest to the fact that our committee has worked closely with the gentleman from Kentucky since the beginning of the year.

The bill produced by the gentleman's appropriations subcommittee conforms in most important respects with the House decisions on funding made as part of its consideration and passage of the American Overseas Interests Act, H.R. 1561.

Just as H.R. 1561 was within budget, this bill is also within budget.

Some Members may prefer to cut these programs further.

But when the full House, based on the recommendation of the authorizing committee, has made an authorization decision, and when that decision has been ratified by the Commerce-Justice-State Appropriations Subcommittee, based on its own expertise, then our colleagues should refrain from overturning those decisions here on the floor.

Accordingly, with the exception of an important item related to restricting spending on our Nation's diplomatic establishment in Vietnam, which I will address at some length later, I intend to support Chairman ROGERS on this appropriations bill.

I strongly urge our colleagues to join me in that support.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today in support of the Mollohan amendment. It is in my view a probusiness and proenvironment amendment, and I want to speak on behalf of the oldest industry in this country, our commercial fishing industry. That industry contributes more than $111 billion annually and provides jobs for 1.5 million Americans.

There are hundreds of communities across America that depend on a healthy fishery for their economic well-being. In recent years many of these communities have spent millions of dollars to help bring back their long-depleted fish populations. The Mollohan amendment corrects this bill's attack on that commitment between Government and communities to restore the local economy.

The Pacific Coast Federation of Fishermen's Associations wrote to me recently along with the Northwest sport fishing industry. They both support the Mollohan amendment. Together they represent over 5,000 businesses and 200,000 jobs on the Pacific coast. According to them these very important groups say fishery management cannot happen unless fishery research and conservation are fully funded, and this bill, they say, cuts at the heart of many important ongoing efforts. It makes no economic sense, and they go on to say on behalf of the men and women who provide jobs for fishing communities, food for America's tables, and high-quality products for export, we urge you to support the Mollohan amendment and restore these funds.

Also, Mr. Chairman, I have a letter here from the State of Oregon, the coastal management program, which says that the Governor of Oregon supports the Mollohan amendment saying it would greatly help national coastal zone management programs which would be hurt by this bill if the Mollohan amendment is not adopted. We cannot, we must not, turn our backs on this important sector of our Nation's economy. It is probusiness, and it makes common sense to support the Mollohan amendment.

I urge my colleagues to do that and to be probusiness.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON], the hard-working chairman of the full Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, first of all I want to congratulate him and the distinguished ranking minority member for their outstanding work on a very important and very difficult bill, and I applaud their efforts and the efforts of all of their staff toward perfecting this bill, and I look forward to its passage, hopefully tonight.

I know that the subcommittee chairman has carefully deliberated the issue of providing initial funding for what would be necessary to fund the first year of the maritime security program. I appreciate the assurances provided by him and the committee in the committee report. I also appreciate the assurances from the chairman that this issue will be revisited once the authorization committee, led by the gentleman from Virginia [Mr. BATEMAN], takes action on this issue in the full House. I just wanted to assure myself that the gentleman does intend to readdress this once the authorization committee has had an opportunity to take a look at it.

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

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. I assure my full committee chairman that I will look at this program again as the authorization moves toward enactment into law.

Mr. LIVINGSTON. I look forward to working with the gentleman from Kentucky [Mr. ROGERS] on this important issue to our U.S.-flag merchant marine.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, in America, profits are soaring, wages are decreasing, and consumer demand is declining.

And, what does the majority want this Congress to do? They want us to retreat, to cut and run.

In light of these conditions, the magazine Business Week recently asked the question—are we headed for trouble?

This appropriations bill reflects an attitude of defeat.

Instead of competing in the global marketplace—where jobs can be found—the bill proposes to cut the Department of Commerce by 17 percent.

Instead of encouraging more small business development and self-sufficiency-the bill cuts the SBA by 36 percent; cuts the Minority Business Development Agency by 27 percent; and cuts the Economic Development Agency by 21 percent.

Instead of providing access to legal services for all Americans, regardless of income—this bill cuts the Legal Services Corporation by 31 percent.

This bill even provides $35 million less than the President requested for the equal Employment Opportunity Commission.

Mr. Chairman, this Nation has been made strong because, traditionally we have lifted up our citizens.

We have been able to export democracy by showcasing the values and benefits of our way of life and our standard of living.

This bill puts citizens down, this bill promotes an attitude of isolation from the world marketplace. This bill does not adequately promote competition by small businesses. This bill is a withdrawal from the proud tradition of America and from the very principles that gives the Nation power.

This bill ignores all these valuable economic and social values. Again this is a mindless march to a balanced budget without regards to the merits of the program.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Texas [Mr. SMITH], the chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of H.R. 2076.

H.R. 2076 provides for a 25-percent increase in funding of the Immigration and Naturalization Service—a generous increase in a time of budget cutting.

The resources provided in H.R. 2076 will go a long way in assisting INS in securing our borders. Given the size of its mission, INS has been underfunded for many years. I am happy to see that changing.

The resources made available in H.R. 2076 support the enforcement provisions in my immigration bill, H.R. 1915. It adds 1,000 additional border patrol agents next year—plus support personnel—and increases new technology for the Border Patrol and for enforcement initiatives.

H.R. 2076 adds to INS's capability to detain and remove deportable aliens, especially criminal aliens. It includes additional detention space, additional investigators and detention and deportation officers, and provides for the expansion of deportation procedures so that criminal aliens can be deported immediately upon release from prisons.

Additionally, H.R. 2076 increases the resources available for enforcement of employer sanctions, another important tool in controlling illegal immigration.

H.R. 2076 adds additional inspectors so that U.S. ports of entry can run more efficiently and smoothly, facilitating legal entries and prohibiting illegal entries by fraudulent documents.

I strongly support H.R. 2076 and urge my colleagues to support it.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I have mixed feelings about this bill, as so many of us do. But I first want to take a moment to commend our chairman, the gentleman from Kentucky [Mr. ROGERS], and the gentleman from West Virginia [Mr. MOLLOHAN], our ranking member, and our terrific staff for the work that they have put in on what's really an impossible task. We basically have a 4 by 4 that we are trying to squeeze into about a 2 by 2 slot. I just hope that the beam that we fashion in this bill, Mr. Chairman, is going to be strong enough to hold up the house that we have got to support.

The task to fully fund this nation's law enforcement, research activities, diplomatic activities, judiciary activities, has really been made impossible by the inadequate funding allowed under the budget resolution. We have done a pretty good job by way of law enforcement and immigration efforts, but I am very concerned about what this bill will do in reducing several important areas of research, technology development, science, and the programs that also are our responsibility in connection with legal services.

This bill, for instance, eliminates the advanced technology program, I think a very promising one, of the Commerce Department to help us further cutting edge technologies that are really going to be key to the economic well-being in this country in the long haul. We have reduced, although considerably less, the International Trade Administration, which has played an instrumental role in promoting exports, accounting for many hundreds of thousands of U.S. jobs that depend upon our international trade. All of this is coming at a time when we face unprecedented challenges in terms of international competitiveness.

I also want to speak for a moment about the important science and research work that goes on at the National Oceanic and Atmospheric Administration. They, too, contribute to the productivity of this country, as well as to our health and safety and our understanding, very important to our long-term economic success, our understanding of the planet that we live on, its climate, and the changes in that climate. That is why I am disappointed in the cuts to those programs.

Finally I cannot conclude without commenting and expressing my great concern about the restrictions that are being imposed on the Legal Services Corporation. These restrictions will make it very difficult for Legal Services' lawyers adequately to represent their clients, and these restrictions apply not just to Government funds, but even to moneys raised privately. I think that is a grave mistake.

I just wanted to go on record with these reservations about a bill that has been, as I said, terribly difficult to fashion as responsibly as the chairman of the committee has.

I have mixed feelings about this bill. I must first commend Chairman ROGERS, ranking member Mr. MOLLOHAN and the staff of the subcommittee for their untiring efforts in the face of the impossible task placed before them. That task, to fully fund our Nation's important research, technology, crime fighting, and judiciary activities, has been made impossible by the inadequate funding allowed under the new budget resolution.

In the bill we are considering, H.R. 2076, the Commerce, Justice, and State Departments appropriations bill, the chairman has been able to provide generous funding for the overall Federal law enforcement effort. However, I am very concerned by the reductions in several of the research and technology development programs contained in the bill, as well as the costs to legal services.

This bill eliminates funding for the National Institute of Standards and Technology's [NIST] Advanced Technology Program [ATP]. The ATP program provides a private industry-Government partnership to nurture cutting edge industrial technology that is either too high risk or too broad based for a single private company alone to afford to develop. It provides small, competitive grants to companies of all sizes for development of preproduct technology. These grants are matched by private funds and motivate private industry to take risks in product and technology development that otherwise would not occur, not because they lack merit or profitmaking potential, but because the payback in the short term is too problematic for purely private capital. This program promotes America's long-term economic interests and should be supported.

While the International Trade Administration [ITA] has been spared large cuts in this bill, it too is reduced from current funding levels. Commerce export initiatives like those provided under ITA, alone have helped win almost $50 billion in overseas sales, including $25 billion in direct American exports. That translates to 300,000 jobs.

These cuts come at a time when our industries face a global challenge as great as at any time in our history. They come at a time when we are finally beginning to win key battles in the war for global competitiveness. And they come at a time when every industrialized nation in the world is working to develop new technologies that would give them a competitive edge. It is important to our Nation's economic future that we continue programs like ATP to encourage and develop new technology and like ITA to support U.S. exports.

Mr. Chairman, this bill also reduces funding for many of the National Oceanic and Atmospheric Administration's [NOAA] programs. NOAA's work contributes to a more productive and competitive nation. NOAA's mission is to protect life, property, marine and fisheries resources, and our Nation's coasts and oceans. It accomplishes its mission through research and monitoring of the condition of the atmosphere, oceans, and Great Lakes. NOAA predicts the weather, climate, and fisheries' productivity. In addition to the obvious importance of NOAA to the health of industries tied to coastal and marine life conditions, the work at NOAA is important to agribusiness, industries that have an impact on air quality, and the transportation and communications industries.

In particular, NOAA's Environmental Research Laboratories [ERL] have documented damage to the ozone layer, determined its cause, and worked with industry to find alternatives to the compounds that caused the damage. ERL labs developed doppler radar and designed more accurate hurricane tracking systems to increase warning time to the public, which saves lives and give property owners more time to protect their property. This is valuable research that the private sector won't necessarily do.

This is why I am disappointed in this bill's cuts funding for the Climate and Global Change Program which conducts research to develop long-term climate observation and prediction techniques, particularly for North America. This program also examines the role of ocean conditions on long-term climate changes and provides information to base important policy choices about the necessity or results of environmental and industry regulation.

Mr. Chairman, the women and men at NOAA and NIST work hard and strive for excellence and deserve our full support. Their efforts have helped keep our Nation at the forefront in important areas of research and technology development.

Finally, I can't conclude without mentioning my great concern about the burdensome restrictions placed on the Legal Services Corporation. What these restrictions do is make it difficult for LSC lawyers to fully represent their low-income clients. These restrictions include a prohibition on participating in any administrative rulemaking; on filing suits against any government, no matter how outrageously the government acts toward a client; on representing prisoners, no matter what their legal problems; and a requirement that all LSC services be bid out immediately, which will ultimately cause problems for the poor clients of LSC as legal services are shifted from low bidder to low bidder. These are just a few of the restrictions placed on LSC's ability to represent low-income people and the restrictions should be removed. And, to make matters worse, these restrictions will apply to services paid for with private contributions, if a legal services program takes any Federal funds.

While I believe the chairman should be commended for his diligent efforts in such a difficult budgetary environment, I must say that I have reservations about several parts of this bill.

□ 1845

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I would like to ask the chairman to yield for a colloquy.

Mr. Chairman, as you know, the U.S. Supreme Court recently upheld a lower court decision declaring the 11th Congressional District of Georgia unconstitutional.

This ruling found that Georgia's 11th District violated the Equal Protection Clause because race was the primary factor in its creation.

Mr. Chairman, the district plan that was approved by the Department of Justice, and most recently found unconstitutional by the U.S. Supreme Court, was in fact the third redistricting plan submitted to the Department of Justice for approval.

The first of three plans was created during a special session of the Georgia General Assembly in 1991, costing taxpayers over $1 million. This plan was rejected by the Department of Justice. The second redistricting plan was drawn during a regular session of Georgia's General Assembly in 1992. It was also rejected by the Department of Justice. The third district was created in 1992, according to the specific direction and guidelines offered by the Department, and was consequently approved by Justice officials.

And now, Mr. Chairman, we must once again return to the drawing board, in yet another costly special session of the Georgia General assembly and come up with a fourth redistricting plan that will both meet the approval of the Department of Justice and meet the constitutionality test. This special session, currently scheduled for August 14 of this year, will cost the State of Georgia thousands per day. Depending on how long the session lasts, costs will again approach the million dollar mark for Georgians.

Mr. Chairman, I have an amendment that would require the Department of Justice to reimburse a State for the costs associated with holding a special session of the State legislature in order to redraw district lines that have been previously approved by the Department of Justice, but found unconstitutional by the U.S. Supreme Court.

Mr. Chairman, I realize that my amendment requiring the Department of Justice to provide $2 million from its general administration account for the purpose of reimbursing States for the costs of special legislative sessions is not in order at this point.

However, Mr. Chairman, I would ask for the opportunity to work with you, and our counterparts in the other body, so that we can address this issue in the Commerce, Justice, State, and Judiciary appropriations bill.

Mr. Chairman, I insert for the RECORD the text of my amendment.

AMENDMENT TO H.R. 2076, AS REPORTED
OFFERED BY MR. COLLINS OF GEORGIA

Page 28, after line 19, insert the following:

REIMBURSEMENT FOR SPECIAL SESSIONS OF STATE LEGISLATURES

For reimbursement by the Attorney General of States for costs associated with special sessions of State legislatures where the State is required to redraw congressional districts that have been previously approved by the Department of Justice but subsequently found unconstitutional by the United States Supreme Court, $2,000,000.

Page 2, line 7, strike ''$74,282,000'' and insert ''$72,282,000''.

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

Mr. COLLINS of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has raised an important issue regarding actions taken by the Justice Department. I agree that this is an issue that warrants further discussion. I will be glad to work with the gentleman to develop the best approach to address that problem.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman I rise today in opposition to this bill, H.R. 2076. The American people have cried out for a real war on crime. Recently, in 1994, we listened to their concerns and we passed a 1994 Crime Act, which promised 100,000 additional officers and funding for real law enforcement. Already over 20,000 additional police officers have been put on our streets as a result of the 1994 crime bill.

Yet, today, H.R. 2076 does not guarantee one additional police officer to help our communities combat crime. Instead, this bill appropriates funding for a program that is not even authorized. The bill does eliminate the COPS program. I consider that a real mistake. COPS, Community Oriented Policing Services, works. It provides local communities with funds for law enforcement.

Instead, this bill would waste $2 billion of taxpayer money with no specific goals. Proponents try to tell you it is a block grant approach. In my opinion, it is a block headed approach.

Police departments will have to compete with every other agency that has any far-reaching relationship to public safety. Street lighting would be considered for funds. Street lights are nice, walkie-talkies are nice, roads leading to prisons are nice. But the COPS program establishes a clear priority, neighborhood police.

County programs provide neighborhood police for apartment complexes in high crime neighborhoods, small towns would get additional police, where one or two police officers makes all the difference in the world.

The program is working. My Congressional district alone has received 76 additional police officers to help fight crime in my district. Why should we defund a program that works? The COPS program provides neighborhood police to local communities. It sets a clear priority.

Mr. Chairman, we do not need to talk about roads and lights and walkie-talkies and orange jackets. We need to talk about neighborhoods police. Congress should keep its promise to the American people. The 1994 Crime Act is a superior bill. Community policing works. Let us let local communities have local law enforcement personnel.

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, I wish to engage the distinguished chairman of the House Commerce, Justice Appropriations Subcommittee in a colloquy regarding the proposed language contained in the committee report on H.R. 2076 regarding the hiring and placement of INS investigation, detention, and border patrol agents.

While I strongly support the subcommittee's goal to increase the number of INS personnel along the southern border of the United States, I am concerned that the language of the Committee Report may result in the further weakening of an already inadequate INS and border patrol presence in the Nation's interior agricultural areas.

In my own Fourth Congressional District of Washington, the illegal immigration problem has forced the INS office in Yakima to shut down its telephone service. A local newspaper recently reported that during a raid in the Yakima Valley this spring, the border patrol found that 23 out of 25 migrant workers were illegal immigrants, and 12 of them were using someone else's social security number.

In addition, Franklin county jail estimates that in 1994, an average of 50 percent of its inmate population consisted of illegal aliens, many of whom remained in the county jail at taxpayer expense simply because there were not enough border patrol agents to transfer them for deportation.

Mr. Chairman, our Nation must not only protect its borders from the influx of illegal immigration, but it must also seek to control document fraud and remove those illegal aliens already here. To do that, we need to maintain a strong INS presence in the interior as well as along the southern border.

I would ask the chairman of the subcommittee if interior congressional districts may be assured that Members and INS regional directors will be consulted before final INS hiring and relocating decisions are made?

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

Mr. HASTINGS of Washington. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the committee's recommendation for the transfer of border patrol agents from interior locations assumes that these personnel will be backfilled with INS investigators to ensure that document fraud and the removal of illegal aliens that are already here continues to be addressed.

I can assure you that Members will be consulted before allocation of any new positions or the relocation of any current INS personnel occurs. I will also work with the Commissioner of INS to ensure that the INS regional directors are involved in this process, and that criteria such as detained illegal aliens are used in these decisions.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the ranking Member for yielding time. I appreciate that.

Mr. Chairman, I want to thank the chairman and the ranking Member for their hard work under difficult conditions, but I must oppose H.R. 2076. There are so many things wrong with this bill that I believe the President is right to say that this bill is dead on arrival if it gets to his desk in this form.

Mr. Chairman, why do the Republicans eliminate the Advanced Technology Program established by President Bush? ATP provides assistance to U.S. businesses to promote commercial use of cutting edge technology. ATP is designed to increase U.S. competitiveness. Every major industrialized country has private sector government cooperative programs designed to increase their country's competitiveness in this world economy. Incredibly, this bill terminates our own program. That is like unilateral disarmament in the midst of a war.

Mr. Chairman, this bill eliminates funding for the Office of Advocacy in the SBA, which represents the interests of small businesses within the Federal Government. Just this year, just months ago, 415 Members of Congress voted to strengthen the Office of Advocacy's role as a small business ombudsman in the regulatory process. Now, just a few months later, the promise becomes a joke if this bill is passed.

Mr. Chairman, at least the Legal Services Corporation is not eliminated; it is merely cut by 30 percent. But this bill would prohibit for the first time ever the Corporation from spending private funds it raises on activities for which it currently cannot spend funds.

I know how unpopular legal services is to some. It is quite all right to ignore the unconscionable waste that goes on in military contracting, and it is okay for billionaires to renounce their homeland to avoid paying taxes. But Republicans are more than willing to attack a program that dares to help the poor obtain justice in this country.

Women from all walks of life are victims of the violence done to them in this appropriations bill. The Violence Against Women Act was approved by the House last Congress by a vote of 421 to zero. Now, how can all those Republicans, Members who voted yes last year, justify what they are doing less than a year later? Appropriators with mock sincerity say they are actually spending more to combat violence against women than last year. Well, how nice. But this bill appropriates less than one-third of the funding authorized for battered women shelters, rape prevention, child abuse prosecution, and other domestic violence programs.

Finally, this bill defunds the very successful community cops policing program established by last year's crime bill. It instead redirects these funds to a block grant program that is not even law. This again underscores the hypocrisy of the policies being pushed in this bill.

Mr. Chairman, community policing works. Communities big and small want community cops. They like what they have seen with community policing. What the Republicans are doing is simply partisan politics.

Mr. Chairman, I urge fellow Members to vote against this bill so that the appropriators can do the right thing. We can do that now, or we can do that in October or November when we most certainly will have to after the veto.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER], the very distinguished and hard working chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to begin by congratulating the gentleman for the work he has done here. He has worked very closely with the Committee on Science on this commerce appropriations bill. I want to publicly thank the gentleman from Kentucky, Chairman ROGERS, for his full and complete consultation, and hold him up as an example of someone who is responsible for making the process work, and also make it work right.

Although it is a tough and thankless mission, HAL ROGERS has made the cuts to start balancing the budget, and he has made them, in my view, in a very wise way.

The NOAA appropriations largely track H.R. 1815, the fiscal year 1996 NOAA authorization bill passed by the Committee on Science last month. The appropriation bill includes $1.69 billion of budget authority for the NOAA operations research and facilities account, which funds almost all of NOAA's programs. That is exactly the level that was authorized.

With a few exceptions, including funding for modernizing the NOAA fleet, the Sea Grant Program, and the lack of funding for the Coastal Oceans Program, the bill is consistent with the authorization to the amounts that were put into H.R. 1815.

Specifically, H.R. 1815 and H.R. 2076 both include $472 million for the operations of the National Weather Service, $132 million for the National Weather Service systems acquisition, $435 million for NOAA's satellite programs, $36 million for the satellite data management, and $128 million for program support.

While the bill includes some increases over H.R. 1815 in both the oceanic and atmospheric research in the national ocean service accounts, the overall appropriation for NOAA is the same, and ensures that NOAA's priority core missions receive continued funding, while NOAA's overall budget is decreased from its 1995 level.

Today, for the first time, we have before us an appropriation for NOAA which is largely consistent with the NOAA authorization. Perhaps, most importantly in this particular bill, the Commerce appropriations bill terminates a targeted $500 million program. H.R. 2076 zeros out all of the advanced technology program, which is an ill-advised industrial policy program.

The gentleman from Massachusetts made the point a moment ago that it was something done during the Bush administration. That is right. We are willing to take on programs, even some of those created by Republicans. This House is doing so much more for commercial product and technology development through things like tax cuts, regulation reform, and product liability reform, than any amount of government subsidy of a program like ATP could ever do.

At the same time, the gentleman from Kentucky, Chairman ROGERS, funds the core research program at the National Institute of Standards and Technologies as a priority, and I think that also is the kind of thing that helps us increase our competitiveness.

Once again, I would like to thank and compliment the gentleman from Kentucky, Chairman ROGERS, for his good work, and urge all of my colleagues to support H.R. 2076.

□ 1900

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE].

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

Mr. LATOURETTE. Mr. Chairman, I rise in support of the bill and also in favor of the Great Lakes Fishery Commission.

The Great Lakes Fishery Commission, which was established under the 1955 U.S. Canadian Convention on Great Lakes Fisheries, plays a critical role in protecting the health of the Great Lakes' $4 billion fishery industry.

The commission consists of eight commissioners, four appointed by the President and four by the Prime Minister of Canada. It is funded through a 69-percent to 31-percent cost share agreement between the United States and Canada respectively. The benefits of this commission are enjoyed by the United States, Canada, and the tribes.

Because the commission coordinates effective fishery management strategies throughout the region and coordinates binational natural resources in the Great Lakes region, it is imperative that the Great Lakes Fishery Commission continue to be funded through the State Department. We have spent many years cultivating a good relationship between nations and tribes.

Although the Great Lakes have definite boundaries on paper, taken as a whole, this is

one massive region used and shared by many. Hence, if there is a problem in the Great Lakes in Canada, it becomes the problem of the Great Lakes in the United States.

It was just such a crossing-all-borders problem that actually spurred the formation of the Great Lakes Fishery Commission.

The ''problem'' of which I speak, Mr. Chairman, has been described as slimy, ruthless, unsightly, heinous, scum-sucking and parasitic, words which ironically have all been used at least a time or two to describe certain members of Congress. But I assure you Mr. Speaker, these words in this instance are reserved for an ell-like species that is wreaking havoc on the Great Lakes—the sea lamprey.

For those who are not familiar with the sea lamprey, let me assure you this is not something you'd want in your backyard. In the Great Lakes we have seen an invasion of this eel-like, nonindigenous species. And, in addition to being just a hideous looking thing, the sea lamprey is parasitic and can destroy 10 to 40 pounds of fish during its parasitic period.

This slimy eel-like thing just clamps onto its prey and devours it. If you've ever had the misfortune of seeing footage of the lamprey in action, suffice it to say you should just be thankful it doesn't do to people what it does to fish.

It's the kind of creature you'd expect Steven Spielberg to invent to scare the bejeepers out of us in theaters. It is so vicious, so deadly and leaves behind so horrid carnage that if you made a movie about it, it'd make ''Jaws'' look like ''Free Willy'' and ''Jurassic Park'' look like ''Barney.'' But unfortunately, the sea lamprey is no Hollywood special effects creation, it's real. And it also is a very real threat to the health and future of the Great Lakes.

Before the creation of the Great Lakes Fishery Commission, the sea lamprey virtually destroyed the entire region's prosperous recreational and commercial fisheries. It practically wiped it out. However, through the use of lampricide to control larval lamprey in streams, the commission has been able to reduce the lamprey population to 10 percent of historical abundance.

Furthermore, the commission also is examining several nonchemical methods for controlling the sea lamprey, such as sterilization of the male lamprey. Lamprey research, like our fishery management plan, is something best handled jointly between the United States, Canada and tribes.

We cannot backslide on these efforts, as the future health and growth of the Great Lakes' fisheries is dependent upon our efforts to control, and hopefully one day, eradicate forces like the sea lamprey and zebra mussel.

For this reason, and the many other strategies employed by the Great Lakes Fishery Commission, I urge that the funding be maintained through the State Department.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from California [Mr. HUNTER] is recognized for 2 minutes.

Mr. HUNTER. Mr. Chairman, I want to say to the chairman and to the ranking member that you two gentlemen are one reason why America is starting to get control of our borders, because a couple of years ago you started increasing the Border Patrol. And you did it in a difficult time. You did it at times over the objection of the administration. And because of that, you have started this trend of taking border patrol men, who are presently stationed in the interior, moving them to the border, forward deploying them, which is one thing the studies done by Los Alamos Laboratory said we should do, one thing the studies by GAO said we should do.

Additionally, this year you are adding some 700 new border patrol agents, those are used in the smugglers corridor between San Diego and Tijuana, the most prolific smugglers corridor in America, who greatly appreciate your attention to the border.

We have 12 smugglers corridors across the Southwest, from San Diego to Tijuana, all the way to Brownsville, Texas, to Matamoros, Mexico.

I want to thank the distinguished chairman, the gentleman from Kentucky [Mr. ROGERS], for this attention to the border, and the gentleman from West Virginia [Mr. MOLLOHAN]. Because of you we are finally starting to get control of the border, and those of us in California, Texas, New Mexico, and Arizona will work with you very closely to see to it that we finish this job.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the Congressional Record. Those amendments will be considered as read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $26,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided,* That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $39,736,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,484,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including activities authorized by title X of the Civil Rights Act of 1964, and including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $401,929,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the funds available in this appropriation, not to exceed $22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through ''Salaries and Expenses'', General Administration: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the

Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $69,143,000: *Provided,* That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $20,881,000: *Provided further,* That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $896,825,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $14,731,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $5,000,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $101,596,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: *Provided,* That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: *Provided further,* That the $101,596,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $57,405,000: *Provided further,* That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $418,973,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $250,331,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $35,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $374,943,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further,* That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,251,481,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not to exceed $14,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided,* That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further,* That $50,000,000 for expenses related to digital telephony shall be available for obligation only upon enactment of authorization legislation.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $80,600,000, to remain available until

expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $35,000,000 shall be for activities authorized by section 190001(c); $27,800,000 for activities authorized by section 190001(b); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); $8,300,000 for training facility improvements at the Federal Bureau of Investigation Academy at Quantico, Virginia authorized by section 210501(c)(3); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $98,400,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $781,488,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For Drug Enforcement Administration agents authorized by section 180104 of Public Law 103–322, $12,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,421,481,000, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further,* That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $30,000,000 for programs to verify the immigration status of persons seeking employment in the United States: *Provided further,* That none of the funds appropriated in this Act may be used to operate the Border Patrol traffic checkpoints located in San Clemente, California, at interstate highway 5 and in Temecula, California, at interstate highway 15.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, 130007, and 190001(b) of Public Law 103–322, $303,542,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $44,089,000 shall be for expeditious deportation of denied asylum applicants, $218,800,000 for improving border controls, $35,153,000 for expanded special deportation proceedings, and $5,500,000 for border patrol equipment.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $11,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,574,578,000: *Provided,* That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: *Provided further,* That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $323,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided,* That labor of United States prisoners may be used for work performed under this appropriation: *Provided further,* That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses,'' Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further,* That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the

Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $97,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $102,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $32,750,000 for Grants to Combat Violence Against Women, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $27,000,000 for grants for Residential Substance Abuse Treatment For State Prisoners, as authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: *Provided further,* That any balances for these programs shall be transferred to and merged with this appropriation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), which shall be available only to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: *Provided further,* That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''), $3,333,343,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $2,000,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $475,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 501 of the Immigration Reform and Control Act of 1986, as amended; $19,643,000 for Youthful Offender Incarceration Grants, as authorized by section 1001(a)(16) of the 1968 Act; $500,000,000 for Truth in Sentencing Grants pursuant to section 101 of H.R. 667 as passed by the House of Representatives on February 10, 1995 of which not to exceed $200,000,000 is available for payments to States for incarceration of criminal aliens pursuant to section 508 as proposed by such section 101; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $10,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $200,000 for grants to assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions, as authorized by section 32201(c)(3) of the 1994 Act; $1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act: *Provided,* That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further,* That any 1995 balances for these programs shall be transferred to and merged with this appropriation.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $23,500,000, of which $13,500,000 shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs and $10,000,000 shall be derived from discretionary grants provided under part C of title II of the Juvenile Justice and Delinquency Prevention Act, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: *Provided,* That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as amended by section 112 of this Act, authorities contained in Public Law 96–132, ''The Department of Justice Appropriation Authorization Act, Fiscal Year 1980,'' shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any

person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in the Act may be used to pay rewards and shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided,* That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That this section shall not apply to any appropriation made available in title I of this Act under the heading, ''Office of Justice Programs, Justice Assistance'': *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund.

SEC. 109. Section 524(c)(9) of title 28, United States Code, is amended by adding subparagraph (E), as follows:

''(E) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) of this paragraph, any excess unobligated balance remaining in the Fund on September 30, 1995 shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this subparagraph may be used under authorities available to the organization receiving the funds.''.

SEC. 110. Notwithstanding any other provision of law—

(1) no transfers may be made from Department of Justice accounts other than those authorized in this Act, or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code; and

(2) no appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.

SEC. 111. (a) Section 1930(a)(6) of title 28, United States Code, is amended by striking ''a plan is confirmed or''.

(b) Section 589a(b)(5) of such title is amended by striking '';'' and inserting, ''until a reorganization plan is confirmed;''.

(c) Section 589a(f) of such title is amended—

(1) in paragraph (2) by striking ''.'' and inserting, ''until a reorganization plan is confirmed;'', and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) 100 percent of the fees collected under section 1930(a)(6) of this title after a reorganization plan is confirmed.''.

SEC. 112. Public Law 102–395, section 102 is amended as follows: (1) in subsection (b)(1) strike ''years 1993, 1994, and 1995'' and insert ''year 1996''; (2) in subsection (b)(1)(C) strike ''years 1993, 1994, and 1995'' and insert ''year 1996''; and (3) in subsection (b)(5)(A) strike ''years 1993, 1994, and 1995'' and insert ''year 1996''.

SEC. 113. Public Law 101–515 (104 Stat. 2112; 28 U.S.C. 534 note) is amended by inserting ''and criminal justice information'' after ''for the automation of fingerprint identification''.

This title may be cited as the ''Department of Justice Appropriations Act, 1996''.

The CHAIRMAN pro tempore. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN: On page 24, line 6 strike, ''$2,000,000,000'', and all that follows through ''1995'' on line 9, and insert the following:

''1,767,000,000 shall be for Public Safety and Community Policing Grants authorized by section 10003 of the 1994 Act; and $233,000,000 shall be for carrying out the crime prevention programs authorized under sections 30202, 30307, 30702, 31904, 31921, 32101, 40102, and 50001 of the 1994 Act.''

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

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

First, I would like to comment on the appreciation expressed by the gentleman from California [Mr. HUNTER], to the gentleman from Kentucky [Mr. ROGERS] and myself for our efforts with regard to INS and our funding last year and this year to enhance border enforcement and to work to try to secure our border. We certainly have worked in that regard.

Mr. HUNTER last year was very much in the forefront of that. I appreciate his kind of remarks, and we appreciate his efforts in that regard.

Mr. Chairman, I rise to offer an amendment to title I of H.R. 2076, the fiscal year 1996 appropriate bill for the Department of Commerce, Justice, State, and the Judiciary, and related agencies.

Mr. Chairman, frankly, this amendment is not the amendment that I wanted to offer at this time. At the full committee, it became apparent, it became apparent in subcommittee, as we were marking it up, but we were not going to put any money on the COPS program, the program that is out there right now working for America, the program that has brought approximately 20,000 police officers to local communities virtually in every congressional district in this country, that is doing a good job, by all accounts, both administratively and substantially in fighting crime on the streets. It became apparent in subcommittee that we were not going to fund the COPS program. Although we had passed it in the crime bill last year. Although the Justice Department has implemented it by any account in a very efficient, effective way, although many communities are relying on it, have spent time, filed their grants, and expect for those grants to be funded for the next three years because they had been granted by the Federal Government, we are not funding it in this bill.

So today as it stands, tonight, throughout the country, as the law enforcement community looks at our efforts here, looks at this appropriation bill, looks at title I, the Justice funding, they do not see any funding next year for the COPS program.

Recognizing that we were not doing that in subcommittee, I thought about that. How do we posture this so that we take into consideration the interests of the majority now, we take into consideration the fact that earlier in the year they passed a crime bill which repealed in effect the COPS program and substituted a block grant program but also which takes into consideration that block grant program is not law; the COPS program is. How do we handle that?

So I came up with an amendment in the alternative, a funding in the alternative. I offered that in full committee. The amendment simply said that we will fund the block program as it is contained in the subcommittee's mark, if the block program becomes law. Because if it becomes law, it in effect replaces the COPS program. But if the block program does not become law, then we will take that same amount of money and fund the COPS program and $233 million out of the fund prevention programs so that police officers and the law enforcement community and the American people would not have to be in this state of insecurity about Federal funding for community policing.

That was a reasonable amendment. I almost thought it was bipartisan. I thought it might be accepted, but it was not. It was opposed on a partisan

basis and defeated in the full committee.

I went to the Committee on Rules, made the same appeal. Let us fund block grants, if they become law, but let us not not fund the COPS Program in the event that the block program does not become law. Let us tell the police community out there, the American people, let us tell them that we are going to keep this program going in some form.

We were denied at the Committee on Rules. Therefore, we are left with the only alternative and that is to strike the funding for the block grant program in this bill and offer an amendment in substitute of that to fund the COPS Program and to fund $233 million in prevention programs.

That is where we are tonight. I hope that we pass this amendment, because if we do not go the other way, funding in the alternative, then surely we should let the communities across this country know that this very effective COPS Program is going to be funded into the outyears, that our promise to police agencies, law enforcement across the country, our promise that we are going to fund this COPS Program for 3 years, that that promise is kept.

Let me take a moment to speak to the success of the COPS Program, which obviously is the substance, it is the reason it merits continuing funding.

The COPS Program was first funded last year in the Commerce, Justice Committee, was funded at $1.3 billion. This funding passes through a variety of grant programs, and jurisdictions of all sizes participated in it.

There is the COPS Ahead Program that helps fund officers in larger jurisdictions. There is the COPS Fast Program, that directs funds towards smaller jurisdictions, and there is even a program Troops to Cops that provides funds to jurisdictions which hire former members of our armed services, which ought to be very attractive, particularly when we are downsizing the military.

Thus far, Mr. Chairman, we have 20,473 more officers funded under this program that have been authorized by COPS that are out there on the beat. And Mr. Chairman, soon, I believe tomorrow, the Department of Justice will be announcing 3,434 more cops on the beat.

I want to assure my colleagues that we are right on schedule with this program. We will see 100,000 more police officers on the beat by the year 2000, if we just fund the program. But the numbers do not tell the whole story.

COPS is a popular program. It is popular with chiefs and sheriffs and mayors, as well as rank-and-file officers. COPS grant applications are short; they are simple. They are easy to fill out, one page in many instances. It is virtually an unparalleled administrative success program in the Federal Government.

Let us talk about the impact of the COPS Program on crime. During the first half of 1995, homicide rates in America's largest cities, including New York, Chicago, Houston, Los Angeles, Miami, have dropped. That is certainly welcome news. Is it all because of the COPS Program? I do not know. But it is certainly making its contribution. And if it were rising, those who are critics of the COPS Program would probably say, Look, it is failing the crime rate is going up. But the crime rate is not going up. It is going down. The COPS Program is contributing to that. That is a wonderful success, and it is welcome news.

In combination with community-based initiatives, this is a terrific program having a terrific impact.

A recent article in the Washington Times detailed the successes of community policing efforts in Fort Worth, TX. The article states that since community policing began in Fort Worth, burglaries have gone down by 51 percent, and they started their community policing 4 years ago, grand thefts by 38-percent down, auto thefts by 60-percent down, robberies by 31 percent and aggravated assaults by 56 percent. Mr. Chairman, community policing works.

If you vote against this amendment here tonight, there is no guarantee that the COPS program will continue. There is no guarantee that one new officer will make it to the streets of this Nation. If you vote for my amendment, you will ensure that the COPS program continues, that this proven work goes on.

Finally, I would like to say a few words about prevention programs, Mr. Chairman. As H.R. 2706 stands, our bill zeros out funds for a number of important prevention programs such as drug courts and assistance for delinquent and at-risk youth.

While some of these programs may be eligible for funding under the $2 million local law enforcement block grant, my amendment reserves $233 million specifically for these prevention programs, for these intervention programs. And they are working across the nation. Intervention and community policing, it is a nice combination, Mr. Chairman.

By specifically reserving a pool of funds for these programs, I am preventing these programs from having to compete with COPS or other programs for funding.

Let me remind my colleagues that there is a large teenage population coming up into crime-prone age, late in this century and early in the next century. Our best defense is to focus right on them, and prevention programs do that, focusing on drug awareness, education programs, and at-risk youth.

□ 1915

Mr. Chairman, who knows what we will get for $2 billion on the local law enforcement block grant programs. We will get some good, but in the meantime we will undermine a proven program, one out there that America is depending upon and one out there that is playing its part in reducing crime across this Nation. Let us support this amendment.

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

Mr. ROGERS. Mr. Chairman I yield myself such time as I may consume.

Now, Mr. Chairman, let us be straight about this. The bill includes almost $2 billion for local law enforcement block grant applications. It replaces the President's COPS program. The President's COPS program is a top-down Washington based program. It requires local communities the first year to put up 25 percent of the cost, the second year 50 percent of the cost, the third year 75 percent of the cost, and the fourth year 100 percent.

Local communities say, if I had 25 percent to match, I would hire a cop today on my own. I would not need the Federal match. Our program, Mr. Chairman, only requires the local communities to put up 10 percent, and they can use the money not just for cops but for cop cars and cop radios and cop supplies and other needs of the local law enforcement community. Whatever they say they need. That is the beauty of this program.

The Mollohan amendment puts its money on the Washington-based crime fighting strategy of the President. We put our trust in local communities' abilities to decide on their own where and how they want to spend the money to fight crime. I want you to know, Mr. Chairman, and my colleagues, that midnight basketball is back if the Mollohan amendment passes along with other Washington prescribed crime prevention programs.

I received a letter yesterday, Mr. Chairman, from the National League of Cities. It is signed by the current Democratic president, Carolyn Long Banks, and the incoming Republican president, Gregory Lashutka. It is a bipartisan response to the local law enforcement block grant program. Here is what it says. ''We are writing on behalf of 135,000 municipal elected leaders from cities and towns across the Nation to express our strong support for provisions in the fiscal year 1996 Commerce, State, Justice appropriations bill requesting $2 billion to fund the House passed LNC supported local law enforcement block grant.'' They say, We urge all Members to vote in support of your efforts to fund a strengthened Federal local anticrime partnership.'' They go on to say, ''The types of crimes and violence and the appropriate responses to them vary from city to city. We know that no one-size-fits-all approach directed by Washington could work nearly as effectively and efficiently as providing local discretion and responsibility to local elected officials.''

That is the quote, Mr. Chairman, from the president of the National League of Cities, Carolyn Long Banks,

who happens to be a member of Mr. MOLLOHAN's party, but it is also signed by the Republican incoming president, and so this is bipartisan support for the local law enforcement assistance grants.

I would put my money and we are putting our money in this bill on local communities any time, day or night, over providing the President his prescription from Washington for how local communities should act to fight crime in their community. We put our faith in local communities, in local elected officials, in local law enforcement people. The Mollohan amendment puts its faith in the White House.

I strongly urge our Members to vote ''no'' on the Mollohan amendment and I hope that the Members will stay with us on the bill, because we provide almost $2 billion for local law enforcement, not Washington-local law enforcement.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Mollohan amendment to preserve the funding for community policing grants and prevention programs as prescribed by the Violent Crime Control and Law Enforcement Act of 1994.

Last year the Congress passed a crime control bill that adopted a balanced approach of prevention to stop crime before it starts; prisons to punish criminals; and police to enforce the laws on our streets. This approach is working, and particularly with regard to police.

For example, the Justice Department has been extremely successful in awarding thousands of grants to small towns, medium-size towns, and to our Nation's cities. Nearly 17,000 new police officers are or will be hired—over 150 in my home State of Connecticut alone. These new police officers are welcome relief in my hometown of Hartford, where new officers on the street will fight the gangs and drugs that have become so commonplace there.

Funding in this appropriations bill assumes enactment into law of H.R. 728, and funds $2 billion for the Law Enforcement Grant program. But it does not continue the successful COPS program; in fact, it does not guarantee that one additional police officer will be placed on the street. We can try criminals, we can put them in prison, but without additional police we do not have the resources to arrest them and start the judicial process.

In addition, the bill provides no funding for any of the prevention programs like drug courts, that were enacted into law as part of last year's crime bill. Without funding for prevention programs we will not have the chance to keep our young people off the streets, and away from the temptations of crime.

I urge my colleagues to vote for the Mollohan amendment to restore funding for police and prevention programs. Let's continue the intelligent approach enacted to reduce crime across the Nation. Support a balanced approach to fighting crime in our counties, and support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 6 minutes to the very able gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. MCCOLLUM. I thank the gentleman for yielding time to me.

Mr. Chairman, I come tonight to rise in strong support of the provisions in this bill that have law enforcement block grants.

Funding this initiative represents a vital step in my judgment in this Congress to keep one of the pledges in the Contract With America that we made as we came to office on this side of the aisle this past November, and a pledge that we took a large step in keeping when we passed a bill earlier this year, in January, H.R. 728, where we rejected the Washington-knows-best concept that is embodied in the Mollohan amendment.

The reason I like what is in the underlying bill and do not like Mollohan is the same reason we debated out here back in January. We talked about the fact that at that time we had a situation where a bill that had been passed in the last Congress devoted a specific amount of money to Cops on the Streets Program, a very large sum, and another very large sum to a bunch of prevention programs that many of us thought was more social welfare. In order to be able to get any of this money, you had to comply with the specific restrictions in that legislation which was passed last year in the last Congress.

What we found in the Cops on the Streets Program as it has been unearthed and developed out there is that some communities, particularly those that were going to hire cops, anyway, think those programs are terrific in a sense because the money that is given to them by the Federal Government subsidizes a program of hiring that they were already planning on doing anyhow. In a few cases you are getting a few new cops on the streets in places you would not otherwise have, but there are hundreds, and I would say thousands of local communities around this country who have rejected the idea of these new cops under this program already. Many of them have contacted many of the Members of this Congress and this House in particular to express those rejections and the reasons why. The reasons were clear to us then as they are clear to us now. That is, because especially in smaller communities, there is simply not the ability to fund the additional amount for the police officer.

As the gentleman from Kentucky [Mr. ROGERS] explained a minute ago, what happens in this COPS Program right now as it exists is that the police officers can be hired provided you put up a certain amount of funding at the beginning, and the Federal Government puts up about 75 percent, I guess, at the beginning. But that goes all the way down, in 3 years, all the way down to zero. After that you have the total responsibility of paying the entire cost of a police officer if you are going to keep them after that time, and most of that cost at the end of the first year.

The fact of the matter is that what the Federal Government pays, too, is not the full cost of the first time out, even the first year, because it does not take into full account the cost of equipping and training that new officer to go out on the street or perhaps the new police car he has got to have to have him.

What we also had with the prevention programs in the actual grants, not block grants but the regular grants they have out there now, is a limited amount of choices. You had certain programs specifically fixed, many of them designed to prefer in a sense some of the larger cities like New York City that would like to get specific money for a particular program. None of that, the American public thought, was a very good idea.

So what came out in the bill that passed this House, the crime bill earlier this year and what is embodied in this appropriations bill today was a complete change in that, a movement to a block grant program for the local communities to take all of this money that can be available, which is made available under this bill tonight, and instead of having somebody tell them that they have to hire a police officer in order to get the money or that they have to meet a certain program standard of a particular program we have dreamed up up here, the local communities, based upon the highest crime rates around the country, and based on their populations, will get the moneys in their communities for the county and city governments to decide how to spend that money to fight crime, with no other restriction except that it has to be used to fight crime and that it cannot be used to substitute for moneys that otherwise already would be there to hire the existing police or whatever.

In other words, the block grant money concept that we have, that we are going to be voting on in a couple of minutes tonight that the gentleman from West Virginia [Mr. MOLLOHAN] wants to do away with with his amendment would allow the cities and the counties of this country to decide how to spend the Federal money that is available in a way that they individually believe best fights crime in their communities. If they want to hire a new police officer or two, they are perfectly capable of doing that, spending every penny of their money on it. If they want to bid a new police car instead or another piece of equipment,

they could use it for that instead. If they want to put the money into drug prevention programs or into midnight basketball, they could do that. That would be their choice at the local level rather than Washington telling them how to do it as exists in the present law and as exists in what the gentleman from West Virginia [Mr. MOLLOHAN] wants to return to with this money.

We do not want, on our side of the aisle, to be dictating to the cities and the counties of this Nation how this money is to be spent. We want to let them decide, because we think local governments know best how to fight crime in their communities.

This block grant approach is supported by a lot of groups around the country. These groups include the National League of Cities, the National Association of Chiefs of Police, the Law Enforcement Alliance of America, the Memphis Police Association, the Southern States Police Benevolent Association, the American Federation of Police, the Police Superior Officers Association and numerous lodges of the Fraternal Order of Police.

It is also significant of note that the police chief of Washington, D.C. recently testified before Congress and voiced his strong support for the block grant approach giving him the flexibility of getting equipment and doing other things rather than having to have a cop or doing one of the prevention programs specifically dictated in the bill that passed last year or would exist under the approach of the gentleman from West Virginia [Mr. MOLLOHAN]. Washington, D.C. lacks the resources and the ability to take advantage of the COPS program just like a lot of communities around this country lack that ability.

What the gentleman from West Virginia [Mr. MOLLOHAN] wants to do does not make sense. He is turning back the clock to the old Democrat version of how we ought to do it, with Washington knows best.

I urge my colleagues to vote ''no'' against the Mollohan amendment, embrace the local community block grant program in the underlying bill. Let the cities and the counties of this Nation decide who knows best what is good for them because what is good in Eugene, Oregon for fighting crime is not necessarily good in Jacksonville, Florida.

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

I would like to reply to the distinguished gentleman from Florida for just 1 minute. He got into at the end of his remarks a little bit of hyperbole about the old way of doing business and all that.

Actually the COPS program is very modern, it is very new, it is good thinking. It is an efficient operation, creating efficient relationships between the Federal Government and localities and States across this Nation. It does it in a very direct way, focusing on a very real problem and getting a directly focused program, cops out there on the beat.

The gentleman from Florida mentioned organizations who were supporting the community block grant program. Perhaps they are supporting it in the abstract, as a possibility. There are a number of fraternal organizations who support the COPS program and support it strongly. Just to mention a few and not take up very much time, the Fraternal Order of Police support COPS, I say to the distinguished gentleman. The National Association of Police Organizations, the International Brotherhood of Police Officers, the International Union of Police Associations, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition. The list goes on. I have only gone down through about half of it. There is considerable support out there for this very successful program.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Mollohan amendment to restore funding for the COPS community policing and prevention programs.

The amendment provides $1.8 billion in community policing grants so that States and local governments can hire more police officers. It also restores $233 million for much-needed crime prevention programs. The Mollohan amendment would make sure that community policing and prevention programs are funded, instead of leaving these vital initiatives to chance under the local law enforcement block grants. Despite what my colleagues on the other side of the aisle say, these block grants do not guarantee that even one new police officer would be on the beat or that children and families would benefit from needed crime prevention initiatives.

Streets are becoming safer because we are putting more police officers on the beat and are improving programs that give young people a positive alternative to the streets.

In 1990, my hometown of New Haven, CT, had the unfortunate distinction of having the highest crime rate of any city in Connecticut. Then police and community leaders came together and implemented a community policing program. Three years later, New Haven has a much prouder distinction—crime was reduced by 7 percent in the first year of the program and by 10 percent in the second year. In fact, New Haven's community policing program has become a model for the Nation.

We need to keep the pledge made in the 1994 crime bill to put 100,000 new police officers on the streets by the year 2000. In my district, 32 new police officers are already on the job in 10 municipalities. And the results are in. According to the F.B.I.'s Uniform Crime Reports for the first 3 months of 1995, aggravated assault is down by 40 percent, robbery is down by 21 percent, and murder is down by 5 percent.

I urge my colleagues to support our police and communities by keeping our commitment to the COPS and prevention programs in the 1994 crime bills. These programs are making our streets and our people safer.

Take a stand in support of our cities, our police, our families, and our youth: support the Mollohan amendment.

□ 1930

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I appreciate the gentleman's yielding and I appreciate being recognized to speak about this very important provision.

Listening to the comments on the other side, I am reminded of an author, and I must admit I do not know whether it was Shakespeare or Tom Clancy that said, in response to somebody protesting about something else, ''Methinks y'all doth protest too much.'' Translated to those of us out in the real world, that means, ''What are y'all scared of?''

Mr. Chairman, we have a program here that takes taxpayer dollars and goes to our communities, our county commissioners, your city councilmen, your police, your cops, your sheriffs and says: Would you rather have these moneys coming for your community going back to your community? Would you rather have them controlled by Washington, as benevolent as Washington may be, or would you rather have control of those moneys in your community to use for purposes that you know are best in your communities?

Yes, the COPS program may be a good program, but why be wedded to a program that can be improved? This program can be improved.

If the gentlewoman from Connecticut needs police officers in her community, needs a cop on the beat in the neighborhoods, this proposal in this bill says, Go for it. Go to it, if that is what you need.

It gives ultimate flexibility to our law enforcement officers, our county commissioners, our city council people. that is it where the power should be, because that is where the power is coming from. We are returning it to the people. We are returning it to the people and to our officers, and what they need is what we ought to give them.

Mr. Chairman, they do not need redtape. They do not need forms. They need the funds to do what they believe in their community needs to be done to protect our citizens. This bill does it; this amendment takes it away.

I ask this amendment be defeated and the bill supported.

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

Mr. Chairman, with regard to the gentleman's closing remarks that this

amendment takes it away, this amendment indeed takes nothing away; this amendment preserves the COPS program. It keeps the funding going as the Government promised it would keep it going into the outyears.

Actually, the bill language takes it away, changes the program in midstream and creates a lot of instability out there. This amendment restores that and keeps the COPS program going.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

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

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for his leadership on this bill, and I feel more deeply about it, as somebody who authored the COPS program.

Mr. Chairman, the gentleman from Georgia asked the question a minute ago; he said, ''What are you afraid of?'' Let me tell you what we are afraid of. We are afraid of local and State politicians taking this money and wasting it, not putting it for cops on the beat, but for doing whatever they darn choose.

We are afraid of them doing what they did in the 1970s, spending money on a tank or, like the Governor of Indiana, spending it on an airplane that he used to fly around saying he was protecting law enforcement. Or in other ways we are afraid of the LEA program, spending billions of dollars and wasting as they did in the 1970s.

There is a simple choice here, my colleagues. Who do you want to get the money? The police, as in the Mollohan amendment, or the politicians, as in the Republican bill?

We have this myth here, the Federal politicians will waste the money, but the State and local politicians will use it wisely. Well, I have seen more State and local politicians waste money. If my colleagues would just look at each of their local newspapers, there will be a story day by day. Ask this question: Why are all the major rank-and-file police organizations supporting the Mollohan bill; FOP and the NAPO, the hard-working policemen and women who walk those beats and whose lives are in danger? Because they know that our amendment says: Put the money for cops on the beat, not for whatever some little local politician decides he or she wants. It is that simple.

Mr. Chairman, if my colleagues were to ask my constituents, hard-working people in the outer boroughs of Brooklyn and Queens, what they want more than anything else from their government, it is the cop walking the beat.

Our bill provides them that. The Republican bill, the proposal, does not. It allows the local mayor, county commissioner, or whoever else, to spend the money on any kind of frivolous scheme they want.

Vote for the police. Vote for safety. Vote for the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, as a former assistant district attorney of Pennsylvania and a Town Watch organizer, I can tell you that the existing 1995 crime bill earmarks $10.2 billion for crime prevention programs and police programs.

Whether it is police officers or a drug corps, a Town Watch, police vehicles or police training, this existing bill does everything we need, including having more police officers, and the 1994 existing grants for police officers are fully protected.

In my view, the Federal Government, which is $4 trillion in debt, does not handle its funds well, but local government knows what it wants. Leave the discretion, as the gentleman from Florida [Mr. MCCOLLUM] says, to local law enforcement initiatives by our local communities, and we will take care of the law enforcement with the police officers and the public safety initiatives.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, what is the majority party's response at this point to the COPS program? It is a cop-out. A block grant. A block grant that assures no more cops on the beat; not a single additional cop guaranteed.

The issue is not about flexibility. This bill provides a lot of flexibility. I say this to the gentleman from Florida, it is about priorities. There is a national priority in terms of more police in local communities. And the gentleman mentions about small and large. I do not understand why small communities in his district, and in others represented here, have not taken advantage of this program.

The local communities in the 12th District, small and large, have. Center Line has an application. It has a small population; less than 10,000. We have a letter, on the other hand, from Warren from the city police chief, 145,000. He says, ''Save this program. It has added six police in the community and now we hope to obtain more.''

The same is true of Berkley and Huntington Woods, small communities in the 12th District. And the bill, the COPS bill, allows communities to combine together, under an amendment that I proposed, to have regional task forces to get at the needs within those communities.

Mr. Chairman, what does the majority proposal at this point suggest? Throw it to the winds. There is no accountability. I am proud to stand here and say there is a national priority and that is more police in our communities; flexibility for communities to use it as they want.

Mr. Chairman, I am not saying Washington knows best, but what I am saying is, listen to the local communities who have applied and who support this program. The formula of the majority party is going to hurt suburban communities like I represent. They have an ingredient in there that is going to hurt suburban communities like I represent.

The COPS program is working; their program is a cop-out. I am glad for the Mollohan amendment. Let us go across partisan lines for once and support it.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, the gentleman from New York [Mr. SCHUMER] has just called every sheriff, every police official, every mayor in this country, a little local politician, when he said that the Members of this body, that the Members of the U.S. Congress, know more about fighting crime than local sheriffs, and that is a lie.

Mr. Chairman, I have before me a letter from Donny Gasparini, a Democrat, who is the sheriff of Winnebago County, one of only 32 counties in the entire United States to be accredited by the Commission of Accreditation for Law Enforcement Agencies. He is saying this: We need flexibility in this program. Sure it is good to have money for cops on the beat, but each new officer accounts for an average of 15 arrests per month.

He sent a letter to President Clinton saying, Give the sheriffs of this country flexibility. Do not box us in, because we need money not only to hire cops if we need them, but for drug courts, day reporting centers, community-based drug rehab programs, work release options.

Mr. Chairman, this is a professional law enforcement officer. He is the head of the Illinois Sheriffs Association. He knows more than the U.S. Congress. He is the one saying give the local police enforcement agencies the flexibility to spend the money to develop the tools that they know best in order to fight crime. Take power away from Congress and give it back to the local communities. That is why the block grants is the best program.

Mr. Chairman, I submit the following letter:

OFFICE OF THE SHERIFF,
WINNEBAGO COUNTY,
Rockford, IL, June 15, 1995.

Hon. DONALD MANZULLO,
U.S. Representative,
Washington, DC.

DEAR DON: Enclosed is a copy of a letter I am sending to President Clinton regarding the difficulties with appropriations for the Crime Bill.

Can you suggest any additional steps we in corrections should be taking to assist with the decision-making process?

This matter is of grave concern to our community. We have invested much time and money in trying to jump through the federal hoops for funding assistance, only to have the rules change in mid-jump.

Can you help?

Sincerely,

DONALD J. GASPARINI,
Sheriff.

OFFICE OF THE SHERIFF,
WINNEBAGO COUNTY,
Rockford, IL, June 15, 1995.

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

DEAR PRESIDENT CLINTON: This letter is to call your attention to certain aspects of the ''Crime Bill'' that I'm sure you recognize need to be addressed.

The situation in county corrections is at crisis proportion. Everyday we face overwhelming stress on our system. We have desperately needed alternatives to incarceration, and some very good programs have been developed (i.e. drug courts, day-reporting centers, community-based drug rehab programs, work-relase options), but the problems are escalating with such speed that we can't afford to fund the alternatives.

We had great hopes of receiving federal assistance in the form of grants, but many of the alternatives-to-incarceration grant programs we were eligible to apply for, have had their funds pulled to support the Community Policing Grant program. We have submitted a Drug Court Grant application, which now awaits some sort of decision on appropriations, following the recision bill veto.

I fully support the concept of more law enforcement on the streets as a deterrent to crime, but each new officer accounts for an average of 15 arrests per month, adding to the dangerously high crowding in our jails, and the premature release of dangerous criminals back onto the streets to be arrested again. The criminal justice system is like a line of dominoes; adjustment of one affects the rest. There must be a more comprehensive approach.

Daily in Winnebago County, we face the problem of a jail packed like a tin of sardines, averaging 387 inmates in space built for 226. Many days, especially following a weekend of arrests, we number well over 450 in that same space.

Believing that the public would support the badly needed expansion of our facility, we presented a referendum to the community on the November 1993 ballot. This referendum covered all four affected areas within the criminal justice system—state's attorneys and public defenders, courts, probation, and incarceration—allowing us to begin clearing up the large number of inmates awaiting trial and to put teeth into sentencing by providing the necessary jail space. The referendum was defeated three-to-one, by a public who said they will not approve any additional property tax.

We are accountable to the communities we serve, and in our efforts to maintain an efficient and precisely run Agency, we have recently successfully completed the onerous and rigorous process of Accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA). We are proudly one of only 32 accredited Sheriff's Departments in the nation. What this really means is that in spite of the budget restrictions, increasing crime, and reduced pesonnel levels, we have maintained above average solve rates, achieved the highest honors our industry can bestow, and reinforced public confidence in the job we do best.

The reason for this lengthy explanation of our situation is to add our voice to the many communities across Illinois and the nation who are in the same frustrating position. Our hope is that this information will strengthen your argument for more emphasis on funding for local rehabilitation and meaningful sanctions that will return credibility to law enforcement, whether it is in the form of federal grants, or block grants to states, that would allow for more local considerations.

Personally I would like to see Crime Bill funding returned intact for this fiscal year, and gradually phase in the minimally restrictive block grants that would complete the intent of the Crime Bill over a three-to-five year period.

Please let me know if there are any steps we can be taking at the local level that would expedite this possibility.

Sincerely yours,

DONALD J. GASPARINI,
Sheriff.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. BERMAN].

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

Mr. BERMAN. Mr. Chairman, the base bill is a reduction in local law enforcement. The Mollohan amendment restores that reduction.

Mr. Chairman, the gentleman from Georgia [Mr. BARR] had it right. If we want to help your city councilmen, and we want to help your county commissioners, and we want to help your mayors, go with the block grant. If we want this money to go into local law enforcement, matched by local dollars to get the biggest bang for the buck, if Members are sick and tired of the threats to public safety, the depressant on people's psychology, the hindrance it poses to economic recovery in any major urban area, and they want to get more cops on the street, the Cops on the Beat Program is the best way to do it.

□ 1945

Every councilman has had a different idea of what is good for public safety. This is not money that goes to local law enforcement, it goes to local government. The Cops on the Beat Program is a local law enforcement program. It expands Cops on the Beat. This has a thousand different diversions without any local match with a reduced local effort.

This works against the President's goal, the administration's goal, of more Cops on the Beat. It works against the interests of Los Angeles. It works against the interests, I suggest, of almost every major urban area in the country,

I urge an ''aye'' vote on the amendment.

I rise in strong support of the Mollohan amendment to restore $1.8 billion for the highly effective COPS program. At a time when violent crime and its consequences for our quality of life is of great concern to us all, it defies logic that we would decimate our most effective means of addressing this scourge.

The COPS Program works. It has already resulted in the assignment of 20,000 additional police officers in neighborhoods around the country in the first 12 months of the program.

By way of contrast, the block grant funding provided in the bill can be used for any purpose that would enhance public safety. I can envision some mighty creative uses to which such unrestricted funding can be put—uses that do not guarantee a single additional officer on our streets.

I am appalled by the rising rate of violent crime. Our parks have become off-limits, increasing numbers of the elderly are afraid to venture out of their homes, women find their freedom restricted, and children—and their parents—can no longer enjoy peace of mind about the safety of our schools.

I am convinced that the single most effective step we have taken to confront this problem is to put more cops on the beat in our communities through the COPS Program

What is more, I can personally vouch for the flexibility and efficiency of that program. I have met with Director Brann and his staff, and have the greatest admiration for the lengths to which they have gone to accommodate local needs and circumstances, but at all times making certain that the acid test is met: will the funds sought by the locality result in putting more cops on the beat?

With the funding appropriated thus far, we have made a splendid start on our commitment to put 100,000 additional cops to work in our neighborhoods and streets. Let's not renege on that commitment.

The first obligation of government is to ensure the safety and security of its citizens. By returning tax dollars to our communities not in the form of an ill-defined block grant but for the explicit purpose of hiring an additional 100,000 police officers, we are making a major stride toward ending the scourge of crime in America.

I urge my colleagues to support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me repeat something that I said at the beginning of this debate. The bill language that we have now provides nearly $2 billion for a local law enforcement block grant program to replace the President's COPS Program. The COPS Program is Washington based—Washington telling the local community what they can or cannot do with their money.

The COPS Program requires local communities in the first year to provide 25 percent of the cost, 50 percent the second year, 75 percent the third year, and 100 percent in the fourth year. Local communities simply cannot afford that.

The funds under the COPS Program can only be used to employ police men and women. It cannot be used for police cars or radios or equipment or perhaps another program that the local community thinks is more important than adding another policeman or policewoman.

We say we are giving local communities, whether it be the police force or the county commissioners or the city council, the mayor or the county executive, we are giving them a local option. You might even call this a coption program; they can use the money for cops, if they want, and other options, their options, not ours.

If you vote for the Mollohan amendment, you are putting a Washington straitjacket on local communities, cops only, and you have got to pay for it all after 3 years.

If you vote for the program that is in the bill, your share is only 10 percent, local community, and we are going to let you decide how you want to use it.

We are going to keep track of it; no longer will you be able to use this money in a wasteful or inefficient manner, and yet you have the local option to decide what program or programs work best for you.

I urge our Members to continue to oppose the Mollohan amendment. Give the local communities a break. Give them the option. Do not let Washington again impose its will on local communities.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the COPS program and the Mollohan amendment.

Earlier today I showed the faces of county policing in Sacramento County, CA. We showed the people and the sheriffs' deputies in North Highlands, one of the unincorporated areas in our community, who work together, filing 4,000 crime reports that probably otherwise would not have been filed. Those crime reports allow those sheriffs' deputies to concentrate their fire, their effort, their activity in areas where it can do the most good.

It is the epitome of what we are talking about when we say let us put the cops out there on the street, on the beat, in the communities, in the storefronts, where they can do the most good.

The sheriff of Sacramento County understood this. He came, applied and received, and community policing occurred. We are talking about a 1-page application. This is not the traditional Federal bureaucracy run amok. This is a streamlined process that puts an emphasis on giving the communities the opportunity to put very small sums into the investment of an application with big returns in the fight against crime.

Please, support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the distinguished gentleman, the subcommittee chairman, for yielding me this time.

Mr. Chairman and ladies and gentleman, I think we ought to be clear what is going on here because I think, frankly, what we are witnessing is a very cynical effort on the part of the administration and their allies in the Congress to save political face.

What I would like to do is sort of reconstruct the sequence of events, if you will. Earlier this year, this session of Congress, during the first 100 days, we passed the local government law enforcement block grant with strong bipartisan support in the House of Representatives. Shortly thereafter, the President threatened a veto of the bill. Then we flash forward a few more months. Then what do we have? Lo and behold, the President, through his reelection campaign, is making a $2.7 million TV advertising buy to portray the President as a born-again crime fighter.

Tonight we have the Mollohan amendment out on the floor. The gentleman from West Virginia is simply saying, ''Look, we ought to go forward with the COPS program because our alternative, what I feel is a vastly superior alternative, the local government, the law enforcement block grants, has not yet become law. Let us call a spade a spade, there are real problems with the Cops on the Beat program. Part of it is the cost. We debated that the other day in the Committee on Appropriations.

At $60,000 to $80,000 to hire a new police officer, the funding the gentleman proposes would come up far short of the 100,000 new Cops on the Beat we heard about. Many of us have heard from local government jurisdictions in our congressional districts complaining about the local match requirements, and those local match requirements have prevented those financially strapped local governments from participating in the Cops on the Beat program.

Lastly, with our approach, what we have tried to do is frankly acknowledge that crime is first and foremost a local concern. We are trying to give local jurisdictions the flexibility to combat crime in local communities.

I have heard from jurisdictions in my congressional district that have said, ''We do not want more money to hire additional police officers. What we prefer instead is the flexibility you can give us under the local government law enforcement block grant to expand our DARE program in local schools, to build on community-based crime prevention programs and the like.''

So I strongly urge my colleagues to reject the gentleman's amendment. Stay with the bill. It is a vastly superior approach that recognizes that crime is, in fact, first and foremost a local concern. Our approach is to try to help those local communities to address those local crime problems.

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

Mr. Chairman, I assure the gentleman there is nothing cynical in our efforts at all. We have an ongoing, very successful program supported by the U.S. Conference of Mayors, major city chiefs, and there is nothing cynical at all about it.

As for the jurisdiction of Washington, DC, and its financial problems, it has a waiver, which there is a provision for.

Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Philadelphia, PA [Mr. FOGLIETTA], a very distinguished member of the committee.

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Mollohan amendment and to stand with police officers in my home city of Philadelphia who are fighting the problem which is most compelling for all of our constituents: crime. Crime, which is robbing us all of our very freedom to walk our neighborhood streets.

There are some cases where block grants may work. There are some instances where it could be giving more flexibility to our state and local governments. But if it ain't broken, let us not fix it, and the COPS Program is far from broken.

Community policing is working. In Philadelphia, crime is down considerably. In many of our big cities, crime is down by 4 percent and, astoundingly, New York has experienced a 30-percent drop in its murder rate. People feel safer when they see a cop walking their beat, or riding their beat in a cruiser or even on a bicycle.

The cops like this program. A survey taken last month showed that only 5 percent of police executives want a block grant. COPS is working for the cops. If other departments are looking for a way to reinvent themselves in terms of working with local governments, they should use COPS—with their one or two page applications and quick turnaround time—as their model.

On a personal note, the Attorney General was receptive to me when I pleaded for consideration for the desperately poor city of Chester in my district. The Justice Department was sensitive, expeditious and responsible. I thank you, Janet Reno.

The numbers speak for themselves. The COPS program has a slight 1.5-percent administrative cost. That means that more cops will go out on the street. A block grant program would add bureaucratic fat.

So what is going on here? I think it's clear. The President was absolutely right when he sounded the call to put 100,000 new cops on the street. And the lean and mean bureaucracy he set up to do the job is doing the job. For no other reason than brazen politics, Republicans want to steal this success away from our President.

That is dead wrong. We should not be playing politics on crime. And the American people know that. We're 20,000 towards our goal. Let us not stop until every one of those 100,000 police officers are on the streets in every community of America. Vote for the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I want to rise in opposition to this amendment and follow up on some comments that have been made earlier concerning statements by the police chief here in Washington, DC. These statements were made at a hearing that was held just a month ago, on June 22, 1995, a hearing on combatting crime in the District of Columbia. At that hearing, Mr. DAVIS asked the police chief this: ''Let me ask you this, would you prefer to put that money

into technology as opposed to new officers at this point?'' Chief Thomas responded. He said, ''Yes, I would. I think that is a better use of our dollars to improve the infrastructure of the department, buy the equipment, have money there for overtime. I think that by adding officers, we do not really get at the problem, because after we add the officers, we still have all of these antiquated processes within the department where we have manual report-taking, et cetera.''

I think we should pay some attention to what the police chief right here in Washington, DC, says.

I think we should also pay some attention to the fact that more than 200 COPS grants were rejected by local communities around this country.

What we have done with this program is create a straitjacket. Now, it may be that in many communities, perhaps a majority of communities, that is where they want the money to go, into officers on the street. We give them the flexibility to do it. But that is not the answer in every community.

We need not impose that as an answer. We need to give flexibility. We need to pay attention to law enforcement officers around this country and local governments. We do not have all the wisdom.

We need to understand the reality of fighting crime differs from community to community. We need to pay attention to that. We need to reject this amendment and continue to give flexibility to local communities through this block grant program. I believe that is a program which will allow all of the communities to meet the needs of the communities in a way that is most appropriate based on the local circumstances.

Mr. MOLLOHAN. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, the gentleman from Florida would not yield, and the other gentleman from Florida mentioned the same thing, how Washington, DC, wants your block grant program because you have admitted those with the high crime rates will get the money. Those with lower crime rates will not get it.

What happens at the end of the year when the crime rates go down? Underneath your formula, next year Washington, DC, will not get as much money, so if you are effective in fighting crime, the next year you will receive less money.

Crime cannot be on a 12-month cycle where one year you have the money, the next year you do not.

Get the facts straight. Your program is up and down. It is only funded for one year.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Crime Subcommittee.

Mr. MCCOLLUM. Mr. Chairman, I have been listening to a lot of this debate tonight. I think a few things need to be made clear.

First of all, the underlying bill we have here today going to a block grant program will not in any way affect those communities that already have commitments with Cops in the Streets. They have their money cordoned off under the existing system, so any of the grants already given will not be affected by continuing to support the block grant program as you would be doing tonight by voting against the Mollohan amendment, which I urge you to do.

Second, I heard a lot of folks suggest somehow or another we are not going to be able to get trust into the local communities to do what is right. I think that is just pure, unadulterated nonsense. The fact of the matter is I think anybody thinking about this understands that the local communities are going to make the best decision, not us, about what is best for their community.

The idea that if they need a police officer, they will not provide it, I just believe, as I said, is nonsense. Under the scheme we worked out, there will be a board that will have to advise the city commission and the county commission, whichever it is, and on that board will be an appropriate representative of the police and the community or the sheriff, as the case may be, also the local judiciary will be represented, the local school system will be represented, the local social work organizations that get involved with criminal justice will be represented, and so on.

□ 2000

So that in essence those decisions will be made not just simply by politicians, quote unquote. They will be made by local community representatives advising the local government leaders on what is best for their community, and, if a community wants to spend all of its money on police, and many will want to do that, there is going to be more money available under the proposal of the block grant program than there is under the existing cops on the street program or the prevention program of Mr. MOLLOHAN's program to be spent. There could conceivably be more police officers hired in this country under these programs. We want to do it the block grant route that exists under the existing program.

But in the process of looking at how this is going to work, Mr. Chairman, we ought to also understand that there are a lot of folks like the D.C. police chief who do understand that where the money should be spent is where the crime is, and there is no greater, higher rate of crime anywhere in the country, unfortunately, than the District of Columbia, and I heard the last speaker suggest that, gee whiz, if we use this formula, there may be some communities that do not get as much money as other communities because they have a higher crime rate. Well, I assure my colleagues, and I assure the gentleman, that under the formula that virtually every community, I would say every community, is not too small, gets a sum of money, a sizable sum of money, under this block grant concept all over the country, but it is true that the higher crime rate communities will get more in any given year, and they ought to get more in any given year because that is where the crime problem is, and that is what indeed is envisioned by this.

I would suggest that this is the fairest and the most responsible way to deal with fighting crime in this country and to hiring police officers, and if a community, as many do, has no desire whatsoever to hire a new police officer, and they need some new equipment of some sort, they can spend it on that, or they can spend it on drug courts, or they can spend it on drug treatment programs, or they can spend it on some new innovative program that they have created that in their local community can be tailored just to fight the crime problem in that community, and there are a lot of very original ideas out there that have never come under any of these congressionally created kinds of prevention programs that we have been seeing in the Democrat-controlled Congresses of the past and President Clinton's crime bill that passed. Let us let the local community decide.

I can guarantee my colleagues what is happening that is good for fighting crime in Texas is not necessarily going to be good in Rhode Island, or in Oregon, or wherever. The local community-based concept will work. We are not detracting a minute from this. We are not taking away from anything. We are just suggesting on the Republican side of the aisle that local government knows best. We believe in reducing the size and scope of the Federal Government as a matter of principle. We believe in divesting these decisionmaking processes out to the State and local communities, and that is what we are doing in this bill, and I would encourage a ''no'' vote on the Mollohan amendment for those reasons.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I say to the gentleman, Mr. MOLLOHAN, I applaud your efforts, and, if these young men and women could be here tonight, new law enforcement officers sworn in last Friday night in Austin, TX, they would want to applaud your efforts also because Austin, TX, has 25 new police officers on the beat tonight as a result of this cops program, and tomorrow they'll have another $600,000 available to put more officers on the beat and to provide them with some of the equipment they need under the flexibility that our Republican colleagues ignore under the Cops More Program.

Mr. Chairman, they tell us they are against redtape. They tell us they want to allow local decisionmaking. Let me tell my colleagues every one of these police officers is on the beat tonight with a grant approved in less time, in

less time, than the 45 days they are going to allow Republican Governors to comment on these applications under their program. I say to my colleagues, if you want to eliminate redtape, if you want to stand up for local law enforcement officials, you'll listen to them as the experts.

I heard the almost frivolous comments of the gentleman from Illinois suggesting that we were against local sheriffs. Well, the National Sheriffs Association, along with every other major law enforcement association, was there today standing along with the gentleman from Michigan [Mr. STUPAK] supporting the Mollohan amendment. They are supporting it because they recognize that just as the Republicans want to cut Medicare, they are cutting the commitment to 100,000 police officers.

Mr. Chairman, I am unyielding in support of my local law enforcement association and unyielding in opposing the kind of cutback in this commitment which was for 100,000 new police officers. Can my colleagues tell me things are different in Florida or in Illinois from Texas? I defy my colleagues to find a community in this country that cannot benefit from having more law enforcement officers out there to protect that community.

That is what this amendment is all about. If my colleagues believe in standing with the men and women who are willing to risk their lives for our community, they will support the Mollohan amendment and reject this kind of bureaucracy that is being proposed.

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

Mr. Chairman, I would like to take a few seconds. I am sorry that the distinguished chairman of the subcommittee did not yield to me. I say to the gentleman, I simply wanted to make a point, BILL, that you made a comment that under the block grant program it was conceivable that you would have more policemen on the beat. That's really the problem with the block grant program. It is also conceivable that you will not have as many policemen on the beat. And the other point is that we already have this tremendous cops program out there, as Mr. DOGGETT just pointed out, that is working, and that communities have had commitments from the Federal Government that they're going to be funded for 3 years, and under the block grant program that commitment of the Federal Government is going to be undermined.

The Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, as a former mayor who started a community policing program, I strongly support the Mollohan amendment.

Mr. Chairman, I rise today in strong support of the Mollohan amendment to restore funding for the COPS Program. The COPS Program is responsible for 95 new cops and the redeployment of 44 other cops in my congressional district along.

But as I understand it, this bill guts the COPS Program and instead appropriates $2 billion for a law enforcement program that does not even exist.

That's right, it does not even exist. The fact is that, H.R. 728, the Local Governments Law Enforcement Block Grant Act, which this bill provides $2 billion for, has not even been considered in the Senate Judiciary Committee nor does the committee even have plans to hold hearings on H.R. 728.

But let me tell you what this fictional law enforcement program would do. It would allow communities to use their funding for nonlaw enforcement purposes, including hiring secretaries and purchasing new uniforms or new cruisers. Secretaries, uniforms, and cruisers that will not lower the crime rate in your district or mine.

The Mollohan amendment restores funding to put more cops on the streets of every congressional district, Democratic and Republican, and to make those districts safer. The COPS Program works. How do I know? I know because their are 139 more cops on the streets of my district and I know because in communities nationwide, these cops are walking their beat protecting our homes, protecting our schools, and protecting our children.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of our time to our distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN. The distinguished minority leader is recognized for 2½ minutes.

Mr. GEPHARDT. Mr. Chairman, Members of the House, I urge Members to vote for this Mollohan amendment.

What we passed in the crime bill just a few months ago is working. It is working. We said we wanted 100,000 new police on the streets. Just 25 percent of those police are on the streets today. So a fourth of our goal only has been realized in terms of putting blue shirts on the streets.

Mr. Chairman, I have been out with my community police that were hired under this program in the city of St. Louis. I have walked the precinct with them, I have seen the work that they are doing to prevent crime, to stop crime before it happens, which is what community policing is about, and guess what has happened in my city of St. Louis? The crime rate? Down by 2 percent. The murder rate? Down by 24 percent in St. Louis. The violent crime rate? Down by 11 percent in St. Louis with just a few months of this activity on the ground.

I visited with the chiefs of police from all over the country in St. Louis last week, and they said to me, ''Surely, with the results that we're getting, the Congress is not going to take this money away that is targeted at police,'' and then they said, ''You know what will happen if we have a block grant. It will go to all kinds of things. It will get subverted by mayors and by other departments in city government and will be taken for things that don't count as much as the stoppage of crime that comes from police.''

Then we hear that in 25 cities across the country the violent-crime rate is down, the murder rate is down, the crime rate is down. Why in the world, with these statistics and these correlations that we are seeing, would we now stop what has already begun to work and go back to funding tanks, and funding bazookas and funding all kinds of crazy things?

My colleagues, vote for this Mollohan amendment. Keep the money in blue shirts and keep the people of this country safe and secure.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of the time.

A moment ago, Mr. Chairman, the gentleman from Texas [Mr. DOGGETT] held a picture up of the 25 new police officers hired, he said, under the COPS Program in Austin, TX. I have got a better deal. Those 25 officers cost Austin, TX, and its taxpayers some 25 percent of the total cost. We are going to give it to them for 10 percent in our bill. That is all we require in the local law enforcement block grant program, which they can use for cops, if they want. It only costs 10 percent. Now next year those 25 cops in Austin are going to cost Austin taxpayers 50 percent of the cost. The third year it is going to cost them 75 percent of the cost, and after 3 years it is going to cost Austin taxpayers all of their salaries. In this bill, we will do it for 10 percent from here on, and they have the option to hire cops. If they need cop cars, they can use it for cop cars. And if they are out of radios, we will let them use it for radios. We will let them use it for whatever they want to do within reason.

Now the Mollohan amendment also provides, and I want to emphasize this, also provides $230 million for those old programs I thought we got rid of when we adopted the House-passed bill in February. Remember midnight basketball and all of those crazy things we heard about? We voted those out in February by a large margin in the House-passed crime bill which we are funding tonight in this bill. Under the Mollohan amendment those programs are back upon us, midnight basketball and all. I urge the Members to vote as they voted in February. As a matter of fact, it was February 14, 1995, that a great majority of this body voted to pass the crime bill that supplanted the COPS Program.

Our people back home told us we do not want those crazy programs. We cannot afford the local cost share for COPS. We want the local option on how we use our money. We want our sheriff, our police force, our mayor, our county executive, our local city council—we want them deciding where the money goes, not some bureaucrat in Washington, and especially the Congress of the United States, and the White House.

So I urge the Members to vote as they did in February. My colleagues are on record as supporting an alternative to the COPS Program. Tonight we fund the alternative to the COPS

Program, the local block grant for law enforcement officials to do the job of fighting crime in our communities recognizing the diversity of these towns and cities that we represent. What works in New York City may not work in Burnside, KY. In fact, I guarantee it will not work there. Give us the option of using the money as we need it in our local communities.

Mr. Chairman, I urge a ''no'' vote on the Mollohan amendment.

Mr. FAZIO. Mr. Chairman, I rise in support of the Mollohan amendment.

The goal was simple when we passed the crime bill, and it's simple today. Put more cops on the beat, crime rates will fall, and our families will be safer.

The Mollohan Amendment will help us meet this goal by providing continued funding for programs like COPS–FAST—programs that help police departments hire new officers and develop innovative, community policing programs.

My Republican colleagues intend to abolish these programs and replace them with open-ended block grants. They miss the point.

The Republican block grant proposal does not guarantee more cops on our streets. In fact, under the Republican proposal, grant money could be used for anything from street lights to road construction.

The COPS Program guarantees more cops on the street. I challenge the Republicans to make the same guarantee. They cannot.

COPS grants flow straight from the Justice Department to local law enforcement agencies. We have cut down on administrative overhead by streamlining the application process, and taken other steps to reduce redtape.

The COPS Program empowers local communities to take responsibility for community safety by putting more police officers where they need them most. It doesn't mandate a Federal solution to problems that are often unique to neighborhoods and communities. The COPS Program succeeds because it empowers community police departments to try innovative new strategies to combat crime and make the best use of available resources.

Neighborhood officers work with volunteers to keep our streets safe and our communities informed. Crimefighting experts and officers on the beat agree that community policing works.

The COPS Program is a non-bureaucratic solution to a terrible problem. And the result is a marked decrease in crime: in theft, burglary, and other more serious crimes.

In Sacramento, citizens are involved in this effort, working with local law enforcement and injecting—in their efforts—a new spirit of cooperation and teamwork.

I want to talk about how this program has worked in communities in my district because it really provides an example of how successful this program can be, and how, with some support, we can begin to address fundamental problems with local solutions, not Washington solutions.

In Sacramento County, California several groups of volunteers and local law enforcement officers have joined hands to establish Sheriff's Community Service Centers. One of the first was in my district in North Highlands, an unincorporated area of the county.

Without fanfare, but with tireless devotion, this group of volunteers and deputies have made a tremendous contribution to community safety.

With an all-volunteer staff and a roster of deputies paid through a COPS grant and county matching funds, the North Highlands center is both a thriving community center and an indispensable component of the Sacramento County law enforcement team.

Volunteers work side-by-side with deputies, helping out with many of the day-to-day responsibilities that keep the wheels of justice turning: taking crime reports, providing a safe haven for neighborhood kids, and helping others navigate through the sometimes confusing world of law enforcement and county services.

Since January of this year, volunteers have logged 4000 crime reports. Many of these volunteers spend 40 hours a week at the center, motivated—as one volunteer put it—by ''a real sense of pride in their contribution to the neighborhood.''

The spirit of community involvement extends well beyond the walls of the North Highlands Center. The office space is donated. So is the furnitue—right down to the carpet.

Deputies like Willie Nix have found new ways to approach old programs. Deputy Nix—a patrol cop before coming to work with the North Highlands staff—talked just the other day about the advantages of community policing.

An officer on patrol usually has just enough time to drive to a location, take a report, and drive away. ''Now,'' he said, ''I can work with local agencies, neighbors, landlords, and the community to attack crime from every angle.''

In some areas, drug dealers have literally trashed the community. Deputy Nix works with community members and service center volunteers to address this problem from the branches down to the roots: towing abandoned cars, cleaning up yards soiled with garbage, and returning the street to law abiding citizens.

Deputy Nix is busy, but he sets time aside to work with local schoolchildren. Because center volunteers have worked hard to establish after-school programs, many of these kids have more than just a uniform to turn to—they have an entire network of support, from reading and arts programs to safe recreational facilities in the evening.

What may seem like a common sense solution is only possible if other communities can afford to hire officers like Willie Nix. In cities and towns around the country, volunteers who are committed to breaking down barriers and developing a community commitment to law enforcement will rise to the challenge—but only if they are given the opportunity.

Just today, I learned that other communities in my area will get that opportunity. A grant to the Sacramento County Sheriff's Department will free 22 deputies from administrative duties and redeploy them into community policing.

And police departments in Colusa, Davis, Glen County, Gridley, Red Bluff, Rio Vista, Sutter County, West Sacramento, Willows, Williams, Winters, Woodland, Yolo County, and Yuba City have already received grants that will allow them to put additional officers on the street.

If we pass the Mollohan amendment, and if we continue our commitment to the COPS Program, we can duplicate the efforts of the North Highlands Community Service Center a hundred-thousand times over, and make our streets, our neighborhoods, and our communities a whole lot safer.

Mr. QUINN. Mr. Chairman, it is my pleasure to rise today in strong support of the Mollohan amendment to H.R. 2076, the fiscal year Commerce, Justice, State & Judiciary Appropriations Act, and the COPS Program.

The Mollohan amendment would restore crucial funding for COPS Program, or the Office of Community Oriented Policing Services, which has been highly successful in Buffalo and throughout Western New York.

Since the program was first authorized in the Crime Bill of 1994, law enforcement authorities throughout Western New York already have received funding to hire 28 additional officers.

Nationwide, the COPS Program has authorized funding for 18,159 community policing officers. This is in addition to the 2,080 new officers funded under the 1994 Police Hiring Supplement (PHS) Program, bringing the total to 20,239 more officers on the beat across the country. In 1993, the Buffalo Police Department received funding to hire more than twenty officers under the PHS Program.

One of the COPS Programs' most successful programs is COPS MORE. MORE puts additional officers on the street by funding equipment, technology, hiring of civilians and overtime.

Last summer, the Commissioner of the Buffalo Police Department requested the flexibility to use grant funding where it is most needed. Under COPS MORE, the Buffalo Police Department recently received $1.3 million. The funding has enabled the Department to get cops out of the precinct and back onto the street where they belong.

Like you, I am appalled by the following statistics: A murder occurs every 21 minutes; a rape every 5 minutes a robbery every 46 seconds; an aggravated assault every 29 seconds; a burglary every 20 seconds; and a larceny theft every 4 seconds.

If we keep those alarming facts in mind, this vote is very simple. More copes on the street, means more hoodlums behind bars. I urge all of my colleagues to support the Mollohan amendment in order to restore necessary funding so that the successful COPS Program may continue.

Ms. McCARTHY. Mr. Chairman, I rise in support of the Mollohan amendment to H.R. 2076, to preserve a program that is a success in communities such as my own, and throughout the land.

Community policing programs are supported by policy professionals and public officials of both parties. Cops on the beat enables communities to combat crime in a cost effective way.

For people living in the grip of fear, for people peering out barred windows into once-friendly streets, community policing offers results. The familiar figure of a neighborhood officer, who knows the residents and cares about them and for them on a personal level, is the best tool we can employ in our fight against crime.

Many communities in my district, including Kansas City, Blue Springs, Lee's Summit, and Raytown, have filled out the 1-page application and joined the Federal Government in a partnership to fight crime. They have come to the Justice Department with innovative community policing plans and have been rewarded. But these cops on the beat are just the beginning in our efforts to take back the streets. Eventually, the President plans to place 100,000 police officers on America's streets. That means even more police on the streets of the communities I represent.

We need targeted programs with the set mission of preventing crime; community policing is a proven program that reduces crime. With the will of this body, it can continue to be a cost-effective crime buster. Please join me in supporting our cops on the beat: support the Mollohan amendment.

Ms. FURSE. Mr. Chairman, I rise today in support of the Mollohan amendment. This amendment is probusiness and proenvironment. There are hundreds of communities across American that depend on healthy fisheries for their economic well-being. In recent years, many of these communities have spent millions of dollars to help bring back their long-depleted fish populations. The Mollohan amendment will correct this bill's attack on the commitment between the government and communities to restore their local economies.

The Pacific Coast Federation of Fishermen's Association, along with the Northwest Sportfishing Industry Association, both support the Mollohan amendment. They represent over 5,000 businesses and over 200,000 jobs all along the Pacific Coast. According to these two important groups, ''Fishery management cannot happen unless fishery research and conservation are properly funded . . . [the bill] cuts at the heart of many important ongoing research efforts that help our industry be more effective and protects our industry's economic future . . . It makes no economic sense to eliminate them.''

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

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

RECORDED VOTE

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 232, not voting 18, as follows:

[Roll No. 571]

AYES—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—232

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bachus
Bateman
Collins (MI)
Dooley
Flanagan
Forbes
Hilliard
Hunter
Jefferson
Martinez
Moakley
Myers
Reynolds
Rose
Saxton
Stark
Volkmer
Yates

☐ 2032

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Bachus against.

Mr. Moakley for, with Mr. Forbes against.

Messrs. TAUZIN, HORN, and DAVIS changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLANAGAN. Mr. Chairman, on rollcall No. 571, I was unavoidably delayed by an urgent matter concerning my district.

Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: Page 25, line 13, strike ''$1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act'' and insert ''$1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 210201 of the 1994 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act''.

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

The CHAIRMAN pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Maryland?

There was no objection.

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

Mr. HOYER. Mr. Chairman, my amendment simply provides $1 million in funding for the Law Enforcement Family Support Program. I want to thank my colleague, the gentleman from Kentucky [Mr. ROGERS], the chairman, who has had the opportunity to review this. I understand it is acceptable to him.

I want to thank the ranking member, the gentleman from West Virginia in working with me to fashion this so it could be effected.

Mr. Chairman, under the Law Enforcement Family Support Program, the Attorney General makes grants to States and local law enforcement agencies and law enforcement organizations to provide family support services to law enforcement personnel. This important program was authorized by the 1994 Violent Crime Control and Law Enforcement Act. These grants will allow local law enforcement agencies to provide counseling for law enforcement families, stress reduction programs,

post shooting debriefing for officers and their spouses. Law enforcement family services and counseling for families of police killed in the line of duty.

The pervasive nature of job related stress in law enforcement was highlighted in 1986 when a nationwide assessment of law enforcement training needs found that State and local officers in all types and sizes of agencies ranked the need for training in personal stress management as the highest priority.

The law enforcement family support programs places heavy emphasis on family well-being.

All to often, the work of the law enforcement community is overlooked. Everyday, they risk their lives to keep our neighborhoods safe. Everyday, they struggle to uphold justice fairly and equitably. Every day, they work vigorously to remove those who work to terrorize our communities. This hard work places a heavy personal burden on them and their families.

Law enforcement is the single most stressful and dangerous occupation, requiring life and death decision all in a days work. Last year, nearly 160 officers were killed in the line of duty and another 300 took their own lives.

Our police dedicate their lives to and serving our communities. We must do what we can to aid these brave citizens and their families who sacrifice so much for us.

My amendment is fairly funded by reducing the Motor Vehicle Theft Prevention Program to the level it was funded in fiscal year 1995. The committee had zero-funded the family law enforcement programs and I believe this is a more equitable distribution of funds in this time of fiscal constraints. I appreciate the support of the chairman and the ranking member for this amendment and hope my colleagues will join us in aiding the families of our Nation's police.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I accept the amendment.

Mr. MOLLOHAN. If the gentleman will yield, we have no objection, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. EWING, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TOBACCO AND AMERICA'S YOUTH

[Additional statements to Mr. WAXMAN's Testimony, in the RECORD of Monday, July 24, 1995.]

January 8, 1969.

OBJECTIVES AND PLANS—1600

[By Dr. P.A. Eichorn and W.L. Dunn, Jr.]

OBJECTIVE 1

To establish different thresholds for menthol level in cigarettes and identify optimum menthol level or levels.

Plan

Complete study already initiated by April 1.

OBJECTIVE 2

Attempt to develop research addressed to following questions:

(a) How much reduction in TPM delivery can we expect the typical smoker to tolerate over the next five years?

(b) Can we forecast the stabilization level in the percentage of the U.S. population who smoke cigarettes?

(c) Is there any product that can potentially replace the cigarette in need-gratification?

Plan

Non-schedulable. The task is one of problem solution in research design.

OBJECTIVE 3

To develop instrumentation and procedures for monitoring the psychophysiological state and responsivity of the free-roaming human and apply this technology to a study of the psychophysiological state and/or responsivity of cigarette smokers relative to non-smokers.

Plan

(1) Instrument acquisition and calibration by May 1, 1969.

(2) Hard-line preliminary runs with human subjects completed by December 31, 1969.

OBJECTION 4

To attempt to teach a rat to seek the inhalation of cigarette smoke.

Plan

An informal small-scale (no budget) exploration in which principles of operant conditioning will be applied to teaching the rat to inhale smoke first through reinforcement of the act by food or shock avoidant reward and ultimately through the reinforcing effect of the psychopharmacological effects of the inhaled smoke. No definite conclusion anticipated in 1969.

To: Dr. H. Wakeham
From: W. L. Dunn, Jr.
Date: August 1, 1969
Subject: A Trip Report—Discussions with Prof. Lazarsfeld on the Study of Discontinuing Smokers

I spent six hours with Dr. Paul Lazarsfeld on Wednesday. Following lunch together, I sat with him in his office in the Sociology Dept. of Columbia University, later attending as his guest a status conference on the on-going drug addiction study for New York State. The conference was held in the off-campus building housing the Bureau of Applied Social Research. I met several of his doctoral staff members and observed the graduate student interviewing staff as they participated in the conference proceedings. I was favorably impressed.

We have made great strides towards initiating the exploratory study of the experiences of smokers in their efforts to discontinue the habit. The agreed upon calendar of events calls for Dr. Lazarsfeld to submit a proposal to P.M. R&D prior to August 15. In turn I agreed to make immediately available to him copies of pertinent articles from the R&D Smoking and Health library, to be followed by a background bibliography of broader scope. Thereafter, pending acceptance of his proposal, dialogue between P.M. R&D and BASR staff will be addressed to the development of interview format and content.

I anticipate that his proposal will consist of a study of recidivists and cohort groups of abstainers, the latter consisting of one month, three-month, six-month and one-year abstainers. Subjects will be selected on a post-hoc basis, that is, their efforts to abstain will precede their entry into the study. Interviews will be retrospective probings into their daily lives during the period from the date of discontinuation to the date of the interview. The initial interviews will be loosely structured, with subsequent waves increasingly structured and focused. The progressive sharpening of the interview is to the achieved through Prof. Lazarsfeld's characteristic research style; a series of conferences in which interview material from new batches of interviews is studied in great detail for clues to pay-dirt, with subsequent interviews altered accordingly. I saw this approach in operation in the drug-addiction conference. In its current application it appears to be highly effective. I can see no reason why It should not be as effective for the proposed study.

We also discussed the idea of a steering committee. We noted the various forms this might take:

1. An unstructured group of consultants to Prof. Lazarsfeld as principle investigator.
2. A formally structured advisory group to the project.
3. The Board of the Stress Institute (in this case the Stress Institute would likely be the sponsor of the project).

He seemed equally amenable to all three, though expressing fascination with the third alternative. He pointed out that the task of creating an institute would require heavy commitment of time on someone's part over a period of many months.

As men of repute to advise, he is agreeable to Hans Selye (whom he does not know) and he suggested Prof. Stanley Schacter, a social psychologist of Columbia University who has recently been studying the effects of adrenalin on perceptual processes. We further agreed upon the wisdom of an additional psychologist closer to the physiological front. I named Dr. Frank Finger of the University of Virginia, widely known among psychologists and active in various governing bodies of the American Psychological Association. Another prospect that just occurred to me is Joseph D. Matarazzo, Chairman, Dept. of Medical Psychology, University of Oregon Medical School and writer of the source review of smoking psychology in 1960.

He displayed pleased surprise at our interest in the development of theory, although at this point it would be difficult to say whether this was diplomacy or genuine interest.

I also met and spoke briefly with George Brooks, his staff man formerly with Elmo Roper, confidante of Jet Lincoln, and key man in the series of smoker attitude surveys conducted in the early '60's by Roper for Philip Morris.

RYAN/DUNN ALTERNATE—THIRD VERSION OF BOARD PRESENTATION—DELIVERED WITH ONLY MINOR CHANGES (FALL 1969)

Gentlemen of the Board and guests:

Once again it is my pleasure to appear before you and to make this traditional annual presentation of Philip Morris Research Center activities. Before talking about that particular aspect of the program that I have selected for this year's presentation, let me

make a few remarks about the Research Center in general. You have before you a new brochure on Research at Philip Morris. In it are details about our people and the facility, but here are some figures I think you will find of interest. Our present staff numbers about 330 persons. We occupy 125,000 ft. of floor space. Our budget for this year is $6 million, of which about 25 percent goes into research, 50 percent into product development and 25 percent into technical services to other departments.

I have selected our psychology program to talk about this year. In terms of people and budget it is relatively inconsequential, which partly explains why it has never been mentioned before. We are proud of the fact that we are the only company in the industry that has the discipline of psychology represented amongst its research staff; and we think it only proper, in view of the climate of the times, that we concern ourselves with the topic of the psychology of smoking.

In order to bring you up to date, let me first review the highlights of accomplishments on this front during the past few years.

1. We have established a consumer research facility called our Product Opinion Laboratory. This consists of about fourteen people, mostly pretty girls, who have as their chief task the collecting of opinions and judgments about our new products. The judgments are made by different types of people, depending on the stage of product development and the degree of expertise required. Thus, preliminary taste and flavor profiles are supplied our chemists and development engineers by three small groups of highly trained experts. Products slightly further along the development trail are evaluated by a larger groups of less expert Research Center employees, supplemented by a group of about eighty Richmond housewives who smoke cigarettes in an office near a shopping center. Further screening is available from about 1500 members of civic clubs and community organizations who are called on when we want a quick test from a more representative group of non-experts. And finally, products approaching the test market stage of development are evaluated by a national cross section of American consumers, chosen from some 35,000 people who represent 15,000 families.

So, funneled through our little group of consumer research people, there is a continuous flow of consumer responses to guide the Research Center and Marketing people of making product decisions.

Apart from their routine product testing, they have also reported a number of interesting findings that are worthy of mentioning.

2. Some Highlights:

A. One study has demonstrated that a cigarette manufacturer presumably P.M.—can increase the reconstituted-tobacco component of the cigarette blend to 30 percent without significantly altering the taste and subjective properties of the smoke. The implications of dollar savings here are obvious.

B. Another study demonstrated rather dramatically that the menthol coolness ascribable to our competitor's Kool cigarette is attributable to its name and brand image rather than to the taste of the smoke, per se. When the Kool cigarette was compared to our Marlboro Menthol with the brand identify concealed, menthol smokers, including regular Kool smokers, could not tell the difference. When these same smokers smoked these same cigarettes in their regular packages, most of the menthol smokers chose the Kool cigarette to be the cooler smoking.

C. In a third study a thousand smokers were asked to compare cigarettes made of aged tobacco with cigarettes of unaged tobaccos. They had no preference, suggesting that the aging process does not significantly alter the taste of the cigarette from the consumer's point of view. This means we have more latitude in maintaining a tobacco inventory than was heretofore appreciated.

D. All the medical research on how much people smoke has used the smoker's estimate of how many cigarettes he smokes a day. We've always known this to be a crude measure, but a recent P.M. study has made it possible to show how very crude it is. Our chemists have developed a means of measuring residual nicotine in the filter of a cigarette. From this can be precisely calculated how much TPM passed through the filter and into the smoker's mouth. We had 2500 filter smokers save their butts for us for one week, and from the residual nicotine measurements, obtained an average daily TPM intake value for each smoker: The slide before you shows the relationship of the daily intake value with the smoker's estimate of how many cigarettes he smokes per day.

There are two important political as well as scientific implications from this study.

1. The index of smoking level in health surveys as determined by the number of cigarettes people say they smoke is a very unreliable measure of actual smoke intake, and

2. The prediction of smoker intake from the FTC tar value for the brand smoked is also very unreliable.

E. From the study of smoke intake we developed the hypothesis that a smoker will tend to seek his own level of smoke intake whether he smokes filter cigarettes, long cigarettes or skinny cigarettes. A study to test this hypothesis has just been completed. We had about 150 filter smokers volunteer to smoke only the cigarettes we gave them for six weeks. For the first two weeks they all received cigarettes delivering 20 mg of TPM. Beginning the third week, half the group were supplied with cigarettes delivering 25 mg and the other half were given cigarettes delivering 15 mg. They were not informed of the switch nor did they know anything about the purpose of the study. They were kept on the high and low TPM cigarettes for four weeks. During the entire six weeks they saved their butts. Daily intake values were calculated from the residual nicotine in the butted filters.

The slide tells the story. Initially there was an increase in daily intake for those shifted to the 25 mg cigarette, and a decrease for those shifted to the 15 mg cigarette. But notice that they returned toward their original level of intake after 2 weeks on the new cigarette. It would appear that smokers do modify their smoking habits in order to maintain a preferred intake level. [Illegible]

So much for the past. Recently the psychology program has added a new emphasis. Most of our attention in the past has been focused upon the cigarette. Now we are beginning to concentrate on the smoker himself. We are addressing ourselves to that simple but fundamental question, ''Why do people smoke?''

I must admit to some embarrassment when I say I don't know the answer to this question. It is even more embarrassing to the psychologists on my staff. But I can tell you this . . . . despite the voluminous research and pseudo-sophisticated theories, there is not a scientist alive who can give an explanation backed up by fact.

First we have to break the question into its two parts: (1) Why does one begin to smoke? and (2) Why does one continue to smoke?

There is general agreement on the answer to the first part. The 16 to 20 year-old begins smoking for psychosocial reasons. The act of smoking is symbolic; it signifies adulthood, he smokes to enhance his image in the eyes of his peers.

But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigarette will even preempt food in times of scarcity on the smoker's priority list. The question is ''Why?''

One of the obvious ways to approach the problem is to ask the smoker himself why he smokes: When you do this (and Leo Burnett did this about 10 years ago for P.M.) the smoker will either parrot an advertising slogan or give you one of these responses: (1) It relaxes me.

(2) It stimulates me.

One way to interpret this is to conclude that different people are affected in different ways by the inhalation of smoke. We are inclined, however, to ascribe this apparent duality of effect to an inability on the part of the smoker to describe smoke-produced sensations.

Another obvious way to approach the problem is to search for differences between smokers and non-smokers. This strategy has been more fruitful. The research effort in England and the U.S. over the past 15 years has yielded the following findings:

A. Personality Differences—Smokers are:

(1) More gregarious.

(2) More extroverted.

(3) More business oriented.

(4) Greater sense of time urgency.

(5) More competitive.

(6) More mobile (jobs, residences).

Generally more aggressive and risk oriented.

B. Physiological Differences:

(1) Smokers have faster heart rate.

(2) Eat more.

(3) Drink more—beer, whiskey, coffee.

(4) Have higher oxygen metabolism.

(5) Weigh less.

Generally more active, faster living.

C. Psychological Differences—Smokers exhibit:

(1) More anxiety.

(2) More emotional disturbance.

(3) Higher accident and injury rate.

(4) More suicide.

(5) Lower grades in school.

Generally more tense and emotional.

A third way to approach the question is to search for the immediate effects of smoke inhalation upon the smoker. This approach also has been fruitful. Here are the changes in human body function which follow smoke inhalation. All of these changes have been reported by at least two independent researchers:

Cigarette smoke effects:

Increased pulse rate; Increased cardiac output and coronary flow; Lowered skin temperature in hands and feet; Adrenalin released into blood stream; Increased blood flow in skeletal musculature; Reduction in pattellare reflex magnitude; Nerve impulse transmission facilitated through autonomic nervous system; Arousal center in brain stem excited, causing arousal patterns in the electrical activity of the cortex; Blood sugar level increases.

Now what can be said about all of these findings?

As for the differences between smokers and non-smokers, one might summarize with these three general observations:

1. Cigarette smoking is more often a habit among more responsive, more arousable, more anxious people than among the less responsive or more tranquil people.

2. More cigarette smoking is to be found among people whose life careers expose them to pressures and crises.

3. A smoker smokes more during the more stressful moments of his day or during stressful period of his life.

One might expect from these differences to find that people are attracted to smoking because it acts as a tranquilizer in a stressful situation, as some told Leo Burnett. Indeed this reason for smoking has been hypothesized by a number of other investigators. But in our experimentation whenever we have attempted to confirm this hypothesis, we have found exactly the opposite effect. For example, in studies using excessive muscle tension as a measure of psychological arousal we have observed that smoking increases rather than decreases muscle tension.

We are of the conviction, in view of the foregoing, that the ultimate explanation for the perpetuated cigarette habit resides in the pharmacological effect of smoke upon the body of the smoker, the effect being most rewarding to the individual under stress.

We cannot view the smoke as a tranquilizer; most of its effects on body function suggest arousal. We can see on all the benefits of smoking when bored, not yet fully awake, etc.—it arouses you when you need to be aroused. However, we do not yet understand how an additional source of stimulation could be rewarding to an aroused person in a stress situation. We are beginning to work on this problem.

Currently we are making exploratory measures of bodily indices of emotion and arousal. We are measuring heart rate, respiratory rate, the electrical resistance of the skin and muscle tension. At the moment our subjects are wired to a polygraph recorder; we plan to develop the techniques and instrumentation to measure these indices remotely by radio signal.

Our ultimate intent is to monitor the smoker under real life conditions, under conditions of experimentally induced stress and under conditions of tobacco-deprivation.

This is basic exploratory research, but we would hope for fallout in the way of information applicable to the design of our smoking products and also information that could be used in a public relations program to counter that of the American Cancer Society.

To: W.L. Dunn, Jr.
From: F.J. Ryan
Date: December 23, 1969.
Subject: Proposed Research Project: Smoking and Anxiety

It seems likely that cigarette smoking is affected by stressful situations, but we have little experimental evidence of such a relation. We reason that stressful situations produce states of anxiety within the smoker, and know that he seeks anxiety-reducing palliatives in order to feel more comfortable. Smoking may be one of these palliatives. However, not only are the mechanisms by which tobacco smoke might serve as a palliative not completely clear, but we do not even know whether people smoke more under stress than under nonstress. We wish to conduct the research outlined below in order to clarify the matter and lay the ground work for later study. It is discouraging to realize that we have so little data available that we must start at the very beginning but start we must.

Title: Smoking Under Conditions of Shock Produced Anxiety

Purpose: To show cigarette smoking is more probable in stress situations than in nonstress situations.

Importance: Most research in smoking emphasizes its negative qualities. This project is interested in one of the advantages of smoking, its use as an anxiety reducer.

Nontechnical Summary: We will warn people that they're going to get a harmless but annoying shock while we note changes in (a) amount of smoking, compared to no shock days and in (b) frequency of puffs during the interval between warning and shock. The smoking, the warning, and the shock will all be embedded in a simple discrimination task. Our cover story will be that we are interested in ''smoking and judgment.'' (We need to disguise our real interests in order to prevent subjects from telling us what they think we want to know.)

Predicted Results: (a) Number of puffs on cigarettes will be highest on days when shock is administered, lowest on days when shock is not administered. (b) The distribution of puffs on shock days should be different from the distribution of puffs on no shock days. E.g., either a greater percentage of puffs may occur between the warning and the shock on shock days than in a similar interval on no shock days, or it may be that we will find puffing is postponed until after shock administration.

The Subjects: We prefer to use non-employees for this research. A ready supply of college age subjects can be had from VCU and the University of Richmond. We will pay for the services of both males and females, all volunteers over 21 years old. Each subject will be asked to sign a paper stating that he understands the general conditions of the experiment, and it will be made clear that the subject can withdraw from the experiment at any time, including the middle of a session. They will be paid $2 for participating in each session, plus about $1.50 in rewards for correct responding. In the course of several sessions they can earn $15, including a bonus for completing a series of sessions.

Shock Intensity: Shock intensity will be adjusted for each subject according to the subject's pain threshold. The shock will be painful, but tolerable. Depending on the subject, this will require shock currents of from half a milliamp up to three and a half milliamps. Shock administration will be via a constant amperage shock source controlled by relay equipment. Safety precautions include (1) an isolation transformer, (2) fuses in both shock leads, and (3) a limited time of administration through the contacts of a precautionary timer. The latter unit would limit shock duration to T_1 seconds in case the shock administration circuit should fuse shut.

The Discrimination Task: A series of slides containing different shapes will be presented by a modified Carousel projector. Odd numbered slides will contain a single shape, even numbered slides two shapes. The subject's task will be to decide which of the two shapes presented on the even numbered slide most closely resembles the shape shown on the preceding odd numbered slide. (The shapes can be varied in number of enclosed dots, number of sides, color, area, etc., and there may or may not be irrelevant characteristics also present.) Whenever the correct choice is made, the subject will be rewarded with a token. At the conclusion of the session the accumulated tokens can be exchanged for money over and above the amount paid for participation. Whenever an incorrect choice is made, a warning tone will sound. The tone will last for T_2 seconds. Tone offset will, on shock trials, be accompanied by a brief presentation of shock to the subject's fingers.

Noshock-day Procedures: On days when the subject is to receive no shock he will be treated exactly as on shock days, but he will be told truthfully that he will receive no shock. No pretesting shocks will be administered on these days, and incorrect choices will produce only the tone.

Shock-day Procedures: The subject will receive pre-test shock to find his appropriate shock intensity. His incorrect responses will produce the warning tone. The probability, p, that the tone will terminate in shock will always be above zero, but need not be 1.00 (certainty). It might be more anxiety producing to have p values of less than 1.00, for we suspect that uncertainty of punishment may be more disturbing than certainty of punishment. Accordingly, we will have two different shock-day procedures, one of which $p=1.00$ and one in which $p \cong .50$, or some other value less than 1.00.

The Subject's Response: The subject's overt task is to throw a left switch or a right switch to indicate that the left or right stimulus is most like the previous stimulus. Action of these switches will produce electrical impulses which in turn will deliver shock or reward, depending on the state of other routing switches. The routing switches will be set by photocell relays, operated by lights shining through holes in the plastic slide mounts of the modified Carousel projector. The relays and switches will start and stop various timers, which will in turn control the sequence of events. Subjects will be asked to abstain from smoking for a period of time prior to the test session, and will be asked to smoke during the test session. Puffing will be observed by the monitoring experimenter, who will throw a switch to mark each puff. The placement of puffs within the intervals between other events can be read directly off a polygraph record. (If a satisfactory puff monitor can be produced by the electrical engineers at U. Va. then its output can replace the experimenter/observer's switch.)

Later Research Plans: It is possible for us to monitor a number of concurrent physiological variables during the test session, such as Heart Rate, GSR, perhaps EMG, depending on our developing interests.

Charge Number: 1600
Program Title: Consumer Psychology
Program Leader: W. L. Dunn, Jr.
Period Covered: September 16—October 15, 1971

Project Title: Psychology of Smoking
Project Leader: W. L. Dunn, Jr.

The Conference on Motivation in Cigarette Smoking is on schedule.

Project Title: Miller Brewing Work
Project Leader: Anne Ferguson

A new augmenting smoking panel is being selected and the beer panel is receiving refresher instruction. Both activities are being undertaken with the consultative assistance of Barbara Hall Ellis.

Project Title: Methods Studies
Project Leader: W. L. Dunn, Jr.

Replication of SIC–1 (preference justification effect) is in the field. The study of alternative field test designs was mailed out but has been aborted and will be rerun due to package coding errors.

Project Title: Smoking Profiles: A Pilot Study
Project Leader: Frank Ryan

Several improvements in the puff monitoring system have made it less obtrusive. Some preliminary measures have been made on college students in the shock research project, and additional measures have been made on R & D personnel to aid in calibration of the system. When five additional models are made, they will have slightly different specifications. The range of flow rates by the orifice is such that we will have to use different models for different smokers, but we should be able to handle 9/10 of the smokers we are likely to meet. (See the reports of the Program on Human Smoking Simulation, Charge Number 4008)

Project Titles: Shock I, II, III, and IV
Project Leader: Frank Ryan

We continue to gather data on the puffing behavior of local college students (Shock

IV). The first study of this type (Shock I) indicated that personality affected the puff rates of the 16 students in a shock and heart rate experiment. The second study (Shock II) replicated the procedures of the first but omitted the heart rate measures. Assigning 21 new students to one of three groups on the basis of their personality scores and the data of the first study, we predicted that the three groups would rank low, moderate, and high in number of puffs. The data supported the hypothesis, the means being 9.1, 10.6 and 12.0 puffs for the three groups.

At third variation (Shock III) of the procedures has now been completed and the data analyzed for 23 new students. The results suggest that personality factors, particularly the Anxiety factor, account for most of the puffing in our test situation under our tests conditions (note the qualifiers.) The correlation between the personality factors and puff rate is very high, and further research will undoubtedly lead to lower but more stable figures.

We are very much encouraged by the tend of these findings, because they bear on the hypothesis that different types of people have different tar and nicotine intakes.

Project Title: Preferred Tar Reduction Procedure

Project Leader: Frank Ryan

Planning is underway for a study of consumer preferences among the different procedures which lower FTC Tar delivery. Cigarette models will be chosen in November, and mailout target date is February 20, 1972.

Project Title: Cigarette TPM Difference Limens

Project Leader: T.R. Schori

Twenty R & D employees have been run as subjects in this study which was designed to determine what constitutes a just-noticeable-difference in cigarette TMP. The data suggest that smokers are very poor at making such discriminations. We are instigating a slight change in our approach to the problem to see whether our procedure is insensitive or whether in fact smokers are unable to discriminate.

Charge Number: 1600

Program Title: Consumer Psychology

Period Covered: January 15-February 15, 1972

Project Title: Preferred Delivery Reduction

Written by: Frank Ryan

We are comparing five cigarettes, each delivering about 14 mg. tar from a Marlboro 85 blend. Each achieves its tar reduction in a different fashion. The models are: No air dilution, high RTD; moderate air dilution, moderate RTD; high air dilution, low RTD; a paper/CA filter; and an extended tipping paper. Prototypes have been made which are reasonably homogeneous and close to the 14 mg. target, and mailout cigarettes have been ordered. Panelists will be selected from known Marlboro smokers after POL National repolling is complete.

Project Title: Shock V

Written by: Frank Ryan

(a) Additional subjects will be screened to test our personality-puff rate data with new slides.

(b) We plan to reintroduce electric shock in studies this spring.

(c) The apparatus is currently tied up in the smoking profiles pilot work.

Project Title: Smoking Profiles Pilot Study

Written by: Frank Ryan

Students with known puffing patterns (e.g., number of puffs and puff intervals) are evaluating the difficulty of the slides used in Shock I-V while smoking with the human smoking recorder. We are looking for differences in puff behavior attributable to the cigarette holder mouthpiece, tubes, recorders system, etc.

The first test we plan to run with this apparatus will compare puffing behavior on two different types of very different cigarettes. Our present plans are first to test a high delivery 85 mm against a low delivery 85 mm vs. 100 mm of comparable draw.

Project Title: Puffing vs. Judgment

Written by: Frank Ryan

We will ask our students to rate two vastly different experimental cigarettes, using standard SEF callots, to see whether those who take many puffs are as responsive to smoke characteristics as those who take few.

Project Title: Perceived Attributes of Cigarettes

Written by: T.R. Schori

This study was designed to determine major cigarette characteristics as perceived by smokers by means of a factor analytic technique. Ballots are in process of being mailed to a representative panel of 800 smokers.

Project Title: Smoking and Low Delivery Cigarettes

Written by: T. R. Schori

This is a two part study. Cigarettes for Part 1 (TNT-2) are in the process of being mailed out. Cigarettes for Part 2 (TNT-3) are currently being developed.

Project Title: A Comparison of the Effect of Caffeine and Cigarette Smoking

Written by: T. R. Schori

Smokers were tested in each of 3 conditions: placebo, caffeine, and cigarette smoking. Eleven measures of arousal were collected. A discriminant analysis indicated that these three groups differed from one another in terms of the eleven measures considered simultaneously. A report will be written shortly.

Dr. P.A. Eichorn

W.L. Dunn, Jr.

Quarterly Report—Projects 1600 and 2302

October 5, 1972

SEX–III

Twelve hundred of the original 2400 filter smokers who participated in the SEX–I study in 1968 are, at the time of this writing, saving butts for R&D analysis. We will be attempting to relate change in smoke intake to other variables, notably change in available TPM in the cigarette smoked.

Publication of Smoking Behavior: Motives and Incentives.—Because of editing difficulties with one author, the volume is now likely to be delayed until January, 1973.

Participation in Ford Motors Keep-Well Campaign.—The Medical Department of Ford Motor Co. will be launching an exploratory study of a Prophylactic Program to Reduce Cardiovascular Illness among Employees. We will collaborate in the design and data collection. The study is in the early planning stage.

Miller Brewing.—We are providing ongoing consultation and testing services to this subsidiary in the evaluation of its beer products.

The Schachter Studies.—We are collaborating closely with this investigator and providing technical support to the research activities in the Psychology Dept. of Columbia University. A significant theoretical contribution to the understanding of cigarette smoking is believed imminent from this effort.

Puffing Behavior.—We have begun gathering puffing data among student college smoking various brands of cigarettes and little cigars. Intake variables (puff frequency, interpuffing intervals, puff volume, etc.) should prove related to product preferences, FTC tar and nicotine delivery, etc. The human smoking recorder is used to monitor the puffing while subjects watch slides.

Personality and Puffing.—We continue to observe differences in puffing behavior related to personality variables. The effect seems clearer among male subjects than among females.

Shock and Smoking.—Data collection will resume in October at a new location (POL). We need to develop a different stressor as fear of shock is scaring away some of our more valuable subjects.

Sustained-Performance and Smoking.—In this two-part study, we are evaluating psychomotor performance of smokers, deprived smokers, and nonsmokers over time (3 hours). Part 1, concerned with complex task performance, has been completed. The subject's task consisted of five subtasks which had to be performed simultaneously. These subtasks were: a meter monitoring subtask (6 meters), a light monitoring subtask (4 lights), a visual choice reaction time subtask, an auditory choice reaction time subtask, and a mental arithmetic subtask.

In terms of all five subtasks, the subjects showed significant improvements in performance over time. No significant differences in performance were found between the three smoking conditions except in the auditory subtask where smokers displayed the best performance. This latter finding suggests the possibility that smoking enhances auditory sensitivity and we are currently looking into this possibility. As we had found in previous studies, smokers had fewer significant mood changes (as measured by the Nowlis Mood Scale—a paper and pencil device to measure transient mood states) than did nonsmokers or deprived smokers. This suggests that smokers are more emotionally stable in this sort of test situation than are nonsmokers or deprived smoker.

MULTIPLE DISCRIMINANT ANALYSIS: A REPEATED MEASURES DESIGN VIRGINIA JOURNAL OF SCIENCE, 23, 62–63, SUMMER, 1972. SCHORI, T.R., AND TINDALL, J.E.

Menthol Cigarette Studies.—Two menthol cigarette studies are underway. The first is designed to delineate the images possessed by various of the menthol cigarettes currently on the market. This is a questionnaire type study using national roster panelists.

The second type is a smoking test. It is designed to identify nicotine and menthol parameters which make for optimal acceptability of menthol cigarettes. This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes. Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make for optimal acceptability. And then in stage 3, cigarettes with these combinations will be tested against current brands of known quality and sales potential.

Bay Area Study.—Marketing, for the past few months, has been trying to improve the image of Multifilter in the San Francisco Bay Area and San Jose. In this study, we are trying to determine whether this attempt to improve Multifilter's image has been successful. We are doing this by means of a mailout to smokers in these areas.

Tar and Nicotine Studies.—We have done a number of nicotine to tar ratio studies. Development is continuing to try to make cigarette models with various levels of tar and nicotine using our low nicotine tobacco. When we get successful models, we will go out to a national panel in an attempt to determine combinations of tar and nicotine which make for optimal acceptability.

In addition, a local panel of smokers will test these cigarettes for nine weeks in order to determine the effect of tar and nicotine on cigarette consumption when both tar and

nicotine deviate downward from that to which the smokers are accustomed. This is a follow-up of TNT–1.

Dr. P. A. Eichorn
W. L. Dunn, Jr.
Five-year Objectives and Plans for Project 1600
September 25, 197

OBJECTIVE I

Identify as many as possible of the short-term psychological and psychophysiological phenomena attendant upon the smoking of a cigarette.

Plans.—To expand the scope of the present psychology research program to include studies of the immediate, short-term effects of cigarette smoking as manifested through changes in autonomic, perceptual, cognitive and central nervous system processes and motor performance.

OBJECTIVE II

Advance scientific knowledge of the motivation sustaining the cigarette smoking habit.

Plans.—(1) To further observe the smoking-induced changes identified under Objective I under varying degrees of psychological tension, from relaxed calmness to anxiety, in order to study the interaction effects of smoking and tension upon psychological function.

(2) To conduct studies in which the dependent variable is rate of smoking and the independent variable is a situational factor affecting the smoker's level of vigilance or tension, testing the hypothesis that rate of smoking is a function of vigilance or tension level.

(3) To research the question, ''Can the smoking habit be sustained in the absence of nicotine?'' Other strategies may be developed, but one now being explored is to attempt to identify which components of the smoke, in gross fractions, effect the heart rate change associated with inhalation of whole smoke.

(4) To coordinate the industry-sponsored conference on the motivational mechanisms of cigarette smoking scheduled for January, 1972.

(5) To prepare a review paper on the psychodynamics of cigarette smoking.

OBJECTIVE III

Forecast trends in cigarette smoking behavior and preferences for guidance in cigarette development.

Plans.—(1) To design a test for determining the smoker's tolerance for reduction in tar delivery over time in terms of rate, increments and limits of reduction.

(2) To elucidate the role of nicotine as a factor in determining cigarette acceptability in terms of absolute levels and relative to other smoke components.

(3) To more systematically observe puffing profiles of smokers across various cigarettes via use of the mobile recording system developed for P.M. by the Engineering School of the University of Virginia.

OBJECTIVE IV

Establish the psychological units of detectable difference for the basic dimensions of cigarette smoking including tar, nicotine, RTD, menthol and TFP.

Plans.—Since methodological obstacles have severely limited our progress on this front to date, we must concentrate on devising research procedures for circumventing these obstacles.

OBJECTIVE V

Improve the validity and reliability of our standard product testing procedures, and reduce the lagtime between service request and report of findings.

Plans.—(1) Continue, as in the past, to test out new research designs and procedures.

(2) Incorporate data retrieval, processing and reporting innovations into our routine procedures as they become available and appropriate.

Charge Number: 1600
Program Title: Consumer Psychology
Program Leader: W.L. Dunn, Jr.
Period Covered: October 16–November 15, 1971

Project Title: Psychology of Smoking
Project Leader: W.L. Dunn, Jr.

The Conference on Motivation in Cigarette Smoking is continuing on schedule.

Project Title: Methods Studies
Project Leader: W.L. Dunn, Jr.

The study of alternative field test designs (TRI–2) is in the field. SIC–2 (preference justification effect) is now in analysis.

Project Title: Shock IV
Project Leader: Frank Ryan

Data collection continues in this series of experiments on student smoking behavior. Nearly 100 students have been tested in the four series to date. We are seeking additional tasks for them to perform in order to broaden the scope and generality of our findings.

Project Title: Desire to Smoke
Project Leader: Frank Ryan

All available college subjects will fill out a questionnaire rating their desire to smoke in each of 22 hypothetical situations. One of Eysenck's colleagues has postulated that there are two types of smokers: one smoker smokes in quiet situations to raise the level of his central nervous system arousal, a second smokes in tense situations in order to reduce their arousal level. The published data suggest that males had their highest desire in quiet situations, females in stressful situations. This may be related to male extroversion and female introversion factors, so Eysenck has suggested that extroverts smoke to increase arousal, while introverts smoke to reduce arousal. We'll compare the rated desire to smoke with our existing personality profiles of these students to check out the hypothesis.

Dr. P.A. Eichorn
W.L. Dunn, Jr.
Quarterly Report—Projects 1600 and 2302
January 5, 1973

SEX-III—Data collection completed. Analysis in progress. Preliminary analysis reveals a 10% reduction from 1968 to 1972 in available tar among cigarettes smoked and commensurate reduction in mean daily intake.

Ford Motor's Keep-Well Campaign.—No progress to report. The study at Ford has been delayed.

The Schachter Studies.—A pilot study at the Columbia University laboratory has revealed a 30% increase in cigarette consumption (number smoked) over normal consumption when on a regimen of high level Vitamin C dosage. A comparable regimen with sodium bicarbonate did not result in the predicted reduction in consumption.

The Neal Miller Studies.—A pilot study at the Rockefeller University laboratory suggests that the elicited attack behavior in cats is markedly moderated when the animal has been injected with nicotine. The high nicotine dosage level, however, demands caution in any interpretation.

Puffing Patterns.—Data continues to be collected on puffing behavior relative to the type cigarette being smoked.

Bay Area Study.—Discontinued. The study was judged to be of a non-R&D nature and Marketing Research funds were not available for its support.

The Effects of Smoking on Heart Rate Variability.—Three studies are in the initial stages for determining what effect, if any, smoking has upon the magnitude of shifts in arousal level, with heart rate being used as the index of this psycho-physiological state. The study involving the telemetry of heart rate, delayed because of technical problems and laboratory relocation, is about to enter the recording phase. Heart rates of R&D smokers, under smoking and abstention conditions, will be sampled over working hours. A second study is being initiated in which a small sample of R&D employees will record their heart rates on portable tape units while driving to and from work under smoking and extended abstention conditions. A third study is being formulated in which volunteer subjects will be subjected to intensive and varied activity programs designed to be fatiguing and/or frustrating and extending over a 24-hour period in which no sleep will be permitted. The effects of deprivation of food, of water and of smoking will be observed in terms of heart rate measures and performance efficiency. The scheduling of these latter two studies is contingent upon the assembly of the portable heart rate recording device, the critical element of which is the sensor-transducer component. The critical measure is the variance of heart rate over time.

Tar & Nicotine Studies.—Cigarettes are scheduled to become available for these studies in January.

Fourteen Choice.—There are various ways for lowering TPM to 14 mg. Which yields the preferred cigarette? After extensive experimentation, adequately controlled samples of the six selected cigarettes have been provided in sufficient quantity for local testing. This testing will begin in January, to be followed by national field testing.

Black Menthol Panels.—Recruitment of both local and national black menthol smokers is underway.

Menthol-tar Combinations.—Experimental models of the cigarettes needed for this study are being made. When the specifications are met, the cigarettes will be produced and the study initiated.

Tar-nicotine Combinations.—Here also the execution of the study is contingent upon the design and production of cigarettes which meet the specifications demanded.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W. L. Dunn, Jr.
Period Covered: January 1—January 31, 1973
Date of Report: February 9, 1973

Project Title: Smoking and Rate of Learning Alpha Control (A new study)
Written by: W. L. Dunn

Alpha brain wave (8–12Hz) dominance is associated with states of tranquility and meditation. Alpha is recordable with appropriate electronic circuitry (EEG) and can be used to trigger auditory or visual stimuli as signals of alpha presence above predetermined threshold levels. These biofeedback signals can facilitate the learning of alpha control in human subjects.

As part of our continuing search for the motivationally relevant effects of smoking, we are investigating the influence of smoking upon the rate of acquisition of alpha wave control. Using smoking subjects and alternating smoking and non-smoking learning sessions (daily sessions of 3 to 5 minutes) we will test for differences between the two conditions in terms of cumulative time of alpha dominance.

Project Title: Richmond Product Placement Panel
Written by: M. E. Johnston

Plans for establishing a local roster of 1500 to 2000 smokers, including much needed Marlboro, hi-fi and black menthol smokers, are being put into effect.

Project Title: The Delivery of Inhalation Impact via Other Vehicles than Nicotine
Written by: W. L. Dunn
It has been observed that when the filler of a commercial type cigarette is denicotinized, the inhalation impact of that cigarette is lost. In collaboration with Hind and Gellatly, we are investigating the capability of a denicotinized 100% uncased burley cigarette to deliver impact. If there is found to be residual impact, we will attempt to build an acceptable cigarette around denicotinized uncased burley.

Project Title: Optimum Mode of Tar Reduction
Written by: Frank Ryan
A five-pack handout is now in local distribution. Results will be used to determine feasibility of national mailout.

Project Title: Arousal and Smoking
Written by: Frank Ryan
The effect of smoking or non-smoking on the arousal mechanisms of the central nervous system is being monitored throughout the day by measuring heart rate activity. Samples of activity are taken throughout a week of smoking, and then throughout a week of non-smoking. Several employees have volunteered to quit smoking for a week and then resume, but not all will be usable.
In addition, heart-rate recordings while commuting to work will be collected under smoking and extended abstention conditions.

Project Title: Puffing Behavior on Different Brands
Written by: Frank Ryan
Final subjects are now being run. Preliminary data indicates puffing at little cigars is different from puffing at cigarettes and that Marlboro and Winston are smoked similarly. This appears to be a useful procedure, but it takes a long time to gather any significant amount of data. We may change our standard task to enable us to use the same smokers more often.

Project Title: Cigarette Variability
Written by: Frank Ryan
A pack handout will be made in late February to test the effect of cigarette variability on consumer response. Warren Claflin's group has provided the cigarettes.

Project Title: Personality and Puffing Behavior
Written by: Frank Ryan
A report is being prepared on this topic covering progress to date.

Project Title: *Smoking and Spare Mental Capacity*
Written by: T. R. Schori
This is a study in which we are looking for differences in spare mental capacity between smokers, smokers-deprived, and nonsmokers using a cross-adaptive loading task technique. With this technique, subsidiary task difficulty is dependent upon primary task performance in such fashion that primary task performance is made comparable over groups while subsidiary task performance becomes an indication of spare mental capacity.

Project Title: *SEX–III Analysis*
Written by: T. R. Schori
Data analysis continues. The first draft of the report will be complete February 14.

Project Title: *JND–2*
Written by: T. R. Schori
This is a follow-up of JND–1 in which we are interested in whether smokers can detect differences in two cigarettes varying in tar delivery by 5 mg. They were unable to do so in the original study. The cigarettes are in the field. Ballots are starting to trickle in.

Project Title: *Smoking and Sustained Performance*
Written by: T. R. Schori
Report in progress.

Project Title: *Menthol Cigarette Image (HN–1)*
Written by: T. R. Schori
Report in progress.

Project Title: *Acceptability and Low Delivery Cigarettes (II)*
Written by: T. R. Schori
Awaiting cigarettes.

Project Title: *Economic Analyses*
Written by: Myron Johnston
The following analyses were completed:
1. Projections of Weighted Average Tar Deliveries (requested by Steve Fountaine). Extrapolations of trend lines of weighted average tar deliveries basedoon three different time periods and two methods of computation (logarithmic and arithmetic).
2. Weighted average tar deliveries of 85mm and 100mm filter cigarettes calculated separately (requested by Al Udow).
3. Calculation of simple average tar delivery and range of delivery levels available to the American public, 1954–1972 (requested by Dr. Wakeham).
4. Percent who smoke cigarettes by occupation and age (requested by Dr. Fagan and Mr. J. Lincoln).
5. Attitudes of R&D professionals to the speakers at the evening seminars for the past two years (requested by Dr. Fagan for the Evening Seminar Committee).

Project Title: *Smoking Patterns as Related to Status Inconsistency*
Written by: Myron Johnston
Several computer runs have been made and we are in the process of analyzing and writing up the results of our findings to date. Status inconsistent smokers report higher consumption rates than status consistent smokers according to preliminary data. Our panel data confirms the findings of other studies that smoking is inversely related to income, occupation and educational attainment (the components of socio-economic class).

Project Title: *Acquisition of Marlboro Smokers from Market Research Department*
Written by: Myron Johnston
HTI has been having computer problems but we have been promised delivery of the names and addresses of 500 Marlboro smokers by February 12.

Project Title: *Product Usage—Pipe Tobacco (requested by Marketing Department through Bill Corsover).*
Written by: M.E. Johnston
Several computer tabulations have been run and I am ready to begin the analysis of the data.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W.L. Dunn, Jr.
Period Covered: May 1–31, 1974
Date of Report: June 10, 1974

Project Title: *Alpha Brain Waves and Smoking*
Written by: W.L. Dunn
Data collection complete. Analysis in progress.

Project Title: *Inhalation Controls*
Written by: W.L. Dunn
Instrumentation is nearly complete. Electronic problems have been resolved and mechanical valving of airways appears to be in working order. The nose mask is causing some delay in that we recently became aware of a shrinkage problem with the silicon rubber material used in fabricating the mask. An alternate curing agent (on order) is supposed to solve the problem.

Project Title: *Puffing Behavior*
Written by: F.J. Ryan
We have begun gathering data on the effects of intercigarette interval on puffing behavior. Students smoke cigarettes either 10 or 60 minutes apart while working on paper and pencil tasks and reading into the delayed feedback tape recorder. We expect to see differences in behavior as a function of the intercigarette interval. It is not clear whether these differences will be in average puff volumes, durations, and flows, or in number of puffs, total puff volume, and interval between puffs. Our previous research suggests that average puff volume, puff duration, and flow rate of the smoke are relatively insensitive to external conditions, each smoker having his own preferred response pattern which interacts with the physical characteristics of the cigarette rod at the time of the puff to determine the puff volumes, etc. Therefore we suspect that the major differences will appear in the number of puffs taken, interpuff interval, and total volume of smoke.

Project Title: *Relationship Between Smoking and Personality*
Written by: F.J. Ryan
Some children are so active (or ''hyperkinetic'') that they are unable to sit quietly in school and concentrate on what is being taught. In recent years it has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down and enabling them to concentrate in the face of distractions which otherwise would have disrupted their attention. Many children are therefore regularly administered amphetamines throughout grade school years. The wisdom of such prescription is open to question, and some published reports have suggested that caffeine, in the form of coffee or tea for breakfast, would produce the same end result. We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children presently in the third grade; we are reviewing the available literature on the topic; and we may propose a prospective study of this relationship. It would be good to show that smoking is an advantage to at least one subgroup of the population. Needless to say, we will not propose giving cigarettes to children.

Project Title: *Smoking and Mental Concentration*
Written by: F.J. Ryan
Embedded in the puffing behavior study mentioned above is the study of the effects of smoking on performance with the delayed feedback tape recorder. The students read passages into a microphone connected to a tape recorder while hearing their own voice over earphones either as they say each word or slightly after they say each word. The latter (delay) condition disrupts normal speech patterns, sometimes causing stuttering, word blocking, slurring, dropped final word-endings, etc., and seems to slow reading rate by 15% of more. One strategy adopted by readers under delay circumstances is to ignore the sound of their own voices and hence to pay no attention to what they are reading. We test for this by asking questions about the material read. To the extent that smoking aids in concentration we should see performance improvement when reading in the delay condition after having had a cigarette compared to reading when no cigarette has been smoked for an hour.

Project Title: *DL–2*
Written by: T.R. Schori
Panelists smoked a Marlboro Control and three low delivery cigarettes, averaging less than 10 mg tar, at three levels of RTD varying upwards from 4.8 inches. The most interesting finding was that these low delivery

cigarettes were as acceptable as the Marlboro Control. A report is being written.

Project Title: *Smoking, Arousal, and Mood*
Written by: T.R. Schori
The data acquisition phase of this study is nearly over.

Project Title: *MN–3*
Written by: T.R. Schori
This is the second in a series of studies designed to determine what nicotine and menthol parameters will optimize consumer acceptability (of various subsets of the menthol smoker population) of menthol cigarettes. These cigarettes are ready to go out to a national panel.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W.L. Dunn, Jr.
Period Covered: February 1–28, 1975
Date of Report: March 10, 1975

Project Title: *DTR–2*
Written by: W.L. Dunn
A dual field study of RTD/tar interaction and assessment of three modes of presentation. Data in analysis.

Project Title: *Inhalation II*
Written by: W.L. Dunn
An attempt to monitor all of the behavioral mechanisms available to the smoker for regulating exposure to smoke under conditions of varied delivery levels. The study will require the simultaneous recording of (a) the puff profile, (b) nose/mouth inhalation ratio, (c) total inhalation volume and (d) retention time. We are engaged in solving the instrumentation problems.

Project Title: *Puffing Following Deprivation*
Written by: Frank Ryan
Data collection continues, will end this month.

Project Title: *Constant Volume Puffing*
Written by: Frank Ryan
To see what cues govern the size of puffs we will ask smokers to attempt to take puffs of identical volume at different places on the rod, while manipulating delivery and RTD of the products being smoked.

Project Title: *Hyperkinesis as a Precursor of Smoking*
Written by: Frank Ryan
The size of our prospective study should be increased to a base of about 6,000 children when a local school system extends its student evaluations three more grades this spring.

Project Title: *Annual Monitoring of Cigarette Acceptability*
Written by: Frank Ryan
The tentative design of this study is as follows: once a year we will have five different products evaluated by a large panel of smokers.
The evaluation will be on a 9-point acceptability scale, ranging from Dislike Extremely to Like Extremely.
The products will range from 8 mg FTC tar to 20 mg FTC tar in 3 mg steps. All will be nonmenthol.
The panelists will be chosen from the POL National Roster. Both sexes and a wide variety of ages will be used, with over-sampling of younger smokers whose preference criteria may not yet be well established. We do not have data on the number of years panelists have been smoking, so we will ask that question on the ballots, and then make analyses by age, number of years smoking, as well as delivery range of current own product. Myron Johnston is cross tabulating the POL panel now to get us up-to-date information on the number of panelists in different age and sex categories in the available subject population. (Nonfiltered menthol smokers will be excluded.)
Test is tentatively scheduled for late October to early November.

Project Title: *Smoking and Risk-taking in a Simulated Driving Task*
Written by: T.R. Schori
The data acquisition phase is complete. We have started to analyze the data.

Project Title: *The Betta Study*
Written by: T.R. Schori
Having gotten our first group of fish, we are preparing to determine nicotine dosage effects. Subsequently, we plan to test 30 Bettas at each of 3 nicotine levels (the lowest being 0 nicotine). We will make observations of exploratory activity and hooding behavior (aggressive behavior) on each Betta at each dosage on several occasions.

Project Title: *Miscellaneous*
Written by: T.R. Schori
Menthol Cigarette Preferences of Blacks: cigarettes are in storage awaiting the availability of the RP Black menthol panel. Low Delivery Cigarettes: Another Look at the Influence of Delivery Information on Subjective Evaluations: cigarettes are ready and should go out shortly to a National POL panel. There are two conditions in this study. In the first panelists will make blind ratings of a Marlboro control and a 9 mg tar cigarette while in the second condition the cigarettes will be identified as to their tar and nicotine deliveries.

PHILIP MORRIS RESEARCH CENTER—BEHAVIORAL RESEARCH ANNUAL REPORT APPROVED BY W.L. DUNN & DISTRIBUTED TO H. WAKEHAM ET AL.—JULY 18, 1975

We have arranged the 1600 activities for this report into the three status sections: Completed, In Progress and Planned.

Under each status section the individual studies are grouped under the three objectives of the Behavioral Research Laboratory: I. To learn more about why people smoke. II. To learn more about how people smoke. III. To further identify what people want to smoke.

COMPLETED STUDIES

I. The effect of smoking on risk-taking in a simulated driving task (Jones and Schori)

Smokers are reported to have more traffic accidents than nonsmokers. There are several possible explanations. First, the studies that have been conducted have made no attempt to control certain important extraneous variables. For meaningful comparisons of smokers and nonsmokers, it is essential that quantity and quality of driving exposure be considered. The higher alcohol consumption of smokers is another example of an uncontrolled variable that could influence accident data. Second, it could be that smoking adversely affects driving performance. The results of studies in this area are not conclusive. Furthermore, it is not known whether inferior motor performance significantly increases accident rates. Our interest has been in a third possibility: That smokers are more willing to take risks than nonsmokers, resulting in higher accident rates among smokers. Therefore, an investigation was conducted to determine experimentally whether smoking condition (smoking, smoking-deprivation and nonsmoking) affects an individual's degree of willingness to take risks. The task used was designed to simulate an actual car passing situation, varied as to the degree of risk involved in making the pass.

The subject was seated in front of a panel on which lights represented the movement of cars in the inner and outer lanes of a race track. The subject's task was to pass the car ahead of his car (lead car) without crashing into an approaching car. It was emphasized to the subject that in order to do well on the task it was necessary to take risks. The necessity of risk-taking was increased by the random increases in the speed of the approaching car. A performance contingent monetary bonus was used to motivate the subject to perform well on the task.

There were 15 college students subject in each of the three smoking conditions. Smokers were randomly assigned to either the smoker or smoker-deprived condition. Performance data were collected on the following dependent variables: response latency, number of pass attempts, number of backout attempts, number of successful passes, number of crashes, and amount of good time (the amount of time not immediately behind the lead vehicle or in a crash condition).

The performance data were analyzed by means of a two-way multivariate analysis of variance in which both Smoking Condition and Trials were treated as independent variables. We analyzed for treatment effects in terms of all dependent variables simultaneously while taking into consideration their interrelationships.

Significant differences were detected as a function of trials. The nature of the trials effect was such that it can be concluded that the accuracy with which subjects evaluated potential risk improved with practice, a finding which may have practical implications for driver training programs. However, no differences were detected as a function of smoking condition or the smoking condition trials interaction. Thus, it can be concluded that in this simulated car passing task nonsmokers, smokers-deprived, and smokers did not differ in their willingness to take risks.

I. Delayed audio feedback (Ryan and Lieser)

In the last annual report we commented briefly on a then recent study not yet completely analyzed. It had been undertaken to see whether cigarette smoking, which should have stimulating and frustration reducing characteristics, would improve vocal performance under conditions of delayed audio-feedback.

In delayed audio feedback subjects speak or read aloud into a microphone connected to a special tape recorder. The subject's voice is relayed to his earphones either as he speaks (immediate feedback) or a fraction of a second after he has spoken (delayed feedback). Most people are unaware of the fact that our speech behavior depends in part on hearing what we are saying as we say it. Even fraction of a second delays can therefore cause stammering, speech blockage, slurred words, slower speech, louder speech, etc.

The speech problems cause speakers to become more tense, and the extra tension seems to make the problem even worse.

We reasoned that smoking cigarettes might reduce tension and speed up behavior, so that after a smoke speakers would read faster and make fewer errors under delayed feedback than they made before smoking.

We found that as expected:

(1) smoking increased post-cigarette speech rate (by about 8%) under both feedback conditions; and (2) smoking decreased the total number of speech errors under the delayed feedback condition, but (3) the magnitude of the effect was not great because (4) our headphone speaker volume was not loud enough.

Because this is an easy experiment to conduct, we will replicate it piecemeal in the future (at higher output volumes) using as subjects college students who have come to the laboratory to participate in other projects and have either finished earlier than expected or have been excused from participation because of apparatus failures.

II. Smoking behavior following deprivation (Ryan and Lieser)

This study was conducted to answer two question: What effect does short-term smoke

deprivation have on number of cigarettes subsequently consumed? and What effect does short-term smoke deprivation have on subsequent puffing behavior?

By ''short-term deprivation'' we mean being in a No Smoking condition for two hours when smoking would otherwise be an appropriate act. Thus we are indirectly testing the effects of various state laws, local ordinances, and business establishment decisions which forbid smoking in various places: buses, stores, theatres, waiting rooms, schools, etc.

Our subjects were 20 college students who visited the Research Center on two separate days during each of which they spent 4 hours taking multiple-choice tests, memorizing facts, free associating to nonsense words, filling out personality tests, and (less frequently) talking with the experimenter about miscellaneous topical matters during a 15-minute break period which split the 4-hour session into two 2-hour parts. The situation was therefore like that of study and testing periods, although it required more concentrated work than most students normally perform.

A dozen other students were tested in portions of this study, either in a pilot work or during the project itself, but were excluded from the results here presented either because we suspected they were not smokers or at best very light smokers, or because we made slight changes in procedure. All these omitted subjects followed the same general smoking patters reported here.

On one of the days the students were allowed to smoke as often and as much as they wished (ad lib) from a free supply of their own brand of cigarettes placed prominently on the table before them.

On the other day they were forbidden to smoke during the first 2 hours (deprivation) and then allowed to smoke ad lib during the next 2 hours. Prior to the beginning of each 4-hour period, they smoked one of their own brand cigarettes through a PM Human Smoking Recorder system. The computer output describing these two smokings was used to calculate the 2-day average puff volume on nonlighting puffs for each smoker. No other cigarettes were monitored by recorder, but number of cigarettes smoked, interval between cigarettes, number of puffs, taken, and interval between puffs were noted by observer(s) in an adjoining room watching the subject via closed circuit TV. From the nominal nicotine delivery of a 35 cc puff on each brand listed in CI reports, given the size of an average puff from the recorder output, and having counted the number of puffs taken during the session, we were able to approximate nicotine intake during the sessions.

This also assumes that puffs outside the recorder are like recorded puffs, and that deprivation does not affect puff volume. We can't do anything about the first assumption, but in a prior study in which effects of one hour of deprivation on a subsequent single cigarette was evaluated, we saw no volume change after deprivation although there was an effect on number of puffs and interpuff interval which explains the choice of variable in the present work.

Twelve of the students were males, eight were families, and half of each gender group smoked menthol.

The results are summarized in Tables 1, 2 and 3 and in Figs. 1 and 2.

TABLE 1—EFFECTS OF DEPRIVATION ON NUMBER OF CIGARETTES SMOKED, NUMBER OF PUFFS TAKEN, AND ESTIMATED NICOTINE INTAKE (ALL SMOKERS)

	Number of cigarettes	Total No. of puffs	Estimated group nicotine intake (mg)
First 2 hours ad lib	79	621	79.73
Second 2 hours ad lib	74	608	78.74
2 hours post deprivation	95	832	106.50

TABLE 2—EFFECTS OF DEPRIVATION ON SUBGROUPS: MENTHOL VERSUS NONMENTHOL; MALES VERSUS FEMALES

	Number of cigarettes		Total No. of puffs		Estimated group nicotine intake (mg)	
	Menthol	Non-menthol	Menthol	Non-menthol	Menthol	Non-menthol
First 2 hours ad lib	43	36	340	281	43.75	35.98
Second 2 hours ad lib	39	35	323	285	42.43	36.31
2 hours post deprivation	47	48	415	417	54.10	52.40
	12 Males	8 Females	12 Males	8 Females	12 Males	8 Females
First 2 hours ad lib	45	34	321	300	42.09	37.64
Second 2 hours ad lib	44	30	341	267	45.13	33.61
2 hours post deprivation	56	39	459	373	59.68	46.82

TABLE 3—CONSUMPTION POST–DEPRIVATION AS A PERCENT OF SECOND TWO HOURS AD LIB AND OF TOTAL 4-HOUR AD LIB DATA; WITH SECOND TWO HOURS AD LIB COMPARED WITH FIRST TWO HOURS AD LIB TO SHOW THE CONTRAST

[In percent]

		Number of cigarettes	Total number of puffs	Estimated group nicotine intake (mg)
Post deprivation vs. second two hours ad lib	All Smokers	128	137	135
	Menthol	121	128	127
	Non-menthol	137	146	144
	Males	127	135	132
	Females	130	140	139
Post deprivation vs. all four hours ad lib	All Smokers	62	68	67
	Menthol	57	64	63
	Non-menthol	58	74	73
	Males	63	70	68
	Females	61	66	66
Second two hours ad lib vs. first two hours ad lib	All Smokers	94	98	99
	Menthol	91	95	97
	Non-menthol	97	101	101
	Males	98	106	197
	Females	88	89	89

Tables 1 and 2 show that behavior and nicotine intake were strikingly similar during each of the two sessions of the ad lib smoking day. This similarity is stressed further at the bottom of Table 3, which shows the second two hours' behavior as a percentage of the first. We shall consider these two periods as essentially equal in their effect. However, because the design suggests that the post-deprivation period should be compared to a comparable period of free smoking, we concentrate our attention on the difference between the post-deprivation measures and those of the second two hours of the ad lib smoking day.

The data in the tables show that number of cigarettes consumed increased 28% from 74 to 95, that number of puffs taken increased 37% from 608 to 832, and that total estimated nicotine intake increased 35% from 78.74 to 106.50 mg after the deprivation period.

The effect of No Smoking situations of 2-hour durations is to increase subsequent consumption by anywhere from 28% to 37% depending on the measure taken.

On the other hand, in only a two-hour period smokers do not make up the entire smoke deficit created by a No Smoking situation. Comparing their consumption during the combined deprivation-smoking period of one day with their normal 4-hour smoking behavior, (see second block of entries in Table 3) they only take about ⅔ the puffs and ⅗ of the cigarettes they would normally have taken.

TABLE 4.—MEAN NUMBER OF PUFFS FOR 9 ''LIGHT'' SMOKERS (1 PACK OR LESS) AND ''HEAVY'' SMOKERS

[Over one pack a day]

	Light	Heavy
First 2 hours ad lib	22.7	37.9
Second 2 hours ad lib	21.6	37.6
Post Deprivation	36.1	46.1
Increase Post Deprivation in percent	67	23

The effects of the deprivation were not the same on all smokers. They were proportionally much stronger on the light smokers than on the heavy smokers. That is because the heavier smokers spent so much time smoking that they could not increase their consumption as much as the light smokers could. There are several ways to classify the smokers of this study as ''light'' or ''heavy''; they all show the same type of effect. In Table 4 we show the number of puffs taken by light and heavy smokers classified by their answers to the question ''How many cigarettes do you smoke each day?'' On the consent form which all subjects filled out. Those nine who smoked a pack or less increased the number of puffs they took by 67% following deprivation, while for the eight who report smoking more than a pack a day the increase was only 23%.

A second-and perhaps more objective—way to classify the subjects is by the number of cigarettes they smoked during the first two hours of the ad lib day. Breaking these into three groups, who smoked less than four, four, or more than four cigarettes during the first two hours we make the interesting observation that after deprivation the light smokers smoked as moderate smokers normally do and the moderate smokers smoked as heavy smokers normally do (Table 5).

To overgeneralize from small samples is always dangerous, but it is tempting to suggest that establishing a No Smoking situation-with the well-intentioned (?) goal of cutting back smoke consumption makes people heavier smokers than they would otherwise be. (It must be understood, however, that there is a net reduction, and that the data for the increase are based on only two hours of observation. This is not a slogan that can be used without reservation.)

TABLE 5.—MEAN NUMBER OF PUFFS FOR LIGHT, MODERATE, AND HEAVY SMOKERS CLASSIFIED BY NUMBER OF CIGARETTES SMOKED DURING FIRST TWO HOURS OF AD LIB DAY

	Mean number of puffs/smoker		Percent of increase
	Second two hours	Post-deprivation	
8 Light (less than 4 cigts.)	20.6	33.9	65
7 Moderate (4 cigts.)	33.7	44.3	31
5 Heavy (more than 4 cigts.)	41.4	50.2	21

Will the increased smoking rate following deprivation be continued beyond the two-hour period? This is an important question, and it is impossible to answer based on the data obtained. However, we have some clues which are suggestive.

Plotting the cumulative total smoke volume (in ccs) across the four-hour ad lib period we see that intake accumulates in a near linear fashion across time, an observation we have already made in a different form by noting that first and second two-hour behavior was almost identical. Similarly we see a near linear accumulation of smoke volume during the two-hour deprivation period. The slope of the post-deprivation line is steeper than that of the control day * * *

Assuming the linearity to continue, then we can project both lines to an intersection point which represents equal volumes accumulated under the two condition. For the present data this intersection occurs about 7½ hours after our observations stopped, implying that it will take a smoker 9½ hours to make up the intake he loses because of two hours of deprivation. It therefore seems unlikely that a group of smokers would be able to make up their deficit during a day, and would undoubtedly not be able to make up deficits which occurred late in the afternoon or early evening.

Personality Differences.—Examining the personality scores of our subjects we note that those who are high in anxiety tend to take more puffs than those who are low in anxiety. The correlation between the two variables is +.58. Given the obvious relation between puffs and nicotine delivery, it is not surprising that anxiety was also positively related to nicotine intake: r=+.56. Both these correlations are significant at the .05 level.

III A Comparative Evaluation of Three Methods For Field Testing Cigarettes—Accession Number 75–105 (Dunn and Martin)

Recently the New Cigarette Products Division demonstrated that they could provide any tar delivery and RTD combination within the 12 mg to 20 mg tar delivery range and 4″ to 6″ RTD range, and do so with good approximation to target specifications. This achievement made possible a critical comparative study of several alternative field test methods. Using high and low tar delivery levels, and high and low RTD levels, we tested the four combinations (High-High, Low-Low, Low-High and High-Low) against a control, middle-of-the-array, Marlboro-like cigarette, using three field testing methods.

The design of the study permitted a comparative assessment of the three methods and gave information about the influence of tar delivery and RTD changes on subjective response to cigarettes.

The most significant finding was that a method which permitted the testing of as many as four experimental cigarettes on a single mailout, with judgment based upon a 2-pack sample, was as sensitive and as potentially useful in cigarette testing as the standard field testing procedure. Recommendations for further investigation of the technique are made in this report, with proposals for data treatment that promise to yield additional useful information from field tests.

We also concluded that a 5 mg reduction from the 17 mg tar delivery norm is clearly detectable to the average regular filter smoker, but he is tolerant of this reduction. He is not so tolerant of tar delivery increases.

RTD changes of ±1″ from the 5″ norm appear to have little influence upon overall acceptability. The 1″ increase is clearly detectable; that 1″ decrease did not appear to be so.

III. Further evaluation of delivery information influence on subjective acceptability of a low delivery cigarette (Martin and Schori)

Cigarettes at two delivery levels (15 mg and 8 mg) were rated on acceptability and strength by National POL nonmenthol smokers. One panel of 500 rated the cigarettes with no delivery informatioon supplied. A second panel of 500 rated the cigarettes with tar and nicotine delivery levels clearly marked on the packs and on the ballots. The purpose of the test was to determine the effect of delivery information upon the subjective ratings of cigarettes at two distinctively different delivery levels.

With no information provided, the strength difference was clearly detected and the higher delivery cigarette was rated more acceptable.

The judgment of those panelists who were given delivery information contrasted sharply with the judgments of the no-information group. The low delivery cigarette was rated the more acceptable. The difference between the strength ratings of the two cigarettes, so evident under the no-information condition, was wiped out under the information condition, such that the two cigarettes were rated as being of equal strength, despite the fact that the panelists were told that the higher delivery cigarette delivered 80% more tar and nicotine.

We see two phenomena at work in these results:

(1) Given a cigarette ''blind,'' a smoker will judge it largely on its own merits—given vital information along with the cigarette, the smoker's hedonic judgment of the cigarette will be confounded by socially learned value judgments, e.g. ''low delivery is healthy and good.''

(2) The smoker will move his rating on a physical attribute scale toward that end of the scale that corroborates his hedonic judgment, e.g., the cigarette rated more acceptable will be rated toward the ''strong'' rather than the ''weak'' end of the strength scale. This is the halo effect, a force we believe to be so pervasive in product testing that the validity of any judgment of the physical attributes of a product rendered in company with a preference or acceptability judgment of that product must be held suspect.

The practical implication of these findings is that a real marketing advantage is gained by calling attention to the delivery values of low delivery values of low delivery cigarettes, the effect being greatest among those smokers most likely to buy the low delivery cigarette anyway.

III. Menthol cigarette characteristics as perceived by blacks and whites (Martin, Jones and Schori)

The black menthol smoker is an important segment of the menthol market, yet all of the PM national field tests of menthol cigarettes have been conducted with virtually all white panels. What with some 500 black menthol smokers having become available with the advent of the RP[3] panel, the opportunity was afforded to study the black response to menthol cigarettes. We were interested in determining whether the two loosely defined ethnic groups differed in their assessments of variations in two important parameters of menthol cigarettes.

The study consisted of two runs, the second intended to be a partial replication. Because of unintended significant differences in the menthol levels of the two sets of cigarettes, the results of the two runs cannot be pooled but must be treated separately. Table 6 contains the critical values for the cigarettes.

TABLE 6.—THE CIGARETTE SPECIFICATIONS IN THE TWO BLACK MENTHOL RUNS

	Nicotine/Menthol	
	First Run	Second Run
Low Nicotine Low Menthol	.84/.48	.85/.48
Low Nicotine High Menthol	.82/.62	.71/.62
High Nicotine Low Menthol	1.08/.48	1.17/.36
High Nicotine High Menthol	1.12/.76	1.12/.80
Control	.92/.46	.70/.36

Table 7 gives the essential information about the panelists. Note that in the second run only black respondents were used.

TABLE 7.—THE PANELISTS USED IN THE TWO BLACK MENTHOL RUNS

[The parenthesized value is the percent useable return]

	First Run		Second Run	
	Black	White	Black	White
Number	250 (36)	350 (50)	405 (54)	0
Source	RP[3] Menthol	Nat. POL Menthol	RP[3] Menthol	

Two packs of each of the five cigarettes were provided in a carton mailout in both runs.

The ballots were identical in both runs, with ratings obtained for each cigarette on Acceptability, Strength and Menthol Level.

In the first run, where both white and black smokers were responding, the two groups were apparently detecting the menthol level differences among the cigarettes. It is to be noted, however, that black males and black Kool smokers were apparently not detecting these differences.

In the second run, with slightly larger differences in the menthol levels, all of the black subgroups were differentiating in terms of menthol levels.

There is some evidence that the blacks were less sensitive to ''strength'' differences than the whites. But the strength rating is of itself interesting in that panelists were reacting to menthol level as well as tar level when recording their strength ratings, i.e. menthol level ratings and strength ratings are probably not meaningfully distinguishable as discrete subjective variables in menthol cigarette tests. Also of interest is the observation that the variation in nicotine delivery level had no influence upon strength ratings.

Both groups of panelists in the first run were responding more favorably (higher acceptability ratings) to the lower level of menthol. These findings were not supported, however, in the second run, for here we find the black smokers were finding all of the cigarettes equally acceptable, despite the fact that the menthol differences among the cigarettes were greater than in the first run.

Thus the first run finding that a lower menthol delivery is more acceptable among menthol smokers is made equivocal, especially for the black smoker.

What with the observation that the response of blacks may be less differentiating than whites and what with the questionable representativeness of a Virginia sample for the national market, it would seem feasible to establish a larger, national roster of black smokers especially for the evaluation of menthol candidates:

III. Mixed pack study (Ryan)

As deliveries drop we reasoned that eventually they could reach a point where all the cigarettes in a pack would be unsatisfying. The inclusion of some high delivery cigarettes in a pack would therefore give the smokers at least occasional feelings of satisfaction and should lead to a preference for a mixed pack over a homogeneous pack with the same tar and nicotine delivery per pack. Pilot testing with RP[3] subjects twice indicated slight preferences for a mixture. Therefore a POL national field test of two different packs of 11 mg tar cigarettes was conducted in which one pack consisted of 20 cigarettes each delivering about 11 mg and the other pack was half made up of 8 mg and half of 14 mg cigarettes.

A total of 309 respondents (most of whom were low delivery smokers) answered the usual ballot questions giving a 9-point rating of each pack type, a preference, and so on. Observed rating and preference differences favoring the homogeneous pack did not reach statistical significance; but since we began the study hoping to show that the mixed pack would be preferred and get higher ratings, we have concluded that this idea should be rejected. this may, of course, be because the smokers found either the 14 or 8 mg model in the mixed pack unacceptable in flavor after taste, or in some other characteristic such as satisfaction.

There were a few interesting inversions in the ratings by 242 HiFi and 67 other than HiFi smokers: For example, the HiFi smokers thought the mixed pack stronger than the homogeneous (responding to the 14 mg?) and the non-HiFi smokers thought the homogeneous stronger than the mix (responding to the 8 mg?).

No one commented on the fact that the mixed pack consisted of different cigarettes.

In general the panelists rated all the cigarettes rather high—5.3 for the mix and 5.6 for the homogeneous pack—but many complained about them all burning too rapidly, being dry, and having a long filter. Several noted that the two-part paper filter broke or came apart.

The idea may still be feasible, but not with the cigarettes we used at the levels we tested.

STUDIES IN PROGRESS

I. Nicotine as a modulator of CNS arousal (Dunn, Martin and Jones)

Several investigators participating in the 1973 St. Martin Conference on ''Motivation in Smoking'' reported data suggesting that smoking in humans or nicotine injection in animals may have the effects of reducing aggressivity in overt behavior. Schachter also reported at that conference a greater tolerance for pain among smokers when allowed to smoke. There is also the readily observable, commonly acknowledged fact that smokers at a greater rate when under stress. These and other observations imply the influence of nicotine upon some control mechanism governing affective responsivity, the net effect upon overt behavior being to reduce the intensity of the emotionally-toned response, or raise the threshold for the elicitation of that response.

We have singled out aggressive behavior for study quite frankly because of the practical significance of the suspected effect of nicotine. If indeed, nicotine lowers the intensity or raises the threshold for a form of socially unsanctioned behavior, such as aggression, to demonstrate that effect could be of considerable consequence to the smoker and his protagonists.

We have a trio of studies in progress, all aimed at observing the effect of nicotine upon aggressive behavior in subhuman species. The species, or the individual animals, have been selected for their innate aggressivity in a form readily elicitable and readily quantifiable. The aggressive pattern is observed in the normal state of the animal and following the administration of nicotine. With proper controls, and with no change in baseline behaviors, (i.e. frequently recurring behaviors other than aggressive), any reduction in the aggressive responses can be attributed to the nicotinic effect specific to the aggressivity.

This rationale is common to all three of the studies. At the Laboratory of Comparative and Physiological Psychology at Ohio State University we have had a guiding hand in designing studies of the influence of injected nicotine upon the predatory attack of cats upon mice. At the Psychology Department of Rockefeller University, the influence of injected nicotine upon the predatory attack of rats upon mice is being investigated at our request. And at R&D we are observing for the influence of low concentrations of nicotine in the ambient water of male *Betta* fish upon their mirror display behavior.

Only preliminary observations are available, but in the two extra-R&D studies these are encouraging. The cats and rats are ceasing their attacks. Whether the base-line behaviors are remaining unchanged is now the subject of greatest interest as the data is being gathered.

In house, the toxicity phase of the *Betta* testing has been completed. We established that the LC_{50} was greater than 10 ppm and less than 100 ppm v/v, using distilled nicotine base. The S in the 10 ppm solution was almost completely inactive, but would respond to prodding. The S in the 100 ppm solution was dead within 2 minutes. A possible avoidance pattern to the stimulus was noticed at 1 ppm. This will be the solution used as the higher concentration in the effects study. The lower concentration will be 0.1 ppm. These preliminary observations have indicated a possible differential effect of nicotine, whereby aggressive display is decreased and other base-line behaviors (e.g. air gulping) remain the same.

Thirty male *Bettas* of approximately the same age are being established in a housing tank for approximately one month. The fish will be calibrated (base line air gulping and display activity) before the effects study starts. Each fish will be in each of the three solutions for three test periods. Test days and solutions will be randomized. Measurements to be made will be number of times gill erection occurs, duration of gill erection and number of air gulps.

I. Personality, smoking, and stimulus deprivation (Ryan and Lieser)

We are interested in the problem of why some people smoke and others do not. The personality research of Hans Eysenck offers one clue. Eysenck points out that the level of activity in our central nervous system affects our performance efficiency. If it is too low or too high we perform inefficiently. Somewhere in between high and low there is an optimal point at which our bodies work at their best. This optimal point is markedly higher for some people than for the average man, while for still other people it is much lower than it is for the average. He hypothesized that in order to maintain optimal efficiency a person who is chronically below optimum level will seek to increase his CNS activity level. One way to do this is by seeking out stimulating situations—such as parties, music, sporting events, etc. which increase the amount of social and environmental stimulation to which he is exposed. These probably increase the amount of adrenalin in the system, which increases the CNS activity. Another way to increase CNS activity would be to consume socially approved chemicals which would have a similar effect on the body—such as the stimulant drugs caffeine and nicotine.

In fact it has been reported that people who (theoretically) seek out such stimulation, called extraverts because they are outward directed, are also more apt to be smokers than are those who avoid such stimulation, called introverts because they are inner directed.

In our next project we are testing this hypothesis by placing extraverts in a stimulus deficient environment (a dark, very quiet room) and watching to see whether they will seek stimulation (by working to turn on flashing lights and sounds) than will a group of introverts. Extraverted smokers who are smoke-deprived (or nicotine deprived) should be more in need of stimulation than those who have just finished smoking several cigarettes.

Similarly the hypothesis that introverted smokers will be *less* likely to work for stimulation after smoking cigarettes than when smoke deprived, for the extra input from smoke will tend to bring them close to the point where any extra environmental stimulation would make them feel uncomfortable. Hence they would be content with the status quo.

Thus an extension of the existing hypothesis predicts one type of difference in behavior for one group of people and the opposite type of behavior for another group—which always makes a nice study. (Actually we're

not as convinced of the effect on the introverts as the foregoing suggests. They may respond similarly whether smoking or not, depending on how content they are with the quiet dark situation.)

I. Hyperkinetic child as a prospective smoker (Ryan)

We hypothesize that the characteristics of smokers and hyperkinetic children so closely resemble each other that in the past hyperkinetics were almost sure to become smokers. Thus we could account for some of the differences between smokers and nonsmokers by the disproportionate representation of this special subgroup in the adult smoking population compared to the adult nonsmoking population.

We have undertaken a long term prospective study to identify the hyperkinetic and borderline hyperkinetic youngsters in the Chesterfield County school system, and to see whether they become smokers. All the children in one grade level were tested last year but the school system did not continue their testing this year to include extra grades. This was due to the reorganization of the system by a new superintendent with its concomitant personnel and morale problems and readjustment of priorities. Because school systems *must* (under Virginia law) identify all problem children of all types, we expect to greatly expand the data base next year.

We did manage to check the reliability of last year's pupil ratings by having new teachers rerate a previously rated subsample. The correlation was satisfactorily high (+.86), suggesting that teachers agree on what constitutes problem behavior as defined by the questionnaire used.

I. Smoking and aggression (Jones)

The simulated driving test used in the risk-taking study has been modified so that college student subjects will receive inaccurate feedback regarding their performance on the task. It is expected that a student who is being paid for successful passing will respond aggressively if his successful passes are incorrectly recorded as crashes.

There will be 30 subjects tested in each of the three smoking conditions (nonsmoker, smoker-deprived, and smoker). Both groups of smokers will be instructed not to smoke at all the day they are to report to the laboratory. They will be told that urine samples will be taken to verify their abstinence. All subjects will be in the laboratory for at least an hour before the actual testing session begins, during which time they will fill out information forms, take a personality test and complete a Nowlis Mood Scale. Those in the smoker group will be permitted to smoke ad lib during this period and will be required to smoke one cigarette before each trial of the driving task. Smokers-deprived, however, will not be permitted to smoke until the entire experiment has been completed.

All subjects will have a 10-minute practice session before beginning two 20-minute trials. The first trial will be with accurate feedback so that baseline measurements may be obtained before inaccurate feedback is introduced. The smoker-deprived group will be given a third trial with inaccurate feedback. The group will be divided, with half of the subjects remaining deprived and the other half being permitted to smoke. All subjects will be given a Nowlis Mood Scale after each trial.

Subjects will be observed through a one-way mirror, verbal behavior will be coded, and the force with which they push the response buttons will be recorded as a measure of aggressive behavior. College student pilot subjects will be brought in so that observational techniques can be perfected.

III. Lowe delivery cigarettes and increased nicotine/tar ratios, a replication (Jones and Martin)

This test is a replication of a study (74–088) in which a 10.7 mg tar cigarette with a .12 nicotine/tar (N/T) ratio was found to be comparable to a Marlboro control in both subjective acceptability and strength. The three experimental cigarettes deliver approximately 10 mg tar with N/T ratios of .07, .10 and .13.

These cigarettes and a Marlboro control have been sent out to 300 RP[3] smokers and returns are beginning to arrive. Panelists were asked to smoke the four cigarettes in any order they wish and to rate each cigarette on a acceptability scale and a strength scale before beginning to smoke the next cigarette code. In the event that the panelists smoke the cigarettes in the order suggested by the rating scales, all possible presentations of the rating scales for the four cigarettes will have been used an equal number of times.

III. A low delivery cigarette with impact and flavor (Jones and Martin)

This is the first study in the 5–6 mg tar delivery program being carried out in collaboration with Paul Gauvin, Barbro Goodman, and Willie Houck. The purpose is to evaluate the relative influences of blend (Standard Marlboro blend vs 50% burley blend), burley spray (100% vs. 50%), and filter system (cellulose acetate filter vs. paper/cellulose acetate filter) on smoke impact and acceptability of cigarettes in the 5 to 6 mg tar range.

Panelists will be asked to smoke the eight experimental cigarettes and a Marlboro control in any order they wish and to rate each coded cigarette on an impact scale and an acceptability scale before beginning to smoke another cigarette code. The cigarettes have been released and should go out shortly to 400 RP[3] smokers.

PLANNED STUDIES

I. Conference on the regulatory influence of nicotine on human behavior (Dunn)

An international conference on the regulatory influence of nicotine upon behavior has been proposed to the cigarette industry. We would hope that these studies on aggression could be reported at that conference, as well as studies of the influence of smoking upon other emotionally toned response patterns. The interest of prospective sponsors has yet to become great enough to provide the impetus for approval and support.

I. Is learning affected by nicotine? (Ryan and Lieser)

Some reports in the animal literature suggest that nicotine facilitates at least some aspects of the learning process. Recently Andersson and Post have reported that nicotine interferes with human learning in at least one task situation—the learning of a long list of nonsense syllables. We are unhappy with this report and unconvinced by its evidence, which appears to have some internal inconsistencies (e.g. a first nicotine cigarette *slows* learning, a second speeds it up); as well as some flaws in design (e.g. the control nicotine free cigarette used was Bravo—we prefer denicotinized tobacco); the ''smokers'' were *very* low intake people whom we would not classify as regular smokers (we prefer heavier smokers); both cigarettes smoked were the same type (we would have included switch groups); the list of syllables was very difficult (we would prefer a difficult and an easy list); only a few smokers were used; total smoke intake was unmeasured, etc. We're repeating the study (In part because we have student subjects already on hand in the lab who are participating in the Personality, Smoking and Stimulus deprivation study) essentially as run together with some of the corrections suggested above. We feel a responsibility to see that the published report is corrected if it is in fact wrong. The smoking studies in psychology journals contain too much unchallenged and unreplicated junk which has passed editorial review because the findings conform to editorial biases against tobacco. Sooner or later the accumulation of this unchallenged sloppy work will be used against us. We aren't interested in picking fights, but . . . .

II. Inhalation patterns (Dunn and Levy)

Following our preliminary run reported at the November Project Review, we decided to continue this work. In the preliminary runs we measured gas volume drawn in through the nose upon smoke inhalation, as well as that drawn in through the mouth. We did not measure puff volume, nor retention time, two measures that we now view as essential. We have also come to believe that the smoking of our subjects must be monitored over a period of many hours rather than during the smoking of a single cigarette. These two decisions force the experimentation into a new realm of complexity in terms of instrumentation and logistics. We have installed an observation room that permits complete control of sensory input. We plan to have our subjects remain in this room for four to eight-hour periods, measuring all parameters of smoking behavior throughout the period while varying factors suspected to be determinative of dosage. Some preliminary work on the additional instrumentation has been accomplished, but full scale resumption of the work has been delayed until the arrival in September of the new member of our staff, a physiological psychologist.

Our objective in this part of our program is to demonstrate the degree to which the smoker's absorption of smoke components is a function of his smoking behavior as opposed to his absorption being a function of what is made available to him in the cigarette smoke.

III. Annual cigarette monitoring (Ryan)

Cigarettes with tar and nicotine deliveries only a few years ago though much too low for public acceptance are now selling in the billions. Is the public's taste actually changing, so that even lower delivery cigarettes may soon become acceptable?

We lack data on the relative acceptability of cigarettes of different delivery evaluated by the same smokers. No broad studies of this type have ever been conducted here. To fill the data gap we have had Marlboro rods attached to five different filter systems to produce 85 mm nonmenthol cigarettes with nominal deliveries of 20, 17, 14, 11, and 8 mg tar, which we will ask a National POL panel to evaluate annually. The filter systems, whose characteristics were chosen by W. Houck and W. Claflin, represent the draw and other characteristics of typical cigarettes now marketed at these delivery levels.

The actual deliveries are: 19.6, 17.6, 14.3, 10.5, and 7.9 mg tar; 1.22, 1.10, 0.93, 0.74, and 0.59 mg nicotine per cigarette, respectively.

Smokers will be asked only to rate the acceptability (on a labeled scale from 1–9) of the five products in a blind test, basing their evaluation on two packs of each type sent them as a carton mailout. A variety of possible outcomes can be foreseen. In any given year different acceptabilities are expected for the five cigarettes, with the most acceptable being the one which most resembles and the lowest being the one which least resembles the smoker's own brand—if the smoker bases the acceptability of the unbranded models on cues based on their resemblance to his own brand. To the extent that he has some other criterion, then the evaluations

will differ from this model. For example, if he likes taste but has chosen to smoke a low taste cigarette for obscure reasons (e.g. health? advertising campaigns? imitating his friends?) then he should give higher acceptability ratings to the high delivery models than to the low delivery models, no matter what his own brand is. The reader can speculate for himself on how other possible demographic or smoking history variables might be expected to affect the acceptability ratings.

To be sure that a wide variety of demographic characteristics are present we will poll a large sample from the POL National panel, oversampling young subgroups to insure reasonable returns.

Although basic information of interest can be gathered from the returns of any given year, our principal interest will be in the acceptability change from year to year.

III. Low delivery cigarettes and RTD (Jones)

A study is being planned in collaboration with some people in Development in which the question of the influence of RTD level upon acceptability and strength ratings of low delivery cigarettes will be further explored. Based upon the recommendations given in a previous report (75–105), the multiple monadic testing procedure will be used. After cigarette models are designed and cigarettes made, they will be sent out to a large panel of National POL smokers.

III. Perceived attributes of cigarettes, a replication (Jones)

Two studies have been conducted concerning smoker perceptions of regular filter (72–088) and menthol (73–027) cigarettes. It seems that with the recent interest in longer (120 mm) cigarettes, smokers' ideas about cigarettes may have shifted such that they place more emphasis on length than they did previously. In addition to possible changes in what cigarette attributes are considered important, there have been brands introduced since the previous studies were completed (e.g. Marlboro Lights, Winston Lights, Kool Milds) which may have filled what at that time appeared to be gaps in the market (e.g. low in delivery, high in flavor). Therefore, plans are being made to replicate the perceived attributes studies.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W.L. Dunn, Jr.
Period Covered: April 1–30, 1977
Date of Report: May 13, 1977

Project Title: Regulator Identification Project
Written by: C.J. Levy

Twenty-five college student smokers have been smoking high and low delivery cigarettes for two weeks at home. These students are now coming in to our Franklin Street office on four separate occasions to smoke under more controlled conditions.

Project Title: Low Nicotine Cigarettes
Written by: C.J. Levy

Forty-eight R&D smokers compared two types of cigarettes in a booth test. Both cigarettes were made from tobacco which had been treated with steam and ammonia by Fran Utsch's group. The cigarettes (control and experimental) delivered 20.0 mg tar, 0.40 mg nicotine and 19.9 mg tar, 0.87 mg nicotine, respectively. The nicotine delivery of the experimental cigarettes was increased using nicotine citrate. No significant differences were found between the two cigarettes in this test.

Eighteen (out of 23) smokers who previously identified the experimental cigarette as producing more inhalation impact than the control were subsequently asked to smoke the cigarettes on three more occasions. Only three of these smokers consistently identified the experimental cigarette as producing more inhalation impact. Eight identified it twice and seven identified it only once.

We conclude from these tests that there are no dramatic differences between the cigarettes when tested using a paired comparison methods, even through the experimental cigarette delivers twice as much nicotine.

Project Title: Measurement of Smoke Inhalation
Written by: C.J. Levy

(a) We are continuing to collect chest expansion data using a mercury strain gauge. We are currently working out calibration procedures with the assistance of Dr. Farone.

(b) In another approach we have brought in Dr. Eli Fromm of Drexel University as a consultant to advise in the development of a device for unobtrusively monitoring smoke inhalation under normal smoking conditions.

Project Title: Annual Monitoring
Written by: F.J. Ryan

We sent cigarettes to 4,000 panelists. All but 128 were delivered. Ballots have been returned from 2,953 people, a return of 76%. Not all of these will be usable. At least 197 (or 6.7%) have incomplete data or will be voided for various reasons: being smoked through an extra filter, or by a smoker who had a cold, or by a nonsmoker, etc. At least 125 more ballots (or 4.2%) were returned by people who had switched to menthol brands since last being polled.

Ballots are now being coded and a preliminary report should be ready by mid-June.

Project Title: Verbal Learning and Smoking
Written by: F.J. Ryan

Only two more subjects are needed to complete the data gathering phase of this study.

Project Title: Perceived Smoke Strength and Interpuff Interval
Written by: F.J. Ryan

We have screened 25 R&D smokers to find 20 who can detect differences in strength between cigarettes of widely varying delivery. They will be asked to rate the apparent strength of a 9 mg cigarette smoked at long or short interpuff intervals. If short interpuff intervals increase apparent strength, then we may be able to account for the increased puff count sometimes observed on low delivery products.

Project Title: Hyperactivity
Written by: F.J. Ryan

To test our hypothesis that hyperactive children are more likely to become cigarette smokers than nonhyperactives, we have begun pilot research for two prospective studies in collaboration with others interested in hyperactivity. Together with Dr. Ron David, a pediatric neurologist at MCV, we are identifying a group of his patients who are known to have their hyperactive or impulsive behaviors reduced by drugs (e.g. Ritalin) and a group which does not respond to drugs. Together with Dr. Al Finch, research psychologist at the Virginia Treatment Center, and Dr. Howard Garner, VCU, we are identifying a group of patients treated with Ritalin or other stimulants, and a group of controls with nonhyperactive behavior problems. In both cases we will later contact the children to see whether they have become smokers, comparing the incidence of smoking among these groups with the incidence in the nonhyperactive school population.

In return for access to their files we are helping our colleagues find (1) the variables which account for drug-responding and nonresponding (Dr. David) and (2) the effect of miscellaneous treatments on later adjustment to school and society (Drs. Finch and Garner). Neither of these colleagues is being financially supported.

Project Title: Patterned Cigarette Paper
Written by: E.C. Gay

A second consumer evaluation of patterned papers was conducted using eight designs printed in green. A clear winner emerged as top choice of respondents across and within all subgroups. It has a ''light'' overall appearance, with a ''small'' ''plain'' design according to panelists. Additional evaluations are programmed to evaluate still other patterns, with first and second choices from each heat to compete in a final runoff evaluation later.

Charge Number: 1600
Project Title: Smoker Psychology
Period Covered: February 1–28, 1978
Project Leader: W.L. Dunn
Date of Report: March 10, 1978

Project Title: Smoking and Learned Helplessness
Written by: C.J. Levy

We continue to collect data. We are having some difficulty recruiting the male smokers needed to complete the study.

Project Title: Smoking of Low Nicotine-Cigarettes
Written by: C.J. Levy

We have received the analytical data on our experimental cigarette. The nicotine-fortified cigarette delivers 1.34 mg of nicotine, and the low-nicotine cigarette delivers 0.14 mg of nicotine. We are currently recruiting R&D smokers for our study.

Project Title: Smoking Parameters Study
Written by: F.P. Gullotta

A follow-up on the completed heart rate study is being implemented. In addition to heart rate, respiration and puff measures will also be recorded. Data collection will begin in one to two weeks and the study should be completed in five to six weeks.

Project Title: EEG
Written by: F.P. Gullotta

Neither the EEG/Polygraph nor the computer has arrived. The EEG will be shipped from Quincy, MA this week. It is anticipated that the computer will arrive within a month.

A meeting has been arranged with Mr. D. Derr of Coulbourn Instruments to discuss the purchase of auditory and somatosensory evoked potential modules to be used in studies planned for the second half of 1978.

Project Title: Smoking Diary Study
Written by: F.J. Ryan

Butt collection is complete. Although 33 students completed the study, we expect to discard a few because their results appear affected by influenza or chronic unreliability. We have switched full-flavor smokers to low delivery and back, or switched low-delivery smokers to full flavor and back. The data consist of butt counts, butt lengths, nicotine in filler analyses, time of day each cigarette was smoked, and proportion of day spent in various activities.

We are interested in the extent to which smoking behavior changed when cigarette delivery changed. We are seeking (1) to find the extent to which nicotine need governed behavior and (2) to find the extent to which stimulus situations controlled the behavior. Data evaluation will be a lengthy process.

Project Title: Hyperkinetic Children
Written by: F.J. Ryan

Obstacles presented by school systems and physicians concerned with the various ''privacy acts'' passed by state and national legislatures have made it very difficult for us to conduct studies using school and medical records of minors. Therefore we have stopped our activities in this area.

Project Title: Annual Monitoring

Written by: F.J. Ryan

The second ''mailout'' of the annual monitoring cigarettes is now firmly scheduled for the end of March. Ballots are essentially the same as last year. We will contact about 2700 of last year's panelists, plus 1300 supplementary people who smoke full-flavor or low-delivery nonmenthol filter cigarettes. Ballots are to be returned on or before April 21.

Project Title: Exit Brand Cigarettes
Written by: F.J. Ryan

A report has been written outlining the findings of the Exit-Brand Study.

PHILIP MORRIS RESEARCH CENTER—BEHAVIORAL RESEARCH ANNUAL REPORT (PART II) APPROVED BY T.S. OSDENE & DISTRIBUTED TO H. WAKEHAM ET AL.—NOV. 1, 1974

This is the second of a two-part annual report covering the research activities under Charge No. 1600. The first part was prepared by Frank Ryan in August, 1974, and included accomplishments by him. This second part has been prepared by Tom Schori and Bill Dunn and summarizes accomplishments in their respective areas:

OBJECTIVES

Our objectives under 1600 are threefold:

I. To learn more about why people smoke.

II. To learn more about how people smoke.

III. To further identify what people want to smoke.

For each of these objectives we have formulated hypotheses which guide our research effort. For the sake of clarity, the studies being reported on are designated by a three-part prefix. The first symbol is a Roman numeral designating the objective being pursued, the second symbol is a letter of the alphabet identifying the hypothesis being tested and the third symbol is an Arabic number which identifies the study.

Below we set forth in sequence the three objectives and list the working hypotheses under each objective:

I. To learn more about why people smoke.

IA. Cigarette smoke improves efficiency in the performance of complex psychological tasks.

IB. Cigarette smoking attenuates, modulates or otherwise influences emotional arousal such as to be gratifying or rewarding to the smoker, thus reinforcing the smoking act.

II. To learn more about how people smoke.

IIA. Smoking patterns vary as a function of changes in cigarette and the smoke it generates.

IIB. Dose-control continues even after the puff of smoke is drawn into the mouth.

III. To further identify what people want to smoke.

IIIA. There are optimum combinations of critical variables in smoke composition.

IIIB. Deterioration in cigarette acceptability can be minimized when reducing tar deliveries by not reducing or changing other critical properties.

IIIC. More effective ways can be developed for obtaining consumer response to cigarettes.

From this point on we will present the individual studies of 1600, grouping them by progress status in three sections:

1. Completed

2. Data Being Collected

3. Preinvestigative (conceptualization and instrumentation)

The Ryan studies will be cited with page references to his portion of the annual report.

COMPLETED STUDIES SINCE JULY, 1973

IAI—(Dunn and Martin)—THE INFLUENCE OF CIGARETTE SMOKING UPON THE VOLUNTARY CONTROL OF ALPHA TYPE ELECTROENCEPHALOGRAPHIC ACTIVITY (Accession No. 74–075)

Observations suggest that there are links-between brain wave frequencies and psychological levels of alertness. The highly aroused human will display brain activity at the upper end of the 1–30 Hz range. When drowsy or sleeping, the dominant activity will be at the low end of the spectrum. The 1–30 Hz range has been divided somewhat arbitrarily into four bands, each band associated with a reasonably circumscribable psychological state. The beta band, including all signals exceeding 13 Hz, is linked to the state of alert responsiveness to external stimulation. Those ranging from 8 to 4 Hz, the theta waves, correspond to the drowsy, sleepy states of mind. Delta, less than 4 Hz, is seen in deep sleep states. The alpha waves (8–13 Hz) are the most interesting in that these appear to be dominant when the subject is in a relaxed but awake meditative state, not unlike the states thought to characterize the meditating Indian yogi.

Thus, if one seeks to induce the ''alpha state'' in oneself, the effort can be facilitated by the auditory signal linked to a dominant alpha frequency. It is not clear how the gradual increase in control occurs, but it is a matter of observation that the increase does occur and that the feedback signal is facilitative.

In that we here at P.M. R&D are intent upon identifying psychological changes induced by smoke inhalation, it occurred to us that we should determine whether smoking has an influence upon achieving the alpha state. We considered it not unreasonable to anticipate a smoking effect upon rate of learning of the control of alpha activity, or even more likely an effect upon time on target during a fixed period of observation. We did not arrive at this position by way of a conceptual model, at any rate not in any formal, deductive manner. Perhaps at some pre- or sub-conceptual state there is an intuitive belief that we should be paying attention to the more subtle psychological functions having to do with alertness and concentration as possible points at which we may find smoke inhalation having some facilitative effect. In any event we had no preconceptions as to what effect, if any, smoking might have upon the acquisition and maintenance of the alpha-state. Long inured to the elusiveness of smoke inhalation effects upon psychological state or function, we have come to proceed in a pragmatic way by sinking shafts here and there for signs of smoke-induced change. Either facilitory or inhibitory effect would be a welcome clue.

Nineteen R&D smokers, with sensing electrodes and headphones in place, sat in daily 10-minute sessions learning to keep the auditory tone on by maintaining a dominant alpha brain wave pattern. These sessions were continued until on-target time had plateaued. Nine subjects were allowed to smoke freely prior to session, and ten abstained from the preceding evening's bedtime. This was Phase I for which we had the following objectives:

1. To bring all subjects to a plateau level in maintaining the alpha state.

2. To observe for differences in learning rate between those smoking prior to the observation period and those abstaining from smoking.

3. To observe for differences in learning rate between introverts and extroverts.

4. To observe for correlations between certain measures of personality traits and acquisition rate in maintaining a dominant alpha pattern.

Mean time-on-target in the first session was 69%, with a range from 15% to 93%. The high base line of 69% for the first session was a surprise. It was also an unanticipated constraint on the study in that little latitude was left for improvement in performance. Mean time-on-target at plateau was 82%. Introverts performed better than extroverts, both initially and at plateau. We concluded after a thorough analysis that whether or not a smoker smoked immediately preceding observation had no discernible effect upon acquisition rate, not initial, nor final performance levels. Certain personality traits, as measured by the Cattell 16 PF Scales were found to be correlated with performance improvement, but these are of little interest for our purposes here. (See Table 4 of Accession No. 74–075.)

Having plateaued, a subject entered Phase II. Sixteen of the original 19 subjects completed Phase II. All subjects were pooled, each serving as his own control. There was a 5-minute pretreatment, 3-minute treatment and 5-minute post-treatment sequences. The pre- and post-treatment periods were alpha time-on-target periods. The 3-minute treatment period was a cigarette smoking and a dry-puffing period on alternate days. Each subject went through six such days, 3 experimental (smoking) and 3 control (dry-puffing).

Although there was a 2 to 1 tendency for introverts to improve and a 2 to 1 tendency for extroverts to worsen as a result of smoking, our numbers are simply too small and our performance values too variable to allow us to draw any inferences other than that all of the differences observed were but the result of change fluctuations.

Thus we have been unable to relate any of the measures pertaining to alpha control to cigarette smoking. Note that we did not look for differences between smokers and nonsmokers, since our interest was in the immediate effect of smoke inhalation.

We did make the passing observation in Phase II that there appeared to be some disruption during the initial part of the post-treatment (smoking) five minutes of observation. Not anticipating such transient, short-lived effect, we were not prepared to record anything other than cumulative performance over the whole of the five minutes. So we plan to follow up on this observation by running a few subjects under conditions in which we can record time-on-target for briefer time intervals. The results of this briefer study will be reported separately.

IA2—(Ryan and Lieser)—Effects of smoking and delayed audio-feedback on speech behavior

(See pp. 6–8—Behavioral Research Annual Report, Part I, Accession No. 74–065)

IA3—(Schori and Jones)—Smoking and attentional capabilities

Smokers, smokers-deprived, and nonsmokers performed a tracking task while simultaneously performing a cross-adaptive loading task. The loading task automatically varied in difficulty such that it utilized that portion of the subject's total attentional capacity which was not needed for satisfactory tracking performance, i.e., his spare attentional capacity. In this fashion, the size of the total work load (tracking and loading tasks combined) was individually tailored to utilize each subject's entire attentional capacity. No differences were found among groups either in tracking or loading task performance. Therefore, it was concluded that smokers, smokers-deprived, and nonsmokers expended similar amounts of attentional effort in performing the tracking task and, thus, smoking condition did not affect the size of the workload which could be handled. Reference: 73–123, September, 1973.

IB1—(Ryan and Dunn)—Heart rate change under arousal conditions among smokers and nonsmokers

The Emory-Ryan hypothesis predicts reduction in magnitude of heart rate increment under smoking conditions. We did an exploratory study in which arousal was induced by physical exercise, using smokers and nonsmokers whose heart rates were radio-telemetered to a nearby recorder. The study was aborted when we observed no difference in heart rate increments for the two group of subjects.

IB2—(Schori and Jones)—Smoking, arousal, and mood change

In this study smokers, smokers-deprived, and nonsmokers were required to solve multiple choice problems (mathematical problems adapted from the College Boards and the Graduate Record Examination) which were rear-projected onto a screen. When the subject had solved a problem, he indicated his response by pressing the button—just below the rear-projection screen—that corresponded to the alternative he had chosen. Each subject, on different days, performed the task at 3 problem presentation rates, i.e., slow-paced, self-paced, and fast-paced. Performance of smokers-deprived was definitely better (that is, they responded both more quickly and more accurately to the problems presented) than either nonsmokers or smokers—the latter two groups exhibiting comparable performance. That the smokers-deprived performed better, without going into detail, was explained in terms of two factors in combination: (1) simply being deprived of cigarettes; and (2) the nature of the task itself.

No differences in personality profiles were found between nonsmokers and smokers (which for this analysis included smokers-deprived). This may not be too surprising. When personality differences between nonsmokers and smokers have been reported, it has generally been based upon large scale samplings of heterogeneous populations—not from small relatively homogeneous populations such as our college student sample. Furthermore, even when large heterogeneous populations are sampled, differences in personality characteristics that have been reported are very slight. In agreement with most literature on the topic, heart rates of smokers were substantially higher than those for nonsmokers and smokers-deprived, viz., an increase in heart rate of 10–11 beats/min. could be attributed to smoking.

We had expected that mood change would be more prevalent under the slow and fast-paced conditions than under this self-paced condition. However, this is not what we observed. Instead, mood change, i.e., changes in affect, was much more prevalent (more significant mood changes occurred) under the self-paced condition. Smokers, though, did experience less mood change than did nonsmokers or smokers-deprived—which in agreement with similar findings of other investigators does suggest that smoking actually may act to temper emotional reactivity. Draft manuscript, October, 1974—the technical report should be out shortly.

IIA1—(Ryan)—Puff three—Chained puffing (see p. 1, Accession No. 74–065)

IIA2—(Ryan)—Puff four—Puffing behavior at 30-and 60-second puff intervals (see p. 2, Accession No. 74–065)

IIA3—(Ryan)—Puff five—Puffing behavior changes on cigarette cut to different lengths (see pp. 2–4, Accession No. 74–065)

IIA4—(Schori and Jones)—Does the smoker compensate for changes in delivery in order to regulate intake? (TNT–4)

Winston smokers from the RP³ panel smoked 7 different cigarettes each for 1 week. There were 6 experimental cigarettes, with tar ranging from 8.2 to 14.6 mg and nicotine ranging from .28 to .90 mg, and a Marlboro control. The number of cigarettes smoked/day and the amount of rod consumed per cigarette (mm) were recorded from saved butts. If the smoker does change the number of cigarettes smoked or amount of rod consumed to maintain relatively constant intake as changes in cigarette deliveries occur, this should be evident as deliveries both increases and decrease from his accustomed levels. However, we found no evidence of any such regulatory behavior, i.e., they failed to compensate for the decreased availability of tar and nicotine by changing either the number of cigarettes which they smoked or the amount of rod consumed from each cigarette. In the face of mounting evidence (of which this study is an instance) that smokers do not alter consumption rates sufficiently to support the intake constancy hypothesis, this hypothesis must be viewed with skepticism unless some other mechanism for regulating intake can be discovered. Reference: 74–078, August, 1974.

IIIB1—(Schori and Jones)—Smoking and low delivery cigarettes (TNT–3)

Smokers from the POL National Panel were required to smoke 14 mg tar cigarettes at .30, .75 and 1.20 mg nicotine, 11 and 8 mg tar cigarettes at .30 and .75 mg nicotine, and a Marlboro control. The 14 mg tar/.75 mg nicotine cigarette (a cigarette with proportional reductions in nicotine and tar) was accorded an acceptability rating equivalent to that of the Marlboro control. The other experimental cigarettes, however, did not compare very favorably to Marlboro in acceptability. Reference 73–129, October, 1973.

IIIB2—(Schori and Martin)—Low delivery cigarettes and increased RTD (DL–2)

Smokers in an R&D handout test and in an RP³ test smoked a Marlboro control and three low delivery cigarettes—averaging less than 10 mg tar—with RTDs varying upwards from 4.8 in. We has predicted, based upon earlier data, that increasing the RTDs of low delivery cigarettes would make them subjectively appear stronger. However, this is not what we found The Marlboro control was given the highest mean strength rating. The next highest strength rating was ascribed to the low delivery cigarette with the 4.8 in RTD while the lowest mean strength rating was given to the low delivery cigarette having the highest RTD. Although there can be other interpretations of this finding, it appears most likely that the variations in strength ratings among the low delivery cigarettes reflect their variations in RTD.

The most interesting finding had nothing to do with the relationship between RTD and cigarette strength. It was the fact that the Marlboro control, in comparison to the low delivery cigarettes was not the most acceptable cigarette to the smokers. Thus, it may be possible to make cigarettes delivering less than 10 mg tar which will be just as acceptable to high delivery smokers as a standard Marlboro—a finding similar to those that we have reported earlier in conjunction with studies of smoker response to cigarettes of somewhat higher deliveries than those of the present study. Reference: 74–054, June, 1974.

IIIB3—(Schori and Martin)—Low Delivery Cigarettes and Increased Nicotine/Tar Ratios (DL–1)

In this study, we compared 3 low delivery cigarettes (in the 10 mg tar range) to a Marlboro control. One of these cigarettes, i.e., the 10.7 mg tar, .12 nicotine to tar (N/T) ratio cigarette, was comparable to the Marlboro in terms of both subjective acceptability and strength. In other words, that cigarette was perceived to be a full-flavored low delivery cigarette. Although we previously have had cigarettes, in this tar delivery range, which achieved parity with Marlboro in acceptability, this is the first time that such a cigarette has achieved parity in both acceptability and strength. However, we cannot be certain whether the high N/T ratio was an essential factor in that cigarette being perceived as a full-flavored cigarette. And obviously we do not wish to increase N/T ratios unless it is absolutely necessary to do so in order to make full-flavored low delivery cigarettes. Reference: 74–088, September, 1974.

IIIC1—(Schori and Jones)—A Method for Field Testing a Distinctively Flavored Candidate

In response to a specific need, we developed a general testing methodology for consumer tests of novel cigarette products. The methodology itself is currently being evaluated in an actual product test. Reference: Memo to Filosa, April, 1974.

IIIC2—(Schori)—Analyzing Descriptive Panel Data

Having recommended a different approach for analyzing descriptive panel data, we continue to do these descriptive panel analyses on a regular basis.

IIIC3—(Schori and Jones)—A Procedure to Identify Gaps in an Existing Product Market

We prepared this paper to present at the ASTM Symposium this fall (based upon an earlier report—72–088, June, 1972). However, it was felt that the material covered in the paper was of a proprietary nature and, therefore, was not suitable for outside release. Reference: Unpublished manuscript, September, 1974.

OUTSIDE PUBLICATIONS:

Schori, T.R. & Jones, B.W. Smoking and multiple-task performance. *Virginia Journal of Science*, in press.

Schari, T.R. & Jones, B.W. Smoking and work load. *Journal of Motor Behavior*, in press.

DATA BEING COLLECTED:

IA4—(Schori and Jones)—The Relationship Between Smoking and Risk-Taking Behavior

It has often been suggested that smokers take more risks than do nonsmokers. This notion, though, has been based upon non-experimental data (e.g., the fact that smokers have more traffic accidents than nonsmokers). And such data do not take into consideration certain critical factors. For instance, they do not take into consideration possible differences in exposure between smokers and nonsmokers which could explain their differential traffic accident rates. Therefore, the present investigation was designed to determine experimentally whether smoking condition (i.e., smoking, smoking-deprivation, and nonsmoking) actually does affect the individual's degree of willingness to take risks. The task itself is a simulated driving task.

IIA4—(Ryan and Lieser)—Puff six-Puffing behavior following long and short intervals (see pp. 8–9, Accession No. 74–065)

IIA5—(Ryan and Lieser)—Smoking following cigarette deprivation

We want to know whether smokers who are deprived of smoke—by being in a ''no-smoking'' area or situation—will make up for this smoke deficit when they leave the ''no smoking'' area.

We will observe number of puffs and number of cigarettes smoked in a two-hour control period, and compare these figures with those observed in a two-hour period following two hours of smoke deprivation.

IIBI—(Dunn and Martin)—Patterns of smoke inhalation

We are investigating the manner in which the puff of smoke in the mouth is introduced further into the respiratory system.

We became interested in this aspect of smoking behavior through earlier work on the problem of dose control. Since 1968 when we undertook SEX–I, an extensive field study of the quantity of smoke taken into the mouth, we have been investigating the extent to which the smoker regulates intake and the manner in which he regulates intake.

A general premise in our theoretical model of the cigarette smoker is that the smoking habit is maintained by the reinforcing effects of the pharmacologically active components of smoke. A corollary to this premise is that the smoker will regulate his smoke intake so as to achieve his habitual quota of the pharmacological action. As circumstances and body state vary, so will vary the desired level of action. Also as the concentration of the active agents in the smoke varies, so will vary the amount of smoke taken in.

Seeking confirmation of our model, since 1968 we have been measuring intake levels while systematically varying circumstances, body state and smoke composition. We have observed changes in the predicted directions, but the magnitude of the changes has always fallen far short of that change necessary to infer that the smoker is exercising quota regulation of intake. Others have reported similar investigations with similar findings.

Recent observations have led us to question whether the indices of intake which have been investigated to date are, in fact, the appropriate indices to be measuring. We have counted the number of cigarettes smoked, we have counted the number of puffs taken, we have measured amount of rod consumed and we have obtained reasonably accurate estimates of how much smoke is actually taken into the mouth over extended periods of time.

All of these measures fall short of determining the amount of smoke brought into contact with the absorbing surfaces within the lungs. We now have evidence that with some smokers a good portion of the smoke of a given puff never goes beyond the mouth, it being retained in the mouth to be expulsed ahead of that portion which was inhaled. Furthermore, we have good evidence that the gas inhaled following the drawing of a puff from the cigarette is not exclusively the air/smoke mixture introduced through the mouth. A greater or lesser amount of air is introduced through the nose, mixing at the pharyngeal junction of the nose and mouth with the air/smoke mixture being swept in from and through the mouth.

These observations have made us aware of a heretofore unnoticed mechanism that has the potential of affording the smoker a wide latitude of control over the amount of smoke he brings into contact with the absorption sites.

It has been our purpose in this, the first of an anticipated serie of studies, to systematically observe the inhalation patterns of smokers. We are measuring flow rates and volumes of air drawn through the mouth and air drawn through the nose while varying tar and nicotine levels in the mainstream smoke. If the smoker is seeking his quota of the pharmacologically active ingredients, and the regulatory mechanisms available at the post-puff levels are being used toward this end, then we would expect to find directional changes in the ratio of air drawn in through the nose and the air/smoke mixture being drawn in through the mouth, and/or changes in the total inhalation volume.

The problem has required the fabrication of novel apparatus. With much trial and error we have devised a means of independently measuring the rate and volume of air drawn in through the two orifices as the smoker inhales immediately following the drawing of a puff of smoke into his mouth. We have designed and constructed a face mask of silicon rubber which contains a cavity for the nose and a cavity for the mouth. These cavities are sealed off from ambient air and from each other when the subject's face is in position. The mask is rather massive and self supporting, yet flexible enough to effect a good seal with a face. The mask is rigidly mounted on a plexiglass sheet. Leading off behind the plexiglass sheet are two ⅜'' i.d. tygon tubes, one connecting the mouth cavity to a flow rate sensor and the other connecting the nose cavity to a second flow rate sensor.

The sensors responding to flow rate are hot wire anemometers. The voltage changes in these sensors reflecting air flow are processed through electronic circuitry to be finally recorded on polygraph paper in terms of flow rate and air volume. The system is calibrated such that quantified flow rates and volumes in cc can be read directly from pen deflections.

Seated before the apparatus, the subject takes a puff from his cigarette inserts his face into the mask, inhales, withdraws from the mask and exhales in normal fashion. The only part of the sequence occurring with face in mask is the inhalation.

We have used twelve volunteer R&D pack-a-day-plus smoker of regular filter cigarettes. Each subject smoked one cigarette at the mask in the morning and afternoon of each workday. The study ran for three weeks. On the first week they smoked their regular cigarettes. On the second and third weeks they smoked Commanders and Carltons, with a split-group balanced order. The cigarette designated for a given week was smoked continuously by the subject from the first session on Monday to the last session on Friday.

Data collections has been completed and the analysis is underway. The results available at the time will be reported at Project Review on November 8.

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IIIA1—(Schori, Jones and Martin)—Menthol cigarette preferences of Blacks and whites (MN–3)

Black menthol smokers have generally been inadequately represented in our National menthol cigarette tests. In fact, our National POL Panel, for all practical purposes, is a White panel since nonwhite returns from product tests probably rarely exceed 3% of the total returns. Since there is considerable evidence which suggests that Blacks and Whites may differ in their likes and dislikes in menthol cigarettes, the present investigation was designed to identify Black and White preferences for menthol and nicotine deliveries in Alpine-like cigarettes. Accordingly, Black menthol smokers (from RP^3) and White menthol smokers (National POL panelists) were required to smoke and rate 4 experimental Alpine-like cigarettes (which delivered two levels of nicotine at each of two levels of menthol) and an Alpine control. The lower level of nicotine, for the experimental cigarettes, was slightly lower than Alpine. The lower level of menthol was comparable to that of Alpine.

The results from the first run of this test have been analyzed, but questions have been raised about the reliability of the data. The study is to be replicated before the report is finalized.

IIIB/C1—(Dunn and Martin)—A field test of systematically varied tar and RTD levels in which three methods of cigarette presentation are compared

This study has been in process since November of last year, its execution being delayed by difficulties in fabricating cigarettes with the required tar/RTD combinations. The proper combinations have recently been achieved by Messrs Houck and Claflin, and the test is awaiting its turn on the RP^3 panel.

STUDIES IN THE PREINVESTIGATIVE PHASE:

A Prefatory Note: It has been well established that one of the differences between smokers and nonsmokers is that smokers will tend as a group to display more aggressivity. There have recently been some suggestions in the literature that those individuals prone to aggression may have learned that smoking facilitates the control of these tendencies; and that it is for this reason that one finds a higher incidence of aggression prone individuals within a smoking population than within a nonsmoking population.

If this interpretation is correct, then one would expect to find that when the smoker is allowed to smoke freely, his display of aggression in an aggression-inciting situation will be at a level comparable to that of nonsmokers, but when deprived of the opportunity to smoke for a period of time before and during observation, his display of aggression will be manifestly higher than that of nonsmokers.

We recognize, however, that any observed increase in aggressivity when deprived of cigarettes may be as readily explained as the emergence of reactions to deprivation, not unlike those to be observed upon withdrawal from any of a number of habituating pharmacological agents.

The Behavioral Research Laboratory is initiating a series of studies on aggression in smokers. Collectively, the studies will be aimed at (1) observing for differential aggressivity under free-smoking vs. deprived smoking conditions and (2) if increased aggression under deprivation is observed, differentiating between personality-related aggression and deprivation-induced aggression.

Our strategy for distinguishing between the personality-related and deprivation-induced aggression is premised upon the logic that if the aggression is personality related, then it should be observable (1) among prospective smokers, and (2) among abstaining smokers whose period of abstention has extended beyond the withdrawal period.

Study IB1 (Schori and Jones) is designed to induce aggressivity in order to determine if, indeed, differential aggressivity under free-smoking and deprived smoking conditions is observable. Study IB2 (Dunn and Martin) is designed to observe for aggressivity the abstaining smoker whose abstention has extended beyond the period in which deprivation-induced behaviors are likely to be present. Study IB3 (Ryan and Lieser) is a longitudinal study attempt to observe for personality-related or trait aggressivity in the prospective smoker.

IB1—(Schori an Jones)—Smoking and aggression

This study is designed to evaluate the influence of smoking condition on both aggression and performance in a complex task situation at 3-levels of failure-induced frustration. The task is a slightly modified version of the simulated driving task that is being used in the ''Smoking and Risk-taking'' study.

IB2—(Dunn and Martin)—Bruxism suppressed by smoking

Bruxism in medical cryptology, is but the habitual act of grinding the teeth. In a recent experiment aimed at treating the habit through the application of biofeedback principles, an enterprising psychologist at Claremont Graduate School, Dr. John Rugh, devised an unobtrusive, totable electronic package which emitted an audible signal whenever the tension in jaw muscles exceeded a preset threshold level. The package embodied a sensor whose output voltage correlated with the electrical activity of the muscles over which it was placed, an IC amplifier and the auditory signal generator. Without the device teeth grinding has been occurring at a subconscious level. The buzzer brought the behavior to the subject's attention, making it more accessible to voluntary control. Daily use of the device proved effective in the reduction of teeth grinding.

Our interest in this investigation is two fold: The relationship between jaw muscle contraction and psychological tension has relevance to smoking dynamics. Hutchinson used the measure of jaw muscle tension as an index of psychological tension in a 1970 study funding by P.M. R&O. The measure was more specifically interpreted by this investigator as an index of covert aggressive responsivity. Hutchinson put smokers into frustrating task situations and recorded the EMG signals at the jaw. He reported less muscle tension (ergo, less anger) under smoking than under abstaining conditions.

Secondly, it occurred to us that the total package may have another application to our continuing study of the motivational factors in cigarette smoking. It may make it possible to circumvent a methodological problem over which we have agonized for some time.

The problem is this: In order to properly assess the influence or cigarette smoking upon some specified behavior one must observe that behavior in the same subject undersmoking and nonsmoking conditions. If, for example, one wished to determine whether smoking influences visual accuracy, one would obtain measures of the subject's acuity immediately following the smoking of a cigarette and at some other time obtain the same measures following a period of abstention from smoking, the period being sufficiently long to clear the organism of the pharmacological effects of the smoke. Any observed difference, one might argue, would be a function of the effect of the smoke upon the smoker. But such an argument assumes that the abstaining smoker is in his normal, i.e., non-smoke-influenced state. This assumption is open to challenge. The counter argument is that, if the period of abstention is sufficiently long to allow for the metabolic clearing of the agents taken in from cigarette smoke, then that period has been sufficiently long also for the onset of any deprivation effects.

Our methodological problem lies in our inability to distinguish between those behavioral changes that reflect return to some non-smoke-influenced baseline on the one hand and those changes which are the individual's response to smoke deprivation on the other hand. Thus Hutchinson's reported increase in jaw muscle tension in abstaining smokers could as readily be the emergence of behavior which had been suppressed by smoking or the onset of behavior specific to the smoke-deprived state. We need some means of distinguishing between these two possible classes of response to cessation of smoking.

We would expect behavior specific to smoke deprivation to peak rapidly following cessation of smoking and diminish gradually thereafter, dropping out entirely at some later point in time as the former smoker's system accommodated to a nonsmoking regimen.

On the other hand, if the observed behavioral change is due to the re-emergence of patterns suppressed by smoking, we would expect the behavioral change to peak fairly rapidly following discontinuations, as in the case of deprivation-specific behavior, but then plateau at peak and remain constant.

Here, then, are two distinctive time-related patterns. Were we able to continuously monitor the behavior beginning a week before ceasing to smoke and continuing for a month or more thereafter, the data should allow us to confirm or refute the Hutchinson observation that the jaw clenching rate is altered by ceasing to smoke and further, if confirmed, classify the altered rate as either withdrawal-specific behavior or baseline behavior characteristic of the individual when not smoking.

If we were to establish that the behavior is characteristic of the smoker when not smoking and not merely a transient response to deprivation, the implications are profound. Following Hutchinson's interpretation of jaw clenching as a covert manifestation of anger, we would have in hand our first clear-cut positive effect of cigarette smoking—the inhibition of anger.

If, on the other hand, the alteration were to prove to be limited only to the time period immediately following cessation, the implications would not be so profound but there would remain the possibility of some important inferences. The duration of the altered rate would reflect the duration of the deprivation period. The determination of the time interval would establish how long observations must be delayed following ceasing to smoke in order to study the uncontaminated non-smoke-influenced behaviors for comparisons with smoke-influenced behaviors.

The totable EMG unit lends itself nicely to the collection of the data. After substituting an electronic counter for the signal generator, we will be able to record either continuously, or by periodic sampling, the frequency with which jaw clenching occurs. A simple graphic plotting of jaw clenching rate over time should make it possible to evaluate the pattern of change and thus establish the nature of the altered behavior.

Our major problem will be to recruit enough regular smokers willing and able to abstain from smoking over the five or more weeks required.

We are corresponding with two laboratories (in the Psychology Departments of Harvard University and Claremount Graduate School) on the details of instrumentation.

IB3—(Ryan and Lieser)—The hyperactive child as prospective smoker (see pp. 9–12, Accession No. 74–065)

This is an intriguing theoretical derivation of an hypothesis which predicts that today's hyperactive child is tomorrow's smoker.

A Final Note to the Series of Aggression Studies: We are considering modest financial support to two university laboratories whose programs include studies immediately relevant to the question of the influence of smoking upon aggression. Neal Miller's laboratory at Rockefeller University is prepared to investigate further the nicotinic mechanisms in the brain of the rat, there being already some evidence that nicotine does reduce irritability and aggression while its withdrawal has the opposite effect.

At Ohio State University two psychologists are eager to follow up leads pointing to the inhibitory influence of central nicotinic systems on the aggressive behavior in cats.

IB4—(Dunn and Martin)—The influence of smoke inhalation upon accommodating to distracting stimulation, using the control of brain wave patterns as an index of accommodation

A group of investigators at Melbourne University in Australia have reported that smokers accommodate (or become inured) to distracting stimulation more rapidly while smoking than while deprived. Maintenance of alpha brain wave dominance in the face of such stimulation was used as the index of accommodation. When not accommodated, alpha dominance was lost when distracting stimulation was presented. When accommodated, alpha dominance was not disrupted by the stimulation. The reported observation is exciting because of its theoretical significance and because, as reported, it was a very clean effect induced by smoking. We are displeased with the lack of rigor in the design of their experiment, so our purpose is to replicate the experiment with better controls and improved conditions of observation.

IIIB4—(Schori and Jones)—Manipulating smoke impact in very low (<8 mg tar) delivery cigarettes

How can we achieve full-flavored very low delivery cigarettes? We feel that the main hinderance to doing so is our inability to achieve sufficient smoke impact in very low delivery cigarettes. Therefore, although ultimately we would like to develop a marketable one, this study (which is being conducted in cooperation with Willie Houck and Paul Gauvin) is designed to assess the relative influences of various factors on smoke impact in very low delivery cigarettes. Specifically, the relative influenced of blend (standard Marlboro blend vs. 50% burley blend), burley-spray (100% vs. 50%), and filter system (cellulose acetate filter plus high dilution vs. paper/cellulose acetate filter plus zero dilution) on smoke impact in cigarettes within the 5 to 6 mg tar range).

IIIB5—(Schori and Jones)—A low delivery full-flavored candidate (Opus I)

In an earlier study (74–053, June, 1974), three low delivery cigarettes, averaging less than 10 mg tar, were found to be comparable in acceptability to the Marlboro control. Because of the obvious practical significance of that finding, we felt that it was necessary to follow up that study in order to determine whether with our current capabilities we can reliably make low delivery cigarettes which are just as acceptable to the smoker as Marlboro. Accordingly, we attempted to remake the most promising low delivery candidate from the earlier study. That candidate is to be compared to a Marlboro control by high delivery RP^3 smokers.

IIIB6—(Schori and Jones)—A low delivery full-flavored cigarette (Opus 2)

In an earlier study (74–088 and IIIB3 above) a low delivery cigarette which delivered 10.7 mg tar—with a nicotine to tar ratio (N/T) of .12—was found to be comparable to a Marlboro both in acceptability and strength, i.e., this cigarette was perceived to be a full-flavored cigarette. We were not positive however, that the high N/T ratio was the primary determinant of the smokers' favorable perceptions of this cigarette. Therefore in this study we will make three 10 mg tar cigarettes with N/T ratios of .07, 110, and .13—insuring that tar is constant over cigarettes—and a Marlboro control. From this test, we will be able to determine: (1) whether we can reliably make full-flavored cigarettes in the 10 mg tar range; and (2) whether a relatively high N/T ratio is essential in order to do so.

IIB2—(Dunn and Martin)—Continuation of the investigation of inhalation patterns

A number of questions have been raised by the initial inhalation study. We plan to continue these observations in order to determine what, if any, aspect of the inhalation pattern is relatable to smoker characteristics and cigarette characteristics.

''PME Research: 1972–1974'' Gustafson & Haisch

* * * [Indicate deleted material]

HUMAN SMOKING HABITS—(or: the impact of our products on the smokers)

The thoughts on cigarette design which we have developed so far and which we are realizing in the trials of the Teams of ''Thermodynamics of Adsorption Processes,'' ''Intersection of smoke with Cysteine,'' and ''Product Research'' are our response to developing trends and public pressures.

Further input into this research is provided by the wants, references and needs of the smoker. Under the direction of Mr. Bourquin we have planned, executed and analyzed several studies on human smoking habits.

At the planning stage, the objectives and goals as well as the scope and depth of the study were set by asking some relevant questions. The answers to these questions are needed to match consumer profiles and product relevance, to provide information on certain aspects of ''Smoking and Health'', and for future prototype development.

How much nicotine does the smoker want?

2. Does the smoker compensate for nicotine delivery in a low nicotine cigarette?

3. What are the actual delivery levels of important brands?

4. Does nicotine delivery depend on the social situation of the smoker?

5. Do well defined classes of cigarettes fit well defined classes of smokers?

6. How can an increased smoke impact be achieved with a low delivery product?

The first study was executed with the cooperation of the marketing department in Germany. The stumps of 27 major brands were collected at various locations and offices. To calculate filter efficiency and nicotine consumption the nicotine deposit in the filter was measured. (The German study must be regarded as incomplete as the pilot study was never followed-up by a proper scale investigation.)

The results and conclusions gave us possible solutions to some marketing problems and set the limits for product modifications.

The most frequent nicotine yield was 0.4 to 0.5 mg of nicotine per cigarette. This yield is not dependent upon the nicotine content of the tobacco and is not related to the nicotine yield under Coresta (machine) smoking conditions. The difference between nicotine yields obtained under standard laboratory procedures and yields obtained under ''real'' smoking conditions is explained by the existence of a compensation mechanism in the smoker. This compensation mechanism seems to be in operation for a proportion of the consumer population to adjust the nicotine yield to their needs or liking.

* * * [Indicate deleted material]

[From Philip Morris, Richmond, Virginia]

To: Dr. T.S. Osdene
From: W.L. Dunn
Subject: Quarterly Report—January 1–March 31, 1995
Date: March 25, 1975

Inhalation Studies.—All work has been held up for the installation of the sound- and electromagnetically-insulated room. The room has arrived and is to be in April.

A Field Test of RTD and Tar Influences on Acceptability with Three Methods of Cigarette Presentation.—Analysis is underway.

Conference on the Regulatory Influence of Nicotine on Human Behavior.—Proposal has been presented to the industry. Awaiting decision to proceed.

FRANK RYAN'S REPORT

Puffing Following Cigarette Deprivation (Puff Seven).—Ongoing. We are observing number of cigarettes smoked and total puffs taken by college students smoking their own brands during a critical two-hour period. Preliminary data suggest that more cigarettes are smoked and more puffs taken when the observations follow a two-hour deprivation period than following two hours when smoking is permitted.

Mixed Pack Study.—Ongoing.—A national mailout is scheduled for early April in which High Filtration panelists will compare a 10 mg cigarette to a mixture of 7 and 13 mg cigarettes. The object of the test is to see whether the intentional inclusion of some more flavorful cigarettes in a pack of low delivery cigarettes will affect product ratings.

Personality, Arousal and Smoking.—Planning.—Following Eysenck's suggestion that smokers seek stimulation to increase the arousal level of their central nervous system whereas introverts avoid stimulation, we will look at the effects of smoke deprivation on extroverted smokers in a sensory stimulation deprived situation and compared to nondeprived and nonsmoker groups, as well as to introverts.

Equal Puff Volumes.—Planning.—In this smoke recorder study smokes will be instructed to take either puffs of a constant volume or constant duration. Cigarette characteristics will be changed from time to time to see if volume changes follow. The purpose of the study is to find some of the cues which control puff volume changes.

TOM SCHORI'S REPORT

The Effect of Smoking on Risk-taking in a Simulated Passing Task.—Data analysis is complete. The report is in preparation.

Smoking, Arousal, and Mood.—A manuscript for publication has been prepared.

The Influence of Nicotine on Aggression in Fish.—This is a new study in which the Beta, an innately aggressive fish, is to be treated with varying concentrations of nicotine in tank water. We will be observing for differential effects upon aggressive display behavior and some control behavior which is to serve as an index of general activity level.

Menthol Cigarette Preference of Blacks.—Cigarettes with two nicotine and two menthol levels have gone out to 350 Black RP^3 menthol smokers. This is a modified form of the original study, the results of which proved difficult to interpret.

Low Delivery Cigarettes: The Influence of Delivery Information on Subjective Evaluations (II).—Cigarettes are ready and should go out shortly to 2 National POL panels. This is a follow-up on a smaller scale study (RP^3) the results of which suggested that smokers responded favorably to being provided the information that the cigarettes were low delivery.

A Low Delivery Cigarette with Impact and Flavor.—The 5–6 mg tar delivery program being carried out in collaboration with P. Gauvin is proceeding nicely. Models for the 8 experimental cigarettes have been developed and the cigarettes are now being made.

SEPTEMBER 8, 1975.

Prof. STANLEY SCHACHTER,
Dept. of Psychology, Columbia University, Schermerhorn Hall, New York, NY.

DEAR STAN: Welcome back and thanks for your letter. And thanks for your solicitation of my critique of your manuscripts. I'd be delighted. I wouldn't view it as an imposition because, after all, I am responsible for the Company having provided you with those modest sums and therefore have vested interest as well as personal interest in your output.

As for your Marlboro question, we've tracked sales vs. nicotine over the past five years and have concluded that there is no discernible relationship. Interestingly, the concern grew from an hypothesis antithetical to your own. Market Research is burdened with attempting to explain a slipping sales increment. The robust 15% annual increase which we'd come to view as the norm became 10% from 1973 to 1974 and recent figures are of the order of 7%, if my memory serves me well.

Some have interpreted this as the inevitable leveling off. Although we cannot fit any kind of explanatory equation using nicotine as a predictor, we cannot of course rule out the possibility that the Marlboro smoker is responding to nicotine reduction by switching to other brands. But your manner of putting the question implies that you would have predicted a sales increase. You neglected to take into account that the smoker has other options than merely increasing the number smoked.

My own prejudice is that the smoker is oblivious at the conscious level to major changes in the composition of his smoke, but not wholly unresponsive. I am more of the belief that we have many ways in which to accommodate to a variable smoke, and perhaps the least of these is to smoke more cigarettes. For too long investigators have relied on measures relatable to the cigarette (number of cigarettes, number of puffs, butt length) as consumption rate indices. True enough, the number smoked is an infallible index of cigarette consumption, but we should be thinking more in terms of cigarette consumption. Cumulated puff volume tells us more, but even this is but a measure of smoke taken into the mouth. The ultimate index is how much passes over into the bloodstream, a not so readily monitored phenomenon. We're now looking at the fate of the smoke entering the mouth; how much goes down, how much comes back out, and related behavioral events that we anticipate finding to be dose-regulating mechanisms of remarkable precision and sensitivity.

Thus to accommodate to the 15 percent reduction in available Marlboro nicotine, the smoker who was getting 50 percent of the available nicotine over into his blood from the Marlboro delivering 1.1 mg of nicotine into a smoking machine now must get 59 percent of what the current Marlboro offers him. He can take bigger puffs, or inhale more from the supply drawn into the mouth (we have varying quantities of residual smoke in the mouth at the end of an inhalation) or for more efficient extraction of the goodies, he can draw it in deeper or hold it longer.

So we're looking at respiratory behaviors. I have a physiological psychologist joining the staff this month. Instrumentation is the big challenge at the moment.

Send the manuscripts.

Regards,

WILLIAM L. DUNN, Jr.,
Principal Scientist.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W.L. Dunn, Jr.
Period Covered: January 1–31, 1976
Date of Report: February 10, 1976

Project Title: Smoke Inhalation Study
Written by: Carolyn Levy

Our new apparatus which allows the subject to puff on a cigarette while his face is in the mask is almost operational. We are remaking the rubber masks in order to give the subjects better access to the mouthpiece.

In order to determine if the delivery of a cigarette is reduced by the new apparatus, two Marlboro monitors were smoked through the apparatus on the twenty-port smoking

machine. For comparison purposes, two monitors were also smoke through the regular smoking profile recorder mouthpiece. The TPM deliveries (17 puffs) were 38.2 and 38.4 mg. Thus, we get comparable deliveries with the two different pieces of apparatus. In addition, these deliveries are not appreciably different from what would be expected from smoking the monitors in the regular fashion on the smoking machine.

Our next study will again use R&D smokers. Cigarettes delivering 18, 15.7 and 13.3 mg of tar have been made, holding puff counts and RTD's approximately constant.

Project Title: Regulatory Identification Program

Written by: Carolyn Levy

We are ready to begin our first attempt to identify nicotine regulators and non-regulators among our smoking student population. In selecting our initial subjects we hypothesized that those who smoke more than 30 cigarettes per day of a high delivery brand (>15 mg tar) would more likely to regular than those who smoked less than 10 cigarettes per day of a comparable brand. Thus we have two groups: likely regulators and likely non-regulators.

In order to measure daily nicotine intakes, the subjects will smoke at home and save butts for three weeks. During Week 1 they will smoke their own brands. During Weeks 2 & 3 they will smoke high and low delivery products in a counterbalanced order. The relevant dependent variables are number smoked per day and the nicotine residual in the butts. We expect that daily nicotine intakes will be more product-dependent for non-regulators and more product independent for regulators.

After this butt saving period, the smokers will come to the lab for four sessions. Session 1 will be used to familiarize the subjects with procedures and apparatus. During Sessions 2-4 we will measure their smoking behavior while smoking own brand, high and low delivery products. In order to reduce the number of variables that are free to vary in the smoking situation, we will tell our subjects when they will smoke a cigarette, how many puffs they may take, and where along the rod these puffs will be taken. We want to find out if we can ''force'' our potential regulators to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose. On the other hand, we do not expect the potential non-regulators to modify their smoking behavior under these circumstances. When not smoking, all subjects will be occupied with time filling tasks.

This initial study will enable us to assess the relevance of consumption data to regulation. That is, are heavy smokers more likely to regulate than light smokers? In addition, we would like to determine other factors that are correlated with regulation so as to improve our ability to predict which smokers will be regulators.

Project Title: Smoking of Nicotine Free Cigarettes

Written by: Carolyn Levy

Due to a delay in equipment set-up, we have been unable to obtain denicotinized tobacco. Hopefully we can begin this study in one or two months.

As an alternative to denicotinized tobacco, we have look into the possibility of having cigarettes made from a strain of tobacco that is naturally low in nicotine. Our comparison cigarette would also be made of this tobacco with nicotine citrate added to bring the nicotine content up to ''normal.'' This tobacco should be available by the end of February.

Project Title: Annual Monitoring of Cigarette Preferences

Written by: F.J. Ryan

As a preliminary test of our ballot and procedures, five non-menthol cigarettes—delivering 8, 11, 14, 17, and 40 mg of tar and .6, .7, .8, 1.0, and 1.2 mg nicotine—were sent to 300 RP[3] panelists who rated them for acceptability. Usable replies were received from 232 (77%) of the panel.

A preliminary analysis of returns based on incomplete data suggests that the differences in ratings were small, as seen in Table 1, but illustrative.

* * * [Insert notation for deleted material]

[From Philip Morris, New York, NY

To: Mr. J.J. Morgan

From: Al Udow

Subject: Why People Start To Smoke

Date: June 2, 1976

At the end of last week I gave you some material intended to answer Cliff Goldsmith's question on why people start to smoke. Because we should have this information at our disposal, this document summarizes the data available, and cites references.

There are surprisingly few hard facts on the question of the initiation of smoking. Most of those who write on the subject of smoking tend to rely on the statistical work of Daniel Horn and the National Clearinghouse for Smoking and Health. Others offer opinions without sources or data to back them up.

The best summary of the situation may be an entry by Matarazzo. Joseph D. Matarazzo, of the University of Oregon Medical School has written widely on smoking. He is the primary author of the entry on smoking in The International Encyclopedia of the Social Sciences (1968).

His summary of the factors involved in the initiation of smoking is as follows:

These studies consistently have identified parental smoking as one of the most important predisposing factors in smoking among school-age children. As mentioned above, most smokers appear to have begun smoking between the ages of 10 and 18. If both parents smoke, the probability that their children will begin to smoke is several times that of children with nonsmoking parents. When only one parent smokes, the incidence of smoking among the offspring falls midway between that of the other two groups. Published data also suggest a higher frequency of smoking among children with older siblings who smoke.

The relationship of some other sociopersonal factors to initiation of the smoking habit is less clear-cut. In general, the studies suggest that youngsters' beginning to smoke is related to: (a) curiosity about smoking; (b) conformity pressures among adolescents; (c) need for status among peers, including self-perceived failure to achieve peer-group status or satisfaction; (d) the need for self-assurance; and (e) striving for adult status (see the reviews by Hochbaum 1964; Horn 1963). However, it is difficult to measure the strength of such needs, as well as their relative influence, and therefore these relationships should be considered tentative.

The basis for his, and many other statements is a publication of the National Clearinghouse of Smoking and Health (1972) which reported on two surveys of teenagers, numbering 4931 and 1968 and 2640 in 1972. Their conclusions are based largely on statistical inference.

The report concludes:

While there are many factors in the environment of the child that influence his taking up, or not taking up, the smoking habit, the one that has by far the most influence is the smoking behavior of those around him . . .

In households where both parents are present, the teenager is much more likely to be smoker if the parents smoke. In fact, if both parents smoke the teenager has about twice the likelihood of being a smoker than if neither parent smokes, the rates are 18.4%and 9.8% respectively. Those with one parent who smokes fall in between, with a rate of 13.8%

We find a striking relationship between the behavior of the older members of the family and that of the younger members. In homes where both parents are present, boys with an older brother or sister are twice as likely to smoke if one or more of the older siblings smoke than if none smoke (30.0% and 13.1%). The relationship is even stronger among girls, with a four to one ratio; 24.8% of girls with one or more smoking older siblings are smokers while only 5.6% of those with older siblings, none of whom smoke, have taken up the habit.

When the combined effect of smoking of parents and older siblings is considered, the concept of family patterns is reinforced. The lowest level of smoking is found among teenagers who live in households where both parents are present and neither smokes, and who have older siblings, none of whom smoke. Less than one in twenty have become regular smokers (4.2%). This compares with one in four (24.9%) in families with at least one parent and one older sibling who smoke. The older sibling, as would be expected, is more likely to smoke if he has a parent who smokes. It is impossible to determine precisely what are the relative effects of parental and sibling smoking on the teenager. However, we do see that he is more likely to smoke if the older sibling smokes and the parent does not than if the parent smokes and the older sibling does not. We cannot discount the influence of either; they interact with each other, and as they do, the family pattern is established.

[Not legible]

Harold S. Diehl, M.D. (1969), of the American Cancer Society quotes liberally from David Horn of the National Clearinghouse for Smoking and Health. Much of what he says is stated authoritatively without source or supporting data.

''For children who see their parents, teachers, other adults, and older brothers and sisters smoking, the desire to be like them, to be grown-up, constitutes a strong incentive to try it themselves. Studies show that children are much more likely to smoke if their parents smoke.'' (No source given)

''Many boys and girls start smoking to show their independence, as a symbol of revolt against authority, to feel sophisticated and grown-up, to be ''one of the crowd'', to gain social status, to have something to do.'' (No source given)

''The advertisers of cigarettes exploit this urge by creating an image of a smoker as an outstanding athlete; a handsome, virile outdoor man; nonchalant campus leader; a man who succeeds; a sophisticated, charming young woman.'' (No source given)

''For some smokers the motions and movements associated with smoking seem to have a soothing, pleasurable effect, similar to the chewing of tasteless objects such as pencils, straws, or chewing gum after the flavor is gone. It also seems that some of the satisfaction derived from smoking—particulary of pipes and cigars—is related to watching the smoke. Few people enjoy smoking in the dark, and blind men rarely smoke.

For persons who are self-conscious and insecure smoking provides an activity and something to do with their hands that takes their minds off themselves. Many accept the image created by cigarette advertisements of cigarette smoking as a symbol of poise, self-confidence, and social success. But once one

becomes dependent upon cigarettes, habituation or addiction are impelling drives to continue.'' (No source given)

Dr. Daniel Horn, Director of the National Clearinghouse for Smoking and Health, says that people smoke cigarettes for one or more of the following reasons: (1) for stimulation, such as to get started in the morning; (2) because of addiction; this smoker ''must have'' a cigarette after a certain amount of time has elapsed; (3) to reduce negative feelings, such as distress, anger, or fear; (4) out of habit—a behavior pattern followed almost involuntarily; (5) for oral gratification—the satisfaction derived from something in the mouth; and (6) for pleasurable relaxation—to enhance positive feelings, such as after a good dinner.

A paper by Meyer, Friedman and Lazarsfeld (1972) given before the Conference on Motivation Mechanism of Cigarette Smoking provides some qualitative insight into the initiation of smoking which may be abstracted as follows:

Many smokers, particularly ''white collar'' started in rebellion against their parents. Another theme is that of emulating friends and relatives. Peers provide especially important role models to emulate and partners with whom to rebel.

The theory is offered that when youngsters of smokers start to smoke, they are helping to deny that their parents are in danger. Also, when offspring of smokers take up the practice themselves, they are striking back at their parents' hypocrisy, and at the same time, making a connection with them.

The Encyclopedia Americana (1969) says that the way smoking begins is not fully understood and then attempts to explain it:

The beginning of smoking and the processes by which it becomes a habit are complex and not fully understood. In large part, the habit stems from psychological and social drives; the individual smoker does what others around him do. Physiological and possibly constitutional factors may play a lesser role. There is little doubt that the physiological effects strengthen the habit. Nicotine, one of the many substances pharmacologically active in tobacco smoke, exerts its effects on the heart and the nervous system in particular. Smoking of one or two cigarettes causes an increase in the heart rate and a slight rise in blood pressure. The effect on the nervous system is predominantly tranquilizing and relaxing.

Relationships between smoking and a number of psychosocial and economic variables are apparent, but no simple explanation is evident. It is obvious, however, that smoking as a behavior has become interwoven with the complex culture and environment of modern society.

Start of the Habit. The smoking pattern is established relatively early. Before 12 years of age less than 5 percent of boys and 1 percent of girls smoke, but soon thereafter a steady increase begins. In the 12th grade, from 40 to 55 percent of children are smokers, and by the age of 25 years about 60 percent of men and 36 percent of women have acquired the habit. The increase in the percentage of smokers continues into the fourth decade of life.

Among the reasons why children take up the habit are their desire for adult status and their need to conform to social pressures exerted by other children. In striving for status and self-assurance, children may imitate their parents or famous people. The association between the smoking habits of parents and children is strong and many-sided. More children smoke in families where both parents smoke than in families where neither parent smokes. In adolescent and adult life, similar factors involving the individual's need and his environment appear to play a role in the beginning of smoking.

Although no differences in intelligence between smoking and nonsmoking children have been established, smokers are more frequent among those who fall behind in scholastic achievement.

Personality and Other Factors. No clearly defined ''smoker's personality'' has been established. Furthermore, no personality characteristic is found exclusively in either the smoker or the nonsmoker. Certain personality factors—among them extroversion, neuroticism, and increased psychosomatic complaints—have been found to be slightly more common in smokers.

Stressful situations occurring in an environment favorable to smoking may contribute to the starting of the smoking habit, as well as to its continuation. For instance, some men begin smoking in the tense days of their first job. Smokers consistently report that they tend to smoke more when under tension.

Both more smokers and more early starters are found in the unskilled working classes. White collar, professional, managerial, and technical occupations contain fewer smokers than craftsmen, sales persons, and laborers. Smokers are reported to change jobs more often than nonsmokers. Another socioeconomic factor, income does not seem to be as consistently and positively related to prevalence of smoking as to the quantity of cigarettes consumed. A relationship does exist between smoking and educational level, but it seems likely that this relationship is really based on occupation, because those occupations associated with higher education usually show a smaller prevalence of smokers.

Social pressures undoubtedly delayed the acquisition of the smoking habit by women. Increased cigarette consumption by women began in the 1920's, and the rate rose rapidly during and after World War II. Although the habit has been prevalent among women for a shorter period, the percentage of women who smoke has been increasing faster than the percentage of men who smoke.

Kozlowski and Harford (unpublished) cite a 1959 British study by Bynner based on 5601 adolescent school boys in Great Britain which concludes that the important influences that lead to the initiation of smoking are: (1) number of friends who smoke (2) anticipation of adulthood (3) parental permissiveness toward smoking (4) whether or not deterred from smoking by danger of lung cancer.

The Yankelovich organization (1976) undertook a study for the American Cancer Society by means of interviews with 826 teenagers and young women.

Their conclusions about the teenage smoker suggest some correlates (though not exactly reasons) of the beginning of smoking. They say:

The Profile of the Teen-age Girl Smoker: The profile of the teen-age girl smoker counters the image of a socially ill-at-ease youngster turning to cigarettes as a means of being thought of as more sophisticated or as a needed prop for handling social situations. Instead, it is the teen-age girl smoker who is at ease socially, very put together, and with full confidence in herself. Parties and social gatherings are her metier. One measure of both her sophistication and her value structure is the fact that 31% have already had sexual relations.

It is instead the nonsmoker who tends to be quieter, far less self-assured, more involved with athletics, school activities and clubs—but more likely in her spare time to be reading or watching television.

Rebelliousness and Smoking: Cigarette smoking among teenage girls, however, does appear to be highly identified with an antiauthority rebellious syndrome. Among teen-age girls who smoke 25% use marijuana regularly compared to 3% of the nonsmokers; 81% of the smokers drink and 32% drink at times to get drunk compared to 42% of the nonsmokers who drink or 4% who drink to get drunk. One out of four teenage girl smokers have run away from home compared to 10% of the nonsmokers. Despite the widespread acceptance of cigarettes, and the acknowledgement of smoking by parents and school authorities, the old ''wood shed'' image of cigarette smoking lingers on—while the concept of not smoking of nonconformity or rebellion against advertising, big business, society, has not yet caught on.

Teen-age Girl Smokers and Peer Relationships: Peer relationships, long identified as a major factor in teen-age smoking, continue to operate as a dominant influence. Teen-age smokers flock together and have more respect for the opinions of their own peers than for authorities. There is, however, an opposite side to the story as well. For the current study indicates that all teen-age girl nonsmokers are not homogeneous but rather divide into two almost equal groups. It is easy to explain why over half of the nonsmokers (55%) do not smoke—for they are not influenced by the new values, but are very traditional in their views and outlook. They are strongly religious and respectful of authority and they shy away from their peers who smoke, use marijuana and are part of the new values. The other group of nonsmoking teenagers are very different for they share many of the same values as the smokers—and are highly exposed to the total smoking environment. We call them the ''Vulnerables'' for, on the surface, they appear to be ready candidates for the next wave of new smokers. One out of two of the ''Vulnerables'' report that half or more of their male friends smoke; a third indicate that most of the girl friends smoke. A majority have one or more parents who smoke. They see more women smoking now than in the past. Yet they do not smoke. Instead they have found consciously or unconsciously, some strong barriers to smoking. These are the importance of being in control of one's own life; and emphasis on physical fitness and well-being; concern about the addictive nature of cigarettes, and perhaps most of all, by becoming militant antismokers—people who are angered by other smokers, upset by smoke filled rooms and ready for increased regulation of smoking. In other words, they are finding a cause—and a new peer identification.

Information on the motivation that leads to a continuation of smoking comes from a special study done for Philip Morris (Brand, 1971). Smokers first answered the question ''Why do you smoke'' with platitudes such as:

—gives me something to do with my hands
—relieves tensions
—goes well with a social drink
—settles my stomach after a heavy meal
—helps me to relax
—just an automatic habit
—keeps my weight down

But on deeper probing, the circumstances in which smoking occurs may be generalized as follows:

1. As a narcotic, tranquilizer, or sedative. Smokers regularly use cigarettes at times of stress.

2. At the beginning or ending of a basic activity. This would cover such activities as entering or leaving a room, starting or finishing a job, going into a party or leaving one, starting a telephone conversation or a personal visit.

3. Automatic smoking behavior. Heavy smokers, particularly, light up at intervals without much thought, and often without realizing what they are doing.

It should be noted that there was scarcely any unprompted reference to smoking for ''taste'', or ''flavor'', until it was suggested—and then everyone agreed that it was the major element in smoking satisfaction.

[From Philip Morris, Richmond Virginia]

To: Dr. T. S. Osdene
From: W. L. Dunn
Subject: Rationale for Investigating the Effects of Smoking upon Electroencephalographic Phenomena
Date: December 22, 1976

The pharmacology of nicotine and tobacco smoking is very complex (Larson et al., 1961; DiPalma, 1971; Goodman & Gilman, 1970), Nicotine acts on the cardiovascular nervous gastrointestinal and endocrine systems. Armitage, Hall, and Morrison (1968) and Jarvik (1970) have provided evidence for nicotine as the pharmacological basis of tobacco smoking. It is obvious that we need much more research to unravel the relative importance of the multiple actions of nicotine in doses inhaled during tobacco smoking. In agreement with these investigators, it is my basic premise that one of the many reasons people smoke tobacco is that it contains nicotine. An extension of that premise is that the doses of nicotine inhaled produce definite, mild, and transient neurophychopharmacological effects which are positively reinforcing and thus promote repetition of smoking. These effects include: (a) modulation of conditioned behavior; (b) mixed depression and facilitation of the neural substrates of reward; (c) transient (in minutes) EEG and behavioral arousal crudely reminiscent of d-amphetamine but pharmacologically quite different; and at the same time (d) skeletal muscle relaxation. Edward F. Domino, in Dunn (Ed.) Smoking Behavior: Motives and Incentives, 1973.

In addition to the four classes of neuropsychopharmacological effects cited by Domino, there has more recently been added a fifth class: modulation of unconditioned, innate aggressivity. Philip Morris, one can remark in passing, funded the research establishing this fifth class (R. Hutchinson at Fort Custer State Home, Michigan; G. Berntson at the Ohio State University; and Robert Waldbilling at Rockefeller University).

It is important to note that all of these effects are attributed to the action of smoke components on the central nervous system. It is also essential to know that it is the consensus of investigators that the reinforcement of the smoking act is the effect of smoke component action in the central nervous system. It behooves us, therefore, to seek an ultimate, explanation of cigarette smoking among the nicotine- or smoke component-related events of the central nervous system.

These effects can be studied in various ways. One way is to observe the post-treatment behavior of both animals and humans, such as we have been doing for some years with humans in the Behavioral Research Laboratory. Another way is to monitor treatment effects as they occur within the brain via the monitoring of the electrical activity of the brain. Such monitoring can be done in a passive, nonobtrusive manner by means of the electroencephalograph. This instrument is essentially an array of microsensitive sensors attached to a multi-channel recording device. EEG technology, combined with the analytic capabilities of the computer, now permits some localization of signal source and the differentiation of complex wave patterns into their simpler component elements. The smoke effects of EEG patterns were reported as early as 1958 (Hauser, H., et al., EEG changes related to smoking. Electroencephalography and Clinical Peurophysiology, 1958, 10, 576). Barbara Brown, in Dunn (Ed.) Smoking Behavior: Motives and Incentives, 1973, reviewed this literature.

The continually improving technology has recently led to the isolation of an intriguing wave pattern which appears to be the c.n.s. correlate of the psychological state of anticipatory alertness. This is a vaguely defined concept because of the difficulty of reducing it to operational terms. Attempts have been made to more accurately delineate the state by resorting to such terms as vigilance; arousal, readiness to respond, etc., but it has remained an elusive, though undeniably real variable in psychology. The identification of an observable and quantifiable correlate of this immensely important psychological factor is, indeed, a welcome development. This EEG phenomenon has been labeled the contingent negative variation (CNV). First observed by Walter Grey in 1964, the CNV has been found to occur most intensely in an expectancy situation (having been given an alerting signal, ready to respond to execution signal).

During the past two years Prof. John W. Thompson, and Dr. Heather Ashton at the University of Newcastle Upon Tyne have been observing the effects of smoking upon the CNV. At the Zurich Conference in September 1976 they reported observable, replicable changes in the CNV upon smoke inhalation and nicotine injection (papers available in manuscript form). They relate these changes to the subjectively reported stimulating and relaxing effects of smoking, but with speculative inferences. The association of smoking and CNV patterning appears to be real, but further study is needed. Judgmentally, however, the area has great potential for yielding up observations related to why people smoke cigarettes. The Research Center of B.A.T. in Southampton, England, has already established an EEG laboratory to study the relationship.

EEG research is not usually considered to be the domain of the psychologist. On the other hand, it is not the proprietary domain of any existing discipline. Psychologists are as prevalent, however, as any other specialists as users of the instrument, as they have pursued their investigations of sleep, dreaming, hypnosis, behavioral responses to exogenous agents, psychopathology, intelligence, learning, etc. It is inappropriate to think in terms of EEG research, except in those not so frequent instances of pure research into the nature of the phenomenon. More properly, electroencephalography should be viewed as a technology for monitoring otherwise unmonitorable events of direct psychological significance. Since we have already hypothesized a relationship between smoking and arousal (my paper at the Zurich Conference), and since the CNV is apparently the neural correlate of arousal, to initiate studies which entail the monitoring of the CNV seems mandated by our corporate and scientific responsibility.

Accordingly, we have in our plans for 1977 the creation of an EEG facility. The leading contender for the open position in the Behavioral Research Laboratory is a man specialized in the field, having already established two such units. He estimates the cost to be $35,000, this including the required dedicated computer. The required observation chamber with Faraday cage is already in service.

Charge Number: 1600
Project Title: Smoker Psychology
Period Covered: October 1–31, 1977
Project Leader: W.L. Dunn, Jr.
Date of Report: November 11, 1977

Project Title: Psychophysiology of Smoking
Written by: F.P. Gullotta

Initial data gathering has been completed in the study on the effects of cigarette smoking on heart rate. Statistical analysis is now in progress. Additional data will be obtained when the new experimental cigarettes which are being manufactured for Dr. Levy are received.

Project Title: Smoking and Learned Helplessness
Written by: C.J. Levy

Complete data have been collected on 41 subjects thus far. We hope to finish data collection by February.

Project Title: Smoking of Low Nicotine Cigarettes
Written by: C.J. Levy

We are still awaiting our new batch of cigarettes.

Project Title: Habit and Need Cigarettes
Written by: F.J. Ryan

Although nicotine intake appears a critical mainstay of tobacco consumption, not all people smoke for nicotine on all occasions. Many of a smoker's cigarettes are undoubtedly smoked to be sociable, to occupy his hands, to give him an excuse to rest, or for some other nonnicotinic reason. Such cigarettes are smoked not because of some internal cues triggered by the nicotine level in the smoker's body but because of the presence of external cues which have in the past been associated with smoking.

To the extent that these external cues tend to occur regularly in the smoker's day, many of his cigarettes will be smoked out of habit (i.e., will be conditioned responses triggered by external cues) rather than out of any nicotine need (i.e., will be conditioned responses triggered by internal cues). All these cigarettes contribute to the total nicotine in the system, so that a cigarette smoked out of habit will delay the time until a cigarette is smoked out of need.

When a smoker switches from a high nicotine cigarette to a low nicotine cigarette, or vice versa, it is the nicotine input of these habit cigarettes which makes it impossible for us to predict what changes in consumption will occur from our knowledge of the deliveries of the two products. If many cigarettes have been smoked out of habit, then the past nicotine intake may have been higher than needed, so that lowering delivery may still not lower it enough to cause extra cigarettes to be smoked. Similarly, if nicotine delivery is increased, because many cigarettes will continue to be smoked out of habit, the increased nicotine will not cause many fewer cigarettes to be smoked.

It stands to reason, therefore, that two groups of smokers—one which smokes many cigarettes out of habit and few out of need and a second which smokes few out of habit and many out of need—would respond differently to shifts in nicotine delivery.

To test the reasoning of this argument we are beginning a two-part project. The first seeks to distinguish those smokers who smoke many cigarettes from habit and few from need from their opposites. The second part will switch the two groups from high (or low) nicotine-cigarettes to low (or high) nicotine cigarettes. The smokers who smoke mainly from habit should show little or no compensation (titration), whereas those smokers who smoke mainly from need should show relatively more compensation.

Groups will be identified by the regularity with which critical stimulus situations elicit smoking—which means by the extent to which they are ''habit'' smokers. Nonhabit smokers will be assured to be ''need'' smokers.

Regularity of behavior will be evaluated from a diary kept by each smoker, showing the time of day when each cigarette was

smoked and the events taking place at the time. Nicotine intake will be determined from butt residues.

VCU students will serve as subjects, making regular visits to our Franklin St. quarters to leave butts and pick up cigarettes. We will seek as many smokers as possible, and then try to use the extremes to make up the two groups.

To: Dr. T.S. Osdene
From: W.L. Dunn
Subject: Behavioral Research Accomplishments—1977
Date: December 19, 1977

A Summary of 1977 Accomplishments

Making reference to the Plans and Objectives for 1977 as written December 1, 1976, we have succeeded some and failed some; happily more of the former than the latter.

Our successes: We have—

(1) Acquired a third principal researcher.

(2) Structured the group into three delineable programs each headed by a principal investigator.

(3) Established an EEG facility (to be fully instrumental during the first quarter of 1978).

(4) Moved aggressively into comparative behavior studies.

(5) Nearly completed an extensive study of learned helplessness.

(6) Reported the first run of the Annual Monitoring Program.

(7) Done an analysis of quitting as a function of brand last smoked.

(8) Shown that we can distinguish between regulator and nonregulator smokers and that after being deprived, the regulators do indeed try to make up for lost intake.

(9) Shown that acute, but not chronic, administration of nicotine will alter an animal's behavior consistent with the Berntson hypothesis that nicotine raises the pain threshold in rats.

(10) Gotten preliminary indications that we can use a nicotine/saline discrimination task as a tool for studying central nervous system mechanisms associated with smoking.

(11) Acquired a consultant.

(12) Completed a study of stimulus-seeking among introvert vs. extravert smokers.

(13) Completed a study of smoking effects upon learning nonsense syllables.

(14) Effected an arrangement with a university affiliated hospital for injecting nicotine in humans for discrimination studies.

Our failures: We have not (1) Developed a workable technique for unobtrusive monitoring of smoke inhalation patterns. (2) Obtained satisfactory batches of low nicotine and nicotine fortified cigarettes for a more definitive study of smoke intake regulation. (3) Carried out investigation of nicotine self-administration in rats. (4) Gotten completion reports of funded work by Dr. Robert Weldbillig. (5) Articulated the two-factor theory of smoking behavior.

Behavioral Research Accomplishments in Detail
Smoking and Learned Helplessness—Levy

Hiroto and Seligman (1975) have reported that college students who were subjected to inescapable loud noise or unsolvable discrimination problems showed deficits in performing subsequent tasks involving escape from loud noise or anagram solution; they were helpless.

Those experimental situations which are effective in producing helplessness are frustrating and stressful. We contend that smoking helps smokers cope with stressful situations; such that smokers perform better in high arousal situations than nonsmokers or deprived smokers. We therefore have hypothesized that smokers will be affected less by a situation devised to induce helplessness than nonsmokers or deprived smokers.

Before beginning data collection using smokers as well as nonsmokers, we conducted a series of pilot studies using approximately sixty nonsmokers. The purpose of the pilot studies was to verify that we could induce helpless behavior in our lab using local college students. As a result of the pilot studies, we modified our procedures considerably. In the final pilot study we had usable data on 23 subjects (12 males and 11 females). The results are summarized below:

Decandent Measures	Treatment	
	Helpless	Control
X Latency to solution (sac.)	47.5	[1] 28.9
X No. of failures to solve	6.3	[1] 4.1
X Trials to criterion	14.2	[1] 10.0

[1] <.05, one tailed t test

Subjects in the helpless group took longer to solve the anagrams, failed to solve more anagrams and ''caught on'' to the pattern later in the task when compared to the control subjects. Therefore, we were successful in producing a helplessness effect in our lab.

In March we began collecting data on smokers and nonsmokers and now have complete data on 43 subjects. We anticipate completing this study by February, 1978. One problem that has slowed data collection considerably is our requirement that subjects must score at least 115/150 on the Ammons & Ammons Quick Test (a short IQ test). In our pilot work we determined that this cutoff was necessary since subjects with poor verbal skills find it difficult to solve the anagrams used in this study.

Smoke Inhalation Studies—Levy & Dunn

During the past year we have been trying to devise a technique by which we can unobtrusively monitor smoke inhalation. Our initial attempt was to have Frank Watson's group construct a piece of equipment modeled after one described in a June, 1967, issue of *Science*. This apparatus sensed changes in the antero/posterior diameters of the rib cage and abdomen to estimate changes in lung volume. Unfortunately design problems forced us to abandon this approach.

In cooperation with Dr. Farone, we explored the alternative of using a mercury strain gauge to measure chest expansion during smoke inhalation. We found that chest expansion correlates quite well with volume of inhaled air (r=+0.95). We can improve this correlation by adding in a correction factor which takes the person's chest expansion just prior to inhalation into account. A major shortcoming of the strain gauge is its relative insensitivity.

Having not found a workable technique for monitoring smoke inhalation patterns unobtrusively, we called in Dr. Eli Fromm, a bioelectronics expert from Orexel University. Dr. Fromm proposed using an impedance pneumograph, involving pot-holder-like woven silver electrodes placed in sub-axillary positions on the chest. These electrodes are part of an impedance sensing electronic circuit. Previous work by Fromm and others had established that the volumetric changes associated with respiration altered the thoracic impedance. We have been unable to develop this technique to even an evaluative stage, since the voltage change, although discernible, has not been sufficiently distinguishable from background noise.

We continue to actively search for usable technology.

Regulator Identification Program—Levy

We have hypothesized that some people smoke for nicotine, and that these people try to obtain a relatively constant amount of nicotine from their cigarettes. On the other hand, people who do not smoke for nicotine would not be expected to regulate. We have been conducting studies to identify those people who are nicotine regulators among our smoking student population.

In our most recent study we wanted to determine if regulators and nonregulators would respond differently to smoke deprivation. After smoking high and low delivery cigarettes at home for two weeks, fifteen smokers came to our lab on four separate occasions. Each subject smoked the high and low delivery cigarettes under nondeprived and overnight deprived conditions. Based upon ''at home'' smoking data, 11 of the smokers were determined to be regulators, while 4 were nonregulators. When these subjects came to the lab and smoked under more controlled conditions, we found that 9 of the regulators obtained more nicotine from their cigarettes when overnight deprived than when nondeprived. On the other hand, only 1 of the 4 nonregulators responded to smoke deprivation by obtaining more nicotine from their cigarettes. Thus it appears that regulators and nonregulators do respond differently to smoke deprivation.

Smoking of Low Nicotine Cigarettes—Levy

We have been trying to obtain cigarettes made from denicotinized tobacco to use in a study which will look for changes in people's smoking behavior when they're shifted to a low nicotine cigarette, with tar delivery held constant. We plan to use a nicotine fortified cigarette made from denicotinized tobacco as our comparison cigarette. We have had problems in getting the nicotine level of the nicotine fortified cigarettes back up to normal.

As part of this study we are trying to see if smokers can easily discriminate the nicotine fortified cigarettes from the low nicotine cigarettes. Forty-eight R&O smokers compared two of these cigarettes, one delivering .40 mg nicotine and the other .87 mg nicotine. Over all smokers no significant differences were found between the two cigarettes. Only three smokers were able to identify unequivocally the nicotine fortified cigarette as producing more inhalation impact. We concluded that there were no dramatic organoleptic differences between these two cigarettes, even though the nicotine fortified cigarette delivered twice as much nicotine.

Nicotine as a Mitagator of Stress—Levy

During the past several months we have been looking at the effects of nicotine on post-stress learning deficiencies in rats. In one study using 24 rats we found that an injection of nicotine (.2 mg/kg) five minutes prior to a shock avoidance task in a shuttle box significantly increased the rats' latencies (in seconds) to cross the barrier if they had been stressed with a cold swim thirty minutes before. A control condition, identical to the experimental condition except for a warm rather than cold swim, produced no such latency difference. These results are consistent with Gary Berntson's finding that nicotine increases the pain threshold in rats as measured by the tail flick test.

In a second study we looked at the effect of chronic nicotine treatment on rats' shuttle box performance following cold swim stress. We had hypothesized that injecting rats with nicotine hydrogen tartrate (.5 mg/kg) four times daily for six weeks would enhance their ability to cope with stress. In order to test this hypothesis we chronically injected twenty-two rats with either nicotine or saline for six weeks. On test day six rats from each injection condition were stressed with a four-minute cold swim (2°C) and five from each injection condition were given a four-minute warm swim (28°C). Thirty minutes post-swim each rat was tested in a shock avoidance task. Rats that were stressed with the cold swim took significantly longer to cross the barrier in the shuttle box than rats

given the nonstressful warm swim. Rats chronically injected with nicotine that were stressed with a cold swim did not perform better than the saline injected cold swim rats. In addition, the behavior of saline- and nicotine-injected warm swim rats did not differ. Thus the latency effect produced by nicotine under acute conditions was not produced under chronic conditions.

Nicotine Discrimination Learning by Rats—Levy

During the past few months we have been exploring the feasibility of using a nicotine-saline discrimination task as a tool for studying the central nervous system effects of nicotine. To date, seven rats have been trained to discriminate a nicotine injection (.2 mg/kg) from an injection of isotonic saline. These rats are currently being tested with R-(+)=nicotine (.2mg/kg and 2 mg/kg) as the bartrate salt to see if the central nervous system effects of R-(+)-nicotine are similar to those of S-(−)-nicotine. Our data suggest that R-(+)-nicotine at a dose of .2 mg/kg is more like saline than S-(−)-nicotine. However, at a dose of 2 mg/kg the R-(+)-nicotine is similar to S-(−)-nicotine.

Another group of eight rats is currently being trained to discriminate nicotine (.4 mg/kg) from saline and will be tested using tobacco alkaloids such as anabasine and nornicotine.

The Annual Monitoring Study—Ryan

We completed first Annual Monitoring study, providing the baseline data with which later Monitoring studies will be compared. This research asked a large national panel (N–2711) to rate five cigarette models for strength and acceptability. The cigarettes tested had nominal deliveries of 5, 9, 16, 17, and 21 mg FTC tar, with commensurate nicotine values.

The 13 and 17 mg models had the highest acceptability ratings, the 5 mg model had the lowest acceptability rating, the 9 and 21 mg models being of near-equal, intermediate acceptability. The strength ratings increased with delivery, the 5 mg being rated weakest and the 21 mg rated strongest.

Of greatest immediate interest was the observation that relative acceptability was dependent on the delivery of the smoker's own brand. Thus, the ultra-low delivery brand smokers (Now and Carlton) gave high acceptability ratings to the lowest test brand, with systematically declining ratings to higher delivery brands; the Merit and Kent Golden Light smokers gave their highest rating to the 9 mg model, with systematically declining acceptability to the higher delivery models, and the full flavor smokers top rated the 19 mg model, with declining ratings to the lower delivery models.

It is impossible to decide from this single test whether smokers have assorted themselves into brand loyalties on the basis of preexisting tastes (i.e.—people who like weak cigarettes gravitate towards weak cigarettes by trying available brands until they meet one that fits their taste, while people who like full flavor sample until they end up with a full flavor brand) or whether having been smokers of a certain brand for some time for unspecified reasons they consider other deliveries less acceptable to the extent that they differ from their accustomed brand's delivery.

Stimulus Seeking Among Smoker and Nonsmoker Introverts and Extraverts—Ryan

We completed study of stimulation-seeking behavior among smoker and nonsmoker introverts and extraverts. The data suggest that nonsmoker extraverts seek more stimulation than nonsmoker introverts as Eysenck has suggested. It had been hoped that smoke extraverts would respond differentially when allowed to smoke and when smoke deprived, in that the effects of nicotine in the system would cut down on the smoker's need for external stimulation, but the differences were inconsequential. Whether allowed to smoke or deprived of smoke, the smoker extraverts sought about as much stimulation as the nonsmoker extraverts.

Smoking Effects Upon Learning Nonsense Syllables—Ryan

We completed study of effects of smoking low nicotine and moderate nicotine cigarettes on the learning of nonsense syllables and words. The data fail to substantiate the hypotheses that smokers would be worse than nonsmokers, or that smoking moderate delivery cigarettes would retard rote learning more than smoking low delivery cigarettes. The observed smoke differences are best attributed to chance.

A Theoretical Model of Cigarette Smoker Motivation—Ryan

We developed theoretical position relating total daily cigarette consumption to two types of stimuli: internal stimuli caused by deficits or surfelts of nicotine (or some unknown smoke components) and external stimuli which habitually trigger or inhibit smoking regardless of internal cues.

The adoption of this point of view by members of the staff will lead us to recognize that apparent failures of nicotine compensation model may not in fact be failures at all, and that nicotine compensation is a real phenomenon which is masked by the fact that smokers smoke many cigarettes out of habit rather than need. We began testing the theoretical model to determine the extent to which situational cues rather than nicotine need determine the smoking behavior of college students. This study is in progress.

Establishment of an Electroenceonalographic Laboratory—Gullotta

The major objective this year has been to set up a functioning psychophysiology laboratory. Setting up the physical work space was relatively easy, since it merely required the modification of the existing sound-attenuated chamber.

Selecting and acquiring the equipment is taking more time. A Grass model 780, EEG machine, with eight EEG channels and five polygraph channels was selected. This instrument will be capable of monitoring many physiologic functions including EEG, EMG, heart rate, respiration, temperature, etc. It is scheduled to be delivered in mid-January 1978. Grass has loaned us a machine for the interim. A research model photostimulator has also been ordered from Grass. It will be used in visual evoked response studies.

A techtranix-5111-storage-oscilloscope and a-C-5A ascilascope camera has been received. They will be used both for general laboratory procedures and to provide graphics for the computer system.

A computer system has been decided upon and ordered. After a great deal of investigation, thought and discussion, a Data General Micro Nova system was selected. It will be interfaced with the Level 6 and Sigma 9 systems and will provide the capability for planned investigations.

We have developed and obtained legal approval for an informed consent form. This was necessary in order to bring students into the laboratory for experiments involving psychophysiological monitoring.

Periodic trips to the EEG laboratory at MCV were undertaken to gain experience in recording the EEG patterns in humans. The staff at MCV has proven extremely cooperative and helpful in this regard. It is also anticipated that this source will be of potential use on future research projects.

To date, over twenty EEG recordings have been performed on approximately a dozen PM R&O employees as preliminary work.

A Heart Rate Study—Gullotta

This study was undertaken to assess the effects of two experimental cigarettes on heart rate. The two cigarettes were both denicotinized Marlboro-like blends, the experimental version having had nicotine citrate sprayed on before making. The control delivered approximately 0.3 mg and the experimental 0.7 mg of nicotine. Tar content and RTO did not vary.

R&D employees were used as subjects. In the experiment, they smoked the two experimental cigarettes and regular Marlboros. In addition, controls consisting of puffing on an unlit cigarette and not inhaling a lit cigarette were employed.

With 10 subjects, the heart rate changes were seen to be positively related to available inspired nicotine; the greatest increment occurred on smoking regular Marlboros, the least change occurred under control (no smoke) conditions and an intermediate change occurred with the 0.3 mg nicotine cigarette. Results with the 0.7 mg nicotine experimental cigarette were ambiguous. Additional data are being collected.

Exit Cigarette Brands—Ryan

Available data based upon the exit brand (last brand smoked) of people who have quit smoking (nonmenthol filter cigarettes within a year prior to being polled, suggest that the proportion of such quitters who smoked low delivery brands is about twice as great as the market share of those cigarettes would indicate.

Our data do not enable us to determine whether this means that low delivery cigarettes enable smokers to wean themselves from nicotine, or whether it means only that people who are concerned about their health (and so smoke low delivery, ''safer'' cigarettes) are more likely to quit smoking than are those who are *not* concerned about their health. The study, rather than providing answers, prompts us to ask more specific questions.

Acquisition of a Behavioral Research Consultant

Prof. Gary Berntson of Ohio State University has become affiliated with our program as a consultant. Prof. Berntson's own research program has been partially funded by PM R&O for several years.

Other Extra PM Work Promoted by PM R&O

(A) Dr. Rosecrans at MCV—With protracted intervals between steps, we reached the point in November of granting a nominal sum of money to underwrite a study of human ability to discriminate between nicotine and no-nicotine bodily states. The delays have resulted from the reluctance of the MCV Ethics Committee to approve the infection of nicotine in human studies. The initial study will be of smoke inhalation where control and experimental cigarettes are minimally distinguishable organoleptically although differing in nicotine deliveries.

(B) Prof. Bernston at Ohio State—With supportive PM R&D funding, this investigator has completed two studies in 1977. He reported to the Annual Meeting of the Psychonomic Society that nicotine (O. 16–0.50 mg/kg) greatly reduced pain sensitivity to thermal stimulation in the rat as measured by the tail-flick test and the hot-plate test. This finding and preliminary findings of other studies suggest that nicotine may selectively reduce visceral pain without reducing somatic sensitivity.

Prof. Bernston has obtained authorization by the Ohio State University Ethics Committee to pursue this line of investigation

with humans, with implicit approval to inject nicotine. We are requesting that he conduct the nicotine discrimination work originally discussed with Rosecrans, in view of his capability of injecting nicotine in humans.

In a study with cats he found evidence that the basic sensory sensitivity of the animals remained unaltered by nicotine, as well as their motor responsivity, such that previously reported changes in aggressivity induced by nicotine now appear more clearly to be centrally mediated.

(c) Or Kazlowski at Wesleyan-University—This investigator reported completion of a study partially supported by PM R&D funds (1976) in which he observed no changes in puffing behavior as a function of experimentally induced changes in buccal pH.

To: Dr. T. S. Osdene
From: J. I. Seeman
Subject: Nicotine Program
Date: March 15, 1978

This summary and evaluation represent the cumulative influences of a number of discussions with Carolyn Levy and Ted Sanders and myself. However, these conclusions may not in every respect correspond directly to the ideas of CL and TS.

An effective nicotine program must include both peripheral and CNS bioassays. The former are being preferred under contract, and we must await the full reports before being able to make conclusions either about the results or the testing program itself. It is clear that CNS studies represent the most complex, state-of-the-art concepts. Ultimately, the isolation and characterization of the nicotine CNS receptors are the major goal. Many steps must come first. These include (1) pharmacological location of sites of nicotinic action using both cannulae and various tissue sections; measurement of electrochemical activity following drug administration; (3) various techniques including photoaffinity labeling and binding studies as aids at receptor isolation (4) receptor identification and characterization (against and antagonist activity).

Currently, Abood has begun work involving a ''prostration syndrome.'' He is initiating synthetic work aimed at preparing suitable photoaffinity labels. Goldstein, at the present, has not applied his ''bag of opiate tricks'' in the nicotine area and is doing only T-maze behavioral studies. He is unquestionably going to pursue the nicotine-receptor question vigorously.

Ultimately, we and others (perhaps we have not considered in detail ''the others'' except for Abood and Goldstein) will be successful in the ''steps.'' What can be requested at the present in terms of ''outside help'' is clearly limited by what is available.

I believe that we should rely on C.L. for all behavorial studies. This will undoubtedly require more rats and testing equipment. However, the behavorial work is key to the testing program.

Binding studies with DeVries at MCV can be initiated. He is currently interested in a variety of nicotine CNS receptors. Metabolism work which Castagnoli would give use information with respect to biological stability of any analogues.

For the present, I cannot believe that ''we should cancel'' any opportunities with Goldstein who is clearly by-far the most sophisticated experimentalist and theoretician of the outside investigators. I have some suggestions relative to our initial response to his current request for materials.

In summary, I believe that the key note in this memo is that we must devise not a shopping list for todays needs but a policy for the program as a whole.

To: Dr. T. S. Osdene
From: J. I. Seeman, C. J. Levy, and E. B. Sanders Nicotine Program: Specific Implementations
Date: March 31, 1978

The memo of March 21, 1978 to you from us outlined in detail the long-term nicotine program, including sections on (a) receptor isolation, identification and characterization; (b) pharmacokinetics; (c) CNS testing (behavorial aspects); (d) peripheral bioassays; (e) synthetic organic chemistry; (f) chemical property evaluations; and (g) smoking studies.

The purpose of this memo is to specifically detail the additional experiments needed in the immediate future, with the assumption that projects already in progress will continue at their present rate.

A. CNS Behavorial Testing

Nicotine discrimination, self-administration and tolerance studies will enable us to examine the cueing and reinforcing properties of nicotine and nicotine analogues in rats. These are the state-of-the-art biossays for central nervous system activity which we believe will serve as useful models of human smoking behavior. Implementation will require an additional 400–500 sq. ft. of laboratory space for animal housing and testing facilities, one-half technician, one B.A. professional, and $15,000–20,000 of capital expenditure for housing and testing purposes.

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B. Molecular Basis of Nicotine Pharmacology

We must begin to gain expertise in experimentation dealing with nicotine receptor technology. Initial studies will involve the determination of nicotine and nicotine analogue binding with various biological membranes. Studies of this type are currently being performed at a number of academic institutions. For example, Prof. George DeVries has contacted us suggesting a possible collaboration along these lines; he will conduct the biological studies on our nicotine analogues. In this particular case, no request for financial support has been made. It is possible that other collaborations may require such aid. We suggest initiating these experiments on a modest scale through the aid of outside collaborations. Should results be particularly interesting and important, we can then consider in-house experimentation.

C. Nicotine Analogue Preparation and Chemical Evaluation

This work involves the preparation of the analogues and physical and chemical evaluation of their properties. Significant continued reliance on the Analytical Division is necessary, and in certain areas, increased responsibilities by them will be necessary. A.B.S. professional is necessary to serve as back-up to this work.

Please note that surgical procedures will be required for certain of the behavorial studies.

It is important to reemphasize that better communications with the peripheral bioassay evaluation group in Germany must be established, and that shorter response time for our questions and our bioassays is essential. Additional and/or replacement bioassays must be required by this group.

Finally a decision with regard to collaboration with Dr. Abood is in order.

RESEARCH AND DEVELOPMENT FIVE YEAR PLAN—1979–1983

September 1978

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IV. Fundamental studies of the product and its users

Fundamental research at R&D consists of long-range investigations aimed at discovering basic scientific principles about the nature of our product, its components and its users. We seek essential knowledge which can be applied to the practical problems of cigarette design.

Objectives	Strategies
To extend our knowledge of nature of tobacco and smoke.	Continue to study the precursor/product relationships in tobacco and smoke Analyze the chemical interactions of smoke on physiological systems Study the relationship of cigarette paper composition to smoke delivery, principally carbon monoxide and nitrogen oxides Continue to study smoke flavor and how to manipulate it to achieve desired subjective response Investigate tobacco characteristics that affect expandability Refine analytical methods for tobacco and smoke components, using the most advanced instrumentation possible
To extend our knowledge of the nature of water in tobacco.	Evaluate changes in tobacco expandability and filling power as a function of moisture-absorbing utility
To extend our knowledge of the nature of combustion and pyrolysis.	Refine models of cigarette combustion Apply cigarette combustion and pyrolysis models to the design of cigarettes
To control gas phase constituents ...	Continue research on control of gas phase constituents including carbon monoxide, nitrogen oxides, hydrogen cyanide, and acrolein Learn more about smoke aerosol and how to manipulate it to improve product quality
To identify the smoke components sustaining cigarette smoking and describe the motivational mechanism.	Monitor changes in smoking behavior as a function of changes in the composition of smoke

We will continue to coordinate multidisciplinary research to determine the role of water in tobacco filling power. Specifically, we hope to learn how to manipulate the water in tobacco in order to change and control filling power. Emphasis will be placed on water exchange processes which occur in ordering, reordering and expansion. Information developed from this program will be applied to improve the economics of our manufacturing processes.

In our program on cigarette pyrolysis and combustion, we seek knowledge which will contribute to the design of cigarettes with controlled delivery. We are investigating the mechanics of how specific compounds are formed in smoke. Experiments are being conducted in the kinetics of smoke generation as a function of the physical and chemical properties of the cigarette.

We have recently intensified investigations of the physical and chemical properties of smoke aerosol. This work is relevant to filtering specific tar elements and modifying subjective response to smoke. By altering filter geometry, we have noted a change in subjective response without changing tar delivery. We will continue to explore ways of changing filter design and hence the pattern of mainstream smoke.

Nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer. Therefore, we are studying the differences in physiological effects between nicotine and its analogues to determine the mode of nicotine action. If acquired, this knowledge may lead to a substance which will produce the known desirable nicotine effects and greatly diminish any physiological effects of no benefit to the consumer.

Fundamental Studies of the Product and Its Users (continued)

[From Philip Morris, Richmond, Virginia]

To: Dr. T.S. Osdene
From: W.L. Dunn

Subject: Plans and Objectives—1979
Date: December 6, 1978

All of the effort of the Behavioral Research Laboratory is aimed at achieving this objective: To understand the psychological reward the smoker gets from smoking, to understand the physchophysiology underlying this reward, and to relate this reward to the constituents in smoke.

The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

In pursuit of this knowledge, three somewhat independent lines of investigation are underway:

1. The effects on nicotine and nicotine-like compounds upon animal behavior.

2. The effects of smoke and smoke constituents upon the electrical activity in the human brain.

3. The effects of changes in smoke composition upon puffing behavior, inhalation behavior and descriptive statements by the smoker.

Animal Behavior Studies (Levy, Young and Rowsey)

A major objective of the comparative research effort is to develop behavioral tests which are sensitive to the effects of nicotine and can be used to screen nicotine analogues for central nervous system (CNS) activity. The studies which aim to meet this objective as well as the objective of learning more about the reinforcing properties of nicotine are described below.

1. *Nicotine Discrimination.* In this test rats are trained to discriminate nicotine injections from saline injections based upon the CNS effects of the injections. We have been using this test to screen a variety of nicotine analogues and plan to continue doing so during 1979. This test is important because it allows us to determine if test compounds produce cues (subjective effects?) similar to those of nicotine.

2. *Tail Flick.* Nicotine has been shown to have analgesic properties as measured by the tail flick test, and apparently this effect is centrally mediated (Sakley and Berntson, 1977). We have completed some tests using this procedure and will continue doing so in an effort to determine if it can be used as a preliminary quick and objective screen for analogues.

3. *Monitoring of Motor Activity.* Stolerman, Fink and Jarvik (1973) have reported that the depression of spontaneous locomotor activity can be used to monitor the development of tolerance to nicotine in rats. We plan to explore the feasibility of using a similar test to screen analogues for nicotinic activity and also to evaluate cross tolerance between nicotine and nicotine analogues.

4. *Prostration Syndrome.* A prostration syndrome in rats has been described by Abood, Lowy, Tometsko and Booth (1978) which appears to be mediated by central noncholinergic nicotinic receptors. This simple behavioral response is elicited by the intraventricular administration of 2–10 μg of (−) nicotine bitartrate. We plan to implant rats with cannulae in the lateral ventricles and then inject a variety of nicotine analogues into the brain to determine if they elicit the prostration syndrome.

5. *Nicotine Self-Administration.* A few recent studies have demonstrated that intravenous nicotine is reinforcing to rats since they can be taught to self-administer it. (Hanson, Ivester and Morton, 1977; Lang, Latiff, McQueen and Singer, 1977). We plan to replicate these studies to determine a) if this behavior can be blocked by cholinergic antagonists, b) if it is dose-responsive and c) if it will extinguish rapidly when saline is substituted for nicotine. We feel that this paradigm may be a useful animal model of human smoking behavior.

6. *Rat EEG.* If time permits, we plan to collect some preliminary data in which the dependent variable will be the rat's ongoing EEG activity. The purpose of this type of study will be to a) compare the effects of nicotine on the rat and the human brain and b) determine if we could use data of this type to evaluate the nicotinic properties of nicotine analogues.

Electroencephalographic Studies (Gullotta and Spilman)

The major objective of all of the studies to be conducted in the neuropsychology laboratory is to understand the interrelationships between cigarette smoking and the human brain. In so doing, we hope to further elucidate how and why people smoke. The studies outlined below are directed toward achieving these goals.

1. *The Effects of Cigarette Smoking on the Early, Late and After-Discharge Components of the Visually Evoked Response.* To date data accumulation is approximately eighty percent completed. We should finish running subjects in January. Statistical analysis of the results will be a lengthy process, but it is anticipated that the analyses will be completed by the end of the first quarter of 1979. A completion report will be written at that time.

2. *A Search for Other Evoked Responses which are Sensitive to Cigarette Smoking.* We wish to identify a number of dependent measures which change following cigarette smoking. Evoked responses seem to be a fruitful area of research. The precise nature of the research we will engage in will depend on the results of the current VER study; however, three avenues of investigation seem likely:

A. *Visually Evoked Responses from Association Cortex.* We are currently studying VERs recorded from the primary sensory cortex. However, VERs may also be recorded from other areas of the brain, including the ''association cortex.'' Evoked responses recorded from association areas are particularly sensitive to and modifiable by behavioral variables such as attention, learning and cognition. Since cigarette smoking has been suggested to influence these variables, association VERs might provide important information about the neuronal circuitry involved.

B. *The Auditory Evoked Response.* The evoked response to pure tones delivered to the auditory system is quite sensitive to pharmacological intervention. Several studies on the effects of cigarette smoking or nicotine administration on the AER has been done, but the results are ambiguous. Some researchers find no changes in AERs following smoking or nicotine administration, whereas others report decreases. It is important to know whether and how this measure is influenced by cigarette smoking.

C. *The Somatosensory Evoked Response.* Very little evidence exists regarding the effects of cigarette smoking or nicotine administration on the somatosensory evoked response to either electrical or vibratory stimulation. This response, however, seems to be very sensitive to many classes of pharmacologic agents and behavioral states. It is possible, therefore, that the SER might be a very responsive index of cigarette smoking.

3. *The Effects of Cigarette Smoking on the Electroencephalogram.* Numerous studies have shown that both cigarette smoking and nicotine administration result in EEG activation, followed at various intervals, by EEG synchronization. However, those studies employing cigarette smoking as the independent variable have certain methodological shortcomings which need to be rectified. We propose replications of these studies using more appropriate controls.

4. *Long-Term Smoke Deprivation and the Electrical Activity of the Brain.* In terms of the electrical activity of the brain, there can be little doubt that smokers and nonsmokers are very different. It is also true that the brains of deprived smokers are quite different from the brains of both nondeprived smokers and nonsmokers.

Were the brains of smokers always different from nonsmokers, or did the brains change in some fashion following experience with tobacco? These are difficult questions to answer. Yet, some insight into these questions might be gained by a study which followed quitters over long intervals. Such a study would necessarily be a long-term longitudinal endeavor. We would need to solicit volunteers who were intending to quit, accumulate prequitting baseline CNS measures, then restudy these individuals periodically for as long (within reason) as they remain quitters.

5. *A Comparison of Three Routes of Nicotine Administration on Physiologic Function.* We have discussed this study with Dr. Arthur Ryan and he has agreed to lend us the medical personnel necessary to carry out this study. In addition he has agreed to be available for consultation as needed.

In essence, this study involves a comparison of three different methods of nicotine administration: inhalation, ingestion, and intravenous injection. The dependent measures would probably be the EEG, VER, heart-rate, blood pressure, and blood nicotine levels. A small group (five or six) of subjects will be used and will be brought into the laboratory between six and eight times. Dependent variables will be measured prior to and at several intervals, subsequent to nicotine administration.

This experiment should help answer several important questions. For example, what is the relationship between blood nicotine levels and CNS activity? How soon following a given method of nicotine administration are effects seen in the CNS, and for how long? How are the human studies employing cigarette smoking similar to or different from animal studies employing nicotine injection?

Smoking Behavior Studies (Ryan and Eaust)

The focused objective of this area of study is to relate the intake of nicotine and its presence in the body to the occurrence of other behaviors, including subsequent smoking behavior.

Question 1. *To what extent is the presence of nicotine in smoke detectable by smokers?* To answer this question we need to conduct two types of studies and make two types of measurement. The study types will be (A) an absolute threshold study, in which smokers will be given ''nicotine-free'' and very low nicotine cigarettes and asked whether they contain nicotine. The subjects' ability to verbalize the presence of nicotine is the first type of measurement. As a second type of measurement we will look for a change in heart rate (HR), which is customarily associated with nicotine intake in most deprived smokers. It is possible that there would be a physiological (HR) effect at a level different from the level at which verbalization takes place.

Study (B) will be a difference threshold study, in which we try to find how small an increment (or a decrement) of nicotine in smoke can be detected as an increase (or a decrease) by the smoker. If the just noticeable difference (JNO) is small, the nicotine delivery of cigarettes may be expected to play a more important role in the evaluation of cigarette acceptability than if the just noticeable difference is large. Again we will

make 2 types of measure—subject ratings that this cigarette has more nicotine than that cigarette, and a monitoring of heart rate. The heart rate changes should not be important in this case, for the subjects will be getting nicotine from each cigarette. However, we may see differential HR increases while smoking the first of the two cigarettes being compared.

Question 2. *To what extent is the ability to detect the presence of nicotine in smoke masked by other smoke components?* There are three ways to answer this question: One is to present the nicotine without the smoke, a second is to hold the nicotine delivery constant while varying the quantitative amount of other smoke components (e.g. FTC tar), and the third is to add qualitatively different smoke components (e.g. menthol or anise flavoring). Since all three approaches involve novel manipulations in the smoke (aerosol) delivered to the smoker, we anticipate that the year's efforts devoted to this question will be consumed in the experimentation required to develop the cigarettes.

Question 3. *To what extent does the presence of detectably more or detectably less nicotine in smoke affect the acceptability of low delivery cigarettes?* This question is related to the optimal nicotine/tar ratio, a problem we have addressed before at higher delivery levels. Implicit in the second question was the assumption that nicotine's effect may be different at different tar deliveries, for its detectability is expected to be different depending upon the masking effect of the tar borne flavors. Consider the following table of 85 mm brands arranged by FTC tar delivery:

Product	Nicotine	FTC Tar	Nicotine/Tar
Carlton	.20	1.5	.125
Now	.22	1.8	.122
True	.44	4.8	.092
Decade	.45	4.9	.092
L&M	.64	7.4	.086
Tareyton Light	.71	7.6	.093
(Kent) Golden Light	.71	7.7	.092
Spirit	.90	8.0	.112
Merit*	.66	8.3	.080
Viceroy Xtra Mild	.86	9.1	.095
Real	.87	9.1	.096
Raleigh Lights	.86	9.2	.093
Parliament*	.78	9.3	.084
Camel Light	.97	10.0	.097
Vantage	.87	10.7	.081
Marlboro Light*	.82	11.4	.072
Kent	1.04	12.6	.083
Winston Light	1.11	13.5	.082
Doral	1.13	13.8	.082
L&M	1.01	14.7	.069
Tareyton	1.01	14.8	.068
Raleigh	1.02	15.6	.065
Lark	1.26	17.4	.072
Marlboro*	1.12	17.8	.063
Camel	1.38	18.8	.073
Winston	1.41	19.6	.072

The table suggests that Philip Morris brands (asterisked) have *lower* nicotine/tar ratios than do other brands with about the same FTC tar delivery. Marlboro has the lowest ratio on the list, Marlboro Lights has the lowest ratio among brands delivering less than 14.0 mg tar, and Parliament has the second lowest and Merit the lowest ratio among brands delivering less than 10 mg tar. The table also suggests that nicotine/tar ratios go up as tar goes down, and that our competitors' brands such as Golden Light, Now and Spirit (in test market) seem to be higher in nicotine delivery than we would otherwise expect from our own experience with low delivery cigarettes. The reason for the low PM ratios seems to lie in tobacco processing procedures. The reason for the high ratios at low tar may be that high efficiency filters catch relatively more tar than nicotine when compared to low efficiency filters, and that this effect is enhanced by air dilution. We suspect that in some cigarettes the use of high alkaloid blends may also be an important contribution to the higher ratios.

It appears therefore that the mechanics of cigarette engineering and the deliberate decisions of our competitors are such as to suggest that *high* nicotine/tar ratios be used at ultra low tar levels. But traditionally our brands have been successful with *low* ratios. Whether this will bear true at a very low FTC tar delivery as it has been heretofore at higher deliveries, we do not know. We have heard some people suggest that low tar cigarettes may need nicotine supplements to be rated acceptable. On the other hand, we have heard others suggest that people who smoke low tar products want as little tar and nicotine as they can get, which suggests that a *low* nicotine/tar ratio might be preferred. Still others feel that ratio size won't make any difference at all, that ''all you have to do'' is get the smoker accustomed to a cigarette and he'll come to call its characteristics his preferred characteristics.

To shed further light on this problem we will evaluate low delivery experimental cigarettes in the 5–7 mg FTC tar range but with nicotine levels which are discernibly higher than, equal to, and lower than the typical level expected of cigarettes in this range (which would be .53 mg). To determine how much higher or lower we must go, we'll consult the results of the JNO study and the absolute threshold study.

One of the reasons for conducting the JNO study now becomes apparent, for it would make no sense to ask smokers whether they preferred cigarette A or cigarette B if A and B could not be told apart.

Question 4. *Tar delivery being the same, what are the behavioral consequences of smoking low nicotine rather than high nicotine cigarettes?*

This question will be answered by conducting a series of shift studies using cigarettes of similar low tar but differential nicotine deliveries. The low nicotine delivery will ensure that total nicotine in the system remains at or near the nicotine need threshold, thus maximizing the proportion of the day's cigarette consumption which is smoked out of need and minimizing the nicotine augmentation from those cigarettes which are smoked out of habit.

The results may shed light on the manner by which nicotine control is achieved.

Question 5. *To what extent do ''mouthfeel'' factors affect the taste and acceptability of cigarettes?* We begin to answer this broad question by asking a narrower one: To what extent does salivation affect the taste of cigarettes?

We ask the question because low tar triers often complain that low tar products taste ''hot and dry.'' This may mean that the smoke is in fact hot and dry, but it is more likely to mean that the smoker's mouth is hot and dry—which suggests that salivation could affect the sensation.

We will investigate this by sampling the saliva quantity present in the mouth during and after smoking cigarettes of differential delivery. Both nonmethols and menthols will be used as it is possible that menthol may affect salivation.

If saliva flow is found to be relatable to delivery, then we can investigate compounds which may counter the effect.

Annual Monitoring Study. We have twice presented a large national panel with five widely differing types of cigarettes to be rated on acceptability, seeking to find whether low delivery cigarettes are becoming more acceptable. So far the evidence, based on the changes from 1977 to 1978, is slim. We will repeat that test in the spring of 1979, examining changes since '78 and since baseline data in '77.

Diary Study. We will finish our first diary study during January, '79. Only data analysis and final writing remains to be done. It is possible that we will employ this technique again, but with fewer subjects selected from a nonstudent population.

Inhalation Studies (Dunn)

We have failed to find convincing evidence of regulation of smoke intake when observing number of cigarettes smoked, puffing patterns, etc. Nor have we found such evidence when looking at inhalation measures in the laboratory. Nevertheless there are compelling reasons to suspect that the smoker does accommodate his smoking behavior to smoke composition. We suspect that the regulation occurs in inhalation patterns and that the regulation was obscured by the laboratory conditions under which we made our earlier observations. We did, in fact, establish that the smoker has great latitude in altering intake at the inhalation level. Inhalation is the final volitional act whereby the smoke is transported from the mouth to the site where smoke constituents cross the tissue barrier to enter the bloodstream.

Our working hypothesis remains that the smoker does alter inhalation in response to cues of smoke composition and that these alterations can be observed under natural smoking conditions if recording procedures are made sufficiently unobtrusive.

Our objectives for 1979 are two-fold:

1. To complete development of an electronic recording device for continuous, unobtrusive monitoring of smoke inhalation (collaborative with Electrical Engineering).
2. To apply the recording device to the investigation of smoke inhalation patterns and those variables which influence them.

We have established the following criteria to be satisfied before the device is judged acceptable:

1. Measures are demonstrated linear within operating range.
2. Measures can be calibrated with spirometer.
3. Baseline drift over 6 hr. period controlled or compensated.
4. Extraneous variables controlled.
5. Monitoring can run continuously for 6 hours.
6. Body movement error minimized and residual effect randomized.
7. Smoke laden inhalation peak is labeled.
8. Obtrusiveness judgementally not distorting smoking behavior.

We will initiate the following sequence when the device becomes available:

Preliminary Exercises

Procedural refinements and development of criteria for subject's habituation to device.

Study 1 (N=4)

Establish Smoker's Inhalation Profile in terms of:

1. Inhalation volume
2. Retention time
3. Depth (Volume/Vital Capacity)
4. Σ daily inhalation volume
5. Puff interval
6. cigarette interval

Study 2 (N=4)

Investigation of state variables influencing profile parameters:

1. Heart rate
2. Heart rate Δ
3. Preceding cigarette interval (controlled and uncontrolled)

Study 3 (N=4)

Inhalation profile changes as a function of smoke composition changes:

1. Nicotine varied—tar constant
2. Tar varied—nicotine constant

To: Dr. T.S. Osdene
From: W.L. Dunn
Subject: Plans and Objectives—1980
Date: January 7, 1980

In our 1979 Plans and Objectives report we stated that there were three somewhat independent lines of investigation underway. These were:

1. The Comparative Psychology Program—Studies of the effects of nicotine and nicotine-like compounds upon animal behavior.

2. The Electroencephalography Program—Studies of the effects of smoke and smoke-constituents upon the electrical activity of the human brain.

3. The Experimental Psychology Program—Studies of the effects of changes in smoke composition upon puffing behavior, inhalation behavior and the judgmental statements of smokers reacting to those changes.

These three programs are being continued through 1980.

We are adding a fourth area of investigation this year:

4. The Social Psychology Program—Studies of cigarette smoking as a psychosocial phenomenon. Sandra Dunn, Ph.D., Research Psychologist, will be responsible for this new program.

Our aim in this new program will be to contribute to the understanding of how cigarette smoking and the social process influence one another. We will be interested, for example, in how social change effects changes in the behavior, attitudes and self-perception of the smoker, and how, conversely, cigarette smoking can have psychosocial consequences through its manifest involvement in the social situation, and also through its central-nervous-system-mediated effects upon the coping abilities of the smoking social participant.

Details of the three original lines of investigation follow. It is premature to set down concrete plans for the social psychology program. Our initial efforts in 1980 will be to formulate those plans.

I. The Comparative Psychology Program—Levy Replacement, Carron and Allen

The two major objectives of the comparative psychology program are 1) to develop and use animal behavior tests to screen nicotine analogues and 2) to learn more about the reinforcing properties of nicotine. Studies designed to meet these objectives are described below.

Nicotine Discrimination

In this test rats are trained to discriminate nicotine injections from saline injections based upon the CNS effects of the injections. We have been using this test to screen nicotine analogues and plan to continue doing so during 1980 because it has proven to be an extremely sensitive and reliable test.

Tail Flick

Nicotine has analgesic properties as measured by the tail flick test (Sahley and Berntson, 1977). We have done extensive testing of (−)- and (+)-nicotine using this test. Unfortunately the data were highly variable due to the rats' severe agitation after the nicotine injections. During 1980 we plan to administer nicotine and nicotine analogues intraventricularly in an effort to obtain more reliable data.

Prostration Syndrome

A prostration syndrome in rats has been described by Abood and his coworkers (1978). This response is elicited by rapid intraventricular administration of 2–10 µg of nicotine. We have begun to routinely administer nicotine and nicotine analogues intraventricularly and to rate the resultant prostration. During 1980 we plan to continue using this test to screen analogues. In addition we plan to begin video taping the test sessions, and (in collaboration with F. Gullotta) record from the dorsal hippocampus during testing.

Place Preference

Mucha and Van der Kooy (1979) have reported that a place preference paradigm may be used to demonstrate the rewarding properties of morphine. We plan to use a similar paradigm to examine the rewarding effects of nicotine. Rats will be given nicotine injections in one distinctive environment and saline injections in another distinctive environment for several days. Following this training procedure, the rats will be given a choice between the two environments, and the time they spend in each will be the dependent variable. If the rats spend more time in the environment paired with the nicotine injections, this will suggest that the nicotine was reinforcing to them.

Nicotine Self-Administration

If the reinforcing properties of nicotine cannot be readily demonstrated using the place preference paradigm described above, we will try to get rats to self-administer nicotine through indwelling intravenous catheters using a procedure similar to that of Hanson and his coworkers (1977). If we are successful if getting rats to self-inject nicotine, we plan to determine a) if this behavior can be blocked by cholinergic antagonists, b) if it is dose-responsive and c) if it extinguishes when saline is substituted for nicotine.

II. Electrophysiological Program—Gullotta and Frankovitch

We hypothesize for this program that the smoking act is perpetuated by the salutory effect of smoke inhalation upon certain discrete as yet unspecified neural functions. We take as a premise that the effect will be present and observable in the EEG correlates of these neural functions. Our objectives in all of the following proposed studies therefore are to determine 1) if the effect is discernible in any of the various monitorable EEG patterns and if so 2) whether further knowledge of the nature of the effect can be inferred from its EEG manifestation.

Auditory Evoked Potentials and Cigarette Smoking

This study was begun in late 1979 and should be competed during the first quarter of 1980. It was initiated by reports in the literature which suggest that both nicotine administration and cigarette smoking may influence auditory evoked responses.

In a study using cats as subjects (Guha & Pradhan, 1976) it was found that low doses of nicotine enhanced auditory EPs, while high doses depressed them. In a study using humans as subjects (Friedman, et al., 1974) it was found that cigarette smoking tended to depress auditory EPs. It is extremely important to further investigate the effects of cigarette smoking on auditory EPs. If cigarette smoking does, in fact, depress auditory EPs, this would imply that nicotine has selective effects on the CNS (recall that several reports have indicated that cigarette smoking enhances *visual EPs*).

Cigarette Smoking and the Standard Electroencephalogram

Numerous studies have shown that both cigarette smoking and smoke deprivation affect the EEG. Cigarette smoking results in EEG changes associated with arousal, while smoke deprivation results in the high amplitude, low frequency waves associated with drowsiness.

The EEG studies that have been reported thus far generally fail on one or two accounts. First, most studies have only examined EEG changes occurring over very few cortical areas. Second, the majority of these studies have used rather crude data analysis techniques.

As part of our ongoing program, we have placed electrodes over central, posterior and temporal brain areas and have recorded ongoing EEG activity. We are now in the process of developing a spectral analysis program, which will allow us to perform power spectral density analyses of ongoing EEG data from a number of brain loci under varying conditions of smoking and smoke deprivation.

Central Gating and Cigarette Smoking

Cigarette smoking appears to have opposite effects on visual and auditory evoked potentials. While visual EPs are enhanced by smoking, auditory EPs appear to be depressed. First, nicotine, rather than being a general stimulant, may be exerting a selective influence on brain structures. Second, perhaps nicotine somehow participates in the gating of information by the brain. This gating phenomenon was eloquently demonstrated in 1959 by Hernandez-Péon and has been often replicated. It could be that visual EPs are enhanced at the expense of auditory EPs.

It is possible that cigarette smoking (via nicotine) allows for selective attention in the visual mode by damping input from other sensory modes. We propose to investigate this possible relationship by using cross-modal evoked potentials. Visual and auditory EPs will be recorded in the same experiment, while attention is varied by instructional set.

Cigarette Smoking and Learning by the Brain

A number of studies have shown that cigarette smoking may facilitate certain types of learning. The mechanisms by which this facilitation is accomplished remain to be clarified. The following study may shed light on this problem.

When a dim flash of light is presented to a subject, an evoked response is recorded over specific visual projection areas. No responses are recorded from the auditory cortex. If, however, the dim flash of light is repeatedly paired with a tone, an evoked response to the flash alone will gradually develop at the auditory cortex. This type of learning is called classical conditioning and it is the fundamental building block of many ''higher'' forms of learning.

We propose to study the effects of cigarette smoking on the rate at which an EP develops at the auditory cortex to light flash. If smoking accelerates the rate at which conditioning occurs, these data would help explain why smoking facilitates certain types of learning.

Cigarette Smoking and Somatosensory Evoked Potentials

We have two reasons for wanting to investigate the effects of cigarette smoking on somatosensory evoked potentials. First, we wish to find out whether smoking influences this response. No literature currently exists on this topic. Any data gathered would increase our understanding of how cigarette smoking influences brain systems mediating behavior. Second, and more importantly, we wish to investigate the proposed analgesic properties of nicotine.

Animal studies from our laboratory (Levy) and other (Berntson) suggest that nicotine may have analgesic effects on certain types of pain. Analgesics affect somatosensory EPs in known ways. If cigarette smoking influences these EPs in a similar fashion, this would be correlative evidence for cigarette smoking possessing analgesic properties in humans.

III. The Experimental Psychology Program—Ryan and Jones

Objective 1: To gain better understanding of the role of nicotine in smoking.

First Approach: To further evaluate the smoker's ability to detect nicotine differences among cigarettes.—The first phase

of this research was conducted in 1979, when we found that 9 of 10 smokers could detect nicotine differences (at 6 mg tar levels) if nicotine deliveries differed by 50%. In the second phase of this research we will extend the investigation to cigarettes at the 12 and 17 mg tar levels. These cigarettes have been ordered and should be made in January. We are looking into the possibility of a third phase, in which nicotine detectability is examined at near zero tar levels.

Second Approach: Examine smoker preference for nicotine delivery in very low tar cigarettes.—The first phase of this project consists of having consumers rate the strength and acceptability of 6 mg tar cigarettes with detectably different nicotine contents above and below the levels found in normal 6 mg models. Should it be possible to make ultra low tar models with markedly different nicotine deliveries (see above) then a second phase investigation will examine acceptability and strength ratings for cigarettes with detectably different nicotine deliveries at near zero tar. (We understand that M.A.H. Russell is engaged in similar research in England.)

Third Approach: Examine the changes in body nicotine content pre and post smoking.—Our theorizing on the role of nicotine suggests that cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level. We can detect nicotine's presence in saliva, where its concentration probably reflects its concentration in blood and tissues.

We are engaged in systematic investigation of the changes in salivary nicotine content as a function of the time since smoking and magnitude of intake. Our first goal is to find the growth and decay curve of salivary nicotine concentrations after different amounts of smoking. As a second step, we will relate the salivary concentrations to the concentration of nicotine in the blood. We have had preliminary discussion of the latter problem with Dr. Arthur Ryan, in our medical Department, and, depending on our ability to identify the salivary growth and decay date, will make a series of blood and saliva concentration measures later in the year. The exact procedure is as yet undecided, but the data will be gathered from a few volunteer subjects under medical supervision.

Assuming that salivary nicotine concentrations will reflect blood nicotine concentrations, we can then proceed to a fourth stage in the research, relating the easily obtained salivary concentrations to the urge to smoke.

Fourth Approach: Identification of two smoking population subgroups, one of which has greater nicotine needs than the other.—We have described these people in the past as compensators and noncompensators, and attempted to define them by their consumption changes when nicotine deliveries were moderately shifted. However, we've had no great success in the identification to date. Now we may have two extra tools to use: commercial PM cigarettes of ultra low tar and nicotine, and salivary nicotine concentrations. Others, principally at Columbia University, have suggested that shifts to ultra low nicotine cigarettes produce the same type of psychological stress behaviors as quitting. We therefore propose a shift study in which smokers are shifted to an ultra low brand, and the key dependent variable becomes the presence or absence of the withdrawal syndrome. Those who show evidence of nicotine dependence and those who do not can then be used to test our hypotheses on the relationship of salivary concentration to smoking behavior.

Objective 2: To better understand the mechanisms controlling cigarette acceptability.

First Approach: We will continue the *Annual Monitoring of Cigarette Acceptability* for a fourth year. This will exhaust our supply of available cigarettes at 5, 9, 13, 17, and 21 mg tar. It would seem reasonable to change this project slightly in 1981 by adding a 1 mg tar cigarette and dropping the 21 mg model when the next batch of cigarettes is made.

Second Approach: We have noted that some cigarettes produce a greater saliva flow than other cigarettes. This may in part be attributed to the role of nicotine and in part to PTO but it appears also in part related to the presence of other flavorings in the smoke (e.g. menthol). We intend to investigate this phenomenon more systematically, examining the effects of RTD, menthol, WS, etc.

Inhalation Studies—Jones

A method for monitoring respiration has been developed to permit further research on the nicotine titration hypothesis. The question has been asked: When given cigarettes with differing nicotine deliveries, do smokers alter their smoking behavior to regulate or ''titrate'' the amount of nicotine taken up via inspiration of smoke? The Respitrace Calibrator will be used to address this question, investigating whether smokers alter inhalation patterns when smoking cigarettes with differing nicotine deliveries.

In a series of preliminary trials using 5 subjects, respiratory transducer recordings have been shown to correlate with spirometer readings on the order of .92+, including readings taken up to five hours after calibration. The relationship consistently has been identified as linear. We have isolated several variables which influence the accuracy of the measurements, and they are being controlled—positioning of the tunic on the abdomen and rib cage, posture when taking the readings, slippage of the tunic, etc.

Several other variables are currently under investigation.

Plans for 1980 are as follows:

1. Further procedural refinement of the present system. A study of the sensitivity of the calibrator to gain values is planned, as well as development of criteria for the subject's habituation to the device.

2. Procedural refinement for the mobile apparatus which is on order for spring of 1980. These investigations will parallel the work that has been done on the present system, determining the accuracy of the recordings as compared with a standard, identifying extraneous variables and working toward their control, investigating baseline drift across a single day and the variability between days.

3. Application of the mobile Respitrace to research on the nicotine titration hypothesis as detailed in Plans and Objectives, 1979.

Dr. T. S. Osdene

M. C. Bourlas distributed to R. Seligman et al.—

Analytical Research Division—1980 Plans and Objectives

Date: January 16, 1980

A summary of the major Plans and Objectives for the Analytical Research Division is presented below. A more detailed description may be found in the accompanying memos.

The establishment of basic, fundamental research programs and the continuation of these programs to the applied and development stages will be a primary goal for the Analytical Research Division. In addition and of equal importance will be the continuation of providing technical service to the Research and Development staff, the PM Leaf Department as well as PM International whenever our services are required.

I. NUCLEAR AND RADIOCHEMISTRY

The Nuclear and Radiochemistry Group has been charged with the responsibility for the use of radioisotopes and radiation to study how cigarette smoke is formed and is transported out of the cigarette. In order to accomplish this task, the group will be investigating mechanisms of smoke formation by being engaged in labelled precursor-product studies, labelled tracer studies, neutron activation analyses and radiation effects research. The group will continue to maintain the Health Physics responsibility which includes environmental monitoring of the natural radioisotopes. The preparation of labelled tobacco via biosynthesis will also continue in order to accomplish our isotopic studies.

Distribution of effort—fundamental studies, 80 percent; technical services 20.

II. FOURIER TRANSFORM INFRARED EVOLVED GAS ANALYSIS (FT–IR–EGA) SYSTEM

The study of smoke constituents generated during pyrolysis or combustion is important if cigarette deliveries are to be manipulated and controlled. These studies involve establishing the conditions when smoke products form, the rate at which they form, and the effects of secondary factors, such as heating rate and oxygen content, on their formation. For this purpose a FT–IR–EGA System has been developed. The technique will be employed to examine gases generated during tobacco decomposition.

This computer controlled system permits the simultaneous determination of major gas phase constituents and the effects of tobacco processing, expansion and blending. The system will be used to evaluate the denitration processes, effects of oxygen on the thermal degradation of tobacco and, in general, various physicochemical approaches to reduce gas phase components.

Distribution of effort:	*Percent*
Fundamental Studies	50
New Product Development	25
Technical Services	25

III. TUNABLE DIODE LASER (TDL) SYSTEM

While a clear picture of the thermal behavior of tobacco is being obtained with the EGA System (above), the TDL System is being developed to monitor both mainstream and sidestream gas phase components under actual smoking conditions.

The increased resolution and sensitivity of the TDL System will permit us to investigate two major areas: 1. The first involves monitoring certain gas phase components in mainstream and, 2. The second is the profiling of gases within a single puff.

In the area of filtration and filter development, changes in dilution as a function of puff number become important. With the TDL system puff-by-puff profiles of many gas phase constituents can be obtained for evaluation of the effect of dilution on gas phase reduction.

A clear understanding of dilution of filtration mechanisms can be greatly facilitated by a detailed knowledge of the rate of delivery of a smoke component within an individual puff. Because of limited detector response time, the profile within a single puff of smoke could not be investigated utilizing conventional infrared instrumentation. Using tunable diode lasers a method will be developed which will allow puff-by-puff variations and the single puff profile of gas phase constituents to be simultaneously recorded.

Major gases which will be monitored included NH_3, acrolein, CO, NO, NO_2 and HCN.

Distribution of Effort:	*Percent*
Fundamental Studies	50
Cost Savings	20
New Product Development	20
Technical Services	10

77. PATTERN RECOGNITION ANALYSIS (PRA)/CHEMOMETRIC CHARACTERIZATION OF TOBACCO

The ability to recognize and measure differences in competitor's cigarettes is essential in the design of our own products and in maintaining a clear view of the changes in the cigarette market. The approach taken to obtain the required analytical information has been to develop the necessary methodology to quantitatively measure individual components of tobacco and smoke. This single parameter approach (tar, nicotine, water, PG, RTD, etc.) has permitted us to establish a significantly large data base for comparison purposes. However, the complexity of tobacco processing, changes in filter design, application of new flavors, changes in cigarette dilution, and various alterations made to the tobacco (expansion, denitration) have required that approaches be established and employed to characterize and differentiate between various tobaccos and tobacco blends. Multi-variate data analysis in the form of pattern recognition analysis (PRA) is a versatile tool for extracting information from a well defined data base and is in fact the approach which will be taken to classify tobaccos.

The long-range goal for PRA is to interrelate flavor quality, that is, subjective responses, with analytical data. In our attempts to achieve this goal, computer manipulation techniques and sampling procedures are currently being tested and refined.

Distribution of Effort:	*Percent*
Fundamental Studies	20
Cost Savings	20
Methods Development	40
Technical Services	20

V. NUCLEAR MAGNETIC RESONANCE (NMR) LABORATORY

Conformational analysis of tobacco and smoke components and those organic compounds which have either flavor or biological implications will continue to occupy the bulk of the activities in the nuclear magnetic resonance laboratory. To this end, strategies have been designed and computer programs written in order to extend the ^{13}C T_1 analysis already completed for nicotine to other compounds. This analysis will yield information regarding internal and overall motion a well as conformational details. An extension of these investigations will be to study a variety of menthol derivatives to establish both the conformation and relative configuration at asymmetric centers.

Distribution of Effort:	*Percent*
Fundamental Studies	60
Technical Services	40

VI. MECHANISMS OF TOBACCO EXPANSION—CHARGE NO. 8204

Project No. 8204 will concentrate its efforts on the changes occurring in the non-water fraction of tobacco as a function of expansion. Investigations to date have emphasized the water fraction and its changes upon expansion, however, this has not yielded the complete picture with regard to the mechanism of expansion. Our involvement in this project will be to coordinate efforts in four major areas—

(A) Investigations into the interactions of salts and their distribution within the tobacco cell wall with expansion. Particular attention will be given to calcium. The method of investigation will be the measurement of the rates of cation extraction with various solvent systems using atomic absorption techniques.

(B) FT–IR evolved gas analysis of the various expanded samples, to study the changes in specific tobacco components upon expansion (i.e., sugars, cellulose, pectin, etc.).

(C) EPR studies of the free radical content of expanded samples to gain insight into the effects of heat and air on the tobacco constituents.

(D) SEM microstructural studies in order to access physical cell wall damage as a function of the method of expansion.

These investigations are in various stages of completion at the present time and will be continued throughout 1980.

Distribution of effort:	*Percent*
Fundamental Studies	70
Cost Savings	10
Methods Development	20

VII. ANALYTICAL RESEARCH NECESSITATED BY LOW TAR CIGARETTES

A. Significance and Use of Gas Phase (OGPP) Data

As our products aim toward lowered tar deliveries, gas phase delivery assumes a role of greater importance. The techniques employed in the chromatographic separation of tobacco and smoke constituents and subsequent chemometric characterization of tobacco have been shown to provide data that his previously been inaccessible. This data will be correlated with cigarette variables such as blend composition, filter effectiveness, paper types and flavor systems.

B. Significance and Use of Profiling Whole Smoke by Gas Chromatography

The techniques developed for production of high resolution gas chromatographic separation of gas phase components will be applied to whole smoke, especially for the ultra-low tar delivery models.

C. Analytical Procedures Developed for Low Tar Cigarettes

Efforts will be made to develop analytical procedures for the evaluation of low tar cigarettes since the procedures now in use were developed for cigarettes yielding relatively gross amounts of tar. These new procedures will be directly correlatable with the FTC tar number.

An automated computerized technique towards this end is being investigated using the 2-propanol extract of TPM needed for the nicotine and water determination.

Distribution of Effort:	*Percent*
Fundamental Studies	40
Methods Development	40
Technical Services	20

VIII. SUPPORT EFFORTS

A. Leaf

Support in this area will be given as a cooperative function with other divisions of R&D as well as areas outside R&D. The changes in the chemistry of aging tobacco as well as chemical changes caused by cultural practices and storage variation will be monitored. In addition to established analytical procedures, some methods development and/or modification will be necessary.

B. Manufacturing

Support will continue to be given to Manufacturing to assist them in problem areas involving tobacco processing. Particular effort is anticipated in the area of tipping paper problems. A great deal of effort will be expended to develop an on-line optical porosity monitor which will be interfaced with the existing laser perforator.

C. International

Support for International is expected to continue. This requested support will be in the form of on-site education and training in the operation of instrumentation as well as troubleshooting. Significant in these areas is the automated determination of TPM, H_2O, nicotine and tar.

NUCLEAR AND RADIOCHEMISTRY OF SMOKE—PLANS AND OBJECTIVES (1980)

I. PRECURSOR-PRODUCT STUDIES

These studies are divided into two broad areas—A. Naturally occurring materials present in the finished cigarette. Examples are the following: 1. What are the major smoke products from tobacco polyphenols? 2. Is nicotine transferred at the same rate from bright, burley, ET, stems, etc.? 3. How much CO is formed from each ingredient in the cigarette? Do the various tobaccos contribute their equal shares to the CO? Does the calcium carbonate in the paper contribute to the CO formed? How much do the sugars, humectants, etc., contribute?

B. Added materials and their contribution to smoke. These are broken down into several areas.

1. Flavor release compounds—Selected candidates will be prepared, labelled and the contribution of each part of the compound to smoke determined. This type of study must be conducted for every new material added to our cigarettes in order to insure that we know what is produced in the smoke stream.

2. Distillable flavors/additives—These materials must also be studied to determine their contributions to smoke in order to ascertain what products are derived from the precursors added.

II. LABELLED TRACER STUDIES

This area will be divided into research and service A. Service—In this area, efforts will be in the use of labelled compounds to determine isolation schemes and recoveries from ours and other projects' research studies. Examples are:

1. The use of ^{14}C–NNN to determine recoveries and to calculate absolute amounts delivered.

2. The use of labelled rutin to establish recoveries (if any) from smoke.

3. The use of neutron activation analysis (NAA) to determine Br and C1 levels in submitted samples.

B. Research 1. Labelled materials will be selectively placed within the cigarette at known locations, and these used to determine smoke formation mechanisms, dilutions and deliveries. 2. Neutron Activation Analysis will be used to follow the fate of the inorganics during smoke formation, i.e., how are the inorganics transferred into smoke, and how do they affect smoke formation?

III. SMOKE FORMATION AND COMPOSITION STUDIES

A. Smoke Aerosol Studies—It has already been demonstrated that the chemical composition of MS nonvolatile smoke is different for different smoke particle sizes. This has important considerations in giving the *smoker maximum impact*. If the desired flavors can be enriched into those particle sizes which have maximum lung retention (or mouth retention if desired), overall concentration in the total smoke can be kept to a minimum. The data will allow us to accurately state just how much of each smoke component in each particle size range comes from each labelled cigarette constituent.

B. Use basic smoke formation knowledge to regulate the delivery of selected smoke constituents. Examples are 1. The use of selected flavor components on the cigarette periphery to give ''enriched'' TPM in the MS. 2. The use of solid center tobacco cores to ''block'' the formation and transfer of CO to the MS smoke.

IV. ENVIRONMENTAL RADIOLOGICAL MONITORING

A. Monitor all naturally occurring radioisotopes in our tobaccos and finished cigarettes. These data will be used to monitor any increase in naturally occurring materials in our future tobaccos due to environmental factors similar to Three Mile Island.

B. Conduct all defensive studies regarding naturally occurring isotopes, i.e., the ^{210}Pb-^{210}Po problems of the past, etc.

V. GREENHOUSE FACILITY

The greenhouse facility will provide support in the following areas:

A. Establish the techniques and produce labelled plant materials which will provide the major source for all of the labelled smoke studies at R&D.

B. Provide fresh green tobacco plant materials to all Research & Development projects and other PM departments, as requested.

C. Provide a liaison with R&D , the Leaf Department, Tobacco Industry Committees, commercial companies, Federal and State Agricultural Research agencies, and growers, on a cooperative basis, to test and evaluate any necessary materials and/or tobacco deemed in the best interest of the company.

D. The preparation of all experimental labelled cigarettes in support of all ongoing research studies utilizing Carbon-14 and Nitrogen-15.

VI. MASS SPECTROMETRY LABORATORY

The existing mass spectrometers will be utilized in support of both ongoing and planned Research programs. These programs include the MC Materials Evaluation Program, the synthesis of tobacco flavorants and the evolved gas analysis program which entails the determination of the gases evolved from thermally degraded tobacco. Particular emphasis will be placed using mass spectrometry in tobacco product/precursor studies and especially the nitrogen containing components.

Since the present hardware and software are nearly fully extended, the primary activities over the coming year will be in the area of system investigations. Continuing studies include the denitration, and expansion processes, cellulase treatment, and baseline studies on individual tobacco constituents. The baseline data will also be used in correlation studies on the effects of physical factors (heating rate, flow rate, etc.) on constituent decompositions. Other planned investigations include the effect of genotype and fertilizer application on ammonia and other nitrogenous materials in burley tobacco. Also, the correlation between formic acid evolution and molecular weight of cellulose will be explored further.

SPECTROSCOPY/CHROMATOGRAPHY SECTION

I. *Tobacco and Filler*

A. Tobacco Expansion

OBJECTIVE: Develop data base designed for defining tobacco expansion as functions of physical and chemical parameters

ACTIVITIES:

(1) Investigate salts' interactions and their distribution within the tobacco cell wall using atomic absorption

(2) Study changes in tobacco components using FT–IR and Evolved Gas Analysis

(3) Coordinate efforts of Charge No. 8204

B. Blend Composition

OBJECTIVE: Quantitative discrimination of cigarette blend components

ACTIVITIES:

(1) Investigate and determine optimum methods for sample preparation and analysis by $(GC)^2$

(2) Establish degree of difference of total blend components

(3) Apply chemometric techniques

II. *Smoke*

A. Chromatographic/Chemometric Characterization

OBJECTIVE: Application of chemometric techniques in extraction of information from smoke analyses

ACTIVITIES:

(1) Develop procedures for profiling wholesmoke

(2) Investigate use of mass spectral data as a ''third dimension'' in GC smoke profiling

(3) Apply ARTHUR to profiled data for correlation with sensory evaluations.

B. Tunable Diode Laser (TDL)

OBJECTIVE: Application of TDL to understanding of parameters affecting smoke component formation and delivery

ACTIVITIES:

(1) Determine mechanism of incorporation of water oxygen atoms in nitric oxide

(2) Quantitate NH_3, NO_2, NO, and acrolein in whole smoke

(3) Develop programs for on-line dedicated computer processing of TDL data

(4) Construct single puff profile (within puff) monitors for CO

(5) Develop infrared laser monitor for routine puff-by-puff quantitation of NH_3

III. *Other*

A. Optical Porosity Monitor

OBJECTIVE: Provide accurate on-line measurement of porosity of laser perforated tipping paper

ACTIVITIES:

(1) Design and build prototype laser monitors for optically measuring porosity of tipping paper

(3) Develop system for tracking perforations as to positioning of holes.

B. Automation

OBJECTIVE: Increase accuracy and capacity for routine GC analyses

ACTIVITY: Apply automaton to routine GC analyses with dedicated or time-shared on-line data collection and report generation

C. Flavor Release Compounds—NMR Studies

OBJECTIVE: Increased understanding of the synthesis and reactions of potential flavor release compounds (in collaboration with Yoram Houminer)'

ACTIVITIES:

(1) Determine stability of methyl pyrazine anions through NMR studies of deuterium exchange kinetics of methyl protons

(2) Examine the conformation of pyrazine ethanols by coupling constant analysis and by studying the effects of various substituents on proton chemical shifts

(3) Assign ^{13}C and ^{1}H spectra of alkyl pyrazines using coupling constant measurements and lanthanide shift reagents

D. Conformation of and Kinetics of Internal Rotation in 2, 4-dimethyl Nicotine

OBJECTIVE: Understanding the energetic factors which determine the solution conformation of tobacco alkaloids

ACTIVITY: Measure the rotational barriers on 2, 4-dimethyl nicotine by ^{13}C NMR lineshape analysis; analyze conformation from coupling constants and Nuclear Overhauser effects

SPECIAL INVESTIGATIONS

The following is a list of plans and capital instrumentation needed by the above section in 1980.

I. *Tobacco and Filler*

A. Complete Development of HPLC Determination of Solonesol in Tobacco and/or Smoke

OBJECTIVE: To assist the flavor transfer group in their evaluation of the lipid portion of the blend for flavor characteristics.

Project Chiefly Concerned—2306

B. HPLC Study on Turkish Tobacco

OBJECTIVE: To do a cumulative collection of selected HPLC peaks from Turkish tobacco extracts for reconstitution into cigarettes. The cigarettes will be subjectively evaluated and the peaks of interest will be identified. This will be a cooperative effort with development.

Project Chiefly Concerned—2306

C. Liquid CO_2 Extraction of Tobacco

OBJECTIVE: To investigate the utility of the apparatus for analytical extractions, particularly for the lipid portion of tobacco. To do HPLC on the extracted material and compare it with other extraction techniques.

Projects Chiefly Concerned—1901, 1503, 8401, 2306

D. Amino Acid Analysis

OBJECTIVE: To determine individual amino acids and peptides on samples of green leaf, cured leaf, expressed juices and protein hydrolysates. The Dionix amino acid analyzer will be used to replace the long tedious gas chromatographic procedure.

Projects Chiefly Concerned—8205, 1503, 1901

E. Organic Acids in Tobacco by HPLC

OBJECTIVE: To develop an HPLC procedure for the determination of organic acids in tobacco. The procedure could replace the tedious extraction and derivatization steps required before the gas chromatographic readout. A 0.5% dicyclohexylamine ion-pairing agent will be the eluting solvent and a C_{18} column will be used.

Projects Chiefly Concerned—1503, 1901

F. Tobacco Protein Analysis

OBJECTIVE: To investigate the proteins in tobacco and smoke. Emphasis initially would be directed toward the separation of tobacco glycoprotein by GPC and HPLC.

Projects Chiefly Concerned—6900, 6906, 6908

G. Amino Sugars in Tobacco and Reaction Flavor Mixtures

OBJECTIVE: To determine the amino sugars formed from the reaction of sugars and amino acids and/or ammonia. The approach will be investigation of the reaction of ninhydrin with amino sugar, making appropriate correction for amino acids.

Projects Chiefly Concerned—8401, 2305

H. Fluoride Selective Ion Electrode for Ionizable Fluoride

OBJECTIVE: This method will be developed in response to a request from Park 500 for a fluoride determination in potassium nitrate crystals isolated from CEL.

Project Chiefly Concerned—8205

I. Evaluation of the Microwave Moisture Meter for Leaf

OBJECTIVE: To assist the Engineering Department in the evaluation of their prototype microwave moisture.

Project Chiefly Concerned—8204

II. *Smoke*

A. Aldehydes in Smoke

OBJECTIVE: To extend the isocratic HPLC determination of aldehydes in smoke with the gradient capability of the new Hewlett-Packard HPLC to achieve better resolution of the peaks.

Projects Chiefly Concerned—8101, 6908

B. FTC Tar by TPM Fluorescence

OBJECTIVE: FTC tar measurement by fluorescence will be made for the study of filter efficiency, sidestream/mainstream ratios and puff X puff data on low delivery cigarettes.

Project Chiefly Concerned—8101

C. Electrochemical Analytical Techniques for Smoke Analysis

OBJECTIVE: These techniques should be investigated as a quick and selective way of determining aldehydes, ketones, alcohols, acids, volatile metals or any material capable of oxidation or reduction.

Projects Chiefly Concerned—6908, 1503, 1901

D. Gel Permeation on Whole Smoke Condensate

OBJECTIVE: To make a comparison of GPC profiles of WSC from cigarette types. The feasibility could be determined on the Waters 202 HPLC using microstyrogel columns and THF solvent. Possibly the isolated PAH fraction could thus be enriched making easier any future analytical determinations of PAH's.

Project Chiefly Concerned—6908

III. *Cigarette Paper*

A. Completion of Tipping Paper Ink/Adhesion Problem

OBJECTIVE: To determine from one lot of paper to another and to be able to correlate these differences with performance on the cigarette maker.

Project Chiefly Concerned—8205

B. Citric Acid in Cigarette Paper

OBJECTIVE: To develop a simple HPLC procedure for citrates in cigarette paper to replace the present gas chromatographic procedure. The procedure will be developed on the new Hewlett-Packard 1084b HPLC. The old DuPont 820 HPLC will be dedicated for this determination.

Project Chiefly Concerned—8101

GENERAL ANALYTICAL CHEMISTRY

I. *General*

A. Provide accurate, precise analytical service as needed to personnel of R&D and other PM departments with a target turnaround time of seven work days or less per request.

B. Consult with the above personnel in order to advise them on ways of obtaining meaningful analytical data to aid them in meeting current and future project objectives.

II. *Tobacco Leaf, Filler, Reconstituted Materials and Process Slurries*

A. Investigate HPLC methods for separation and/or quantitation of (in order of priority):

1. Polyphenols
2. Major and minor alkaloids
3. Sorbate salts and sorbic acid in filler

B. Incorporate a nitrite nitrogen procedure into the nitrate nitrogen method.

C. Conduct a rigorous investigation into all aspects of the petroleum ether solubles method in order to develop a more efficient procedure.

D. Adapt the rapid procedure for hot water solubles to the determination of cold water solubles.

E. Develop a rapid accurate direct method for low levels of insoluble solids in process slurries to aid in improving accuracy of material balance studies.

F. Improve precision, accuracy and sensitivity of the sorbic acid method.

G. Total Nitrogen Determination

1. Maintain contacts with the manufacturer of the LECO NP–28 to lower maintenance requirements and reduce downtime.
2. Investigate the feasibility of the determination of insoluble nitrogen on the LECO NP–28.
3. Investigate other methods of total nitrogen determination, such as pyrolysis-chemiluminesence.
4. Do a critical study of the effect of conditions such as the salt concentration of digests on the values obtained in the Kjeldahl total nitrogen method using the Technicon block digestor.

H. Investigate conditions which affect the reproducibility of barium sulfate crystal formation in the turbidometric sulfate method.

III. *Smoke*

Evaluate the method for NH_3 in mainstream wholesmoke by comparison with values obtained by the infrared spectroscopy group on the diode laser IR spectrometer, with the development of a low cost diode laser instrument capable of routine operation as a goal.

IV. *Miscellaneous*

A. Methods Manual

1. Document all methods in routine use in the General Analytical Section.
2. Consider ways of evaluating circulated manuals for accuracy of content.
3. Utilize computer capabilities for manual indexing and updating.

B. Computer/Microprossor Applications

1. Utilize the existing microprossor or the computer for the automation of the weighing of petroleum ether extractables.
2. Expand the availability of computer-generated hard copy reports.

C. Instrumentation

1. Keep abreast of new developments in HPLC technology to update present equipment, especially new detection systems.
2. Optimize all AutoAnalyzer systems to increase speed and accuracy and decrease reagent use.

D. Personnel Education

1. Continue rotation and cross-training of professionals and technicians.
2. Develop a training program for technicians providing instruction in laboratory skills (complete with written material) necessary in our laboratory.
3. Develop a program of education of both the analyst and submitter so that work performed is both meaningful and necessary.

E. Conduct an extensive study of laboratory organization to determine what changes (e.g., flex time) might result in more efficient operation, then implement those changes.

F. Assume responsibility during the first quarter of 1980 for the receiving, coding, collating and transmittal of samples and data from sources outside of R&D.

BIOCHEMICAL RESEARCH

To: Dr. T.S. Osdene

From: W.F. Kuhn

Subject: Plans and Objectives for 1980—Biochemical Research Division

Date: January 7, 1980

The attached documents are the Plans and Objectives prepared by the individual project leaders in the Biochemical Research Division. These reports represent the areas of research to be explored in 1980 under each charge number. Each project leader prepared his report from the input he received from his colleagues coupled with his own goals for the coming year.

The overall objectives of the Division are threefold and remain essentially the same as outlined in previous reports. First, develop an integrated program for control of insects which infest stored tobacco, processed filler and finished cigarettes. Second, establish a matrix or battery of *in vitro** bioassays for the evaluation of the biological effects of smoke products and apply these assays for the investigation of biological, chemical, and physical parameters of cigarette smoke. Third, develop methods for the collection, isolation, identification and quantitation of tobacco and cigarette smoke components which affect the *in vivo* and/or *in vitro* bioactivity. The main areas of endeavor are highlighted below.

CHARGE NUMBER 1101—ENTOMOLOGICAL RESEARCH

Our effort on cigarette beetle physiological studies will be continued. This emphasis stems from the trend to eliminate the use of highly toxic or residual pesticides as control agents and increase the use of mechanical and physical methods to achieve the desired result. This effort will be focused on: (1) the effect of relative humidity and low temperatures toward beetle growth; (2) the investigation of the comparative attractiveness to the beetle of various colors from the visible spectrum; (3) the initiation of studies on the use of feeding inhibitors; *e.g.*, Neem nut extracts, as possible repellents; (4) the efficacy of pyrethrin alone as a larvicide; and (5) the evaluation of commercially available sex pheromones of the cigarette beetle and the tobacco moth. (Japanese scientists have published the synthesis of a chemical reported to be the sex pheromone of the cigarette beetle.)

The research program on the application of an insect growth regulator, methoprene, was highly successful. These results led to the initiation of a large commercial application trial (16,000 hogsheads) of KABAT—5% methoprene in ethanol—to strip and stem. We will monitor the treated tobacco materials for the presence of cigarette beetles and methoprene residue. These hogsheads will be used to evaluate the effects of various control practices (methoprene only, methoprene+DDVP fogging and methoprene+DDVP fogging+PH_3 fumigation) in separate warehouses. The HTI results of both methoprene treated Marlboro filler and Benson & Hedges filler in relation to appropriate controls will be completed. We will assist in the transfer of KABAT application techniques to Stemmery personnel as the use of material is more widely used throughout Philip Morris, U.S.A.

We will continue to provide consultation and technical service to other Departments within the Company. Such effort will focus on the efficacy of DDVP fogging in warehouses, methyl bromide vacuum fumigation at lower dosages and on-site examinations within PM, USA and upon request.

Distribution of effort:	*Percent*
Fundamental studies	30
Cost savings	45
Technical services	25

CHARGE NUMBER 6906—BIOLOGICAL EFFECTS OF SMOKE

In the coming year, the goals of this group reflect our decision to learn more about the existing, developed assays rather than focus our attention on the interests of the company to emphasize the former at the expense of the latter. Since our resources are finite, we cannot engage in both endeavors and adequately contribute to the understanding of effects of smoke components in biological systems.

MAMMALIAN CELL SYSTEMS

The principal goal of the L5178Y mouse cell (thymidine kinase mutation) assay will be to define parameters which determine the activity of whole smoke condensate (WSC). To accomplish this goal, three lines of investigation will be pursued. First, the WSC derived from cigarettes which contain filler variants of the LTF–IIIA formula will be tested. Second, acid, base and neutral fractions isolated from WSC will be evaluated as well as the testing of fractions derived from synthetic mixtures of pure compounds to define the application of the exponential dose-response curves. In addition, WSC will be ''spiked'' with a known chemical of high activity to trace its distribution, recovery and potential interaction with isolates smoke components. Third, the effect of variable microsomal protein (S9) on the activity of positive control chemicals and WSC will be studied. The objective of this effort will be to determine how the relative activities of various WSCs are influenced by changes in the amount of available, exogenous mammalian metabolism.

Although investigations on the measurement of sister chromatid exchange (SCE) were suspended last year, investigations on this phenomenon will be resumed. Successful establishment of this assay will provide a second genetic endpoint in the L5178Y cell system as well as provide an additional assay for evaluating the biological effects of smoke products.

Literature reports indicate that smoke products are weak initiators but moderate promotors in the two-stage model of carcinogenicity. By measuring the degree of metabolic cooperation between tymidine kinase proficient (TK+/−) and tymidine kinase deficient (TK−/−) cells in the presence of trifluorothymidine, it may be feasible to develop an *in vitro* assay for promotors with L5178Y cells. Investigations will be conducted to explore this phenomenon in the coming year.

The major goal of the baby hamster kidney (BHK) assay will be to establish the system

with positive and negative control compounds. Experiments designed to identify the causes of problems encountered to date are under investigation. Failure to resolve these problems in our facilities may require a visit to Dr. J.A. Styles' laboratory at ICI in England to gain ''hands on'' experience in conducting this bioassay.

NONMAMMALIAN SYSTEMS

Our efforts in the *E. coli* differential toxicity assay will be directed toward the hypothesis that aldehydes in smoke are causally related to activity. This study is closely coupled to the development of a method for aldehydes in smoke by personnel of the smoke condensate studies group.

The major thrust in the yeast mitotic gene conversion assay will continue to refine our knowledge of the determinants of WSC activity. We plan to study the activity of TPM as a function of puff volume initially which may lead to additional studies on activity *versus* puff interval and/or frequency. Additionally, the water soluble and insoluble fractions of WSC will be tested along with the components present in the acid, base, and neutral portions of WSC. On a continuing basis, the pyrolyzate formed at 620 °C from filler of various cigarettes will be tested. In particular, the higher activity of RCB *versus* RL is especially important.

Various investigations involving the application of the *Salmonella*/microsome assay continue to require about 50% of the total personnel effort of this project. In this regard, we plan to study the TPM activity as a function of puff volume, duration and frequency. THe feasibility of testing pyrolyzed materials in the assay was demonstrated in 1979. We plan to continue this effort this year. Studies of whole smoke and gas phase activity (direct exposure of plates in a chamber) in this assay will be suspended while the principal investigator is on LOA. However, some work will be done on the activity of whole and gas phase smoke collected directly in solvent (DMSO) filled traps. Although this study is not as elaborate as the chamber-exposure technique, it should provide valuable information about the activity of gas phase.

We plan to pursue the extensive study of the base fraction, acid/neutral fraction and WSC activity of 14 model cigarette types. We will continue the investigation of components responsible for the base fraction activity of burley cigarettes. In this regard model compounds such as amino α- and γ-carbolines will be studied.

We will continue to test potential cigarette additives and WSC from new cigarette candidates as requested. We anticipate that this effort will receive increased emphasis in the coming year.

Another specific goal will be to prepare an internal Salmonella/microsome assay methods manual to document all procedures involved with this assay.

Distribution of Effort:	*Percent*
Defensive Research	90
New Produce Development	10

CHARGE NUMBER 6908—SMOKE CONDENSATE STUDIES

The primarily defensive nature of this research effort necessitates a continual monitoring of developments in the literature related to the biological activity of smoke components. Achievement of this project's goals require close coordination of research efforts with those of charge number 6906 which were expressed in the previous section.

More emphasis will be placed on condensate collection studies since these methods may affect the overall research effort. Collection of WSC in Elmenhorst cold traps (ECT) or impaction-traps (IT) will continue, along with processing, for in vivo testing. The collection of samples for in vitro and chemical studies has been expanded to ECT, IT, TPM pad, gas phase, and collection in liquids. Some of these collection methods will require further development. We plan to design and apply sidestream smoke collection systems in the coming year. A longer range study of a glass cascade impaction trap for a particle size profile is planned. Satisfactory separation of discrete particles will lead to the chemical and biological evaluation of each size fraction.

A system will be established for controlled pyrolysis or combustion of filler for chemical and/or *in vitro* bioassay investigations. The evaluation of a series of marcs isolated from flue-cured tobacco is planned.

Major improvements in chromatographic separation procedures are anticipated. Achievement of this objective will permit the investigation of new areas of smoke condensate chemistry as well as more thorough evaluation of studies conducted previously. Toward this objective, extensive modification of the PE–900 gas chromatograph (gc) for use with fused silica columns is underway. A law pressure liquid chromatographic (lc) system was designed and will provide a flexible preparative or isocratic analytical lc system. Major emphasis of this system will be directed toward the reversed phase chromatographic evaluation of the base fraction from burley WSC. The acquisition of a high performance liquid chromatograph will provide sufficient capability to develop new methods for the isolation of smoke components of biological importance.

The procedure for volatile nitrosamines is well developed and will be applied to smoke products upon request. We plan to apply the methodology to correlate tobacco precursors with nitrosopyrrolidine in smoke. Investigation of nitrosamines in sidestream smoke and processed WSC will be investigated. Development of methods for the characterization of nonvolatile nitrosamines will be pursued. Initial studies will concentrate on mainstream smoke, but may be extended to sidestream smoke later this year.

The isolation and identification of active components in the base fraction of WSC has proven difficult. However, the high microsome dependent (*Salmonella*) activity in this fraction requires our continued attention. We will pursue this goal using the improved chromatographic equipment described previously as well as use of model compounds for enhanced improvements in fractionation and identification procedures. From studies of a series of 14 cigarette types, we hope to better understand the influence of filler composition on base fraction activity and yield. In addition, this evaluation should enhance our knowledge of the relative amounts of some specific components in WSC from these various tobacco types. Planned chemical studies include: pattern recognition analysis of gc data *versus in vivo* and/or *in vitro* bioactivity; quantitative hplc procedure for quinoline in WSC will be developed and extended to additional aza-arenes in these fractions; a method will be developed for harmane and norharmane in the base fraction as well as methods for the determination of amino α- and γ-carbolines (tryptophane pyrolysis products). Cigarettes have been prepared by adding proline, tryptophane or pheylalanine to LTF-IIA filler. A study of the active base fraction components from these simple model systems is planned with emphasis on the tryptophane added sample.

Work will continue on the fractionation of bright tobacco. Increased emphasis will focus on the chemical components of each marc and extract, particularly the amino acid composition of protein fractions and the nature of the nonprotein nitrogen components.

There are additional areas of interest which do not fit into the research endeavors discussed above and thus are of lower priority. The utility of gel permeation chromatography will be explored for WSCs and condensate fractions. The effect of added sugars or sugar-amino acid reaction products in modulating the activity arising from proteins and amino acids in tobacco will be studied. It has been stated that a tobacco glycoprotein may be transferred into smoke (Becker's work). If so, an understanding of the parameters controlling this transfer would be beneficial. A capability for isolation of such material will be developed.

Distribution of Effort:	*Percent*
Defensive Research	80
Fundamental Studies	10
Technical Service	10

To: Mr. W. F. Kuhn

From: R. A. Pages

Subject: Project Charge Number 6906 (Biological Effects of Smoke)—Plans and Goals for 1980

Date: December 20, 1979

1. *INTRODUCTION*

The objectives of Project Charge Number unchanged.

(a) To develop a battery of short-term assays to evaluate the potential b effects of cigarette smoke product

(b) To conduct research investigations to generate an understanding of and control of cigarette smoke * * * in each in vitro assay.

(c) To conduct tests on potential new products or additives upon request assist in the evaluation and inter * * * of the results obtained.

The original objectives of the project above) presented us with a formidable challenge. * * * challenge, we developed a strategy regarding the and evaluation of in vitro assays at PM. Implement strategy led to the successful development to sev * * * detect and measure the in vitro activity of cigar * * * condensate. With that success, we first discovered objective b and then came to recognize its ultimate importance to our program. Thus, it became apparent that the intelligent application of in vitro tests and the interpretation of their results could be carried out only when sufficient knowledge had been obtained about the many factors (cigarette, chemical, and/or biological) which together determine the level of cigarette smoke product activity. This was vividly illustrated when we were faced with trying to interpret the meaning of diametrically opposite results obtained with the same test material in different assays.

Against this background, we will now present our plans for 1980. This year, as in prior years, we have had to make difficult and risky decisions. This is because it is self-evident that: time is precious; our resources, both human and material, are finite; and we cannot do everything if everything we do is to be done well. Accordingly, our plans reflect an imbalance between learning more about our existing, developed assays and the development of additional, new assays. In our judgment, it is in the best interests of PM that we continue to emphasize the former at the expense of the latter.

2. *PLANS AND GOALS FOR 1980*

A. *L5178Y MOUSE CELLS*

1. *Thymidine Kinase Mutation*

The principal goal of work with this assay in 1980 is to try to define some of the parameters which determine WSC activity. Although this assay system for WSC has been established for almost two years, we do not yet know anything about the nature of WSC activity. (Tests on the Model II and URLS variant WSCs conducted during 1979 did not

provide any new insights into this question.) We therefore propose to pursue three lines of investigation in the coming year.

(a) *LTF–IIIA Variants*—The Model I WSC results have consistently shown that LTF–IIIA yields a WSC which is significantly more active that LTF–IIA WSC. Following the approach so successfully used in the *Salmonella*/microsome and *E. coli* assays, we will test the WSCs derived from cigarettes which contain filler variants of the LTF–IIIA formula. Enough filler is already available for these studies, but it will be necessary to fabricate handmade cigarettes for smoking in order to standardize cigarette paper porosity and filtration parameters. We intend to begin these studies no later than the second quarter of 1980 and to pursue them on a continuing basis thereafter. Our specific goal is to try to relate WSC activity to the presence (or absence) of particular precursors in the LTF–IIIA formula.

(b) *WSC Fractions*—Previous studies of fractions have been limited to a cursory examination of the H_2O soluble and insoluble portions of 2R1 WSC (both fractions were active). We intend to exhaustively examine the question of activity in WSC fractions on a continuing basis during 1980. These studies will include: tests of the acid, basic, and neutral fractions from one or more Model I WSCs; the testing of fractions derived from synthetic mixtures of pure compounds in order to define how to use the exponential dose-response curves.

(c) *Activity as a Function of S9 Concentration*—Almost all prior work with this assay has involved tests conducted at a single, arbitrarily selected, level of microsomal protein (S9). Because it is well established that the amount of S9 can have a dramatic effect on the level of activity observed in many short-term *in vitro* assays, we propose to investigate this phenomenon in the L5178Y TK mutation assay. Initial experiments will involve studies of the activity of our positive control compounds—B(a)P and 2-acetylaminofluorene. We will then investigate WSC activity *versus* S9. These studies will necessitate the conduct of assays simultaneously at different concentrations of WSC *and* S9. The specific goal of the experiments will be to determine how the relative activities of different WSCs and their respective dose-response curves are affected by changes in the amount of exogenous mammalian metabolism. Depending on the degree of success attained with testing WSC fractions at a single S9 level, these studies may also be extended to fractions tested at multiple S9 concentrations. This work will be initiated no later than the second quarter of 1980 will proceed throughout the remainder of the year.

Prior to initiating the three programs outlined above, in the first quarter of 1980, we expect to conclude three ongoing investigations. The first is the evaluation of the utility and effectiveness of a modified cloning procedure which is expected to simplify the conduct of the assay. The second is the evaluation of a series of selected WSC-induced, trifluorothymidine (TFT) -resistant mutants to verify that they are indeed TK-deficient (TK−/−). The third is the drafting of a special report to document the conclusions reached after an extensive review of the data generated on positive and negative control compounds over the last three years. By doing this, we are hopeful of being able to establish objective quality assurance criteria which can be used to help us decide: when this assay is performing satisfactorily; what is the acceptable level of variation; and when is a test sample active or inactive in this assay.

2. Sister Chromatid Exchange (SCE)

Work on the development of an assay based on the measurement of a second genetic endpoint, SCE, in L5178Y cells was suspended in May, 1979. As time permits, we plan to resume this effort on a part-time basis. Based on the information gathered in recent months, we are absolutely confident that we can successfully establish the SCE assay in our laboratory and that we can detect WSC activity by that method. If and when we are able to resume the SCE work, we expect to take advantage of the advice of Dr. David Kram (G. Washington University) by accepting an invitation to spend several days in his laboratory to obtain ''hands on'' experience with the SCE assay.

3. Metabolic Cooperation

As time permits, we plan to conduct studies to measure the degree of metabolic cooperation between TK+/− and TK−/− cells in the presence of TFT. These exploratory studies are designed to examine the feasibility of the possible development of an *in vitro* assay for promoters in L5178Y cells along the lines pioneered by Trosko and co-workers (*Science*. 206:1089–1091; 1979 November 30).

B. *BHK CELL TRANSFORMATION*

The principal goal of our efforts on this assay in 1980 (as it was in 1979) is to reproducibly establish the assay system with positive and negative control compounds. The results obtained in 1979 were moderately encouraging in that we were able to obtain several cell clones which appear promising for use in the assay. Several sources of difficulty were identified with the published assay protocol—some of which appear to be related to the quality of sera, media, *etc*. Major obstacles remain to be overcome, however, before satisfactory responses are obtained with positive control compounds and a usable assay protocol is available in our laboratory. Experiments designed to further identify the causes of problems and variables in this assay will be continued during the first and second quarters of 1980. If success has not been achieved by that time, strong consideration will be given to trying to arrange a visit to the laboratory of Dr. J. A. Styles at ICI in the UK in order to try to get some ''hands on'' experience in one of the few places that has been able to get this assay to work.

C. *E. COLI DIFFERENTIAL TOXICITY*

The principal goal for work with this assay in 1980 is to definitively test the hypothesis that aldehydes in smoke are causally related to activity. This is a collaborative effort with various personnel of Project Charge Number 6908.

In 1979, methodology was developed to test either whole smoke or TPM and gas phase in this assay. Additionally, experiments were begun to study the activity of several low molecular weight aldehydes in the liquid culture version of this assay. These experiments will be completed in the first quarter, 1980. Concurrently, 6908 personnel are exploring various possibilities for analyzing and quantitating the aldehydes in cigarette smoke. The ultimate test of the aldehyde hypothesis is contingent upon successfully coupling analytical chemical methods with the *in vitro* assay on common samples. Pending further progress on aldehyde method development by 6908 personnel, we intend to continue to investigate cigarette smoke activity as a function of physical cigarette parameters which are known to affect aldehydes in smoke (*e.g.*, carbon filters). The specific goal of these studies will be to accumulate additional circumstantial evidence in support of the aldehyde hypothesis. This will be done on a continuing basis throughout 1980.

D. *YEAST MITOTIC GENE CONVERSION*

Our major goal in the yeast assay work in 1980 is to continue to refine our knowledge about the determinants of WSC activity. Excellent progress was made in 1979 based upon the results of tests on: the Model III WSCs and TPM; WSC fractions; and some cigarette filler pyrolyzates. We plan to continue efforts in all of these areas in 1980. Because many of the studies which are of interest in the yeast assay will also be conducted in the *Salmonella*/microsome assay, we anticipate that there will be extensive interaction and coordination with other personnel within 6906 and 6908 a well. Hopefully, this will minimize duplication of effort(s) whenever possible.

1. *WSC/TPM Activity versus Smoking Parameters*

We intend to follow up our Model III cigarette studies by measuring the activity of TPM as a function of puff volume. These experiments will be conducted in the first quarter, 1980, and may lead to additional studies such as TPM activity *versus* puff interval and/or frequency. Further comparisons between TPM and WSC activity in the yeast assay will also be conducted on additional model cigarettes.

2. *WSC Fractions (with 6908)*

We are interested in testing fractions derived from the H_2O soluble and insoluble portions of WSC—both of which were found to be active in experiments conducted in 1979—particularly the base and acid/neutral fractions (Activity detected in the base fractions would extend our observations of an association between filler nitrogen and WSC activity in this assay.) Because studies already underway in the *Salmonella*/microsome assay involve testing the bases and acids/neutrals prepared directly from various WSCs (see below), our initial efforts in the first quarter, 1980 will be directed toward testing some of those samples in the yeast assay as well.

3. *Cigarette Filler Pyrolyzates (with 6908)*

The results of feasibility studies conducted during 1979 demonstrated that samples prepared by heating cigarette filler in air at 620° C were active in the yeast assay as well as in the *Salmonella*/microsome assay. Thus, the acquisition of pyrolysis equipment by 6908 personnel to evaluate the potential of this method of generating samples for *in vitro* testing may also provide valuable information about the filler determinants of WSC activity in the yeast assay. In this connection, we are especially interested in investigating the higher activity of RCB *versus* RL. These studies will be conducted on a continuing basis throughout 1980.

E. *SALMONELLA/MICROSOME ASSAY*

Various investigations involving the application of this assay will continue to make up about half the total efforts of the personnel of the project. The majority of these studies will be devoted to developing a better understanding of the determinants of WSC activity, although we also anticipate increased demands for testing WSCs and additives at the request of J.L. Charles.

1. *TPM Activity versus Smoking Parameters*

Extension of the Model III WSC studies will be conducted by testing TPM from the Model III cigarettes during the first quarter, 1980. Upon completion of that work, we intend to study TPM activity (unfiltered PMKRC cigarette) as a function of puff volume. Depending on the results obtained, it may be important to also study the effects of changes in other smoking parameters such as puff interval and/or frequency. In continuation of our expanded efforts to study TPM activity, it may also be necessary to test the Model II cigarettes.

2. *Cigarette Filler Pyrolysis (with 6908)*

We were sufficiently encouraged by the results of extensive feasibility studies conducted during 1979 to strongly urge and support the acquisition of pyrolysis equipment by 6908 personnel. We are hopeful that this equipment will be set up during the first

quarter so that intensive studies can begin to establish the relationship between various pyrolysis conditions (*e.g.*, temperature, air *versus* nitrogen, *etc.*) and activity in this assay. (As indicated above, section 2.D.3, there is great interest in exploring the application of this method to generate samples for testing in other *in vitro* assays.) The ultimate goal of theses investigations will be to determine how pyrolysis can be used to evaluate the activity of samples for which cigarette fabrication is not feasible—particularly the extracts and marcs of bright tobacco and RCB feedstock. Pyrolysis studies will be continued throughout 1980.

3. *Whole Smoke and Gas Phase Studies*

Studies of whole smoke activity in this assay as originally conceived (exposure of prepared agar plates in a chamber) will be suspended while the principal investigator is on leave. However, it is likely that some work will be conducted during the first and second quarters, 1980 to investigate the *Salmonella*/microsome activity of whole smoke and gas phase samples prepared by the methods developed for the *E. coi* assay—*i.e.*, by collection in solvent (DMSO) filled traps. While not as elegant as the chamber-exposure technique, it is likely that such experiments will provide valuable information regarding the activity of gas phase smoke components.

4. *WSC versus Base Fraction Activity (with 6908)*

Already in progress is an extensive study of the base fraction, acid/neutral fraction, and WSC activity of 14 model cigarette types. The study should be completed in the first quarter, 1980. At that time, we expect to be able to answer several important questions: *What is the relationship between WSC specific activity and the specific activity and concentration of the base fraction? Do the components recovered in the weakly active acid/neutral fraction have an effect on base fraction activity; i.e., are there any interactions? Does the presence of high concentrations of nicotine in the base fraction (30–60% of the fraction is nicotine) have any effect on the microsome-dependent activity of the high activity compounds that are present in that fraction?*

5. *Fractionation of WSC Bases (with 6908)*

The isolation and identification of individual components which may be important determinants of burley WSC activity remains the specific goal of this program. Further progress in this effort is dependent on the development of improved separation and identification methods by 6908 personnel. Plans have been formulated to investigate various separation procedures in conjunction with the use of model compounds such as amino-α and γ-carbolines. In addition, we also plan to study the activity of selected fractions as a function of different levels of S9 to ascertain if the low accountabilities of activity sometimes observed is due to the use of single, nonoptimal levels of S9 in routine tests. All of the studies will be ongoing throughout 1980. * * *

7. Assay Standardization and Quality Assurance

In 1979, a series of steps was taken to improve our internal quality control over the conduct of the assay. These included: greater interaction and coordination on a regular basis between all members of the project involved in using the assay; the use the common cell stocks and samples of positive control compounds; standardization of assay methodology of conform to the most recent recommendations of Ames and co-workers; and more careful monitoring of interexperiment variations of spontaneous backgrounds, cell titers, and positive control activities. These efforts will be continued and expanded in 1980. It is our specific goal to prepare an internal, *Salmonella*/microsome assay methods manual which will document in detail all phases of the conduct of the assay at PM including data processing and analysis *via* the R & D computer. We expect to complete the initial draft of the manual in the second quarter of 1980 and then to continually update it whenever changes in protocol or procedures are made.

F. PERSONNEL

We have received authorization to hire a new person for our group in 1980. In view of the rather ambitious program outlined above and in keeping with our basic philosophy on current priorities as outlined in the Introduction above, our plans are to hire an Associate Scientist A in the second quarter of 1980. The new person will be assigned to work under the supervision and direction of more experienced personnel in one of the assay areas outlined above. Exactly which area will be decided upon at the end of the first quarter of 1980.

3. *SUMMARY OF PLANS AND GOALS FOR 1980*

Assay/Activity

A. *L5178Y Mouse Cells: Time*

1. *TK Mutation*

Verify WSC-induced, TFT-resistant mutants are TK: 1st quarter

Modified Cloning Procedure: 1st quarter

Develop and publish quality assurance criteria for assay: 1st quarter

LTF–IIIA variants-filler: 2nd quarter composition *vs.* WSC activity: and continuing

WSC fractions: 2nd quarter and continuing

WSC activity *vs.* S9 concentration: 2nd quarter and continuing

2. *SCE*

Establish assay: as time permits

3. *Metabolic Cooperation*

Feasibility studies: as time permits

B. *BHK Cell Transformation*

Establish assay protocol with positive and negative control compounds: continuing

C. *E. coli Differential Toxicity*

Aldehydes in smoke *vs.* activity: continuing

Test model compounds in liquid culture assay: 1st quarter

Activity *vs.* physical cigarette parameters: 2nd quarter and continuing

Mehtod development—aldehyde analysis (by 6908 personnel): continuing

D. *Yeast Mitotic Gene Conversion*

TPM activity *vs.*Puff volume: 1st quarter

Base *vs.* acid/neutral fractions of WSC: 1st quarter and continuing

Cigarette filler pyrolyzates: continuing

e. *Salmonella/Microsome Assay*

TPM activity *vs.* puff volume: 1st quarter

Cigarette filler pyrolyzates: continuing

Whole smoke and gas phase activity of solvent trapped smoke: 2nd quarter

WSC *vs.* base fraction activity: 1st quarter;

Fractionation of WSC bases: continuing

Additive and WSC testing: as requested

Research studies of additive testing: 2nd quarter

Assay standardization and quality assurance Methods: continuing

Manual: 2nd quarter

To: Mr. W.F. Kuhn

From: R.N. Ferguson

Subject: Plans and Objectives for 1980 (Charge Number 6908)

Date: December 18, 1979

I. INTRODUCTION

The project continues to have several interrelated goals:

(a) to develop and apply methods to identify and quantitate components of cigarette smoke which relate to biological activity,

(b) to use cigarette models to relate chemical composition to biological activity including precursor/product relationships,

(c) to develop or improve methods for collection of cigarette smoke and apply these to collection and processing of smoke condensate for *in vivo, in vitro,* and chemical testing.

The primarily defensive nature of this research necessitates a continual monitoring of developments in the literature related to the biological activity of smoke components. These goals also require a close coordination of our research efforts with those of Charge Number 6906—Biological Effects of Smoke.

During the last year, considerable progress was made in nitrosamine studies, in base fraction components, in liquid and gas chromatography methods, in pyrolysis, and in an aldehyde procedure. The complexity of WSC remains the major challenge to advances in these areas of interest. Another problem is the large number of areas requiring our attention. This is due to the considerable number of potentially active components known or suspected in WSC.

II. RESEARCH PLANS

A. Condensate Collection and Processing

More emphasis will be put on condensate collection studies since these methods are a key part of our research.

Collection of whole smoke condensate by Elmenhorst cold trap (ECT) or impaction trap (IT) procedure will continue, along with processing, for *in vivo* testing. This involves gc analysis and concentration testing on these samples. Selected ECT or IT trapped and processed samples will be checked for volatile and nonvolatile nitrosamines.

The collection of samples for *in vitro* and chemical study has been expanded to ECT, IT, TPM pad, gas phase, and collection in liquids. Some of these methods will require further development. In addition, design and application of sidestream collection systems has begun. Considerable effort will be required to develop satisfactory methodology in the coming year.

A study of volatiles not collected (IT) or lost during processing (ECT) has also been initiated and will continue. A longer range study of a glass cascade impaction trap for a particle size profile is planned. This could be extended to chemical and biological evaluation of each size fraction.

A system will be set up in the coming year for pyrolysis or combustion of filler and collection of the smoke for either chemical or *in vitro* assay. After the equipment has been obtained an extensive check of conditions will be made for possible correlation of pyrolyzate and WSC biological activity. The application of this methodology to evaluation of a series of bright marcs is also planned.

B. Chromatography

Improved separation procedures will allow both the investigation of new areas and more complete investigation of areas previously studied.

Extensive modification of the PE–900 for use with fused silica capillary columns is progressing.

The Sigma 3 gc, which is coupled to the du Pont 21–490 mass spectrometer, has capillary capability. To permit the exploitation of this feature on the 21–490 ms will require considerable effort due to limitations in the ms system. Acquisition of capillary capability for the gc/ms/ds, if possible, will be a significant advance in our capabilities.

A low pressure lc system has been designed and will provide a flexible preparative or isocratic analytical chromatography system. Major initial emphasis will be on reversed phase chromatography applications to base fractions from X6D3IM (burley) WSC.

It is anticipated that a number of new hplc separations will be made possible by the acquisition of a second high performance, gradient analytical lc system in 1980. This will

provide sufficient capability both to develop new methods and to put developed methods into routine use on the present instrument (Spectra Physics 3500B).

Droplet counter-current chromatography is a method not previously investigated for WSC fractionation. An effort toward a collaborative evaluation of the methods potential in areas of interest to us will be made.

C. Nitrosamines

The procedure for volatile nitrosamines is well developed but application of this technique on new samples will continue. The general method will also be applied to correlation of tobacco precursors with nitrosopyrrolidine in smoke. Work with sidestream and processed WSC is also planned.

We have been delayed in development of methods for nonvolatile nitrosamines by sample load but work in this area will be initiated in the first quarter of 1980. Of interest is N-nitroso nornicotine (NNN), 4-(N-methyl-N-nitrosoamino)-l-(3-pyridyl)-l-butanone (NNK), and N-nitrosanatabine (NAB). A hplc has been interfaced to the thermal energy analyzer (tea) for these analyses, but we also will explore the possibility of using gc/tea for these so called nonvolatile nitrosamines. Initial work will concentrate on mainstream smoke, but extension to sidestream is possible in the future.

D. Base Fraction of X6D3IM (burley)

The isolation and identification of individual active base fraction components has proven difficult. Nevertheless, the high microsome dependent activity shown by these fractions requires a further effort at identification. Of particular importance will be the improve chromatography methods described in section B. Further use of model compounds is planned for improvement in fractionation and identification procedures.

E. Model Cigarettes: Chemical Studies versus Salmonella Activity

A series of 14 cigarettes (varying tobacco fillers) has been selected for a number of chemical evaluations. In addition, the *Salmonella*/microsome activity of each WSC and base fraction will be evaluated. We hope to better understand the influence of filler parameters on base fraction activity and yield and also the levels of some specific components in WSC from various tobacco types. Planned chemical studies include: a) TMS derivatization of the WSC and capillary gc profile generation. Pattern recognition analysis of data *versus in vivo* estimated activity and/or *in vitro* activity. Use of the gc profile method on base fractions. b) The quantitative hplc procedure for quinoline in WSC will be applied. The determination of additional aza-arenes in these fractions is also a possibility. c) A procedure for harmane and norharmane in the base fraction will be developed. This hplc procedure will also be applied to the set of model WSCs. d) A gc method for nicotine will be applied to the base fractions. e) We hope to be able to develop an hplc method for amino $\alpha-$ and $\gamma-$ carbolines (tryptophane pyrolysis products) in the base fraction. When available, this procedure will also be applied to the model WSC samples.

In addition to these studies, cigarettes have been prepared by adding proline, tryptophane, or phenylalanine to LTF–IIA (nitrogen free) filler. A study of the active base fraction components from these fairly simple model systems is planned with emphasis on the tryptophane spiked sample.

F. Bright Tobacco Extraction

Work is continuing on the fractionation of bright tobacco in order to study the effect of removal of various classes of nitrogen containing compounds. Increased emphasis will be on the chemical components of each marc and extract, particularly the amino acid composition of protein fractions and the nature of the nonprotein nitrogen components.

When acceptable pyrolysis conditions are available, this method will be used for evaluation of each marc.

G. MW 288

The positive identity of this smoke component has remained unsolved, primarily due to our problems with selective ozonolysis and derivatization of model compounds. A synthetic approach to this compound is being pursued by Dr. Edwards. We are considering the possibility of the preparation of a crystalline derivative suitable for an x-ray structure study.

The cuticular wax of bright and burley tobacco has been obtained. We hope to establish that duvatrienediols produce MW 288 under appropriate thermal conditions. Further, we expect to find out if each isomer of duvatrienediol leads to one specific MW 288 isomer.

H. E. coli Assay and Aldehydes

The *E. coli* assay has previously defied attempts to determine which components of smoke are principally responsible for activity. This may no longer be the case. Evidence has been accumulated that some aldehydes are highly active in the assay. Progress has been made in trapping and derivatizing both whole smoke and gas phase smoke. An hplc method for the dinitrophenyl-hydrazones of reactive carbonyl components is almost finalized. We will attempt to definitely establish the quantitative importance of the smoke aldehydes in this assay.

I. Additional Areas

There are a number of additional areas of opportunity and interest which do not fit into the areas already discussed or are of lower priority for study. Investigation in at least some of these areas is planned as time allows.

(a) Some initial work has been done with activity in fractions in the yeast assay. We wish to find the types of components responsible for the activity seen in WSC by fractionation studies.

(b) LTF–IIA plus phenylalanine-continuation of gc and gc/ms studies for products from phenylalanine in model cigarettes.

(c) Develop methods for N-heterocycle analogs of PAHs in smoke.

(d) Further study of the red material formed in ECT smoke of nitrate cigarettes and see if addition of NO to smoke will produce this band on ECT.

(e) Explore the utility of gel permeation chromatography both for WSCs and for condensate fractions.

(f) Explore the effect of added sugars or sugar-amino acid reaction products in modulating the activity arising from proteins and amino acids in tobacco.

(g) Study the mass spectra of geometric isomers of aldehyde O-methyloximes.

(h) A tobacco glycoprotein may be transferred to smoke. If so, an understanding of the parameters controlling this transfer would be of great use. A capability for isolation of such material will be developed.

(i) Fluorescence is a very useful tool in a number of areas. Additional evaluation of the utility of fluorescence for studies of smoke components and evaluation on commercial instrumentation needs to be made.

(j) Is 3-nitro-5-(3′-pyridyl)-pyrazole formed on ECT collection of smoke from high nitrate cigarettes?

(k) Develop and apply chemical/physical indicators of estimated *in vivo* biological activity.

III. CONCLUSION

These plans and objectives represent some redefinition of the project's goals. There is more emphasis on the development of smoke collection technology and its impact on WSC chemistry. Also greater emphasis is on chemistry coupled to actual *in vitro* (particularly *Salmonella*/microsome) activity rather than estimated *in vivo* activity has been dropped as a research goal. Finally, capillary gc and various hplc methods have been given a high development priority in our planning.

IV. PLANS

Activity; Timetable

A. Condensate Collection, Preparation, Analysis

1. Current Test Samples: Ongoing*

2. ECT and IT for *in vitro* and chemical study: Ongoing

3. Alternate collection—TPM, solvent impaction, sidestream: 4th qtr., 1979 through 4th qtr. 1980

4. Volatiles and semivolatiles lost in collection and processing: complete 2nd qtr.

5. Pyrolysis setup and experimentation: Initiate; 1st qtr.

B. Chromatography

1. Capillary gc on PE 900

(a) Derivatized WSC: Complete 3rd qtr.

(b) Fractions: Initiate 2nd qtr.

2. Evaluation of capillary gc/ms: 1980

3. Low pressure lc system: Assemble 1st qtr.

4. Analytical hplc

(a) New system installation: 1st quarter

(b) New methods development: Ongoing

(c) Gel Permeation: 1980?

C. Nitrosamines

1. Volatile nitrosamines: Ongoing

2. Nonvolatile nitrosamines: Initiate 2nd qtr.

D. MW 288

1. Structure: Complete 3rd qtr.

2. Duvatrienediols as precursors: Complete 4th qtr.

E. *Salmonella*/microsome assay

1. X6D3IM base fractions: Ongoing

2. Base fractions from Model cigarettes

(a) Yield and activity: Complete 1st qtr.

(b) Chemical constituents: Initiate 1st qtr.

3. Bright tobacco marcs and extracts: Ongoing

4. LTF–IIA plus additives: 1980

F. Aldehydes and *E. coli* activity: Complete 3rd qtr.

G. WSC fractions and yeast assay: Initiate 1st qtr.

H. Additional Areas

1. Chemical predictors of EBA: In 1980 as time permits.

2. Polycyclic nitrogen heterocycles

3. Red bands in ECT smoke

4. Tobacco glycoprotein

5. Application of fluoresence

6. Basic ms studies—oximes

7. Sugar effect on WSC activity

8. Droplet counter current distribution

*Completion in 1980 is not anticipated for any ongoing projects.

To: Dr. E.B. Sanders

From: J.I. Seeman

Subject: Plans and Objectives for 1980 (Charge 2500)

Date: January 4, 1980

Work for 1990 will be focused in three general areas; alkaloid and nicotine chemistry, flavor chemistry, and flavor-release chemistry. In addition, we will continue to perform assistance to other units upon request in such areas as custom synthesis and general organic chemistry.

I. Alkaloid and Nicotine Chemistry (Chavdarian, Secor, plus one).

A. Objectives

1. To develop a fundamental understanding of the mechanisms by which nicotine and other tobacco alkaloids interact with peripheral and central nervous system receptors.

2. To determine if nicotine analogues can be designed which exhibit differential activity at different receptors.

3. To develop procedures to synthesize nicotine analogues and isotopically labelled nicotine analogues.

4. To investigate the possible correlation of structural and chemical parameters with biological behavior.

5. To perform, in a collaborative fashion, pharmacological testing of nicotine and its analogues with a goal of deriving structure-activity relationships.

6. To develop an effective insecticide(s) through collaborative testing of nicotine analogues; in this conjunction, the mode of action(s) of these compounds will be investigated.

7. To aid other groups with problems related to tobacco alkaloids.

B. Synthetic Studies

1. Preparation of Optically Active Nicotinoids

a. Procedures will be developed which will allow the separation of racemic nornicotine derivatives into their enantiomers. This will involve the HPLC purification of, a.g., nornicotine urethanes which are diastercomeric by virtue of the nornicotine condensation reagent.

b. We have already shown that 6-methylnicotine and 6-butylnicotine can be formed in high yield from nicotine by reaction with methyllithium and butyllithium respectively. This procedure will be extended to other 6-substituted nicotinoids.

c. Microbiological reduction of 3-acetylpyridine has been shown to result in the optically active alcohol. Attempts to convert this alcohol to the corresponding amine will be made. If successful, this procedure will be applied to an asymmetric norcotinine synthesis.

d. We have found that cotinine can be alkylated and carboxylated at C-4′. The products can subsequently be reduced to 4′-substituted nicotinoids which are optically active by virtue of asymmetry of cotinine. This work will be extended to a few additional analogues.

e. 5-(3-Pyridyl)butyrolactone, obtainable from procedure I.B.1.c. above, may be convertible to active norcotinine with ammonia.

f. The microbiological reduction of imines (e.g., myosmine) to saturated amines (e.g., nornicotine) may result in an optically active product. There are no examples of such a reduction in the literature. This will be examined.

2. Preparation of Pyridine-Substituted Analogues

a. 5- and 6-Substituted nicotinoids will be prepared by a variety of methods, including the reaction of nicotine with alkyllithium reagents (c.f. I.B.1.b.) and routes involving synthesis of substituted nicotinonitriles and methyl nicotinates. These will also include heterosubstituted nicotinoids. Optically active 6-hydroxynicotine will be prepared from microbiological oxidation of nicotine. This material will be used as the key intermediate in the preparation of 6-alkoxy and 6-acetoxy derivatives.

b. Nicotine 6-carboxylic acid and nicotine 5-carboxylic acid and their corresponding esters will be prepared.

c. 2,4-Dimethylnicotine and selected deuterated analogues will be prepared for mechanistic studies.

3. Preparation of Pyrrolidine Substituted Analogues

a. HPLC purification will be performed to purify numerous isomeric methylated nicotinoids.

b. 2′-Substituted analogues will be prepared by addition of organometallic reagents to N′-methylmyosmine perchlorate.

c. A number of N′-substituted nornicotines in their enantiomeric forms (c.f. I.B.1.a.) will be prepared.

d. 4′-Substituted nicotinoids will be prepared (c.f. I.B.1.d.).

e. Additional examples of 3′-alkylnicotines will be prepared by condensation of 3-pyridinecarboxaldehyde and Michael acceptors.

f. Anatabine will be prepared from the reaction of 3-pyridyllithium (or 3-pyridylmagnesium bromide) and 2-cyano-Δ^4-piperidine.

g. Simple syntheses of nicotyrine will be investigated, for example, by the reaction of 3-pyridyllithium with a protected 4-hydroxypyrrolidinone.

h. Δ3′-4′-Dehydronicotine will be prepared, either by reduction of methylnicotyrine (c.f. I.B.3.g.) or dehydration of 4′-hydroxynicotine (c.f. I.B.l.d.).

4. Preparation of Bridged Nicotines. This type of nicotinoid represents the most difficult challenge in the synthesis of nicotine analogues. In the past year, one member of this class has been prepared in a one-step procedure from tropinone and β-aminoacrolein.

Note that the carbon atoms which have the ''bold-faced'' dots can be interchanged with the pyridine nitrogen atoms of these compounds to produce isomeric bridged compounds. Ideally, the preparation of the ''pairs'' of compounds will be successful.

5. Ring-Ring Shifted Nicotinoids. A number of compounds falling into this class have already been prepared.

C. Mechnistic Studies

1. Kinetic experiments and stereochemical evaluations of the alkylation of a wide variety of nicotinoids with iodomethane and possibly other alkylating agents will continue. These experiments are aimed to allow an understanding of the steric, electronic, stereoelectronic, and conformational features present in these systems. Implementation of the totally automated conductivity system is anticipated to be a milestone in such kinetic investigations.

2. Protonation studies will continue to allow the evaluation of the conformation of the N-methyl group in these nicotine analogues.

3. NMR studies will be used as in the past to derive conformational information about these molecules.

4. Theoretical calculations (INDO, Ab Initio) will be performed to give information regarding conformation, electron distribution, polarizability, etc., of these molecules.

5. Kinetic studies involving a-cyanoamines will be performed.

D. Microbiological Studies. In collaboration with B. Semp, a number of studies involving the use of microbiological techniques to perform a variety of synthetic operations will be investigated (c.f.I.B.l.c.; I.B.l.e.; I.B.l.f.; I.B.2.a.). Also included will be an attempted large scale preparation of nornicotine from nicotine.

E. Pharmacological.

l. Efforts will continue to obtain peripheral and central nervous system data on our compounds. Some of this will be with the aid of C. Levy and her associates.

2. Partition coefficients and pK_a data are needed for our compounds.

F. Insecticidal. More racemic and optically active nicotine analogues will be submitted for in-house and collaborative testing.

To: Those Listed Dr. T.S. Osdene, Dr. E.B. Sanders, Dr. W.L. Dunn, Mr. J.L. Charles, Dr. J.I. Seeman

From: R.B. Seligman

Subject: Nicotine Receptor Program—University of Rochester

Date: March 5, 1980

As you know, we have been supporting the subject program for the past year, and Dr. Abood has visited with us several times during this period. I would like an *independent written* evaluation from each of you concerning the benefits this program brings to our Research Center.

Please transmit these reports to me by March 21.

To: Dr. R.B. Seligman

From: J.L. Charles

Subject: Nicotine Receptor Program—University of Rochester

Date: March 18, 1980

Nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke. Nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as ''the reason for smoking'' and theories have been advanced for ''nicotine titration'' by the smoker. Nicotine is known to have effects on the central and peripheral nervous system as well as influencing memory, learning, pain perception, response to stress and level of arousal.

It is not surprising that a compound with such a multitude of effects would have properties which are considered undesirable by the anti-smoking forces. Claims are made that nicotine in cigarette smoke can induce chest pain and irregularities in cardiac rhythm when a person with a compromised cardiovascular system smokes or when persons with cardiac disease are exposed to high concentrations of side stream smoke.

For these reasons our ability to ascertain the structural features of the nicotine molecule which are responsible for its various pharmacological properties can lead to the design of compounds with enhanced desirable properties (central nervous system effects) and minimized suspect properties (peripheral nervous system effects). There are many opportunities for acquiring proprietary compounds which can serve as a firm foundation for new and innovative products in the future.

The above is an excerpt from an introduction to the nicotine program which I wrote on 12/1/78. My views have not significantly changed since that time. I believe that nicotine does play an important role in the smoking process. How important that role is remains to be determined. The receptor program at the University of Rochester is an integral part of the nicotine program and can be justified in a number of ways. An initial thought was that Dr. Abood would have the knowledge and techniques to perform screening of nicotine analogs for CNS activity. The synthesis group has created a number of interesting compounds which are now being screened by Dr. Abood. In addition Dr. Abood was to carry out fundamental studies on sites and mechanisms of action of nicotine in the brain. That research is in progress.

I sat in on an additional meeting with Dr. Abood and Drs. Sanders, Seeman, and Chavdarian during Dr. Abood's last visit. I found the discussions to be useful and felt that Dr. Abood was doing some very interesting work which can ultimately be of benefit to Philip Morris. I also utilized Dr. Abood as a consultant during that visit and he made some good suggestions and I thought the time was well spent.

In summary, the nicotine receptor program at the University of Rochester is an integral part of our overall nicotine program. The combination of basic research on the pharmacology of the nicotine receptor combined with the capability to screen nicotine analogs for CNS activity complements our internal synthetic and behavioral efforts in the nicotine program. The program is justified in my view as a defensive response to the anti-smoking forces criticisms of nicotine and also as fundamental research into the nature of our product and how it affects

our customers, the smokers. This entire program involves complex technological problems and the benefits to be derived from the program will not be realized immediately. Indeed the benefits will necessarily be of a long-term nature and may have direct bearing on our market position in a 10–15 year time frame. However, if we do not have the basic research results this program will provide we will not be in a position to respond if and when the pressures to change do occur.

To: Dr. R.B. Seligman
From: E.B. Sanders
Subject: Nicotine Receptor Program—University of Rochester
Date: March 21, 1980

Dr. Leo Abood's collaboration with the Research Center has been extremely beneficial to the nicotine program. His assistance has impinged on four different areas; namely, direct assistance to the Behavioral Research Group, assistance in interpreting peripheral testing results, providing us with current information regarding work concerning nicotine pharmacology at other locations, and direct hands on work in setting up binding assays for nicotine analogues synthesized by members of Charge Number 2500.

Dr. Abood's interaction with the Behavioral Research Group has been of crucial importance in establishing the ''prostration syndrome'' test. The value of this particular technique to the nicotine program cannot be overstated in that it is the first biological response to nicotine that does not appear to be mediated by a cholinergic receptor. The original charge of the nicotine program was (1) to ascertain if the central and peripheral effects could be ''separated'' and (2) to design a nicotine analogue which would have CNS activity equivalent to nicotine with little or no peripheral effect. Since it has been well-established that nicotine's peripheral effects are cholinergic, the discovery of a non-cholinergic central receptor provides us with reason to believe in the ultimate success of the program.

Future work involving the ''prostration syndrome'' must unequivocally establish the non-cholinergic nature of the receptor and must explore the role that the ''prostration syndrome'' receptor plays in the psychology of smoking. Leo's expertise, involving his experience in the necessary methodology as well as his work in attempting to characterize the natural neurotransmitter for this receptor, is crucial to the vigorous prosecution of this work.

For several years we have been receiving data on peripheral screening of our nicotine analogues from Germany. The quality of the work has been consistently of the highest calibre. On the other hand, the German laboratory has been of minimal assistance regarding interpretation. The problem is a combination of our lack of pharmacological sophistication coupled with the large distance between Richmond and Cologne. We have existed with this problem for some time since it would be virtually impossible to match the good service we are getting elsewhere. Leo Abood's association with Philip Morris has consequently filled a void. Not only have we been able to get a better handle on both the meaning of a given test result but possible interesting follow-up tests on certain analogues as well.

Dr. Abood has occupied a position of preeminence in neuropharmacology for some time. Consequently, he has contacts with virtually all of the laboratories working on various aspects of nicotine pharmacology, throughout the country. These contacts have benefitted us by keeping us abreast of interesting current developments as well as in more direct ways. The best example of the latter involves the direct assistance Leo is providing us in carrying out binding assays for our synthetic analogues. Leo has obtained a sample of purified nicotinic receptor from Torpedo and has established the experimental conditions for assaying binding to the receptor. We are now in the process of sending out the first set of compounds. This assay will allow us to differentiate between compounds which bind to the nicotinic receptor but do not activate it and those compounds which do not bind. With this information we hope to get a clearer picture of the nicotinic receptor.

In summary, I feel that we have benefitted considerably from Leo's association with the Research Center, and I trust that this association will continue.

To: Dr. T.S. Osdene
From: W.L. Dunn
Subject: Plans and Objectives—1981
Date: November 26, 1980

INTRODUCTORY NOTES

The Behavioral Research Laboratory effort is organized into programs which reflect to a large degree the subdisciplines of the responsible psychologists. On the one extreme of the psychological spectrum is the social psychology program of Dr. Sandra Dunn. On the other extreme is the behavioral pharmacology program of Dr. DeNoble. Ranging between are the experimental psychology program of Mr. Ryan, the electrophysiology program of Dr. Gullotta and the smoke inhalation program of Miss Jan Jones. Each of these programs is but a varied attach upon the overall objective of the Behavioral Research program: To contribute useful knowledge about the response of the smoker to the cigarette and its smoke. The results may prove useful in developing a new product, or improving an existing product, or in the defense of the company from legislative or litigative harassment.

ELECTROPHYSIOLOGY PROGRAM . . . Gullotta and Shultz

Objectives:

It is our belief that the reinforcing properties of cigarette smoking are directly relatable to the effects that smoking has on electrical and chemical events within the central nervous system. Therefore, the goals of the electrophysiology program are to: (I) Determine how cigarette smoking affects the electrical activity of the brain, and (II) Identify, as far as possible, the neural elements which mediate cigarette smoking's reinforcing actions.

Planned Studies

I. SPECTRAL ANALYSIS OF THE ELECTROENCEPHALOGRAM

We have proposed this study in the past but, due to technical problems, we have been unable to undertake it. We are finally in a position to begin.

Numerous studies have investigated the effects of cigarette smoking and nicotine administration on the electroencephalogram (EEG) of man and other animals. Although there is some degree of concordance among the results of these studies, many points are yet to be resolved. For example, with regard to the human literature, an early study showed that cigarette smoking produced low amplitude, fast EEG activity. Another study, however, found that smoking did not increase low amplitude fast activity and, indeed, slowed certain EEG frequencies. A number of other examples of this type can be found in the literature.

It seems likely that most of the controversies could be resolved by a more systematic analysis and quantification of the EEG. Therefore, we plan to spectrally analyze EEG data from a variety of electrode locations under varying smoking and deprivation conditions.

II. Animal Electrophysiology

We have discussed with Dr. DeNoble the possibility of a collaborative effort to study the effects of nicotine and nicotine-like compounds on the electrical activity of the rat brain. This would involve EEG recordings from surface and deep structures within several experimental paradigms. It would also involve the use of evoked potential technology. Some technical problems must be solved before such a program can be initiated. Our early efforts will be aimed at addressing these technical considerations.

III. The Effects of Cigarette Smoking on Pattern Reversal Evoked Potentials

This study is well under way and will be completed in early 1981.

We have previously demonstrated that cigarette smoking increases the amplitude of the late components of the visual evoked potential to flash stimulation. However, since flash stimulation activates nonspecific brain structures (e.g., reticular formation, association cortex, etc.) as well as specific structures (e.g., primary visual cortex), we were unable to determine with certainty whether the enhancement we observed was due specifically to increased receptivity to visual information.

Pattern stimulation avoids the problems associated with flash by activating primarily visual structures. Therefore, we are using pattern reversal evoked potentials to checkerboard stimulation to study the effects of cigarette smoking on visual information processing.

IV. Cigarette Smoking and the Habituation of Pattern Reversal Evoked Potentials

It is commonly reported that cigarette smoking facilitates one's ability to concentrate. Concentration implies sustained attention to simulation. We are interested in the possibility that we might gain insight into the processes involved by employing evoked potential techniques.

When, within a given session, sensory evoked potentials are repeatedly measured, there is a decrement in the response over trials. We interpret this decrement as a decrease in the sensitivity of the system to incoming sensory information. We can then ask whether cigarette smoking alters the rate at which this decrement occurs. If smoking retards the rate at which the evoked potential decreases in amplitude over trials, we will have demonstrated one manner in which concentration might be facilitated by cigarette smoking.

We have recently been gathering pilot data on this subject employing pattern reversal evoked potentials. If our data look encouraging we will mount a full-scale investigation in early 1981.

V. *Cigarette Smoking and the Brainstem Auditory Evoked Potential*

Recently, a new class of evoked potentials have been described. These are the acoustic and sematosensory brainstem (far-field) evoked potentials. One of the advantages of these brainstem potentials relative to the more traditional forms of recording is that the neural generators of the components are better known. For example, it has been shown that Peak I of the auditory brainstem response is due to VIIIth nerve activity, Peak II to activity of the cochlear nucleus, etc..

In this experiment we will be employing brainstem auditory evoked potentials in an attempt to ascertain sites and modes of action for centrally active smoke constituents. We chose the auditory potential because (1) there are nicorinic cholinergic synapses within the system and (2) it has recently been shown that, in rats, systemic nicotine administration alters certain components of the response.

THE BEHAVIORAL PHARMACOLOGY PROGRAM . . . DeNoble

Objectives

I. To develop a better understanding of the behavioral pharmacological actions of nicotine, particularly the action which reinforces smoking behavior.

II. Develop the empirical evidence which differentiates nicotine from the classical abuse substances.

III. Use behavioral pharmacological methods for evaluating the nicotine-likeness of nicotine analogues.

Planned Studies—I. Nicotine Self-administration

A successful development of the technique for establishing self-administration of nicotine in an animal has important implications for all three objectives of our behavioral pharmacology program.

We have developed that technique, making it quite clear that nicotine can function as a positive reinforcer for rats. We will use the technique (1) in studying the reinforcing action of nicotine, (2) in differentiating nicotine from the classical abuse substances, and (3) in evaluating analogues.

We will undertake as many of the following essential self-administration studies in 1981 as time permits:

(1) Examine the dose-response curve under various schedules.

(2) Examine the effects of cholinergic antagonists upon self-administration.

(3) Determine substitutability of selected analogues.

(4) Demonstrate, in pursuit of Objective III, that (a) nicotine self-administration does *not* interfere with on-going behavior and (b) that termination of nicotine availability for self-administration does not produce behavior impairment, or alter self-administration of other reinforcers (food, water, saccharine, etc.).

II. The Nicotine-Induced Prostration Syndrome

The prostration syndrome, first reported by Leo Abood as a gross behavioral response to the intraventricular infusion of nicotine, has been used routinely for several years in our program of nicotine analogue evaluation.

Although the prostration syndrome is a reliable screen for behaviorally active nicotine analogues, the rating scale developed by Dr. Abood provides only descriptive interpretation of the compounds' effects, and does not permit a determination of possible prolonged changes in CNS activity. We have begun using scheduled controlled behavior to evaluate the effects of intraventricular injections, since measures based upon this behavior have been shown to be more sensitive than activity rating scales, and provide a more stable nicotine baseline from which to evaluate CNS recovery times for nicotine analogues.

We have recently observed in conducting these studies that there is a diminution of the effect of nicotine over repeated administrations. Diminution will occur even with a 7 day interval between the first and the second administration, and observation difficult to explain simply in terms of the development of metabolic tolerance. We may be observing instead an instance of behavioral tolerance. We are currently designing a study which should more accurately characterize the development of tolerance.

We will also be conducting studies in which the effects of the selective blockade of neural structure will be reflected in the behavioral components of prostration, anticipating that these observations can further our knowledge about the sites of action of nicotine.

III. Discrimination Studies

We will continue to use the now standardized discrimination technique to evaluate nicotine analogues. We are currently investigating a dose-response curve approach, a modest variant on the standard procedure.

THE EXPERIMENTAL PSYCHOLOGY PROGRAM

Objectives

1. To gain a better understanding of the role of nicotine in smoking.

2. To study basic dimensions of the cigarette as they relate to cigarette acceptability.

Planned Studies—I. Salivary Nicotine

Speculation suggests that smokers modify smoking behavior to maintain certain levels of nicotine in the blood. Historically this has been the basis of nicotine titration hypotheses. Knowledgeable consideration of the issue suggests that the changes in level may be more important than the absolute levels—that the input of nicotine from a cigarette creates a ''spike'' which is the summation of the discrete puff-induced spikes.

We now have the ability to measure via gas chromatograph the level of nicotine in saliva. Observations from previous work with salivation and smoking suggest that systemic nicotine in saliva tracks with systemic nicotine in the blood. We plan to use the g.c. measure to:

A. Monitor the appearance and decline of nicotine in saliva following smoking. This will shed light on the question ''Does a low systemic level of nicotine trigger the smoking response.'' The question can only be answered if measures are made many times. Therefore, we will:

B. Observe changes in salivary nicotine level across time and smokings, relating the changes to the delivery of cigarettes smoked and the time since prior smokings. The data will bear upon the issue to the extent that salivary nicotine reflects tissue and blood levels of nicotine. This must be confirmed by means of:

C. A correlational study of the salivary nicotine with blood nicotine. This is awkward research to perform because the taking of blood samples is so intrusive and objectionable to participants and because it requires medical supervision. Therefore, we will postpone this segment of the research until it is evident that there are some systematic changes in the salivary nicotine data. We have made some preliminary contacts with our medical staff, and they will support us when needed.

II. There are tentative plans for one other project in which nicotine will be delivered intravenously in different sized spikes of different duration, to yield a broader picture of the role of the spike, the level, and the reinforcement characteristics of the substance. The execution of this project is contingent upon the execution of study I–C above, since both involve the dosing of numerous subjects with nicotine.

III. Other smoking related research

1. Role played by Cigarette Firmness in determining cigarette acceptability. Much attention has been paid to the problem of maintaining the firmness of our cigarettes at a level consistent with the image of a high quality product. We have recently found that a trained panel's evaluations of firmness are highly correlated with the firmness data provided by the Firmness-while-smoking machine and our compacimeter procedures. However, we know neither the relative importance of firmness to the consumer (compared to other characteristics of the cigarette's appearance) nor the most desirable firmness level. We will try to find out.

IV. Support for other projects, within R & D and within behavior research, will be provided, as necessary.

SOCIAL PSYCHOLOGY PROGRAM S. Dunn

Objectives

I. To gain a better understanding of the role of social psychological factors in shaping cigarette smoking behavior.

II. To apply social psychology techniques to the study of cigarette acceptability.

Planned Studies—I. *Exploratory Study on Psychosocial Determinants of Smoking Behavior*

As an initial approach to the problem, we have designed a one-on-one interview including both objective questions and in-depth probes. This interview is an intensive two-hours of data gathering, ranging across a spectrum of social, personality, attitudinal and situational dimensions. The dimensions were chosen for inclusion because of their potential relevance to smoking behavior. Items included in the questionnaire/interview schedule can be subsumed under these headings:

1. Emotional state and responsivity.
2. Stress-handling mechanisms.
3. Situational determinants and cues.
4. Socio-cultural influences.
5. Health concerns and smoking.

Interviewees are being drawn from among the population of 45 year-old, white, college-educated, upper-middle class women, half of whom smoke high-delivery cigarettes and half of whom smoke ultra-low delivery cigarettes. Focus on these groups will also provide data on women smokers and on the factors determining choice of delivery level.

The data obtained will be subjected to a statistical analysis designed to identify the underlying higher order factors. The nature of these factors, and the extent of their influence upon smoking behavior will provide the basis for further studies. The analysis is scheduled for completion by the end of the first quarter of 1981. Upon completion of this analysis we will generate hypotheses testable under rigorous, laboratory-controlled conditions.

II. The Influence of Cigarette Firmness Upon Cigarette Acceptability

Mr. Ryan has reported a study of the correlation of subjective firmness with measures obtained on the Firmness-while-smoking machine and on the compacimeter. The question has been raised as to what relevance, if any, these measures have to cigarette acceptability. We are designing a study that will address this question. The study will incorporate interview techniques of social psychology rather than rely upon conventional marketing research survey methods.

III. THE INHALATION MONITORING PROGRAM . . . Jones

Objective: To determine in what manner the smoker altersimulation patterns in response to changes in the chemical composition of cigarette smoke.

Planned Studies—I. Instrumentation

A. *Exploratory research using the new recording system.* The literature on smoke-laden inhalation research is limited, and that which does exist suffers from severe technological constraints. Our inhalation monitoring system provides us with the advanced technology necessary to acquire fundamental information about inhalation behavior. We are immediately concerned with establishing valid and reliable criteria for determining when a subject's inhalation patterns have

stabilized—at what point we are seeing a reproducible representation of the subject's inhalation behavior. In designing our experiment we must determine what would be sufficient time within each period of data collection for the smoking behavior to stabilize, before introducing a new experimental condition. Other information which is related to experimental design involves what happens to baseline behavior, established on a smoker's own cigarette, following experimental conditions. Is there a return to baseline inhalation behavior or will the baseline readjust? Carry-over effects resulting from the use of repeated measures may occur and must be taken into account.

B. *Programming a dedicated minicomputer for data display and analysis.* The MINC/DECLAB minicomputer, expected to arrive early in 1981, will be used to store and display the quantities of information collected. Following our programming efforts, the computer will be customized to handle the high-speed analyses required for our specific needs.

II. Experiment # 11: Does the smoker demonstrate compensatory inhalation behavior in response to changes in the nicotine content of cigarette smoke?

The experimental design is repeated measures with an ABACA format—a powerful method for examining what happens to inhalation patterns when a smoker switches between cigarettes of high, low, and ultra-low nicotine delivery. Baseline measures will be taken on the smoker's own low delivery cigarette until we observe stable behavior. The smoker will then switch to an ultra-low or high delivery experimental cigarette for two weeks, the order of presentation being balanced across subjects. Following each experimental condition, the smoker will switch back to his own cigarette to re-establish baseline behavior. Our primary interest is in comparing one inhalation parameters of Condition B with Condition C, demonstrating differences due to nicotine delivery of the cigarette smoked. The other 3 conditions will mainly serve to make this information meaningful.

We will be collecting data for approximately 2 months on each subject. The study will begin early in 1981 and is expected to continue throughout the year.

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

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

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

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

FRENCH NUCLEAR TESTS

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

Mr. FALEOMAVAEGA. Mr. Speaker, once again I take the floor to express to my colleagues and to the American people my deep disappointment with a decision made recently by the President of the Government of France to explode eight nuclear bombs in the South Pacific, and each bomb explosion is ten times more powerful than the nuclear bomb dropped on the city of Hiroshima.

Mr. Speaker, I have just learned from media reports that some 47 parliamentarians from Australia and 11 from New Zealand, and several more parliamentarians from Austria, Japan, Denmark and Germany—all plan to travel to French Polynesia to protest the proposed nuclear testing program by the French Government which will commence in September of this year.

Mr. Speaker, I want to offer my support and commend the parliamentarians of all these countries for their commitment and convictions to tell the French government leaders that France's proposal to explode eight nuclear bombs is just plain wrong and contrary to the wishes of some 28 million men, women and children who live in this region of the world.

Mr. Speaker, I also would like to make an appeal to my colleagues to join me by traveling to French Polynesia and let the French Government know that nuclear testing in the middle of the Pacific Ocean is an outmoded, ridiculous, and simply a dangerous undertaking not only for the marine environment but the lives of the millions of men, women and children who live in the Pacific region.

Mr. Speaker, the President of France recently proclaimed that France was the homeland of the Enlightenment, and I have no doubt that some of the world's greatest thinkers—men of reason—men who appreciate and value human rights, and who respect the rights of others.

Mr. Speaker, again I ask—what possible reason is there to justify President Chirac's decision to explode eight nuclear bombs? He said in the interest of France—but what the concerns and higher interest of some 170 nations of the world that recognized the dangers of nuclear proliferation—the dangers of nuclear bombs being exploded in an environment that changes constantly because of seasons climatic conditions that produce earthquakes, hurricanes, cyclones; and another real serious danger to these French nuclear explosions, Mr. Speaker, is we have no idea what is going on below the base of this volcanic formation.

After some 139 nuclear explosions for the past 20 years inside the core of this volcanic formation—something has got to give—and if radioactive leakages start coming out of this volcanic formation within the next 10 years or even 50 years—my problem, Mr. Speaker, is that the 60 million French citizens living in France are going to continue enjoying the good things of life like drinking their French wines, while the millions of people who live in the Pacific are being subjected to radioactive contamination—let alone some 200,000 Polynesians, Tahitians, who incidentally are also French citizens—all, Mr. Speaker, are going to be the victims. Is this fair, Mr. Speaker?

Can Mr. Chirac honestly look at himself in the mirror—every morning and keep saying to himself that it is okay to nuke those islands out there in the Pacific, and that the lives of 200,000 French citizens in the Pacific are not important to the Government of France? What arrogance, Mr. Speaker.

Mr. Speaker, in the minds of millions of people around the world—the Government of France has committed a most grevious error by authorizing an additional eight nuclear bomb explosions to take place in certain atolls in the South Pacific.

Mr. Speaker, I would like to make this special appeal to my colleagues on both sides of the aisle and to my fellow Americans—make your voices heard—support the concerns of the millions of men, women, and children in the Pacific and around the world who do not support French nuclear tests—call and write letters to the Congress and the French Embassy here in Washington, DC—tell the leaders of France that exploding 1.2 million tons of TNT in an ocean environment is both dangerous, insane, and utter madness.

Mr. Speaker, tomorrow the House Committee on International Relations will consider House Concurrent Resolution 80, which expresses the strong sense of the Congress for recognition of the concerns of the nations of the Pacific region—a recognition also of the environmental problems that will attend these additional nuclear bomb explosions—and to call upon the government of France to stop these nuclear tests since about 70 percent of the people of France do not want nuclear tests to take place, and countries from Asia, the Pacific region, the Western Hemisphere, Europe—all do not want France to resume nuclear testings.

Mr. Speaker, I ask my colleagues to support House Concurrent Resolution 80, which already has the support of Members from both sides of the aisle.

Mr. Speaker, I include the following for the RECORD:

U.S. DOUBTS FUEL FEAR OF COLLAPSE ON NUCLEAR TEST BAN—PHYSICISTS MEET TO REINFORCE STAND

(By Charles J. Hanley)

Weeks before they light the fuse in the far Pacific, the French have set off an explosion of global protest with their plan to resume nuclear weapons testing.

But the nuclear future may depend less on what happens on a Polynesian island in September than on the outcome of a secretive meeting last week at a California resort, where leading physicists gathered to try to help a wavering U.S. government take a stand on a global test ban.

These latest developments—a decision in France, indecision in America—have suddenly cast a shadow over international negotiations to conclude a comprehensive test ban treaty by late 1996.

The Polish chairman of those talks in Geneva sounds worried.

''It's possible,'' Ludwik Dembinski said of reaching the goal. ''But it will be very difficult.''

Fifty years after the first atomic test explosion in New Mexico, on July 16, 1945, the

nuclear powers have committed themselves to a 1996 target for banning the tests that over the years helped them build ever more compact, durable and finely tuned weapons.

But after 2,000-plus explosions in the Nevada desert, the central Asian steppes and the Pacific, some want the treaty to allow still more such ''activities''—tests by another name.

India is key: If it refuses to sign a treaty, its undeclared nuclear-arms program would remain beyond international controls.

The Clinton administration, split between the military and other U.S. agencies favoring a near-zero threshold, turned for help to the ''Jasons,'' a select group of independent scientists on call to advise the government.

This panel of ''wise men,'' first organized in 1958, is named after an inventive hero of Greek myth.

A knowledgeable source, insisting on anonymity, said a half-dozen Jasons—nuclear physicists—met in La Jolla, Calif., last week with government specialists to review the threshold issue.

Their talks ranged across an arcane realm where milliseconds make the difference between small ''bangs'' and unimaginable explosions.

In a two-stage thermonuclear bomb, a sphere of non-nuclear explosives is ignited and compresses an inner plutonium or uranium core to critical mass, setting off an atom-splitting chain reaction. This fission explosion compresses a second component, of light atoms, that fuse and give off heat in an even greater fusion explosion.

Minimal ''4-pound'' experiments are fission reactions aborted in their first moments. They are useful in weapon safety work—to determine, for example, that accidental ignition of the conventional explosives at only one point on the sphere produces just a small fission yield.

But Christopher E. Paine of the Natural Resources Defense Council, a Washington-based antinuclear group, says even mini-yield experiments can aid weapons development.

By stepping up to yields of several hundred tons, the ''experiments'' open many more possibilities for designers, Mr. Paine said.

For one thing, weapons scientists could monitor the complete fission stage and modify designs as a result.

A zero-yield treaty would block the plans of U.S., French and other scientists for new bomb types—warheads for earth-penetrating weapons, for example, and variable-yield warheads.

The ultimate recommendation from La Jolla may have been foreshadowed in an unclassified report last year by Jasons who advised against even the smallest-yield tests under a treaty. The safety and reliability of existing weapons can be ensured by non nuclear tests for the foreseeable future, it said.

The closed-door debates in America are of special interest in Moscow.

Some in the Russian military complex are looking for reasons to resume testing, said Vladimir Kozin, an arms-control specialist at the Russian Foreign Ministry. He said he fears the world will fall back into old habits.

''We are on the verge of reviving the arms race.''

Four declared nuclear powers—the United States, Russia, Britain and France—have observed a test moratorium since 1992. Last month, however, the French announced they would stage eight underground explosions at their Mururoa atoll site between September and next May.

The French say they need the tests to check the safety and reliability of their arsenal and to collect data, before a test ban, for later weapons work via computer simulation. But arms-control advocates say Paris mostly wants to use the tests to complete the design of a new warhead.

The U.S. government reaffirmed its adherence to the moratorium. But as attention focused on France, things were happening in Washington, too.

The United States had been expected to favor a test-ban loophole to let elementary weapons work via miniature nuclear blasts underground, with explosive yields equivalent to no more than four pounds of TNT. In late June, however, it emerged that the Pentagon wants a much higher ''threshold''—reportedly 500 tons, equivalent to the power of 300 Oklahoma City bombs.

In meetings last week, Clinton administration officials were trying to settle the U.S. policy dispute. None spoke publicly about the pending decision, but the heat was clearly on.

''There's a lot of pressure within the administration to go to a high threshold of several hundred tons,'' said one informed official.

The heat was felt all the way to Geneva.

''Several hundred tons, in my personal view, is certainly not acceptable,'' Mr. Dembinski said in a telephone interview.

India's delegate to the 38-nation talks was more direct in rejecting the idea of any tests at all.

A test-ban treaty should mean ''complete cessation of nuclear tests by all states in all environments and for all time,'' Satish Chandra, speaking for the Third World bloc, declared at one Ge-

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–206) on the resolution (H. Res. 201) providing for consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1617

Mrs. SEASTRAND. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1617.

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

There was no objection.

□ 2045

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

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

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

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

VIEWS ON BOSNIA

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

Mr. MCINNIS. Mr. Speaker, Members, I would like to talk to you tonight about the situation in Bosnia and as I see the situation in Bosnia. I have spent a great deal of time since a high school graduation a couple of months ago studying exactly what the issues are that we have on the conflict in Bosnia and let me tell you what inspired me to take a closer look at exactly what kind of commitment our President has made over there in that country, what objectives we have in that country, and what results we can expect as the result of our intervention in that country.

Mr. Speaker, what inspired me to do it was when I was sitting on the platform of a graduation, having just spoken to the graduation class, and a young man, 18 years old, as he was walking across the stage to get his diploma, the person sitting next to me said, ''That young man is going into the Marine Corps, and he is proud.''

He is 18 years old and before long he could find himself committed to a country which he has never seen, probably never heard of, for a commitment that is unclear to me and unclear, I think, to many citizens in this country.

If that young man lost his life in his military service in the country of Bosnia, would I be able to go to his family, go to his mother and his father, and tell them that their son's life, or in some cases their daughter's life, was necessitated for the national security interests of this country? The answer to that is ''no,'' and I think it is clearly ''no.''

That is what has driven me to spend a few moments with you tonight to talk to you about the situation in Bosnia. Of course, the President has led you to believe that there are several objectives that they hope to obtain in Bosnia.

One is humanitarian aid. Clearly, that has been an absolute disaster. The humanitarian aid has been few and far between. It has been scarce. The winter months have kept it out. A lot of people over there are suffering, because that humanitarian aid does not make it there.

Then the other purpose they come up with is an objective to moderate the war. United States involvement through the United Nations is not moderating that war. Take a look at the headlines in the last couple of days.

The other one is to pursue a diplomatic settlement. It is not going to happen. Do you know that war in Bosnia has been going on for over a thousand years? It was going on before Columbus set sail for the New World. And never in the history of this country have we successfully intervened in a civil war, and that is exactly what is going on in Bosnia. We have never successfully intervened in the civil war of another country, and this will not be an exception.

I think the elements we have to look at before we commit any further money or troops or time to Bosnia really is three- and fourfold:

One, do we have a national security interest in Bosnia? The answer is no.

Number two, do we have a clear objective? When we went to Kuwait, we had a clear objective. Iraq had invaded Kuwait. We had a border. We know that one party had gone over a border that they were not supposed to go over. Do we have that kind of objective in Bosnia? The answer is no.

What is another objective? Are our allies facing a national security threat in Bosnia? The answer is no. Is there an economic threat to our country because of the civil war in Bosnia? The answer is no.

My opinion is, there is no clear objective in Bosnia. I think we have to take a look at what kind of commitment the President is willing to make.

First of all, the President relies on the United Nations. Mr. Speaker, take a look at this headline. And by the way, that number has gone up in the last couple of days. It says, ''United Nations, for the 78th Time, Condemns the Serbs.''

Folks, the United Nations is nothing more than a paper tiger. What is going to happen is, the United Nations is going to be put in there in a stronger and more forceful way and it is going be the United States of America carrying that burden. It is going to be our young sons or daughters or grandsons and granddaughters that are going to be in Bosnia fighting a war that cannot be won.

What happens if we do find peace in Bosnia? The only way we can do it is to make a massive commitment of military ground troops, may be at least 100,000 troops. And the worst thing about it is, we are going to have to keep them there.

What happens if we do get that peace? How are we going to keep it? The only way we can keep it is a long-term military commitment, and this country is not prepared to make that kind of commitment with military ground troops in the country of Bosnia.

What do I suggest we do? I think it is fairly complicated, but rather simple on its face. One, lift the arms embargo on the Bosnian Moslems. Let them have a fair fight. What we have done is gotten engaged in a fight where we have tied the arms behind their back of one party in the fight and let the other one go at it.

We need to pull out of Bosnia.

Mr. Speaker, thank you for the time. I urge that we pull immediately out of Bosnia and lift the arms embargo.

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

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

THE STATUS OF SOCIAL SECURITY AND MEDICARE AS REVEALED IN THEIR ANNUAL REPORTS

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

Mr. HOKE. Mr. Speaker, I thank the Members who are showing their appreciation tonight.

Mr. Speaker, I want to share with you and our viewing public tonight on C–SPAN a little booklet, called The Status of Social Security and Medicare Programs: A Summary of the 1995 Annual Reports.

I want to tell you about this because I want to urge you, if you are a senior citizen, if you are some day going to be a senior citizen or hope to be a senior citizen, or if you are just a citizen of the United States, this is essentially an annual report on Social Security and Medicare.

Unfortunately, Mr. Speaker, the debate on Medicare has become so utterly politicized that it is difficult for the public and for average Americans to cut through the political rhetoric and the demagoguery and the posturing that is going on to be able to find out what the truth is and what the facts are; and I commend this to you, to read it.

It is only 14 pages. It is short, it is clear, and it lays out very clearly exactly what the facts are. It is written by the Medicare trustees and the Social Security trustees and it includes 3 members of the President's Cabinet.

It is not a Democratic piece, it is not a Republican piece; it is a nonpartisan piece. It is very well written and lays out clearly what the programs are. It is informative in that it does not just talk about recommendations and problems and all of that, but it also tells you exactly what the tax bases are, how much money is raised, where the money goes, how much is in the trust funds of each one, how long we can expect them to last, and if there are problems that ought to be addressed.

I want to read just a couple of quotes from this, because I think it is very instructive. Again, call your Representative: the switchboard at the Capitol here is area code 202; the switchboard people do not like it when I do this, but it is very important that you do this.

POINT OF ORDER

Mr. FIELDS of Louisiana. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman from Louisiana will state his point of order.

Mr. FIELDS of Louisiana. Mr. Speaker, is it proper for the Member to address the C–SPAN audience? Should not the Member address the Speaker of the House?

The SPEAKER pro tempore. The gentleman from Ohio is reminded to address his remarks to the Speaker.

Mr. HOKE. Mr. Speaker, I want to remind you, so that perhaps you could remind the public, that the switchboard number here at the Capitol is 202–224–3121; each citizen might call their Representative and ask for the summary of these annual reports.

I will say, and I am not suggesting that the gentleman from the other side of the aisle who made this point of order is a part of this, but I have got to tell you, the Democrats do not want you to read this report. They are trying to keep this report secret. They do not want you to see what is in this report.

Let me read a couple of things. It says,

> The Board of Trustees are pleased to present the summary of the 1995 annual reports of the Social Security and Medicare Trust Funds. In particular, we encourage current and future beneficiaries to consider what these reports mean for them as individual citizens. Based on the trustees' best estimates, the reports show,

And I am going to cut to the part about Medicare,

> . . . the Medicare Trust Fund which pays in-patient hospital expenses will be able to pay benefits for only 7 years and it is severely out of financial balance in the long range.

Then it has a lot of stuff on the summary of the reports and explains the analysis and how they go through this.

I am just going to go to the back where it has a message from the trustees. It says,

> This is the fifth set of trust fund reports on which we have reported as Public Trustees.
>
> During the past 5 years there has been a trend of deterioration in the long-range financial condition of the Social Security and Medicare programs and an acceleration in the projected dates of exhaustion in the related trust funds.

Then they go on to say the most critical issue relates to the Medicare program.

Both the Hospital Insurance Trust Fund and the Supplementary Medical Insurance Trust Fund show alarming financial results.

> The Medicare program is clearly unsustainable in its present form. We had hoped for several years that comprehensive health care reform would include meaningful Medicare reforms. However, with the results of the last Congress, it is now clear that Medicare reforms need to be addressed urgently as a distinct legislative initiative.

The number is 202–224–3121. Mr. Speaker, I am asking that you advise the public that they can request this summary from their Representative and get a copy of it, because we have got to get out of the partisan rhetoric

of this if we are going to get a conclusion.

I see that the gentlewoman from Washington wanted to make a comment.

Mrs. SMITH of Washington. I wanted to ask you a question, how I got the number, but you happened to say how I got the number. If they want to call our offices, though, and find out or if I want to tell someone, is it better to use that number or our own office number?

Mr. HOKE. If they have the office number, it is better to use the office number.

Mrs. SMITH of Washington. If not, what number?

Mr. HOKE. It's 202–224–3121.

Mrs. SMITH of Washington. Thank you. Listening to you, what really excites me about this is that we are not to the end; in fact, we are just at the beginning. I look at all that has been coming up, and the proposals are clearly that there are ways to fix this system and there are ways to make it better.

Mr. HOKE. I see that my time has expired. Maybe we could talk about that in the next special order.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, is recognized for 5 minutes.

[Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extension of Remarks.]

TRIBUTE TO EAGLE SCOUT FROM MAINE

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

Mr. LONGLEY. Mr. Speaker, one of the great privileges of being a Member of this body is the opportunity to address this Chamber and to address remarks to the Speaker. I would like to take advantage of this opportunity to call attention to an outstanding young man from my district who last Saturday was awarded the rank of Eagle Scout.

What is significant about this award is out of the thousands of scouts who do achieve the rank of Eagle Scout, this is the fourth son of Charles Gaspar of North Berwick who has achieved that rank; his son John, again, the fourth of four brothers.

He has many accomplishments. Most recently he ranked first in his high school class. He is an accomplished chess player and he aspires to be a physician. Mr. Speaker, I certainly would want to state for the RECORD my pride in having this young man as a resident of my district.

NATIONAL LOBSTER MONTH

Mr. Speaker, I would also like to address to the Chair, and knowing the Chair's great interest in fine cuisine, that my district is the home of the Maine lobster. The month of August is going to be Maine Lobster Month and I know that many Members who potentially may be taking vacations may have an interest in traveling to the rockbound coast of Maine to partake of this culinary delight.

We have over 6,500 licensed lobstermen in the State, over 400 dealers, and last year we produced nearly 40 million pounds of lobsters; almost 100 million dollars' worth of production that was distributed around the world.

Again, it is a great source of pride to me, Mr. Speaker, to represent the First District of the State of Maine and particularly the fishermen and the lobstermen in the State. Again, I compliment them on the great accomplishment of Maine Lobster Month in the month of August.

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

[Mr. OBERSTAR addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

□ 2100

WE NEED TO LOOK AT MEDICARE MORE CLOSELY

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

Mrs. SMITH of Washington. Mr. Speaker, I think that we need to talk more about Medicare, because I am finally beginning to have hope. I took the report, the task force report home, that yellow book that scared me so much, and I flew 7 hours with it and I read through it and I read each section. Surely enough, the President's trustees were right. Financially, it is trouble.

I think what has been exciting to me as a newcomer here, a freshman in this particular year, is that solutions are coming quickly. What really is clear is that the people suggest and the ones coming up here say that we should be clearly looking at fraud and abuse, we should be looking at paperwork and how much there is, and that if we would do those two things, it would be a good beginning to fixing the system. We are going to protect the system.

I have not heard one person on either side of the aisle say we are not going to have Medicare. It confirmed what I have been saying, which is I am not willing to have any person that is on Medicare now, any person relying on this vial program for their life, to wake up one day and have it gone by default, because we do nothing to preserve the system, or by taking it away from people we have made a commitment to.

So what we are seeing now is people getting out the rhetoric. There are a few people that stand up here each day and harp that it is going to be gone, but they are the minority in both parties now. Most are saying, let's fix it, let's preserve it, let's make sure it is stronger and it is simpler.

The system is too tough for me, and my background is paperwork. So if my background is paperwork and I cannot figure out the paper, then how can someone else that is trying to manage after an illness? So that is just an exciting thing that I am seeing happening and a great hope for the system.

Mr. HOKE. Would the gentlewoman yield?

Mrs. SMITH of Washington. I would be glad to yield.

Mr. HOKE. Mr. Speaker, I think that it is very important that we remind ourselves and each other and the Speaker that one of the criteria that we will follow in this is that every single person who is currently on Medicare has an absolute guarantee from the Republican Conference in this House, the majority of this House, that those people, if they choose to stay on the Medicare Program the way that it is designed today, that is a choice that they will be absolutely guaranteed to have, and that nobody, at least on this side of the aisle, nobody is suggesting anything other than that.

Mrs. SMITH of Washington. Mr. Speaker, I think the exciting thing about that is that it is like a rainbow. We have had this system that everyone has known for nearly 10 years was going to be in financial trouble, and they kind of just shoved it to the side. The system just sat there and got internally financially worse.

Now what we are hearing about is something nobody talked about because they knew there were problems in the system, and that is choice for senior citizens.

Mr. HOKE. I think you are right and I think that is what is exciting. The place that we can look first in terms of having hope for being able to solve this problem, other than the fact that I hope that as Americans, we all just have a general positive sense of our ability to meet any challenge, under any circumstance, and meet it positively and with vigor and with dignity and know that we are going to succeed.

One of the places that we can look, and probably the place we ought to look first generally, is in the private sector. I know, as you know, what has happened in the private sector. We have gone from over double digit inflationary rates in health care down to about 4 percent in the past couple of years. We are running at 10.5 percent in the public sector inflation per year, at 4 percent in the private sector. Clearly, if we simply use that as our model, right there, that is actually less than the increase that we have budgeted in Medicare over the next 7 years.

Mrs. SMITH of Washington. What the gentleman from Ohio is saying, is let's look at what worked in the general medical to bring down the inflation rate for Medicare. You know what they did? They streamlined paperwork, they got rid of fraud, they dealt with giving individuals choice.

We need to bring all of those things in. But we have to secure the confidence of those that are on it now and make sure everyone out there knows, or everyone knows, whether it is my grandmom or my mother-in-law, that they know that tomorrow they are going to still be taken care of. I hope the rhetoric goes down, because we have to fix this. With the rhetoric, that could stop us from fixing it.

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

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

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

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

THE VOTERS' BILL OF RIGHTS

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

Mr. HOEKSTRA. Mr. Speaker, I rise this evening to inform my colleagues that tomorrow I will be introducing a series of pieces of legislation that I think will get us back onto some of the agenda items that we need to address this fall. We have had a very successful year beginning early in the year with the Contract With America, moving on now through a process of going through 13 appropriations bills. But I believe the legislation that I am going to be introducing tomorrow, at least parts of them, are going to require serious consideration this fall.

What I do is I call them the Voters' Bill of Rights. Because really, what we are doing with these pieces of legislation is we are empowering American citizens to help set the agenda in Washington, and to hold their Members more accountable for their actions in the House and in the Senate.

Specifically, the three pieces of legislation include three items, the first of which is the national voice on term limits. As many of you know, we had a vote on term limits earlier this year. We had a majority. We failed to get the required number because it was a constitution amendment.

I think it is now time to nationalize the debate, to have a national debate during the spring, the summer and the fall of 1996, and then we are going to have a unique experience if this legislation passes. We are going to have the opportunity to have every American citizen in this country to vote and express their preference on what they would like congress to do with term limits. That would happen in November of 1996. Then, as the Speaker of the House has committed, if Republicans are still in control of the House in 1997, January 1997, a vote on term limits would be the first vote that we will have on our legislative agenda in January 1997.

So what a beautiful process. We will have a national debate. We will have a national advisory referendum, and then we will have instructed Congress how to vote, and then in January 1997, we will have that vote on term limits, which I am sure will get us over the hump and move us to actually completing the work, or completing the work in Washington on term limits so that we can then move it to the States.

The second piece of legislation that I am going to be introducing tomorrow is the opportunity for citizens in their districts to recall Members of the House and Members of the Senate. Currently, if, during their term of office, the Member in the House or the Senate loses the trust or the confidence of the people of their district, there is no mechanism by which the Member or the citizens of that district can hold their Member accountable.

Recall is an extreme measure. The hurdles that we have in our legislation will make it very difficult to recall a Member of the House or of the Senate, but it provides that opportunity where the trust between the Member and the citizenry has been broken, for the citizens to go through a petitioning process and to call for the recall of their Member of the House or of the Senate.

It moves accountability and the ability to hold a Member accountable during a term of office back to the people, another element of our Voters' Bill of Rights.

The third element of our Voter Bill of Rights, and there are a couple of others, but the only other one that I want to highlight this evening, it is something that I saw for the first time 3 years ago, and I kind of chuckled the first time I saw it, but then I actually figured out how it worked.

What this calls for is FOR the States in the election process to list the individuals who have qualified through a petitioning process, or have qualified through a primary process. So it lists the names of the individuals who have qualified to be on the ballot in a November national election or House election or a Senate election. It has the names on there, and then it is going to add another interesting little category. It is going to add the category: None of the above. We call it NOTA, None of The Above.

So often we hear our citizens saying, we are not really satisfied with the choices that we have. In this new process, they can vote for the individuals that are listed or they can vote for none of the above. If none of the above receives the majority of the votes, a new election will be held, and the individuals that were on the original ballot will not be eligible for this second election.

RESTORE CRIME PREVENTION DOLLARS IN H.R. 2067

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 30 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, today we are debating H.R. 2067, which was the legislation that we debated earlier today and the legislation we will resume debating on tomorrow. On tomorrow we will introduce an amendment to this piece of legislation to restore money for an interest that I have, an interest that I feel is very important to the American people, and that is the prevention dollars that were taken out of the bill and put in a block grant form and give the States the discretion to use money, either for prevention or for incarceration.

Mr. Speaker, I think one of the problems we have in this country, we fail to realize one of the problems with crime, is that we do not put money where I believe it needs to be, and that is in the area of prevention. If we just send block grant money to States and let them make the decision as to where they want to spend this money, we could very well end up with 90 percent or 100 percent of the dollars that we send to a particular State being used in incarceration, building more jails and prisons, and not dealing with the root of the problem. And in my opinion the root of the problem is in fact prevention.

The amendment that I introduced today, as a matter of fact, Mr. Speaker, and will debate on tomorrow will provide that 10 percent of the funding must be used for crime prevention, which would allocate about $200 million of the total $2 billion that is allocated in this appropriation to crime prevention. It just makes basic sense to me, Mr. Speaker, that we take 10 percent of the dollars and use it for crime prevention.

We passed the legislation last year to appropriate about $30 billion to fight crime. We allocated X number of dollars to go toward building jails and prisons, and we also allocated X number of dollars that would go toward prevention, because we felt that was a balanced approach.

We felt that in order to fight the real crime problems in this country, you had to do it twofold, not only just build jails and prisons, but also have drug treatment, also have educational programs and recreational programs for youth all across the country.

In this bill, I am sad to say, this bill does not address that problem. Many argue that you can use the money for crime prevention or you can use the money for incarceration and enforcement. That is absolutely true. But the trend in this country is many States are using money only for locking people up.

Let me tell you why prevention makes sense, Mr. Speaker. Prevention

makes sense because if you look at my own State, the State that I come from, the State of Louisiana, in the State of Louisiana we have the highest incarceration rate per capita in the whole country. We also have the highest high school dropout rate.

If you look at the people incarcerated in the State of Louisiana, 80 percent of the people who are behind jail cells in Louisiana are high school dropouts. So it does not take a rocket scientist to realize that education and incarceration does have some nexus. It makes more sense that if we spend $60,000 to build a jail cell and then $30,000 a year to maintain that jail cell, it just makes more sense to me that we put that kind of money in education, when we only spend about $4,000 a year to educate a child.

So this amendment that I will introduce tomorrow, Mr. Speaker, will do just that. Up to $2 billion that we will allocate for enforcement and crime and crime prevention, we will earmark 10 percent of that, which would be $200 million, that will be designated for the sole purpose of crime prevention.

On another note as relates to crime prevention and education, I am going to introduce another bill, because I have gotten to the point that I am somewhat tired of us debating the issue of crime on the floor of the House of Representatives and never talking about the real root of the problem, and the real root of the problem is prevention.

I am introducing legislation that would deal with one of the main roots of the problem, and that is education. It is ironic that we have spent time, days and nights debating the crime bill and appropriate billions upon billions of dollars to put people in jail, and by the same token, we spend very little time talking about how to provide education to our children.

There were discussions on this very floor to eliminate the Department of Education. How can anyone even entertain the thought of eliminating the Department of Education in this country? What message do we send to our children?

I am introducing a national education plan the latter part of this week on this House floor that will provide for a national educational trust fund. Those moneys will be used for three purposes and three purposes only, Mr. Speaker. One, moneys will be used to provide a book for every student for every subject. I think that is a commitment that we as Members of the Congress ought to make. There should not be a student who walks into a public school in America that does not have a book, the very basic requirements, a book for every subject.

Some may think that is very radical. But we spent $30,000 to build a prison cell, but we will not spend $10 to buy a kid a book and guarantee every kid in America who goes to a public school have a book for every subject that he or she engages in.

□ 2115

How do we expect teachers to teach and kids to learn if they do not have the proper tools; so I just think that is basic sense and basic logic for me.

The second part of this legislation I will introduce will deal with infrastructure. I am sick and tired of walking into schools all across this country and the schools are in worse conditions than in our jails. I have visited schools and jails, and, when I visited jails in Louisiana and in this country, the ceilings are never leaking, the air conditioners are always working, the infrastructure is absolutely gorgeous, but when you visit public schools in this country, unfortunately many times the ceilings are leaking. I mean the building is about to collapse. But yet we study, put down more and more money into jails and prisons and fail to make the investment in our children and in our schools.

And lastly this bill would provide for the funding of teachers' salaries. We take money and put—I think the national Government, the Federal Government, has an interest in what we pay teachers. You know we cannot any longer expect teachers to work and raise a family for little or nothing. I mean teachers cannot buy bread and milk cheaper than anybody else. So I think we have to make that investment now.

Many say how are you going to fund this. I mean we are facing trillions of dollars of debt. And we have a deficit. I mean how are you going to fund it? It sounds very great to stand up on the floor of the House and talk about providing a book for every student and providing teacher's salaries as well as building new schools and improving infrastructure of the schools we presently have.

Well, there is a proliferation of gaming that is taking place all across this country. You know I think we ought to have a Federal tax on gaming, 5 percent, and that 5 percent ought to go to a national education trust fund, and those dollars ought to be used solely for the three purposes I enumerated on the House floor tonight, and it is amazing what we will do with education in this country if we can put those kind of dollars in education.

I see the gentlewoman from Texas is standing in the well, and I would be happy to yield to the gentlewoman

Ms. JACKSON-LEE. Mr. Speaker, as I listened to the gentleman give us really an agenda, because someone would be listening and ask the question how do we pay for many of the things that I heard you express concern about, but the real question becomes how do we focus, what are our priorities, and you mentioned education taking some of the most devastating cuts, chapter 1, many of our rural and urban schools where children need an extra leg up or an opportunity.

Again I always emphasize it is not a handout, it is a hand up, but yet we are going almost to the bone on programs that provide special educational opportunities for our children. There is a lack of focus. The infrastructure where we find that our children go to schools with leaking roofs and windows that do not shut or those that shut tight and they cannot get any air.

Then we have a situation where we say to our seniors, and in fact I want to emphasize again, and I was on the floor of the House saying this before, it is not just our seniors that are impacted by Medicare and Medicaid. We want to do a $270 billion cut, not because we have heard from the task force put together to assess the condition of Medicare, and they did indicate that Medicare needs to be reformed, but specifically they said it needs to be reformed in the context of a total health reform package, and they also mentioned that what needs most to be emphasized in Medicare reform is elimination of fraud and abuse. No one disagrees with that. But I do wonder about the $270 billion cut that is now proposed by Republicans to give a tax cut to those making over $200,000 and then another proposal to voucher those individuals receiving Medicare benefits.

And so the question becomes focus because, if you eliminate and cause seniors to have to pay an increase, which they will, in the amount of the Medicare premium, the balance is going to come on the backs of those seniors, either that they will not be able to pay that increase and, therefore, their health will go down, their health maintenance program will go down, or they will choose between eating and health care.

But more importantly for those of us who think, well, it does not impact me, those are our parents who will have to come back into our homes or rely upon the meagerness of the income that you already have while you are trying to raise your children and send them to college on a cutback on student loans by the way, and then you have to face the concerns and the needs of your parents.

It is a question of focus, and I was looking, if the gentleman would yield just a little bit more, on what we do in terms of crime. We stood here today, and argued, and tried our best to bring some reason to the Department of Justice appropriations. That is also a question of focus. When we had already in the 103d Congress—my predecessors; I was not here—had already reconfirmed the value of having cops on the street, community policing, we had confirmed through the crime bill of last year that it is important to have preventive programs, late night parks that are used in the city of Houston, the DARE program, drug-free schools, very, very important measures to get to young people and say, ''Be a part of our gang and not theirs.''

What do we get? A slashing of that program so drastically, and, when we come back with a very measured, reasoned proposal to include the cops on

the beat program, to include more preventive programs for our children, and also to include the violence against women prevention programs and support for those kinds of programs under the Violence Against Women Act, what happened? We reject it, or it was rejected by the majority.

And so I think that we have a problem with focus in this appropriating process, and we are not focused on the future, we are not focused on those who need the extra helping hand.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentlewoman for her comments, and she certainly makes some very strong points in both areas, first in terms of the seniors. I mean it is so important that we not forget about those people who have worked hard all of their lives, who have built this country, and their mothers and fathers, and their grandmothers and grandfathers, those people who built this country, and who worked hard, who fought our wars, who served in our governments and who just did basic things, those people who worked in hospitals and those people who worked in schools, and to say to our seniors now that you are just not important anymore to me is absolutely asinine and unconscionable to say the least.

So, we have to have some consideration when we talk about this whole issue of Medicare because it is an important issue, and it will impact when you talk about billions of dollars in cuts.

You know you could call it what you want to call it. It is a cut, and it will impact a bunch of senior citizens in this country, and I am glad that the gentlewoman took the time to stand up in the well tonight to talk about the need to preserve programs such as that and the need to protect elderly people in her own State in Texas and all across this country. So I thank the gentlelady.

I yield to the gentlewoman for just a second.

Ms. JACKSON-LEE. One of the things that moved me most when I go home to the district would be those who would say, ''Do not cut me off Medicare.'' It was not individuals who did not realize that we had to make sure Medicare survived into the 21st century. They were not being selfish, but they wrote letters or have written letters to my office asking are those of us who are going to be put off? Are those who will become eligible in the year 2000 not be able to secure the necessary health maintenance and health benefits necessary for what has been very positive in this country, which is old age, the ability for our citizens to live longer and healthier lives; is that something that we should give up when most nations look to this country in admiration that we can do that for our seniors?

And then let me just add to the focus question to include two other areas, and that is the question of homelessness. We had begun to make strides in the homeless area serving homeless persons. Again let me emphasize a hand up and not a handout. We had uniquely been able to focus on what we call transitional housing that allows people to get support services and survive. What do we do? Drastically cut transitional housing because there is not a focus, pitching one support need against another, and then they take it a step further and put in jeopardy the Ryan White treatment dollars.

Mr. Speaker, I recall when these moneys were first proposed for AIDS treatment that Houston was then 13th on the list. It may be 7th now in HIV cases, and so the Ryan White treatment dollars are a vital component of treating those with this deadly disease and, as well, carrying forth the message that we care, but most importantly, that we are in partnership with local health entities that face and have the greater burden for HIV cases. Are we saying to them that we, the Federal Government, are throwing up our hands, we are no longer going to be partners in this very vital effort that we are making both in AIDS and in homeless? And those living with AIDS will now be impacted by not having dollars that may be helpful.

Mr. FIELDS of Louisiana. I thank the gentlewoman for her comments and, taking it a step further, in the VA–HUD appropriations they also cut off moneys for national service. I mean eliminate the President's program on national service. Now here was a program, or here is a program, that dealt with kids who were caught in the middle and parents who were caught in the middle, I mean parents who made a little bit too much money to qualify for Government assistance to send their kids to college, but did not make enough money to afford to send their kids to college on their own. So last year we came up with this innovative idea. We said we are going to have a national service program under the President's leadership, and it was a program that did not have an income criterion. If you want to volunteer your services and work your way through college or work your way even after college and pay off your student loan because of the high default rate we had among students who graduated, and even those who did not graduate from college, so this Congress came up with a unique idea to provide a national service program for kids, young students, who decided to go to college, and work their way through college and work with nonprofit organizations.

In this legislation, it totally wipes out that program, zero dollars, not phased down, but wiped it out. I mean 20,000 kids right now and today are benefiting from the national service program what will not be in effect in 1996 if this appropriation passes this House.

You know I mean what are we saying? On one hand we are telling seniors we are going to cut Medicare, on the other hand we are telling young people we are going to cut out drug-free schools in communities and national service programs. And then we tell them God knows if you have AIDS in America, then you are going to be cut out of public housing. I mean zero, not phased down. I mean zero.

I mean to zero these kinds of budget items to me is you have got to have a hard conscience or no conscience to make these—to come to these kinds of conclusions. I mean from the elderly to the youth, to those people who need assistance, the most—you know, people with AIDS—to tell them that they are no longer going to have this kind of public assistance as relates to housing—you know, what is wrong with the conscience of this Congress to be making such drastic decisions?

In fiscal year 1995, for example, we appropriated $18.7 billion for housing programs; in 1996, only $13 billion were appropriated, which means that is going to be a $4.9 billion cut. I mean $4.9 billion; that is a 26-percent cut in this program. Assisted housing programs, 1995, we appropriated $11 billion. Next year we are going to appropriate, according to this legislation, $10 billion. That is a $1 billion cut. Well, you say that is a $1 billion cut. What is wrong with a $1 billion cut? Well, let me tell you what is wrong with a $1 billion cut.

First of all, it is 9 percent, and you have more homeless people. We have 600,000 families in America right now today who are homeless. We are not fixing the problem. We are adding to the problem when we cut assisted housing programs and homeless programs to the degree that we are cutting them in this budget.

I mean homeless programs. This year we appropriated $1.2 billion. We are going to cut about $576 million. I mean next year we are going to appropriate $576 million, which will provide a $544 million cut in the homeless program, not to mention what we are going to do to the environment.

☐ 2130

We are talking about how we need to preserve the air, water, and soil. But if we do not have an agency that has the wherewithal to do that, then we are failing. We cannot grow more land in America. It is the Federal Government's responsibility to preserve the air and preserve the water and preserve the soil.

That is our responsibility, in my opinion. If we do not do it, who will? Are we going to just depend on somebody from space to protect the air and environment that we live in?

We talk about deficit reduction. We have a deficit reduction as relates to the environment as well. There are a lot of cleanups that we must provide, a lot of cleaning up that we must engage in right here in this country.

In my own district, I have several Superfund sites. There needs to be an agency in Baton Rouge, LA, next to a community called Ethel and next to a community called Scotlandville. There

is a polluted Superfund site that needs to be cleaned up. But will the EPA be able to do it? We appropriated $7 million last year. Next year, they will appropriate only $4 million, $2.3 million cut, 32 percent.

We expect our kids to look at us and say yes, son, we are going to make sure when you go fishing 10 or 20 years from now you can fish in clean water. When you walk outside you can breathe clean air. When you decide to grow crops, you are going to be able to turn over clean soil. Yet we are failing to provide EPA the kind of mechanisms they need to protect these natural resources.

Ms. JACKSON-LEE. The gentleman from Louisiana does not know how right he is on the Environmental Protection Agency. I am as we speak dealing with a problem of lack of resources: An area in a community of 3,000 homes of individuals in my community, in the 18th Congressional District, Pleasantville, bedroom community, stalwart citizens, experienced in their nearby neighborhood, a very tragic, if you will, and disturbing fire of a warehouse that contained hazardous materials.

We have been trying to work for weeks now in order to get the resources put in by EPA that is so downsized already, to get into this area and do additional testing. That is why I am so opposed and concerned about a $2 million cut, because when neighborhoods that need to be secure, people who live in communities, have invested in their property, suffer this threat so close to their community, and then when we call upon the resources that need to be utilized for testing, to protect their lives but as well to make sure they are safe in their living conditions, we face this response of downsizing and no resources.

It is the same kind of response that you hear with the homelessness and that you hear with the question of the AIDS treatment, and the same kind of response that you may have to give now those 99.1 percent of Americans that have Medicare and Medicaid, that eventually you will have to say there is no more room at the inn.

The question that you have asked, I would like to answer, is that we do not have focus. We have taken away from the American people their dreams, their aspirations, and their hopes. I think once you do that you have turned away the responsibility of the Federal Government to capture hopes and dreams and aspirations of the American people. We have lost our focus.

Mr. FIELDS of Louisiana. Further in the environment portion of this legislation, as the gentlewoman knows, it also cuts money that deals with water treatment grants. Fiscal year 1995, we appropriated $2.6 billion. This year, for 1996, we appropriate $1.7 billion.

Now, there is some who probably do not appreciate, as I do, the need for these grants. I have several little small towns and villages in the district I represent that do not have water treatment plants and do not have the wherewithal, do not have the tax base to develop a water treatment plant.

I have citizens who live within the district that I represent who do not drink clean water everyday, not because they enjoy drinking water that is probably not safe. There are people who live in my district, I can give you a town; for example, the town of White Castle, I have an excellent mayor, Maurice Brown, who worked hard. We were just able to appropriate money to that town so they could improve their water situation. Before such time, we have citizens who were drinking water that had color in it. Some refused to drink it. Some just bought bottled water. Then they asked, Congressman FIELDS, I drink bottled water, but what do I do when I have to take a bath? Those kind of things. I do not think people really have a real appreciation of those kind of problems that really exist in rural America today.

To cut this kind of program to this degree will not allow this Congress to help small towns like White Castle. It will not allow this Congress to help little, small towns like the town of Donaldsonville and other small towns in rural America. That makes sense. It is through no fault of their own.

I want to thank the gentlewoman from Texas for coming out tonight to discuss some of these budget cuts in these appropriations bills, because they are devastating, and they will have an effect on real people back home in all of our districts. It is something we need to be cognizant of.

Lastly, I just wanted to say tomorrow, when we debate the amendment on the Commerce appropriation, that we will put 10 percent, earmark 10 percent of the dollars to prevention.

I would hope that Members of this body will stand up and support that amendment, because we cannot fight the crime problem in this country by only dealing with jails and penal institutions. We are going to have to fight it from both angles. That is incarceration, law enforcement, and prevention. I think that this bill fails to provide that.

PRESENTING THE FACTS ABOUT MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Kansas [Mr. TIAHRT] is recognized for 60 minutes as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, I come to the floor this evening to present to you and to the American people the facts about Medicare. The course of the discussion I will take is well-traveled, but I do not think that there has ever been a more pressing issued facing our Nation than the crisis concerning Medicare. I want to lay out the facts tonight and discuss the very immediate steps which must be taken to preserve and to protect Medicare for everyone who plans to live longer than seven more years.

I am going to start with the bottom line tonight and work my way backward, back to the point which brings me to this podium late this evening. We must keep one singular, simple, and brutal clear point in our minds as we utter every word in the debate about Medicare: According to the Medicare trustees, the Medicare trust fund, which pays the hospital expenses for Medicare beneficiaries, part A, will be bankrupt by the year 2002.

I have with me tonight that report that was issued by the Medicare trustees. This report goes into detail as to why the Medicare trust fund is on a path to go bankrupt by 2002. Mr. Speaker, if someone was wanting to get a copy of this, they should call the congressional phone line, which is 202–224–3121. Mr. Speaker, that is 202–224–3121.

At that point, the trustees tell us, the system as we know it today will cease to exist. All of the accusations we have had and the political bickering and the semantics are pale when we compare the simple fact that the Medicare trust fund is going bankrupt, when we lay that fact on the table.

Medicare is going broke and will not survive another generation unless we act to save it today. In a sense, Mr. Speaker, I am speaking hypothetically about this situation tonight, because, as the Republican Party, we are going to do everything we possibly and physically can to prevent that from happening. We intend to provide quality, affordable, easily accessible health care for all of our seniors.

Nobody likes to hear the word bankrupt. I guess if you spend enough time in Congress or if you work for the Government long enough it might not mean too much, but as someone who spent a lot of time in the private sector, in the real world, I have a healthy respect for the word. The concept is clear: Everyone out there tonight understands that when you expenditures consistently and substantially exceed your revenues or your reserves, you will go broke.

I think this chart that I have very clearly says it all. The part A trust fund is going to be empty by the year 2002. It starts here with the current trust fund that we have in 1995 of about $150 billion. You can see that as time goes on, as we achieve the next 7 years, by 2000 the line here is marked zero, and the expenditure line, the trust fund, cross at 2002. That is an indication that the trust fund is at that point broke. It has no more money in it. You can see after that it runs a deficit for the next few years.

This situation though goes way beyond the Medicare system. It affects our entire budget once we start running a deficit.

I firmly believe that this Congress was elected in large part to balance the budget. The President has finally admitted that if we can balance the budget, it will actually be good for our

economy. He does have a plan, but according to the Congressional Budget Office it will not work. He is admitting to having a problem. I think that is a significant start, and we welcome him aboard in the fight to balance the budget.

But the fact is, without significant reform to Medicare, it is almost impossible to balance the budget. As a Congress and a nation, we must reform Medicare if we hope to preserve and protect the system, and we must balance the budget.

The crisis to Medicare confronts us to some degree because of an aging population and an ever-expanding measure to provide better health care longer, but there is also an inherent deficiency in the current system which has led to explosive growth in Medicare, over 10 percent annually for the last 11 years. This, Mr. Speaker, is in part what we can control and where the solutions must be found.

Egregious cases of fraud, abuse, and waste do exist, but we will attack them. We will not completely solve the problem, and I guess technically Medicare could continue to operate as it does today. We would just simply require the next generation to pay a payroll tax rate of 19 percent by the year 2050.

But that is not acceptable. What we need to do is simplify, cut out the red tape, open more opportunities to our recipients as we do in the private sector. We can and must do it.

I just cannot go home at night and look at my three young children, knowing that even though none of them are out of high school yet, our generation, my generation, is planning how we are going to spend their money. And the key to protecting and preserving Medicare is to control the rate at which the program increases.

The Republican proposal is to allow Medicare to increase. Let me repeat that. Our proposal is to allow Medicare to increase, simply at a slower rate than the current double digits we have. But this plan provides for an increase per person of over $1,900 by the year 2002. This is a 40-percent beneficiary increase.

This chart that is entitled ''Medicare Spending Per Recipient in the Republican Budget'' indicates the increase. In 1995, the average expenditure per person is $4,860. That is going to increase to $6,7834 per person by 2002. We have heard a lot about the cuts going to Medicare, but it is actually an increase. One has to think that those who keep talking about cuts would be losing credibility when there is an acknowledged increase in spending to Medicare. But this rate of increase is both sufficient to maintain the integrity of the Medicare program for the current and future beneficiaries, and to ensure its long-term solvency and survival.

Mr. Speaker, I came to the floor tonight to engage the American public with these facts. I believe this effort to save the Medicare system is so imperative, because it goes much deeper than one specific program designed to provide health care assistance to the older Americans. I believe it is going to serve as a test of our resolve. We must come together, we must overcome contrived generational lines, we must overcome the temptation of the liberals to use class warfare, age warfare, because we must ensure that as American, the America we pass along to the next generation, our children and our grandchildren, is a little bit better because of our efforts, that government can be the highest and best. This idea does not seem to be embraced much anymore. It seems that each generation has grown increasingly more pessimistic about their future. I am concerned about this because this is not the vision of America which I want to pass on to our next generation. I think that if we can succeed today in this endeavor, we will not only save the Medicare system but resurrect some of the much needed optimism that our Nation has lost.

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There is a great need to preserve hope for the future. Just last July 4, I received news that I have a new nephew. His name is Kenan Tiahrt. He was born July 4, Independence Day, 1995. He represents hope for the future. I have three children myself, Jessica, who is 14; John, who is 10; and Luke, who is 7, and they are my hope for the future and why I am involved in Congress. We must give them the tools that they need to start on a hopeful optimistic career and it starts today with our efforts to balance the budget so we can preserve the Medicare system and protect it.

For our hopes to balance the budget we must be able to eliminate the unnecessary bureaucracy, and tonight I have with me several people who are going to be discussing how we are going to eliminate that unneeded bureaucracy and save the future for our children by balancing the budget. Tonight, speaking about elimination of the Department of Commerce, I have the gentlelady from Idaho [Ms. CHENOWETH], and I would like to yield to her for what time as he may consume to discuss the elimination of the Department of Commerce.

Ms. CHENOWETH. I thank the gentleman from Kansas for yielding me the time.

Mr. Speaker, it is exciting to hear the gentleman from Kansas speak about the reduction of the size of Federal Government with more than just words in round pear-shaped tones. To lead into the fact that we are truly a Congress committed to reducing the size of the Federal Government is truly exciting in this revolutionary and historic time in the U.S. Congress.

Mr. Speaker, after several months of careful study, our task force on the elimination of the Department of Commerce has put forward a well thought-out, responsible program for dismantling the Department of Commerce bureaucracy.

The plan consolidates the duplicative programs, eliminates the unnecessary programs, streamlines the beneficial programs, and privatizes those programs better performed by the private sector.

The plan has bi-partisan support and is also endorsed by many former Commerce Department officials. In addition, the elimination of the Department of Commerce was accepted into both the House and Senate budget resolutions earlier this year.

First, I would like to dispel the myth that the Department of Commerce is the advocate for American business in the federal government.

Business leaders of both small and large companies would be far better served if federal efforts were focused on cutting taxes, enacting regulatory and tort reforms, and more importantly, achieving a balanced budget.

Incentives such as these translate into real sustainable economic growth by way of lower interest rates, a boost in capital investment, and the generation of more jobs. Yet the ''voice for business,'' the Commerce Department, has been notably silent on these issues.

Instead of being the advocate for business, Commerce is a federal department that is involved in everything from managing fish farms in Arkansas to providing federal grants to build replicas of the Pyramids and the Great Wall of China in Indiana.

Commerce officials have been forced to defend the entire Department based on the limited successes of its trade functions, and in doing so completely miss the mark. Only 5 percent of Commerce's budget is devoted to trade promotion, a responsibility shared with over 19 other federal agencies. In fact, Commerce does not even take the lead in U.S. trade programs.

We are not, however, disputing the importance of many of the trade functions currently performed by the Commerce Department. We understand and agree that we must aggressively pursue foreign markets and provide inroads for American businesses.

My colleague, Congressman MICA, has proposed the reorganization of the federal government's trade functions into one coordinated Office of Trade. This will begin to consolidate a very fragmented trade process in our government.

There is no need for the Bureau of the Census to be in a Department of Commerce. This agency would be better included in the Treasury Department, as our proposal suggests, or as the foundation for an independent central statistical agency as others suggest.

The Patent and Trademark Office is another agency that bears little relationship to the other programs in Commerce, and because it is already a self-funding program, it pays a 25 percent stipend just be in the Department of Commerce. This Office could be transferred to the Justice Department,

where most legal issues of the federal government are addressed, or it could be made a government corporation as Chairman Moorhead of the Judiciary Intellectual Property Subcommittee has suggested.

The technology programs of the Commerce Department amount to little more than ''corporate welfare'' as Labor Secretary Robert Reich has suggested. A prime example of this corporate welfare is the Advanced Technology Program, which provides million dollar grants to some of the nation's industry giants.

The Department's own Inspector General notes the agency has evolved into ''a loose collection of more than 100 programs.'' The General Accounting Office goes further, reporting that Commerce ''faces the most complex web of divided authorities * * *'' sharing its ''missions with at least 71 federal departments, agencies, and offices.''

In fact, of these more than 100 programs, we found that all but three are duplicated by other government agencies or the private sector.

Former Commerce Secretary Robert Mosbacher has called his former Department a ''hall closet where you throw everything You don't know what to do with.''

Over half of the Department's budget is consumed by the National Oceanic and Atmospheric Administration, an agency that has nothing to do with commerce. The functions of this agency would find a much better home at the Department of Interior.

Commerce's claim that it has been a ''proven business ally at the Cabinet table'' holds little weight in the eyes of America's business community.

In fact, a June 5 Business Week poll of senior business executives illustrated support for eliminating the Department of Commerce by a two to one margin.

Several leading business journals, including the Wall Street Journal and the Journal of Commerce, have carried stories reporting on the lack of business support for the Department.

Mr. Speaker, regarding the majority of the Commerce Department's activities, what Department officials call synergy, others simply call confusion.

From the Census Bureau to the Travel and Tourism Administration, it makes no sense for these diverse and disjointed functions to be huddled together in one Department of Commerce.

The wholesale approach in defending the status quo at the Department, lumping the good with the bad, the efficient with the wasteful, is symptomatic of how we got into our deficit mess in the first place. We need to take a new look at how we do business at the Department of Commerce, not only to improve on the beneficial programs, but to save taxpayers' hard earned dollars.

The Department of Commerce Dismantling Act provides a blueprint for the orderly termination of this bureaucracy, eliminating the waste and duplication, saving the American taxpayers almost $8 billion over five years. This is one step we can and must take to create a more efficient and effective Federal Government.

Mr. Speaker, for the RECORD I include the articles referred to earlier.

[From Business Week, June 5, 1995]

A BALANCED BUDGET OR BUST

American business has spoken: Balance the federal budget, even if it means giving up corporate subsidies. That's the message in a new Business Week/Harris Executive Poll of 408 senior executives. A decisive 57% of corporate leaders said balancing the budget was a ''top priority'' that will only happen by setting a strict deadline. Only 23% felt such a step might harm the economy.

Given a choice between balancing the government's books or slashing taxes, 79% of executives opted for budget balance. Yet few thought it would actually happen: Asked if Uncle Sam's ledgers would be balanced by 2002, 86% said no.

FULL STEAM AHEAD

Republicans and Democrats are arguing over how to balance the federal budget. Which of the following statements comes closest to your point of view?

	Percent
a. Balancing the budget is a top priority that will only happen by setting a strict deadline	57
b. Balancing the budget is a worthwhile goal, but drastic cuts in federal spending could jeopardize the economy	23
c. The most important goal should not be balancing the budget, but rather setting different spending priorities	20
d. Not sure/don't know	0

SAYING YES TO SACRIFICE

Some Republicans say that the drive to balance the budget by 2002 will require most, if not all, business subsidies to be eliminated. Considering your specific industry, are you willing to forgo special tax incentives or spending programs for the sake of budgetary discipline, or not? [1]

	Percent
a. Willing to forgo tax incentives	57
b. Willing to forgo spending programs	56
c. Not willing to forgo anything	10
d. Depends on the circumstances	7
e. Not sure/don't know	6

[1] Respondents could pick more than one answer.

NO SACRED COWS

I'm going to read you a list of business subsidies or incentives that might be eliminated in order to balance the budget. Should each of the following be eliminated or not in order to help balance the federal budget?

[In percent]

	Should	Should not	Not sure/don't know
1. Farm subsidies	83	13	4
2. Incentives for energy development and efficiency	65	27	5
3. Federal loan guarantees	65	29	6
4. Export-promotion programs	59	34	7
5. Research and development support for emerging high-tech industries	51	45	4
6. Small-business grants and loans	49	47	4

AXING AGENCIES

Supporters of a balanced budget are proposing to eliminate some federal agencies. Do you oppose eliminating:

[In percent]

	Favor	Oppose	Not sure/don't know
1. Energy Dept	71	24	5
2. Housing & Urban Development Dept	69	27	4
3. Commerce Dept	63	33	4
4. Education Dept	52	46	2

READ OUR LIPS

Separately, GOP spending proposals would balance the budget by relying exclusively on spending reductions. As a last resort, would you favor or oppose modest tax increases to help balance the budget by 2002?

	Percent
a. Favor modest tax increases	39
b. Oppose modest tax increases	57
c. Not sure/don't know	4

TOP OF THE AGENDA

Which of these issues is THE most important to American business

	Percent
1. Balancing the federal budget	31
2. Improving the U.S. educational system	28
3. Helping to make U.S. companies more competitive globally	17
4. Cutting taxes	9
5. Fighting crime and drugs	6
6. Reforming the welfare system	5
7. Providing guaranteed health care for all Americans	1
8. Reforming campaign finance laws	0
9. Not sure/don't know	3

NO TIME FOR TAX CUTS

Which do you think is more important—balancing the federal budget or cutting taxes for business and individuals?

	Percent
a. Balancing the federal budget	79
b. Cutting taxes for business and individuals	19
c. Not sure/don't know	2

YE OF LITTLE FAITH

All in all, do you think the federal budget will be balanced by 2002 or not?

	Percent
a. Will be balanced	11
b. Will not be balanced	86
c. Not sure/don't know	3

[From the Journal of Commerce, June 27, 1995]

COMMERCE DEPARTMENT SEEN LESS VITAL THAN DEFICIT CUT—BUSINESS SUPPORT WANES FOR AGENCY

(By Richard Lawrence)

WASHINGTON.—The Commerce Department, struggling against its abolition by Congress, is mustering little business support.

Although Commerce is the business community's most vocal supporter in the administration, most business executives say budget deficit reduction is more important than retaining an advocate in the Cabinet.

However, there is growing support that Commerce's duties, especially regarding international trade, be distilled into a new Cabinet-level trade agency.

House and Senate leaders agreed last week to a budget resolution to eliminate the department by fiscal 1999, although some of its functions, such as the Census Bureau, Patent Office, Weather Bureau and import and export administrations would be transferred to other agencies or made independent.

The resolution, however, is not building, and senior Commerce officials maintain that ''at the end of the day'' the Commerce Department will prevail.

''I'm optimistic,'' said Jim Desler, a Commerce Department spokesman, ''that the department's essential functions will remain intact, although there may be some (funding) cuts.'' Business support for Commerce is

gaining momentum, he said, and will likely become more visible as the congressional proposals are more closely analyzed.

The department's fate will be up to a number of congressional authorizing and appropriations committees, though the president could have the final say. An early tip as to how Congress may proceed may come Wednesday when a House Appropriations subcommittee takes up Commerce's fiscal 1996 funding.

To survive, Commerce officials acknowledge, the department probably needs solid support from business groups, in particular small and medium-sized firms. But that has not yet come.

A spokesman for the National Federation of Independent Business Inc., which represents more than 600,000 small businesses, finds among federation members little support for keeping the Commerce Department. It is more important, they feel, to cut the federal deficit than save Commerce, he said.

The U.S. Chamber of Commerce reports its members feel the same. The key, says Willard Workman, the chamber's vice president-international, is that lower budget deficits translate into lower interest rates and higher profit. Commerce's budget fund about $4.6 billion a year.

''I've received only four phone calls from member companies asking that we lead the effort to save the department,'' Mr. Workman said. The chamber has more than 200,000 members.

But, he added, the chamber is open to proposals to consolidate the administration's trade functions, in particular the export controls bureau and the import administration, which investigates unfairly priced imports. Those functions must be retained, he said.

Others are more directly suggesting a possible new trade agency. The National Association of Manufacturers, in a letter to a House Appropriations subcommittee, argues that ''some elements of Commerce's trade and export functions should remain together under the leadership of a Cabinet-rank official.

A similar call came from the Emergency Committee for American Trade, which represents about 60 U.S. based multinational firms. U.S. business, like labor and agriculture, must have Cabinet-level representation, said Robert McNeill, the group's executive vice chairman.

Business spokesmen and the Commerce Department clearly share one view: strong opposition to a House Republican bill to scatter Commerce's trade functions to different agencies.

Meanwhile, support to be growing in Congress, although proposals differ over how this would be done.

Sen. Christopher Bond, R-Mo., promises to push for a consolidated, Cabinet-level trade agency once a bill to dismantle Commerce reaches the Senate floor. Senate Majority Leader Robert Dole, R-Kan., is reported considering the idea of a trade agency, but one below Cabinet-level status.

In the House, Rep. John Mica, R-Fla., is about to introduce a trade agency bill, which unlike Sen. Bond's proposal,includes the U.S. Trade Representative's office.

By mid-July, Sen. William Roth, R-Del., the Governmental Affairs Committee chairman who has long proposed a department of international trade, will hold hearings to explore these and other views. And House Speaker Newt Gingrich, R-GA., has said he favors a congressional task force to examine how best to organize the government's trade-related activities.

It probably will take a year or two, perhaps longer, to sort out the Commerce Department's future and more specifically how the government's trade activities should be organized, business spokesmen estimated.

[From the Wall Street Journal, May 11, 1995]

ORPHAN AGENCY—A LITTLE OF EVERYTHING IS DONE AT DEPARTMENT OF COMMERCE TODAY—VAGUE MISSION IS ONE REASON IT MAKES GOP HIT LIST; BUSINESS SHEDS FEW TEARS

(By Helene Cooper)

STEPHENS PASSAGE, ALASKA.—The officers aboard the U.S. ship Rainier are smartly dressed, in khaki maritime workwear. In the captain's quarters, polished wood gleams brightly. At the helm, Lt. Commander Art Francis guides the vessel as it surveys the clear waters of southeast Alaska. ''I love this job,'' he says.

At the National Marine Fisheries Service in Seattle, meanwhile, government scientists work to determine the migration and breeding habits of the dwindling stock of Pacific salmon.

Nearby, workers from the Hazardous Materials Response and Assessment Division await the phone call that alerts them that there has been an oil spill—anywhere in the world. Then they whisk off to help in the cleanup.

These federal employees aren't from the Navy, the Fish and Wildlife Service or the Environmental Protection Agency, as their job descriptions might indicate. They work for the Commerce Department.

The Commerce Department? The tentacles of this cabinet department, marked for elimination by the Republican-controlled Congress, spread across the country and into the ocean. The Rainier, in fact, is but one ship in a fleet of 25 Commerce Department vessels commanded by three admirals.

With a loosely defined mandate to aid U.S. businesses, the department, with 37,000 employees and a $4.2 billion budget, is a hodgepodge of bureaucratic functions, some overlapping with other agencies. It is currently involved in tasks ranging from trade talks with Japan on cars to scientific research on the zebra mussel. Commerce, its critics say, is the very symbol of bureaucracy run amok.

Given the millions in business subsidies and technology awards that Commerce has doled out to U.S. businesses, one might expect its corporate beneficiaries to be leaping to the department's side as the budget-cutters approach; Not so.

Consider the congressional testimony of Eastman Kodak Co.'s Michael Morley, a human-resources executive whose boss accompanied Commerce Secretary Ron Brown on a trip to China to try to nail down some contracts. At a House Budget Committee hearing on how to streamline government, Mr. Morley noted that Kodak planned to ''sell, discontinue or close those businesses and functions that were not germane to our vision'' and added: ''For the federal government, an example might be closing the cabinet agencies of the departments of Commerce or Energy.''

DEFINING THE MISSION

Robert Mosbacher, Commerce secretary in the Bush administration, is harsher still. He calls his former cabinet office ''nothing more than a hall closet where you throw in everything that you don't know what to do with.''

With the party of business now in control, these should be salad days for Commerce in the Congress. Instead, Republicans are talking about either a gradual death (in the Senate budget plan) or summary execution (the House's plan) for the department of business. Part of the problem is that no one can quite figure out what business, exactly, the Commerce Department should be in. Even top officials of the agency have a hard time describing.

''We are at the intersection of a variety of significant policy areas that spur economic growth,'' says Jonathan Sallet, Commerce's policy director. Commerce, he says, ''is about combining them into effective parts of economic strategy. The strength of this department is in the fact that we make that connection.''

SOME GOODIES

Commerce does offer some goodies that business likes, such as $400 million-plus in annual awards for research in electronics and materials. But corporate lobbyists say these don't compare in importance with the feast of legislation they would like from the GOP Congress: tort reform, regulatory relief, a capital-gains tax cut and a scaling back of environmental restrictions. And even some Clinton administration allies appear hard-pressed to defend this bureaucracy. Asked if Commerce should get the ax, C. Fred Bergsten, director of the Institute for International Economics, replies: ''I don't think much would be lost.''

Adding to the department's woes is the battering that Secretary Brown has taken on questions about his private dealings. While Mr. Brown has received extensive media attention and praise for his work at the department, he is hobbled by a Justice Department investigation into how he made $400,000 from the sale of his assets in an unsuccessful company in which he invested no money and little time.

There is no question that some useful work gets done at Commerce, particularly in the National Weather Service. At the National Oceanic and Atmospheric Administration, the Commerce arm that runs those ships (and that takes up almost 50% of the departmental budget), scientists do research aimed at averting oil spills. Map making that goes on aboard the Rainier is crucial to making sure tankers don't run aground.

But Commerce officials have a hard time explaining why some of these important functions belong in the department, and why others shouldn't be privatized. For example, some of the oceanic research—into zebra mussels, shark feeding and disposal of crab wastes—could be handled by industries that care about such things.

They are also often at a loss to explain how the department has grown so big. Mr. Mosbacher's hall-closet analogy isn't far off the mark. Departments and agencies that didn't fit in other cabinet offices were, over the years, simply tacked onto Commerce. This haphazard growth is typical of the federal bureaucracy. So too is the inertia and turf protection that may make it hard to do away with the department.

LIFE AT HAZMAT

Take a look at the Hazardous Materials Response and Assessment Division, often called Hazmat. A Commerce arm based in Seattle, Hazmat has branches in all the major coastal cities. It employs some 100 biologists, chemists, oceanographers, geomorphologists (geologists who work on beaches) and geologists who ''dash off to oil spills around the world,'' says David Kennedy, Hazmat's chief.

Mr. Kennedy explains the mission: ''We're a liaison and technical support to the Coast Guard for oil spills and hazardous-material spills,'' he says. ''We're involved in how to clean up the mess. . . . How clean is clean?''

If these duties sound similar to the EPA's; that's because they are. Hazmat scientists routinely work with EPA people. Critics say the agencies could probably be merged, and overlapping jobs cut.

No, Mr. Kennedy says, Hazmat is different. EPA's mandate is to focus on human environmental dangers, he says, while Hazmat focuses on spills that affect shipping and commerce. So he says Hazmat needs to remain separate.

Leonard Smith, a regional director of Commerce's Economic Development Agency, makes a similar argument in explaining why the Commerce Department is helping create a university in Monterey, Calif. When the nearby Fort Ord military base closed, officials were frightened for the local economy. ''Who's left to come in and help the community?'' Mr. Smith asks.

Who else but Commerce? So last year, the department put $15 million into turning the base into California State University at Monterey, whose doors will open to 1,000 students in September.

But if California needs another campus for its sprawling university system, shouldn't whatever federal help was needed have come from the Department of Education? No, says Mr. Smith. ''We're not just creating universities, we're creating jobs.''

At Commerce, job creation is taken especially seriously when the jobs belong to the department itself. Officials are upset over a proposal from Sen. Jesse Helms of North Carolina to return the department's U.S. and Foreign Commercial Service to the rival State Department where it rested before 1980. (''They're still stuck in the Cold War over there,'' a senior Commerce official says.)

EXPORTS AND JOBS

So Commerce has mounted a public-relations offensive. Reporters were brought in recently to tour the office's new export-advocacy center, where U.S. companies trying to enter complicated foreign markets can seek aid. Security is tight; special codes and complex locks restrict entry. One mission is to track the 100 biggest business deals around the globe for which American companies are competing. In an almost eerie display, a bank of empty computers each display the same message in purple letters against a turquoise background: ''Exports—Jobs.''

This is the Commerce Department's byword, and it has fueled a drive by Secretary Brown to open foreign markets. Mr. Brown has led corporate delegations to China, Brazil and Africa, helping to forge new contracts valued at $25 billion and creating 450,000 new jobs, according to department estimates. Past Commerce chiefs, including Mr. Mosbacher, also stumped on foreign territories for U.S. companies, but none with the zeal or effectiveness of Mr. Brown.

But even in this high-profile line of work, Commerce comes under fire. ''There's no economics in the argument'' that export promotion creates jobs, contends Robert Shapiro, a Clinton political ally and vice president of the Progressive Policy Institute, a Democratic Party think tank. ''These export subsidies certainly don't reduce the trade deficit. All you can do with [them] is increase jobs for companies with the clout to get the subsidy. But that's at the expense of industries that don't have that clout. You're just shifting things around.''

FAINT PRAISE

Given the energy Commerce spends seeking foreign business, one might think U.S. companies would be rushing to defend at least these Commerce initiatives from the Republicans' ax. Most aren't

''A few of their programs I see value in,'' says a lobbyist for a large U.S. company that has received several Commerce research subsidies. ''But the entire department, with what it costs to run it? It's hard to justify.''

For his part, Mr. Brown calls the proposals to eliminate his department ''the height of nonsense.'' He argues that rather than make it smaller Congress should make it bigger, a sentiment that President Clinton apparently shares. Commerce's fiscal 1995 budget is 28% higher than that for fiscal 1993.

''I think you can made a reasonable argument that money spent in Commerce gets more bang for the buck than anywhere else in government,'' Mr. Brown says. ''It attracts private investment. It creates jobs for the American people.''

And Commerce may be saved by the very thing that makes some people want to kill it: its long reach. If Commerce is axed, asks one of its midlevel bureaucrats, ''Who would forecast the weather? Who would do the census? Who would operate the Appalachian Regional Commission? Who would take CEOs to China?''

In fact, the Republican proposals to drop the department would save some of its key functions, such as weather forecasting, by putting them elsewhere. There are those who say talk of eliminating Commerce is a deceptive attempt by politicians who want to give the appearance that they are cutting government waste. ''You have to distinguish between programs that actually abolish Commerce and programs that simply eliminate the letterhead,'' Mr. Shapiro says.

Consider the antics of Republican Sen. Spencer Abraham, head of a Senate panel to consider eliminating Commerce. ''There is simply too much waste and duplication,'' he said last month. ''Our goal is to make government more efficient and less expensive.''

But the senator is from Michigan, where zebra mussels are clogging sewage pipes. Three days later he voted to restore $2 million for zebra-mussel research in the Commerce Department.

Mr. TIAHRT. Mr. Speaker, I appreciate the gentlelady from Idaho talking about a very necessary method of removing the unneeded bureaucracy, and we have on the floor with me tonight the author of the bill to dismantle the Department of Commerce, and I think that we should commend the gentleman from Michigan [Mr. CHRYSLER] for his efforts to eliminate the bureaucracy because it is really an historic event.

I was not surprised in my own efforts to head up a task force to eliminate the Department of Energy when I went to the Government Accounting Office, or the GAO, and I asked them how do you dismantle a cabinet level agency, and they said, well, we simply do not know. We have only been in the business of creating Government agencies and we have never dismantled one before.

So what the gentleman from Michigan [Mr. CHRYSLER] is doing now is he is going through the process of finding the best way to eliminate the Department of Commerce, and it is quite a task, an historical task, and one that has never been taken on.

There are some questions I personally have about how it is going to occur and I wanted to engage in a colloquy with the gentleman from Michigan [Mr. CHRYSLER] to see if we cannot bring out into the open, Mr. Speaker, some of these issues.

I think one of the most fair questions is, is the gentleman's proposal simply a reshuffling of boxes on an organizational chart, or is it a serious transformation of a Government bureaucracy? Would it not be better to cut the fat out of the current Commerce Department, or is it better to eliminate the entire department?

Mr. CHRYSLER. Well, I thank the gentleman from Kansas, and that is a very good question.

Mr. Speaker, certainly as we looked at dismantling the Department of Commerce, it was a product of over 6 months of study by a task force of several Members of Congress: MARK SANFORD, MARK NEUMANN, from Wisconsin, HELEN CHENOWETH, of course, who we just heard from, and SUE KELLY, from New York; JACK METCALF from Washington, WES COOLEY, and JIM TALENT, our token sophomore on this group, as well as former Commerce Department officials and outside policy experts.

We looked at each of the over 100 programs within the Department of Commerce and asked three simple questions: No. 1, is this program necessary and should Government be involved in it, and is it worth borrowing the money to pay for it only to have our children pay it back? Is it necessary? Does the Federal Government need to be involved, or is this something better left to States, communities and/or individuals? If the Federal Government does need to be involved, are we currently doing the job in the most effective and efficient manner?

I think my colleague from Idaho, HELEN CHENOWETH, could tell me a couple of real life examples she has experienced out in the great northwest.

Ms. CHENOWETH. I thank the gentleman for the time.

Mr. Speaker, we have some very interesting experiences that we are going through in the great northwest and it involves the Endangered Species Act. By listing a species known as the sockeye salmon or the spring or fall Chinook salmon, because this is a species that crosses State lines in its trek back to its spawning grounds or spawning habitat in our streams in Idaho, it naturally falls under the Department of Commerce. Therefore, the National Marine Fisheries Service is competing with the Fish and Wildlife Service, Department of the Interior, as well as various other agencies, including the U.S. Army Corps of Engineers to manage this particular species.

In trying to manage the species to get it to the point where it is no longer endangered, they have proposed doing away with numerous dams, but, most importantly, because water is such a precious resource in the arid west, we find an agency under NOAA, under Department of Commerce, literally taking command and control of our water in the Western States.

Due to the planning of our Founding Fathers and the people who forged the western States and forged the living and the communities and built the irrigation systems and the reservoir systems, very well thought out systems, we were able to turn the west into a productive community. Today we have an agency, the National Marine Fisheries Service, who is calling on our water in our storage reservoirs over State law. They are ignoring State law,

absolutely ignoring State law, and calling on the State water for a very questionable program called flow augmentation.

□ 2200

By calling on the water in the storage reservoir, this means the irrigators cannot apply the water to the land for their crops. Truly, because of the action of an agency under Commerce, it is exacerbating a problem that we commonly call the war on the West, because without water in the West, we are not able to grow our crops. We are not able to produce electricity.

For one agency, under the direction of the White House, to be able to command the U.S. Army Corps of Engineers to open the headgates and drain the reservoirs for a questionable program for the salmon is truly a taking of States' and individuals' property rights.

Mr. CHRYSLER, and Mr. Speaker, it is because, under Commerce, we saw an agency totally overreaching.

In addition to this, we have seen this agency, working with the Forest Service or the Bureau of Land Management, totally lock up our ability to work our resources in the West because no decisions are made. Our States are suffering under continual threats of lawsuits, and many of them are brought about by friendly lawsuits that are supported by the agencies.

So we look forward to having some common sense streamlining of agency responsibilities in the Northwest by doing away with the Department of Commerce and eliminating these kinds of responsibilities under the National Marine Fisheries Service, that has created so much confusion in the Northwest.

Mr. Speaker, I appreciate the time.

Mr. CHRYSLER. Mr. Speaker, certainly we can see that the Department of Commerce has been much more regulatory in nature than any kind of a supporter for the business community, and when measured against the criteria, the Commerce programs rarely live up to their expectations.

If we found a program that was duplicative in the Department of Commerce, we consolidated it. If a program was better performed by the private sector, then we privatized it. If it was beneficial, we streamlined it. If we found a program was unnecessary, then we eliminated it.

Mr. TIAHRT. I believe that you have laid out a good case for the elimination of the Department of Commerce, but does your proposal allow for an orderly termination? This is something, as we said earlier, that has never been done. Is it an orderly termination of this department that have you in mind?

Mr. CHRYSLER. What we are doing with this program, and of course we will vote tomorrow on the Commerce, Justice appropriations bill, and the thing that we are going to look at is in the consolidation of September 22, after the authorizers have acted, is to bring the House and Senate together and terminate the 21 different agencies that we are looking at in the Department of Commerce.

The Department of Commerce, as Ms. CHENOWETH has said, is a collection of over 100 programs and we had to analyze each one of those programs. Each member of the task force took a section of the Department of Commerce, looked at it very carefully, and made recommendations of what should be done with it. Seventy-one of them are duplicated someplace else in the Federal Government, so it was very easy to consolidate many of them.

Of the 100 programs, 97 of them were either duplicated someplace else in the Federal Government and/or they were duplicated in the private sector, so only 3 programs were really being done that needed to be done by the Government.

So we create a Department of Commerce Resolution Agency and that agency will be set up within 6 months and that agency will be a sublevel Cabinet position that will take care of resolving all of Commerce's business over a another 2½ year period.

Mr. Speaker, this is a very orderly transition to dismantle a department of Government, to give the people in this country a little less government, a little lower taxes. We want to let people keep more of what they earn and save, and make more decisions about how they spend their money and not Government, and we think that Americans will always make a better decision than the Government will.

Mr. TIAHRT. I am sure you have done a lot of research when you looked into how the Department of Commerce operates, and you must have spoken with past Secretaries of Commerce. What has been the reaction of not only the current Department of Commerce but also those who have headed up that agency in the past?

Mr. CHRYSLER. Well, certainly Robert Mosbacher, who was the last head of the Department of Commerce, has been a very strong supporter of the dismantling act. He has called this the hall closet where you throw everything when you do not know where else it should be.

In fact, the Department of Commerce, 60 percent of it is NOAA, the National Oceanic and Atmospheric Administration, which to all of us in America is better known as the weather. And when you look back through the history of this and start studying it, why did NOAA end up in the Commerce Department, you find that there was a point in Richard Nixon's presidency where he was upset with his Secretary of the Department of the Interior, and so he just took NOAA and gave it to the Commerce Department instead of putting it in the Department of Interior, where our bill will have it end up. That is where it rightfully should be.

Certainly the weather-related portion of NOAA will be in the Department of Interior. The satellites can be better managed by the Air Force, who does the best job in our Government of managing all satellites. I think, as we move through this process, looking at each and every area, there is a uniformed group in NOAA that will be eliminated.

We take this step by step in order to come to a very orderly, well-thought-out program of how we can dismantle this agency. And people like Elizabeth Bryant, who is at the University of Michigan now, who was the head of the Census Bureau, has absolutely endorsed this program to dismantle the Department of Commerce.

We have suggested putting the Census Bureau in the Department of Treasury, but there are others that have said we should create a separate statistical agency and use as a foundation the Bureau of Census and be able to share some of that information with other Federal agencies. I believe we could probably cut most other Federal departments by as much as 3 to 5 percent just by letting them get their statistical information from a central Government statistical agency.

Mr. TIAHRT. As a former businessman, you have been in touch with the business community, and I wonder what has been the reaction from the business community about this so-called voice for business in government? What has been their reaction to the elimination of this voice?

Mr. CHRYSLER. Well, we have many, many letters from the Business Leadership Council, National Taxpayers Union, Small Business Survival Committees, Competitive Enterprise Institute, Citizens for a Sound Economy, and the list goes on.

We also have a poll that was taken in Business Week magazine, that we entered into the RECORD on June 5, where business executives were polled on whether they would want to eliminate the Department of Commerce. And by a 2-to-1 margin, those business executives said, Yes, dismantle this Department of Commerce.

Certainly, business leaders like myself, and I had a company that I started in the corner of my living room, building convertibles after the automobile companies stop building convertibles, Cars and Concepts; 10 years later I sold that business to my employees. I had 1,200 employees at that point, and we did business in 52 different countries around the world, and not once did we call the Department of Commerce, nor did the Department of Commerce call us.

That is a certainly testimony of a person that has created jobs, have lived that American dream, and have not needed the Government. I contend that it is not big government and/or big government programs and/or government bureaucracies that have built this into being the greatest country in the world. It is, in fact, entrepreneurship, free enterprise, capitalism, and rugged

individuals that go out and risk their capital to create jobs.

You never see an employee unless you see an employer first. You have to have people to create jobs if you are going to have jobs. And that is what this is all about, is job creation. I think most business leaders, are convinced that the Federal efforts would be better focused on cutting taxes, enacting regulatory and tort reform, and balancing the Federal budget. That is what American businesses want us to be doing and that is what our business here in Congress is all about.

For the first time, TODD, we have elected more people from business to the U.S. Congress on November 8 than we did people from any other profession. That speaks loudly and we are here to conduct the business of the country. This is the largest business in the world called the U.S. Government and it needs to be run more like a business.

Mr. TIAHRT. I came across an article in the Washington Times today and there is a quote in here, it also quotes you talking about that you think that a lot of business has been successful without the help of the Department of Commerce, and they say that it would hamper American companies from performing in the global market if you eliminate this voice of business at the Cabinet level.

But there is a quote from Joe Cobb at the Heritage Foundation:

> The claim by the Commerce Department that its cheerleading for American industry has increased the sales is about as accurate as the belief that the Dallas Cowboy Cheerleaders are responsible for the football team winning its games.

I think, as you point out, that American business has done an excellent job of expanding. I have a company called Caldwell Incorporated, run by Art Tieschgraber, and it has done a great job expanding into Siberia and a lot of other places.

Mr. CHRYSLER. Along those lines, it is a fact that the Department of Commerce claims a lot of successes with their trade effort and a thing that we have to understand is that the trade effort of the Department of Commerce is only 4 percent of the Department of Commerce. What we are talking about certainly is the other 96 percent that we are looking at.

But with only 4 percent being focused on trade and of the programs that the Commerce Department claims to have brought new business and created jobs with, in fact, 83 percent of those are trade missions that American businesses would have completed successfully without the help of the Department of Commerce, and only 17 percent, again a very small number, that have really been directly helped by the Department of Commerce.

Now, I think that one of the things that we are looking at with the Department of Commerce in this dismantling act is my good friend from Florida, JOHN MICA is introducing a companion bill to H.R. 1756, to the Dismantling of Commerce Act, that will create an office of trade where we will take the USTR; there are 19 different departments in the Federal Government that deal with trade, and what we want to do is create one strong office of trade that will have a seat at the Cabinet level, or at the President's table, that will have a negotiating arm, an export arm, and an import arm that can do a better job at dealing with trade in this world than any other country in this world, and certainly the best job that the United States of America has ever had.

I think trade is an important part of our economy. We do live in a global economy today with fax machines and telephones and computers and all the technology. Moving into this new Information Age, the third wave of technology, we do have to compete on a global economy and I think we can build an office of trade that, in fact, will be the strongest that this country has ever seen.

Mr. TIAHRT. I appreciate your response to the questions I have given you. You know, we as freshmen had often sought the leadership of others and there is a gentleman from your State, Mr. CHRYSLER, Congressman SMITH from Michigan, that would like to give some comments on the elimination of the Department of Commerce. We really appreciate him being here and helping us with this.

Mr. SMITH. Mr. TIAHRT, thank you very much. I appreciate your yielding. I want to start out, TODD, DICK, HELEN, with the fact that the freshman class, having more businesspeople in that class than any class in recent history, has made a tremendous difference of bringing common sense back to Washington.

And you know, it is such a tremendous hole that we have dug for ourselves. I heard the analogy, how do you describe what it means to be $5 trillion in debt and why is it important that we look at departments that are not serving a useful function like the Department of Commerce to try to reduce the system of this overbloated bureaucracy?

□ 2215

Mr. Speaker, I heard one example that I thought was interesting, and it gives a little perspective, and that is, if you tightly stack a bunch of $1,000 bills and you make it 4 inches high, you end up with the equivalent of $1 million. If you keep stacking tightly that $1,000 bill stack and you go 300 feet high, it is $1 billion. If you go 63 miles high, it is $1 trillion. If you get over 300 miles into outer space, it is this Federal budget.

We have to start now. The reasonable place to start is with departments that are not fulfilling a useful purpose.

I would particularly like to commend my colleague from Michigan who has come from business and is trying to make some common sense out of this huge Federal bureaucracy. One of the issues that he has been working on is the dismantling of the Department of Commerce. I say yea. I say, the freshmen class and people like DICK CHRYSLER is what is going to make it happen to be a reality, to do what Alan Greenspan says.

If we are able to reach a balanced budget, then we will have such a strong underlying economy that this Nation is going to take off in jobs, and our kids and our grandkids are going to have a better standard of living than we do. If we do not do it, if we are unable to reach a balanced budget and we go back to the old ways of taking pork barrel projects home, of doing more and more things because we think it is going to help us get reelected, then we are going to end up with our kids and our grandkids not paying the huge debt that we are accumulating, but they are going to have a lower standard of living than we had.

I just think it is so exciting, after decades, after 40 years of moving toward a bigger and bigger, huge Federal bureaucracy, we are looking at not just freezing the size of this bureaucracy, but looking at actually reducing it, by taking one of the departments, the Department of Commerce, and we can eliminate the hub of corporate welfare and political patronage by doing away with the Department of Commerce.

Mr. Speaker, the Department is an amalgamation of Federal agencies, many of which have duplicate services. DICK CHRYSLER's bill moves us into a situation where we take the good, useful parts of the Department and we privatize them or we move them to other sectors of the Federal Government. The areas that are not serving a useful purpose, where we have just loaded up the different agencies with political patronage, we are doing away with. It is a start. It is a $7 billion start over 5 years.

I am proud to be a part of the discussion tonight, and I would like to ask DICK CHRYSLER the question of how you see American businesses expanding job opportunities in this country if we are not able to reduce the size of the Federal bureaucracy.

Mr. CHRYSLER. Thank you very much for the kind words and your support and your guidance.

Mr. Speaker, quite frankly, being a freshman here and going through all that we have had to go through in the first 6 months, well in excess of over 500 votes, and finding a place to stay and hiring staffs and setting up offices, it has been a real challenge, and it has only been through your guidance and your help and your advice that we have been able to keep pace with the guys that have been here for a few years, and they have been, and you especially, have been very helpful to us.

When you are looking at business and getting down to starting to run this Federal Government like a business, you know, I think that is really what

dismantling this Department of Commerce act is all about. Of course, I guess when you get right down to it, it is for our kids, my kids, Rick, Phill, Christy, and my grandkids, Chloe and Heather.

When it is their turn, we have to make sure that they at least have the same opportunity that we have been blessed with in our lives, and furthermore, I think they deserve it. They deserve at least the opportunity that we have had in our life. That is really what it is all about. I think it is the kindest and most compassionate thing that we can do for the American people and every child and every grandchild out there.

As we look at the job creation, which I think is the best welfare program we could have in this country is to create jobs, and as we go through with the Contract With America, creating jobs, creating a job provider's climate, which is so essential to job creation. As I said, you never see an employee unless you see an employer first, which means you have to have people that are going to be willing to take the risk, take the chance, risk their capital to create those jobs.

By streamlining this Federal Government, as Nick Smith said, reducing the debt and the deficit, Alan Greenspan has said that we can reduce by 2 percent the interest rates, at least 2 percent was his statement. What that means to just farmers, and certainly Nick Smith is a farmer from the State of Michigan, he still lives on a farm, has lived on a farm all of his life. For farmers alone, we could save farmers on just farm property in this country $10.65 billion just by reducing that interest rate by 2 percent.

Mr. SMITH of Michigan. Will the gentleman yield? It seems to me in discussing the Department of Commerce or any reduction in the Federal Government spending, there are two questions: Does it make sense to cut this particular program, and the overall picture is how important is it to cut? You related to the fact that it is important to cut. But I wonder how many people listening to us tonight realize what percentage of all of the money lent out this year will be borrowed by the Federal Government? The Federal Government will borrow 42 percent of all of the money lent out in the United States this year. That means that people that want to have that money available to buy a car or go to college or most importantly, expand their businesses and jobs, are not going to have that money available.

If government gets out of insisting that they take 42 percent of all of the money that is up for borrowing, Alan Greenspan, our top banker in this country, Alan Greenspan, the Chairman of the Federal Reserve, says that interest rates will drop exactly the way you say, DICK. They are going to drop some place between 1.5 and 2 percent. That means everything is going to be cheaper in this country for people that need to borrow money, whether it is going to school or buying a home or expanding their business. So it does make a difference.

On the second point, how about how are we going to know whether it is reasonable to close down the Department of Commerce? Well, I called our Michigan Department of Commerce in Michigan that is very active in promoting jobs and business opportunities in Michigan, I said, how often do you call the United States Department of Commerce? They said, never. They do not contact the United States Department of Commerce; it is not a service in terms of their efforts for business and job expansion.

I asked the Chamber of Commerce in the United States that has 200,000 members, how many of your members have called in expressing concern about closing the Department of Commerce? Four. They said, four. Out of 200,000 members, they said four have called in, saying are we sure this is the right thing to do?

I think it is evident that this is one department that people do not use that does not expand business, and I just congratulate the freshmen and encourage them to keep the spirit, because your spirit is what is keeping the rest of us going today.

Mr. TIAHRT. You know, we have been talking about this dream for a better America and pointing out that the Federal Government borrowing so much money and driving interest rates up by 2 percent is almost overwhelming, when you think about how much money, $10.65 billion just for farmers alone, extra interest that they have to pay.

When I went home to Kansas the last time, I got out of the airport and my necktie blew over my shoulder, so I knew I was home. But on my way home, it was 10:30 at night, and out there they were still combining, trying to get a few more bushels, because they want to save as much money, they want to pass on the farm to the next generation. My parents tried to do that for me. I grew up on a farm. But because things were too tough for them, they could not pass that on to their kids. So it is important.

When I think about how much money they spent, one year they spent $85,000 in interest alone, and how that could have gone toward taking down their notes, it is just amazing what they do.

Mr. MICA. Mr. Speaker, I want to take just a moment to say really thank you to both of the gentlemen, the gentleman from Kansas [Mr. TIAHRT] and the gentleman from Michigan [Mr. CHRYSLER]. I think you really represent the hope of this country, and I cannot tell you how much I admire you and what you are trying to do. You were sent here with a specific message or directive of an overwhelming mandate, probably one of the rare times when everybody from one party across the board or across the country got elected.

But you are the leaders. I came just a few months before, 24 months before, this is only my second term, with some of the hopes and dreams and aspirations for changing the Government, making it a better place. But it was very difficult. We did not have the votes. You have the votes and I admire you.

I also would ask you to read this little comment up here above me in the back by Daniel Webster. You know, as I was sworn here, it impressed me, his words about leaving something worthy for future generations to remember. And that is what I think you are doing. You embody the spirit of change and reform that I think the American people want and have anticipated.

I ask you not to give up on your attempt to restructure one agency. You are down to one agency. I know you have been beaten over the brow; I know you have been urged not to proceed, and I know there are 1,000 reasons for deviating. But really, I think we can start with the Department of Commerce, and I think you have shown that that could be an example. It is an example of, you know, Commerce has been sort of a dumping ground over the years. Most people think it is 95 percent helping commerce and trade. That is why some people say well, save this, it is important today that we do that. Actually, they do not realize really, in trade and export it is less than 5 percent of the entire budget and a small number of the employees.

So there are many people, myself included, rooting for you. Let me tell the gentlemen, this place is the hardest place to bring about change. It is very difficult, but in fact you can do it. Our freshmen class, we abolished the select committees when they said you could not do that. We were threatened to be thrown out of here if we exposed who signed the discharge petitions and the gag law. We stood here, just a few of us, like you are standing here tonight, and we changed the course of this place and the way this place is run.

There are not many of you out here tonight, it is late at night, it is kind of like the night we were out here and made that dramatic change in the conduct of the business of this Congress.

So I salute you, I commend you, you are on the right track. Mr. CHRYSLER has not proposed—I have read his proposal to just trash all of the good functions in the Department of Commerce. In fact, I think he has started the debate. Let's look at how we can do things better. Does it make sense to have the Federal Government do these functions that have been done? Does it make sense for this to be done by the private sector? Can we apply a cost-benefit to this, which is something we tried to get?

The business thinking that you have brought to this Congress as an approach is so important, and that is what you need to apply to this dismantling of the Department of Commerce,

that we see that the functions are appropriately assigned and then revised. That is exactly what you are proposing, not any destruction, not any unnecessary elimination, but an improvement, and you can do more with less, just a totally different approach.

So again, I commend you. I have enjoyed working with you. I have a proposal that we are trying to reach a consensus on because we know there are some good things in the Department of Commerce, particularly in trade, where so many people have said, let's save the trade functions. We have a joint proposal which we hope to introduce later this week that saves all of the elements. It actually will spend less money, and it will provide us with the mechanism so that the United States can compete in the decades ahead in a new arena where most of the jobs are created, where most of the opportunities are in exports and in trade, and provide us with the tools to do the jobs.

□ 2230

So, we are working together and have, in fact, come up with a plan to salvage the most important elements. The other elements, as I understand it, will all be examined, looked at, by the appropriate committees.

So I cannot tell you from the bottom of my heat, from the bottom of the heart of everybody I talk to when I go home, around the country, how encouraged we are by what you are doing. Do not give up. Do not let them throw roadblocks in front of you. Continue, and continue on a responsible, reasonable course like you have, and you can make a change, and you can make changes that will be worthy of being remembered by future generations, just as that little edict up there commands each of us who have the honor and privilege of serving here.

So I thank both of you for your leadership for the other 71 freshmen. I thank the gentleman from Michigan [Mr. SMITH] for his leadership, and the others on this issue and the others who have spoken here tonight.

Mr. TIAHRT. I suppose we get a little closer to the time. I want to allow the gentleman from Michigan [Mr. CHRYSLER] to close up his convincing story on the elimination of the Department of Commerce.

Mr. CHRYSLER. Well, I will only say to my good friend, JOHN MICA from Florida, that in the words of Winston Churchill we will never, never, never, never, never give up and you know, if we had a Department of Commerce that was a true voice for businesses, what that Department of Commerce would be taking about is eliminating the $550 billion worth of regulations that are put onto American businesses that make us uncompetitive in the rest of the world. We would also be dealing with this litigious society that we live in with some true, meaningful tort reform.

I mean in today's litigious society we would not even bring penicillin and/or aspirin to market; that is how bad things have gotten, and of course, most importantly, as we are doing, working to balance the budget, to create capital for businesses, and I think, and you look at the 163 job-training programs in the Departments of Labor and Education, of which they only want to claim about 70 because the rest of them have never created a job, and in fact one of them are spending about a half-million dollars for each job that they create, and I mean I said just give a person the money, why are you wasting their time here if they are going to spend that much money?

But I would like to see that consolidated down to about three job-training programs. I would like to see one of those job-training programs specifically work toward helping and training entrepreneurs because for every entrepreneur we can train and make successful, we can create 5, 6, 10, or maybe even 100, or certainly in my own case 1,200 new jobs. That is the way to create jobs. That is what a Department of Commerce should be doing to help the business community. That is the kind of government we want to create.

Mr. TIAHRT. I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. I think my summation, Mr. Speaker, would be to the American people that, look, these are politicians down here. If the American people decide this is important, those of people that might be viewing this tonight, you know, call your Representatives in Congress, give them some encouragement, because we need the will of the American people to make sure we accomplish this giant task.

So, Mr. Speaker, I am proud to be here with this delegation, and I just hope the American people feel that it is important that we bring down the size of this overbloated Government, that we support this initial step of doing such things as closing one of the least useful departments at State government.

Mr. TIAHRT. I yield to the gentleman from Florida [Mr. MICA] for any closing remarks.

Mr. MICA. Again I salute you. This is just the beginning of the story. The rest of the story, as Paul Harvey would say, is that 19 agencies of Federal Government dealing in trade and export, spending $3 billion, and in fact you are creating a nucleus for many, many more potential savings in government and, again, trying to make an inroad.

The hardest thing to do around here, I have always found, is to present a new idea, but you have a new idea, you have a new approach. I commend you, and I urge you to go forward, and we can do a lot better, not only with the Department of Commerce, but with the rest of this huge government bureaucracy.

Mr. TIAHRT. I just want to thank the gentleman from Florida [Mr. MICA] for coming down and bringing this very important issue to the American public, the gentleman from Michigan [Mr. SMITH], also the other gentleman from Michigan [Mr. CHRYSLER], and I want to thank the gentlewoman from Idaho [Mrs. CHENOWETH].

You know the American public needs to know that this is an historical event. The elimination of a Cabinet-level agency has never occurred before in the United States. We are about to make history once again in the 104th Congress, so stay tuned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. ARMEY), for today after 3:45 p.m., on account of family matters.

Mr. FORBES (at the request of Mr. ARMEY), for today after 3:30 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. LONGLEY, for 5 minutes, today.

Mrs. SMITH of Washington, for 5 minutes, today.

Mr. CRAPO, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mrs. MINK of Hawaii.

Mrs. MALONEY, in two instances.

Mr. MFUME.

Mr. CLYBURN.

Mr. PAYNE of New Jersey.

Mr. HAMILTON.

Mr. ANDREWS.

Mr. MILLER of California.

M4. OBEY.

Mr. BARCIA.

Mr. FAZIO of California.

Mrs. MEEK of Florida.

Ms. HARMAN.
Ms. JACKSON-LEE.
(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)
Mr. BURTON of Indiana.
Mr. NUSSLE.
Mr. MARTINI.
Mrs. SEASTRAND.
Mr. SOLOMON.
Mr. GOODLING.
Mr. QUINN.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 26, 1995, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. SOLOMON: Committee on Rules. H.R. 1162. A bill to establish a deficit reduction trust fund and provide for the downward adjustment of discretionary spending limits in appropriation bills; with amendments (Rept. 104–205, Pt. 1). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 201. Resolution providing for consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–206). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. DOOLEY, Mr. ARCHER, Mr. HAYES, Mr. FIELDS of Texas, Mr. MOORHEAD, Mr. WILSON, Mr. THORNBERRY, Mr. FROST, Mr. BONILLA, Mr. SAM JOHNSON of Texas Mr. STOCKMAN, Mr. BREWSTER, Mr. ALLARD, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mr. LAUGHLIN, Mr. HASTINGS of Washington, and Mrs. CUBIN):

H.R. 2106. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Resources.

By Mr. HANSEN:

H.R. 2107. A bill to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program, and for other purposes; to the Committee on Resources.

By Ms. NORTON (for herself, Mr. DAVIS, Mr. MCHUGH, Mr. GUTKNECHT, Mr. LATOURETTE, Mr. FLANAGAN, Mr. WALSH, and Miss COLLINS of Michigan):

H.R. 2108. A bill to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. GUTIERREZ:

H.R. 2109. A bill to amend title 42, United States Code, and title 15, United States Code, to establish provisions to assist low income families and seniors in the event of severe heat emergencies; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. DICKS, Mr. NETHERCUTT, Ms. DUNN of Washington, Mr. WHITE, Mr. BUNN of Oregon, Mr. TATE, Mr. METCALF, Mrs. SMITH of Washington, and Mr. COOLEY):

H.R. 2110. A bill to provide leadership, improved efficiencies, and regulatory clarity for Department of Energy waste management and environmental restoration efforts at the Hanford Reservation and certain other Defense Nuclear Facilities; to the Committee on Commerce, and in addition to the Committees on National Security, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California:

H.R. 2111. A bill to designate the Social Security Administration's Western Program Service Center located at 1221 Nevin Avenue, Richmond, CA, as the ''Francis J. Hagel Building''; to the Committee on Transportation and Infrastructure.

By Mr. TORRICELLI:

H.R. 2112. A bill to amend title 38, United States Code, to limit per diem payments by the Secretary of Veterans Affairs to State veterans homes; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself, Ms. FURSE, Mr. RUSH, Mr. KLINK, Mr. KEEHAN, Mrs. SCHROEDER, and Miss COLLINS of Michigan):

H. Res. 202. Resolution amending the Rules of the House of Representatives to require that Members who change political parties repay certain funds to the political party from which the change of affiliation was made; to the Committee on Rules.

By Mr. STUPAK (for himself, Ms. FURSE, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. KLINK, Mr. MEEHAN, Mrs. SCHROEDER, and Miss COLLINS of Michigan):

H. Res. 203. Resolution amending the Rules of the House of Representatives to provide that the House may declare vacant the office of any Member who publicly announces a change in political party affiliation; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ACKERMAN introduced a bill (H.R. 2113) to renew and extend patents relating to certain devices that aid in the acceleration of bodily tissue healing and reduction of pain; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. SCHAEFER.
H.R. 250: Mr. MILLER of California Ms. MCKINNEY, and Mr. REYNOLDS.
H.R. 394: Mr. TORKILDSEN, Mr. SISISKY, Mrs. MORELLA, Mr. CRAPO, Ms. PRYCE, Mr. BAESLER, Mr. BASS, and Mr. LINDER.
H.R. 662: Mr. BISHOP, Mr. BARTLETT of Maryland, and Mr. HASTINGS of Florida.
H.R. 743: Mr. KOLBE, Mr. HASTINGS of Washington, and Mr. HERGER.
H.R. 789: Mr. RADANOVICH and Mr. BROWNBACK.
H.R. 899: Mr. HUNTER, Mr. MEEHAN, and Mr. NEAL of Massachusetts.
H.R. 1023: Mr. HOUGHTON.
H.R. 1066: Mr. LIVINGSTON.
H.R. 1083: Mr. GEKAS.
H.R. 1161: Mr. CUNNINGHAM.
H.R. 1162: Mr. SOLOMON, Mr. GOSS, Mr. ROHRABACHER, Mrs. CUBIN, Mrs. CHENOWETH, Mr. SHADEGG, and Mr. PETERSON of Minnesota.
H.R. 1201: Ms. FURSE, Mr. WARD, Mr. MEEHAN, Mr. STUDDS, and Mr. GEJDENSON.
H.R. 1300: Mr. HOEKSTRA.
H.R. 1384: Mr. PASTOR.
H.R. 1448: Ms. MOLINARI, Mrs. CHENOWETH, Mrs. CUBIN, Mr. POMBO, Mrs. SEASTRAND, Mrs. SMITH of Washington, Mr. POMEROY, Mr. TIAHRT, Mr. SMITH of New Jersey, and Mr. MANZULLO.
H.R. 1539: Mr. REYNOLDS, Mr. MCDERMOTT, Ms. NORTON, and Mr. STUPAK.
H.R. 1540: Mr. BISHOP, Mr. MORAN, Mr. CANADY, Mr. UNDERWOOD, Mr. EHLERS, Ms. KAPTUR, Mr. MONTGOMERY and Mr. PORTER.
H.R. 1651: Mr. ZIMMER.
H.R. 1735: Mr. PETERSON of Minnesota, Mr. DEUTSCH, and Mr. BOUCHER.
H.R. 1767: Mr. FILNER.
H.R. 1968: Ms. PRYCE.
H.R. 1978: Mr. MATSUI, Mr. WHITE, and Mr. STUPAK.
H.R. 2060: Mr. SMITH of Michigan.
H.R. 2100: Mr. CANADY, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. SHAW, Mr. JOHNSTON of Florida, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. SCARBOROUGH, Mr. GIBBONS, Mr. MILLER of Florida, Ms. BROWN of Florida, and Mr. DEUTSCH.
H. Con. Res. 10: Mr. MATSUI, Mr. ZIMMER, Mr. BARTLETT of Maryland, and Mr. GILLMOR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. NADLER

AMENDMENT NO. 31: At the end of the bill, add the following new title:

TITLE V

ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

H.R. 2076

OFFERED BY: MR. ALLARD

AMENDMENT NO. 43: Page 47, strike lines 1 through 6, relating to the Under Secretary

for Technology and the Office of Technology Policy.

H.R. 2076

OFFERED BY: MR. ENGEL

AMENDMENT NO. 44: Page 40, line 24, strike ''$19,000,000'' and insert ''$21,499,000''.

Page 42, line 6, strike ''$100,000,000'' and insert ''$97,501,000''.

H.R. 2076

OFFERED BY: MR. ENGEL

AMENDMENT NO. 45: Page 41, insert the following after line 6:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants, and administrative expenses, $2,499,000, to remain available as provided in section 394(h) of the Communications Act of 1934.

Page 42, line 6, strike ''$100,000,000'' and insert ''$97,501,000''.

H.R. 2076

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 46: Page 24, line 6, strike ''$2,000,000,000'' and all that follows through ''1995'' on line 9 and insert ''$1,800,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed the House of Representatives on February 14, 1995; $200,000,000 for crime prevention and model grants as authorized by title III of the 1994 Act;''.

H.R. 2076

OFFERED BY: MR. GOODLING

AMENDMENT NO. 47: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available by this Act may be used for any United Nations peacekeeping mission when it is made known to the Federal official having authority to obligate or expend such funds that such funds will be used for the involvement of United States Armed Forces under the command or operational control of a foreign national.

H.R. 2076

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 48: Page 17, line 2, before the period insert ''*Provided further,* That $4,000,000 shall be available to promote the opportunities and responsibilities of United States citizenship with the assistance of appropriate community groups, in accordance with section 332(h) of the Immigration and Nationality Act''.

H.R. 2076

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 49: Page 18, line 2, strike ''$2,574,578,000'' and insert ''$2,539,578,000''.

Page 77, line 8, strike ''$233,000,000'' and insert ''$268,000,000''.

H.R. 2076

OFFERED BY: MR. KIM

AMENDMENT NO. 50: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 609. None of the funds made available in this Act for the Department of State may be used to permit or facilitate making local currencies available to Members and employees of the Congress to travel to North Korea except when it is made known to the Federal official having authority to obligate or expend such funds that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 51: On page 102, after line 20, insert before the short title the following new section:

''SEC. . None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement sections 603, 604, and 605 of Public Law 102–567.''.

H.R. 2076

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 52: On page 44, line 4, strike ''1,690,452,000'' and insert in lieu thereof ''1,695,913,000''.

On page 44, line 14, strike ''$1,687,452,000'' and insert in lieu thereof ''$1,692,913,000''.

On page 51, line 4, strike ''$2,411,024,000'' and insert in lieu thereof ''$2,408,524,000''.

On page 57, line 4, strike ''$1,716,878,000'' and insert in lieu thereof ''$1,713,917,000''.

On page 59, line 3, strike ''$363,276,000'' and insert in lieu thereof ''$360,315,000''.

H.R. 2076

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 53: Page 45, line 3, insert before the period the following:

: *Provided further,* That for the National Marine Fisheries Service for information collection and analyses, $520,500 is available with respect to Hawaiian monk seals and $240,000 is available with respect to Hawaiian sea turtles.

H.R. 2076

OFFERED BY: MS. NORTON

AMENDMENT NO. 54: Page 29, strike line 12 and all that follows through line 18.

Redesignate succeeding sections accordingly.

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 55: On page 4, line 14, strike ''$401,929,000'', and in lieu thereof insert ''$424,406,000'' ; on page 6, line 19, strike ''896,825,000'' and in lieu thereof insert ''$874,348,000''.

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT NO. 56: Page 24, line 7, after ''Grants'' insert ''of such amount $600,000,000 shall be available for rural areas''.

H.R. 2099

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 4: Page , after line , insert the following:

SEC. 5 . None of the funds appropriated in title II of this Act may be used for any activity (including any infrastructure improvement), or to guarantee any loan for any activity, that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.

H.R. 2099

OFFERED BY: MR. BURR

AMENDMENT NO. 5: Page 87, after line 25, insert the following new section:

SEC. 519. None of the funds made available in this Act may be used for travel expenses for a public housing agency when it is made known to the Federal official having authority to obligate or expend such funds that the travel expenses cover travel of any member of the board of directors (or similar governing body) to a meeting, conference, or convention located 100 miles or further from the jurisdiction served by such public housing agency.

H.R. 2099

OFFERED BY: MR. DORNAN

AMENDMENT NO. 6: Page 52, line 4, strike ''$384,052,000'' and insert ''$329,052,000''.

H.R. 2099

OFFERED BY: MR. DURBIN

AMENDMENT NO. 7: Page 59, line 3, insert before the period the following:

: *Provided further,* That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 8: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$9,996,789,000''.

Page 21, line 5, strike ''$19,939,311,000'' and insert ''$19,894,511,000''.

Page 24, line 1, strike ''$4,941,589,000'' and insert ''$4,933,989,000''.

Page 24, line 25, after the colon insert the following:

: *Provided further,* That amounts provided under this head may not be used for voucher assistance under the preceding 2 provisos if the provision of such voucher assistance for a number of families equal to the number of units covered by the terminated or expired contract would cost more than renewing the contract according to the terms of the contract and the United States Housing Act of 1937, and in the case of such an terminating or expiring contract such amounts may only be used for such renewal of the contract:

Page 25, after line 26, insert the following new item:

CONGREGATE SERVICES

For assistance for congregate services programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act, $44,800,000.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 9: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,361,589,000''.

Page 64, line 16, strike ''$320,000,000'' and insert ''$0''.

Page 39, after line 17, insert the following new subsection:

(c) EXEMPTION OF ELDERLY AND DISABLED FAMILIES FROM RENT INCREASES.—Subsections (a) and (b) of this section shall not apply with respect to any elderly family or disabled family (as such terms are defined in section 3(b) of such Act) who, on October 1, 1995, is receiving rental assistance under section 8 of the United States Housing Act of 1937 or is occupying a dwelling unit assisted under such section.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 10: Page 23, strike ''may'' in line 7 and all that follows through ''prepayment'' in line 14 and insert the following:

''shall use $200,000,000 of any unobligated carryover balances under this heading as of September 30, 1995, for assistance for State or local units of government, tenant, and nonprofit organizations to purchase projects where owners have indicated an intention to prepay mortgages and for assistance to be used as an incentive to prevent prepayment if such assistance is lower in cost,''.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 24, strike line 15 and insert the following: ''rental assistance under section 8 of such Act (including project-based assistance on behalf of elderly and disabled tenants of a project assisted under the terminated or expired contract) in the''.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 12: Page 46, strike ''(a)'' in line 17 and all that follows through line 23.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 87, after line 25, insert the following new section:

SEC. 519. None of the funds appropriated in title II of this Act may be used for voucher assistance under section 8(o) of the United States Housing Act of 1937 if it is made known to the Federal official having authority to obligate or expend such funds that such voucher assistance is to be provided in connection with the termination or expiration of a contract for loan management assistance under section 8 of such Act and renewal of the loan management assistance contract according to the terms of the contract and such Act would provide rental assistance for an equal number of families at a lesser cost.

H.R. 2099

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 14: On page 58, line 2, strike ''(a)''.

H.R. 2099

OFFERED BY: MR. OBEY

AMENDMENT NO. 15: Page 8, line 9, after the dollar amount, insert the following: ''(increased by $230,000,000)''.

Page 16, strike lines 12 through 21.

Page 20, line 25, after the dollar amount, insert the following: ''(increased by $400,000,000)''.

Page 70, line 13, after the dollar amount, insert the following: ''(reduced by $1,600,000,000)''.

Page 71, line 5, after the dollar amount, insert the following: ''(increased by $400,000,000)''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 16: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert ''$2,315,200,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 17: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert ''$2,415,200,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 18: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 70, line 13, strike ''$5,449,600,000'' and insert ''$5,199,600,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 19: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 70, line 13, strike ''$5,449,600,000'' and insert ''$5,246,600,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 20: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 71, line 5, strike ''$5,588,000,000'' and insert ''$5,285,000,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 21: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 71, line 5, strike ''$5,588,000,000'' and insert ''$5,385,000,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 22: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 61, line 24, strike ''$1,500,175,000'' and insert ''$1,547,175,000''.

Page 61, line 25, strike ''$1,000,000,000'' and insert ''$1,047,000,000''.

Page 72, line 1, strike ''$2,618,200,000'' and insert ''$2,268,200,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 23: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 61, line 24, strike ''$1,500,175,000'' and insert ''$1,550,175,000''.

Page 61, line 25, strike ''$1,000,000,000'' and insert ''$1,050,000,000''.

Page 70, line 13, strike ''$5,449,600,000'' and insert ''$5,149,600,000''.

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 24: Page 20, line 25, strike ''$10,041,589,000'' and insert ''$10,244,589,000''.

Page 22, line 15, strike ''$1,000,000,000'' and insert ''$1,203,000,000''.

Page 61, line 24, strike ''$1,500,175,000'' and insert ''$1,571,275,000''.

Page 61, line 25, strike ''$1,000,000,000'' and insert ''$1,071,100,000''.

Page 71, line 5, strike ''$5,588,000,000'' and insert ''$5,213,900,000.

H.R. 2099

OFFERED BY: MR. VENTO

AMENDMENT NO. 25: Page 28, line 3, strike ''$576,000,000'' and insert ''$845,000,000''.

Page 64, line 16, strike ''$320,000,000'' and insert ''$0''.

Page 66, line 15, strike ''$100,000,000'' and insert ''$130,000,000''.

H.R. 2099

OFFERED BY: MR. VENTO

AMENDMENT NO. 26: Page 64, line 16, strike ''$320,000,000'' and insert ''$269,000,000''.

Page 66, line 15, strike ''$100,000,000'' and insert ''$130,000,000''.

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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, JULY 25, 1995 No. 121

Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Oh, give thanks to the Lord! Call upon His name; make known His deeds among the peoples.—Psalm 105:1.

Sovereign Lord of our Nation, You have created each of us to know, love, and serve You. Thanksgiving is the memory of our hearts. You have shown us that gratitude is the parent of all other virtues. Without gratitude our lives miss the greatness You intended and remain proud, self-centered, and small. Thanksgiving is the thermostat of our souls opening us to the inflow of Your Spirit and the realization of even greater blessings.

We begin this day with a gratitude attitude. Thank You for the gift of life, intellect, emotion, will, strength, fortitude, and courage. We are privileged to live in this free land so richly blessed by You.

But we also thank You for the problems that make us more dependent on You for guidance and strength. When we have turned to You in the past, You have given us the leadership skills we needed. Thank You, Lord, for taking us where we are with all our human weaknesses, and using us for Your glory. May we always be distinguished by the immensity of our gratitude for the way You pour out Your wisdom and vision when with humility we call out to You for help. We are profoundly grateful, Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Republican whip is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning, leader time has been reserved, and the Senate will begin consideration of S. 1061, the gift ban legislation, for the purposes of debate only. At 11 a.m., the Senate will resume consideration of S. 1060, the lobbying bill, at which time Senator LAUTENBERG will be recognized to offer an amendment under a 60-minute time limitation. Following disposition of the Lautenberg amendment and a managers' amendment, the Senate will proceed to final passage of the lobbying bill. Senators should, therefore, expect a couple votes at approximately 12 noon.

Mr. President, I believe that we are then ready to begin with our gift rule reform legislation.

I do want to say, once again, that I really was very pleased and impressed with the progress that was made yesterday on the lobbying reform. Senator MCCONNELL and Senator LEVIN did yeomen work. They reached a compromise that made it possible for us to finish all of our work on lobbying reform, except the one pending Lautenberg amendment and a managers' amendment, and we will have final passage then at 12 noon. I think that is a very positive accomplishment, and I commend all Senators who were involved in that effort for their work. I hope we can do the same today on gift rule reform.

Mr. President, I yield the floor.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDING OFFICER [Mr. CAMPBELL]. Under the previous order, the Senate will now proceed to consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate proceeded to consider the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, first, let me thank my friend from Mississippi for the work he did yesterday in helping to expedite the bipartisan conclusion to the lobbying disclosure effort, even though we have not technically yet concluded because we still have to vote on final passage. I think it is quite clear that after we consider the Lautenberg amendment that we will then finally pass a very strong lobbying disclosure reform measure.

This effort has been going on now literally for five decades. When that bill was originally passed in 1946, not more than 2 years had passed before President Truman noted that it was not working. It just simply had so many loopholes in it that even then it was not doing the job that was intended. He urged that there be some reform to try to close those loopholes.

There have been efforts made in every decade since. We have made efforts in the past few years, and while we do not have a law yet on the books, we at least have acted and we have done so in a bipartisan manner and a very forthright and very forceful manner.

There are a lot of people who have been involved in this effort who appropriately deserve credit. I do want to thank the majority whip for his efforts yesterday in helping to bring us to where we are this morning.

Lobbying disclosure, which we will finally pass later on this morning, is one of the three pillars of reform. The other two are gift ban and campaign finance reform. It is the gift ban, the so-called gift reform bill, S. 1061, which is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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now before us. This bill has been introduced by myself, Mr. COHEN, Mr. GLENN, Mr. MCCAIN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. BAUCUS.

I want to first say just how important the work of Messrs. WELLSTONE, LAUTENBERG, and FEINGOLD have been in this effort. They have exerted very strong leadership on gift ban and on gift reform, and their efforts are reflected in this version of the bill. This bill reflects the work of many people, but nobody more than the efforts of Senator WELLSTONE, along with Senator FEINGOLD and Senator LAUTENBERG, who have put so much time in forcing the Senate's attention to this bill.

S. 1061 is now the freestanding bill that is before us. It is that bill that we begin debate on this morning.

Our bill will put an end to business as usual when it comes to gifts. It will end the so-called recreational trips for Members who go to play in charitable golf, tennis, and skiing tournaments. It will put an end to the unlimited meals that are paid for by lobbyists and others. It will put an end to tickets to sporting events, concerts, and theater.

It is hard to see how we can say that we have made the Congress accountable and how we have politically reformed the way in which we operate in Washington if we continue to allow special interests to pay for free recreational travel, free golf tournaments, free meals, free football, basketball, and concert tickets. We just simply can no longer say that we are changing the way we operate if we continue to allow those kinds of gifts.

Under the current congressional gift rules, Members and staff are free to accept gifts of up to $250 from anybody, including lobbyists. Gifts of under $100 do not even count. We are free to accept an unlimited number of gifts of less than $100 in value. That could be football tickets, theater tickets—anything you can think of. If it is worth less than $100, we can take it, we do not need to disclose it, and we can take an unlimited number of them. There is no limit at all on meals. It does not matter who pays for it, how much the tab is, we can take it.

Congressional travel is also virtually unlimited under the current rules. Members and staff are free to travel to recreational events, such as golf and ski tournaments, even at the expense of lobbyists or trade groups. That is business as usual, and it just simply is not acceptable anymore. If we are going to restore and enhance the respect for Congress, we are going to have to tighten our gift rules.

Last year when this bill was on the floor, we heard a lot of talk about how strict limits, if we adopted them, would shut down the Kennedy Center or put restaurant employees out of work throughout the Washington area. What an indictment of Congress that would be if it were true. Can it really be that we accept so many free meals and tickets that entire industries in the Washington area are dependent on us continuing to take these gifts? It seems inconceivable that that is what some people said about the measure which we voted on last year.

The basic premise of our bill is that we should start living under the same rules as other Americans. Average citizens do not have trade groups offering them free trips to resorts; average citizens do not have lobbyists treating them to dinners and lunches at fancy restaurants; average citizens do not have special interests providing them with free tickets to concerts, theater and sporting events; and even if some average citizens did—and I am sure there are a few who do get such gifts—we have a higher responsibility. We have the responsibility to increase public confidence in this institution, and we are the only ones really who can do it. Nobody else can do this for us. Nobody else can change the rules under which we operate. But what the American people are telling us is that they want us to change the way we operate here in many ways.

They want lobbying that is done by paid professional lobbyists to be more open. They want to know who is being paid, how much, and by whom, to lobby Congress.

Under the Senate bill that we will vote on later this morning, they will get it. They want to restrict the gifts which come to Members of Congress, be they tickets to sporting events, meals, or be it the free recreational travel available to Members and to our families paid for by special interests. They want that done with. I hope when we pass this bill, they will get it.

They want Members to change the way we finance campaigns. They want to reduce the amount of money which is raised and the time that is spent to raise it. They want to reduce the length of campaigns, and they want to try to put some limit on how much money is spent in those campaigns. I hope that they will get that, some day soon, as well.

These are tough, political reform issues. We all know it. If they were not difficult, we would have done this a long time ago. These measures, these three pillars of reform, address the fundamental relationship between Congress and the people.

Mr. President, the Members of this body will no doubt remember, as the public remembers, just how close we were to resolving this issue in the last Congress, when right up to the last minute we thought that we had reformed both gifts and lobby disclosure.

When the lobby reform and gift issues were debated last October, the opponents of the conference report raised some substantive concerns relative to lobby reform, which we have now successfully addressed.

The opponents of the bill last year repeatedly said, and strongly said, that they had no objection whatever to the gift provisions of the bill. Those are the provisions which come before the Senate today.

The majority leader himself said last October:

> I support the gift ban provisions. No lobbyist lunches, no entertainment, no travel, no contribution into defense funds, no fruit baskets, no nothing. That is fine with this Senator. I doubt many Senators partake in that in any event.

Other Senators made similar statements of their commitment for quick enactment of these gift rules. On October 6 of last year, 38 Republican Senators cosponsored a resolution, S. 247, to adopt tough new gift rules that were included in the conference report that was before this body. The Senate Republican leadership at that time stated that Republicans were prepared to enact these rules without delay.

Now, the bill before the Senate contains those same rule changes that the vast majority of Members voted for less than a year ago, or about a year ago, in May of 1994. I think all Members stated—perhaps a few exceptions—that we still supported them last October.

So now we are put to the test. Did we really mean what we said last May and last October? If we are going to improve public confidence in this institution, we are just simply going to have to change the way we do business in this town.

Mr. President, the issue today is not whether we can go out to dinner. It is not whether we can even go out to dinner with lobbyists. The question is: Who is paying for the dinner? Who is paying for the tickets? Who is paying for the ski trips?

Now, that is what the issue is and that is what the public sees. They see stories like the one on the TV show ''Inside Edition,'' which ran as follows:

> Imagine you and your family spending 3 days and nights at a charming, world class ski resort, top-of-the-line lodging, and cozy chalets with a wonderful mountain of skiing at your doorstep and absolutely no worries about the cost of anything. You will never waste a moment waiting in line for a lift to the top, because, like the people you are about to meet, you are the king of the hill, and this is the sweetest deal on the slopes.

Now, that is what the public sees. That is what they read, and they have had enough. The restrictions in the bill before the Senate are not something that we dreamed up. These restrictions, with some modest modifications, are taken from the rules that are already applicable to executive branch officials. Cabinet Secretaries live with these rules. So can we. If these rules are understandable to the executive branch and they follow them, so can we. It is time to put an end to the double standard, where the executive branch officials are covered by strict gift rules—live with them and understand them—but legislative branch officials are not covered by strict gift rules.

The image of this Congress has taken a battering as a result of those free meals and those free tickets and those

free recreational trips. We do not need them. It is time to put an end to them. If we are going to increase public trust in this institution—and it is our sacred obligation to do so—we have to end business as usual when it comes to these kinds of gifts.

Mr. President, this issue has been thoroughly debated. It was debated at great length last year and in the years before. We came close last year. These are difficult issues. Again, if they were not difficult, they would have been resolved a long time ago.

Now is the time that we can resolve these issues. If we address these issues in the spirit in which we run for office, if we address these issues with the same thoughts in our mind and in our heart as we have when we address the people of the United States seeking to reach this place, we will adopt tough gift rules, we will enhance public respect for this institution, and we will carry out what I believe is an obligation to ourselves and to the Constitution that we are sworn to uphold.

When the public believes—public opinion polls show that the public believes—that lobbyists have the power in this town and that Congress and the President come second and third, when public confidence has reached that low, we must act. One of the things we must do is to adopt strong gift reform. We must have a gift ban which affects all gifts except for certain, obviously excluded categories, which are set forth in this bill.

We have to end the free meals, the free tickets, the free recreational trips. I believe it is our obligation. If we address this again in the same spirit with which we came here and with which we sought to sit here, we can successfully address this in a way which I believe the American people will applaud and finally say that Congress is acting in the area of political reform the way the people want Congress to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak as in morning business.

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

APPROPRIATIONS FOR THE DEVELOPMENT OF A NUCLEAR WASTE REPOSITORY AT YUCCA MOUNTAIN

Mr. THURMOND. Mr. President, I rise today to address an issue of great national concern—this country's nuclear waste policy. In 1982, Congress passed the Nuclear Waste Policy Act, which directed the Department of Energy to develop a permanent repository for highly radioactive waste from nuclear power plants and defense facilities. Congress passed amendments to that act in 1987, which limited DOE's repository development activities to a single site at Yucca Mountain, NV. Since 1983, electric consumers have contributed $11 billion to finance the development of a permanent storage site. Despite DOE's obligation to take title to spent nuclear fuel in 1998, a permanent repository at Yucca Mountain will not be ready to accept this waste until the year 2010, at the earliest.

Mr. President, the House of Representatives recently passed the energy and water development appropriations bill for 1996. This bill recommends that $425 million be made available for DOE's spent fuel disposal program, $200 million below the level needed to continue developing a permanent site. Furthermore, the committee report to this bill directs DOE to ''concentrate available resources on the development and implementation of a national interim storage program,'' and to ''downgrade, suspend or terminate its activities at Yucca Mountain.''

Mr. President, I am greatly concerned by the action of the House. We have already spent 12 years and $4.2 billion to find a permanent repository site and conduct development activities at Yucca Mountain. No other viable site for permanent storage has been considered since 1987. If we terminate or suspend activities at Yucca Mountain now, we will be wasting the time and money invested since 1982 toward finding a suitable location. As I have already stated, the electric consumers of this Nation have contributed $11 billion, and we are still behind schedule. How can we, in good conscience, discontinue our efforts at Yucca Mountain when so much time and money has been invested there. To do so would eradicate the progress we have made and abolish any hope of developing a permanent site in the near future. It is our obligation to the American people to develop a permanent repository as quickly as possible and, therefore, we must persist with the efforts at Yucca Mountain. It is our only alternative.

Mr. President, I realize that continuing development of the permanent site at Yucca Mountain will not completely solve the spent fuel problem. In 1998, 23 nuclear reactors will run out of space to store spent fuel. At that time, storage will become DOE's responsibility. Therefore, we need to designate an interim storage site to use until the permanent facility at Yucca Mountain is available. The most logical location for an interim site is Yucca Mountain. Transportation of spent nuclear fuel is a delicate undertaking, so it is sensible to locate an interim facility as near to the permanent facility as is possible. Likewise, the proximity of an interim site to the permanent site would save money on transportation costs between the two sites. Comprehensive legislation has been introduced in both the Senate and House that offers a solution to the spent fuel problem, including the construction of an interim facility at Yucca Mountain.

Building a central interim storage facility at Yucca Mountain by 1998 and continuing to develop a permanent repository at Yucca Mountain by 2010 is our most reasonable course of action. Too much time and money has been invested to change directions now. As my colleagues on the Appropriations Committee consider funding for the project at Yucca Mountain, I urge them to remember the commitment we have made to the citizens of this Nation. Any efforts to abandon this program will deprive this country of a long-term solution to our nuclear waste storage dilemma.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President we are now, I take it, back on the bill?

The PRESIDING OFFICER. We are now considering S. 1061.

Mr. WELLSTONE. I thank the Chair.

First of all, let me thank my colleagues for their real fine work on this legislation. Senator LEVIN has done such fine work with Senator COHEN on the lobbying reform, and Senator FEINGOLD, and Senator LAUTENBERG, Senator BAUCUS, Senator MCCAIN, and others.

I was listening to my colleague from Michigan. Let me, at the beginning, emphasize some of the points he made. This has been a really long journey in the Senate. I say to the Chair, who is a friend, that actually back in Minnesota, when I talk to people in cafes, they do not even understand what the debate is about. To them, it is kind of not even a debatable proposition. Lobbyists and others do not come up to citizens in Colorado and Minnesota and say, ''Look, we would like to take you out to dinner. We would be willing to pay for a trip you might take to Vail.'' Not to pick on Colorado; it could be Florida, or anywhere. ''And bring your spouse.'' And so on and so forth.

Most people do not have people coming up to them and making these kinds of offers. I think the citizens in our country just think it is inappropriate for us to be on the receiving end of these gifts. And they are right. We should just let this go.

For me, this journey started in May 1993, over 2 years ago, with an amendment I had on lobbying disclosure where lobbyists would have to disclose the gifts they were giving to individual Senators. That amendment was agreed to. Then we went on to this kind of broader debate about the gift ban.

It has been a real struggle. I have never quite understood the resistance of all too many of my colleagues. Although, in the last analysis, on each vote, I want to make it clear, we have had very strong support. Actually, S. 1061—88 current Members of the Senate have essentially already voted for precisely the comprehensive gift ban legislation that we have before the Senate today. So I expect it will engender the

same strong support on the floor of the Senate as we go forward.

Mr. President, Senators FEINGOLD and LAUTENBERG and I in the last Congress had to threaten to attach gift ban to another piece of legislation to finally get a consent agreement to have it eventually brought up; finally we had it on the floor. This has been a much scrutinized, much debated piece of legislation. Ultimately, as Senator LEVIN stated, at the very end we had lobbying reform and gift ban reform in the form of a conference report that came over here that was filibustered at the end of the last Congress.

Then we started off this Congress. At the very beginning, again, I think Senators FEINGOLD, LAUTENBERG, and myself, we had an amendment on the Congressional Accountability Act. It was our feeling this was very much about accountability. That was defeated. We wanted to include gift ban reform. That was defeated on the Congressional Accountability Act. The majority leader said we would take it up later; I think by the end of May. I came out with a sense-of-the-Senate resolution, essentially repeating what the majority leader had said, that we take it up by the end of May. That was defeated. I could never understand the ''no'' vote on that.

Now, here we are at the end of July. This legislation has garnered the support of a broad range of reform minded groups: United We Stand, Common Cause, Public Citizens, and others. I think the reason for this is that people in the country really want to see some changes in the way we conduct our business here in the Nation's capital. People in the country, I have said this before on the floor of the Senate, want to believe in our political process. And people in the country are, I think, far more serious about reform than some of us are.

As I observed several weeks ago on this floor, some of my majority colleagues, frozen like deer in the headlights, have refused to move forward on the gift ban. There has just been unbelievable resistance to a very simple proposition. And the only way in which we have been able to do it is through a tremendous amount of pressure.

I ask this question, and I am going to ask this question over and over again for as long as this debate takes. Why are too many of my colleagues enthusiastic about slashing free or reduced-price lunches for children but at the same time they wither when it comes to eliminating free lunches for Members of the Congress?

Let me repeat that. Why are so many of my colleagues, or hopefully just a few of my colleagues, who are leading this effort at resistance, so willing to cut or slash free or reduced-price school lunches for children but they wither when it comes to eliminating the free lunches for Members of Congress? I think this represents truly some distorted priorities.

Let me just read from some editorials in some of the newspapers about this piece of legislation, what is called the McConnell-Dole alternative, to give you and colleagues and people in the country some sense about how this issue is being discussed in the country.

The New York Times wrote that the McConnell proposal would, ''perpetuate much of the old system under the guise of reform.''

The Washington Post said that the McConnell proposal ''would be substantially more permissive about those charity trips and expensive free meals. Without an aggregate limit, a lobbyist could theoretically take a Senator out for $75 dinners, night after night, and not be subject to any limits at all. You might as well not pretend to have a gift ban.''

I am, of course, referring to a substitute that is going to be laid down which, in the guise of reform, really represents the opposite of reform.

The Kansas City Star wrote that ''the gravy train would stay on the track under a ploy of Senator MITCH MCCONNELL, Kentucky Republican. MCCONNELL would limit a meal or gift to $100 but the long-time foe of gift bans conveniently neglects to restrict the numbers of gifts. That means spending would go on and on. Senator MCCONNELL's legislation would appear to be sound. They are not''—these are not my words—''his phony, bogus gift ban would have no appreciable impact on the current corrupt system.''

Mr. President, there are just some titles: ''Good and Bad Lobbying.''

''Capitol Still Sports 'For Sale' Sign. Senators Showing True Colors. Republican Gift Fraud.''

''Stop the Freeloads.''

''Beware of Mischief in Senate Ethics Bill.''

''Airtight Ban Needed.''

''Don't Weaken the Gift Ban.''

And, from the Pioneer Press, St. Paul Pioneer Press, in Minnesota, ''Prove It's Not For Sale.''

Mr. President, there is no doubt that these kinds of gifts, and other favors from lobbyists, have contributed to American's deepening distrust of Government.

They give the appearance of special access influence and influence, and they erode public confidence in Congress as an institution and in each Member individually as a representative of his or her constituents. That I think is the issue. This giving of gifts by lobbyists and special interests, this receiving of gifts by Senators, erodes public confidence in this institution and public confidence in each of us as representatives of the people back home in our States. We should let go of it.

Mr. President, we have seen delay after delay after delay. Now, the question I ask my colleagues is whether or not they are going to essentially embrace some hollow reforms as substitutes for the real thing. Are we going to have colleagues talking about reform out of one side of their mouth while on the other side they oppose it? Will we have colleagues who will support hollow reform as a substitute for the real thing?

For example, do my colleagues again intend, as some did last year, to try to gut the provisions on charitable vacation travel to golf and tennis hot spots like Vail, Aspen, Florida, or the Bahamas where Members and their families are wined and dined at the expense of lobbyists and major contributors? Are we going to keep that provision and then say we passed reform? I hope not. But I expect that such an attempt will be made on the floor. We fought that fight last year and we won. And I certainly hope that we will win again.

Mr. President, are we going to see a measure that purports to be reform which says—the Senator from Wisconsin and I have discussed this—that actually we can take gifts up to $100 from anybody, lobbyists included, actually not even per day but per occasion with no aggregate limit with no disclosure? So breakfast, lunch and dinner? We could be receiving free lunches, free breakfasts, free dinners, tickets to—I do not call them the Redskins game—the Washington team game, or to the Orioles game or to concerts or trips? Anything that is under $100 we could receive in perpetuity from a lobbyist with no aggregate limit and no disclosure requirement.

I say to my colleague. What, again, does that add up to, if you were doing $100 a day?

Mr. FEINGOLD. I hope I am right. Mr. President, in answer to the Senator's question, I think it adds up to $36,500 per lobbyist per Member of Congress every year. And it could not even exclude the lobbyist. So the potential is truly unlimited. But I think the minimum figure is $36,500 from one lobbyist and one Member of Congress.

Mr. WELLSTONE. Yes, $36,500 from one lobbyist a year. That is the conservative definition; it could be much more. There might even be efforts to cut that by half. Then it would only be $18,000 from one lobbyist per year, although, if you add in the number of occasions where that lobbyist can give us a gift during the day, it could be double that or triple that; no aggregate limit. And that is called gift reform?

Mr. President, the gift ban legislation has in a way taken on a life of its own. It has become a symbol of incumbents' stubborn resistance to changing the way lobbyists operate in Washington. I cannot believe it has taken over 2 years. I have been involved in this from almost the very beginning. I think this resistance and these alternative proposals in the guise of reform, which do not pass any credibility test at all, which are going to infuriate people if Senators end up voting for this and claim that they have made significant changes—this is a symbol of incumbents' stubborn resistance to changing the way Washington operates.

Mr. President, is it going to be business as usual? Do opponents intend to try to change the gift ban to allow Members of Congress to continue to establish foundations or other similar entities to which lobbyists will be allowed to contribute in order to curry their favor? That is in the McConnell alternative. So we have no limit on gifts, up to $100 in perpetuity, with no disclosure, $36,500 a year, but actually it can be much more for one lobbyist. And, in addition, charitable travel is included. If you are for a charity and you believe in that charity, then we should all go but we should pay our own way. It is just not appropriate to have a lobbyist or other special interest paying our way to wherever for ourselves and our spouse for golf or tennis, for a nice vacation trip over a long weekend. It is not appropriate. We should just let go of this.

Then there is a provision in this alternative, the McConnell-Dole alternative, that purports to be reform that says we can continue to establish our own foundations, our own entities and then ask lobbyists to contribute to those foundations that we control to possibly curry our favor. That is hollow reform. That is not real reform. Or will we continue to allow lobbyists to contribute to legal defense funds with all of the accompanying conflict problems that this raises? That is not reform. That is hollow reform. That is in the McConnell-Dole alternative. Or will we allow Members of Congress to continue to direct lobbyists to make charitable contributions to their favorite charity, the same lobbyists who are asking them for access for legislative favors for themselves or clients? I hope not. That is in the McConnell-Dole alternative. That is not reform. That is hollow reform.

Mr. President, I really do think that this piece of legislation puts all of us to the test. It puts all of us to the test. It puts all of us to the test in several fundamental ways. The No. 1 priority, by golly, if Senators are willing to vote to reduce free lunches for children in this country, Senators ought to think about their priorities and, by golly, we ought to end all free lunches for Senators. Actually, what we should do is end the free lunches for Senators and Representatives and certainly not end the free lunches for children who need that nutrition.

Second of all, it would be better not to pass any piece of legislation than to pass a piece of legislation which purports to be reform with enough loopholes for the largest trucks in America to drive right through, many of which I have identified.

Third of all, since we have been at this for 2 years, I think gift ban does have a life of its own. And this McConnell-Dole alternative represents the same resistance by Washington to the kind of change that people in this country are really demanding. The Contract With America had nothing about any of these reform measures.

Mr. President, it is time. We will pass today the lobbying reform, and this week we are going to pass a strong gift ban reform. Then eventually we are going to move on to campaign finance reform. When we do that, I think we will have passed some measures that we can be proud of and people in the country can be proud of. But, Mr. President, the alternative or substitute, the McConnell-Dole, which is going to be laid down later on does not represent a step forward but it represents a great leap backward. We need to move forward.

This piece of legislation that we have introduced today, S. 1061, represents a strong, tight, comprehensive gift ban reform. And that is what the Senate ought to pass. We owe people in this country, we owe it to the people we represent, to do no less.

Mr. President, again, I thank my colleague from Wisconsin, and Senator MCCAIN, who has been very engaged in this, Senator LAUTENBERG, and Senator LEVIN from the word go, and Senator COHEN. I also know that Senator BAUCUS has joined in this effort. I think we will have Republicans and Democrats alike involved in this. But we will have a very sharp debate, and we will identify what it means to move forward with a reform effort that we can be proud of which is credible, which meets the standards that I think people in the country want us to live up to as opposed to some alternative that has the word ''reform'' and that is sort of made for politicians where you use the word ''reform'' and you claim you are moving forward while all at the same time you are cleverly designing a piece of legislation that essentially maintains and perpetuates the very practice the people in this country want us to eliminate. That we cannot let happen—today, tomorrow, the next day or this week. We have to pass tight, comprehensive, tough gift ban reform. That is what people expect.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I rise today to join my colleagues, and especially the Senator from Minnesota, in supporting a tough, meaningful and loophole-free gift ban bill. That is what S. 1061 is all about. I urge the Senate to reject the empty reform proposal put forward by the junior Senator from Kentucky, Senator MCCONNELL.

We have been at this issue for some time, Mr. President. You think you have said it every way you can. And it is obvious that we ought to deal with this and get rid of it. But the Senator from Minnesota just came up with what I would have to say is just about the best formulation of what is going on here which I have heard.

Those are the very same people who feel comfortable going after school lunches, who feel very comfortable going after many of the things that are important for low-income people in this society, the same people who will go to the wall to protect these lavish lunches and dinners that have become part of the Washington culture. I cannot think of a better formulation, and yes, I say to the Senator, I wish I would have thought of it myself.

That says it all. That is what it appears, Mr. President, this 104th Congress is becoming all about—choices but very bad choices, blocking real reform and saying that things like school lunches have to be eliminated in the name of deficit reduction.

Mr. President, to review again, because the Senator from Minnesota and I need to keep pointing out to people that this is not something we thought up yesterday, this has been a long, hard struggle about something that should have been dealt with in about 5 minutes it is so clear; that Members of Congress should be paid their salary and that is all they should get. They should not get all kinds of freebies on the side.

I will tell you, back home it is a real simple concept. It has nothing to do with party. There is no Republican coming up to me in Wisconsin and saying, ''Hey, Russ, you really got to preserve that gift thing. It is an important part of the way Washington works.''

Nobody has said that to me in Wisconsin in the last 2½ years. And it has been just over a year since the Senate, Mr. President, passed a tough gift ban bill by a margin of 95 to 4. What is wrong? Almost every Member of this body has already voted for the bill the Senator from Minnesota was just talking about. You would think that when a bill passes by such a large margin, it would not be all that difficult for that bill to become a law.

After experiencing this for a couple of years, I am not naive enough to believe that proposed legislation which will have such a profound effect on the manner in which this institution operates with such a restraining effect on the special interests would sail through Congress with little or no trouble.

What I find particularly regrettable is that when this process began I did not think the practice was as widespread as I do think now. The resistance makes me wonder, makes me think that it is just not a question of perception but there may be more reality to it; otherwise, why would people fight so hard to prevent what was already a 95-to-4 vote to be redone in the 104th Congress. It makes me wonder. It makes me wonder just how much of this is really going on. And there is no way for me to quantify it, but it certainly makes me wonder.

The fact is this body has gone on record repeatedly over the past year in favor of gift reforms proposed by myself, the Senator from Minnesota, and the Senator from New Jersey [Mr. LAUTENBERG].

Last May, this body soundly rejected a gift proposal—I will not call it a gift ban because it was not—a gift proposal

similar to the one currently offered by the junior Senator from Kentucky. So everybody, Mr. President, must be wondering why are we having this debate now. In May of last year, as I said, we had a 95-to-4 vote in the Senate on this legislation. In the fall, 36 Republican Senators, led by the Senator who is now the distinguished majority leader, Senator DOLE, cosponsored, actually cosponsored, Mr. President, a resolution containing the exact gift provisions put forth in the Wellstone-Feingold-Lautenberg proposal. Mr. President, the exact same provisions, not the McConnell proposal but the exact same provisions of the Wellstone proposal, were cosponsored by 36 Republican Senators, yet for some reason there are some Members of this body who feel we need to repeat the debate we had last spring when an alternative gift proposal was put forth that is remarkably similar to the proposal before us today.

The proposal last year, the so-called McConnell-Johnston proposal, was soundly defeated. The McConnell-Johnston proposal was defeated 59 to 39, and yet here we are today having the same debate all over again.

One of the clear messages that came out of last year's election to me, Mr. President, is that the public is tired of the way business is done in Washington. And everybody says that, but I think that is true. They have to define exactly what aspects of what goes on in Washington people do not like, but it is not terribly difficult to figure it out, yet real reform, like campaign finance reform or gift ban legislation, seems to constantly be put on the back burner.

I am absolutely confident that campaign finance reform and gift ban are among the things almost every American would describe as what is needed for reform. So if November 8 was about reform, and I think it was, these should be on the front burner, not constantly being blocked procedurally.

Some say that the very first bill we passed this Congress in the Senate, a bill which forced Congress to live under the laws it passes, was an important reform bill, and I agree with the premise of that bill, and I voted for it. We should have to abide by the rules we make for everybody else, but in no way should we pretend that the American people have somehow had their faith restored in this institution because of that one rather minor, although worthwhile, piece of legislation.

Other people say we have reformed Congress by pointing to the reduction and elimination of many of the public perks available to Members of Congress. And they say we have cleaned up Washington; we do not need the gift ban. Fortunately, there has been progress in that area—no more free haircuts or free stationery or no more free gymnasium. People come up to me and say, ''When are you going to get rid of that free gym and the free haircuts?'' And I say, ''Well, it has been done.'' It should have been done a long time ago. But what they know and what really disappoints people, they constantly are disappointed to find that lobbyists can still send Members of Congress on free vacation trips to the Bahamas.

Last year, I had the chance to say that I think free gifts really is the mother of all perks. It is the big one. Those free trips to the Bahamas are an awful lot more in value than the free haircuts which we have eliminated. The lobbyists can still treat Members to expensive meals at some of Washington's finest restaurants, and the lobbyists can still send the flatbed carts loaded with gifts and goodies all around Capitol Hill, and they are continuing to do it.

So what I have noticed—it is an interesting distinction—is that there seems to be a great deal of interest in going after public perks. Members of both parties are willing to go after public perks, things like the haircuts and the free stationery, the congressional pensions, health care—these are things that certainly can be described as perks, and that are provided by public dollars, taxpayers' dollars. But the same people who are in the front row to attack these public perks have what I can only describe as a steadfast apprehension to deal with the private perks, the hidden private interest, special interest perks that come from the lobbyists and the special interest community. Those we do not touch. Those are not even mentioned in the Republican Contract With America, as the distinguished Senator from Minnesota has pointed out.

In other words, the perks that are essentially provided by the Government and the American people are bad, but the attitude is that the perks provided by the special interests are somehow benign, not a problem, just the way things are done in Washington. That is the message coming from Congress if we do not deal with the gift ban and if we do not deal with the really big issue, as the Senator from Minnesota has pointed out, which would be next, and that is campaign financing.

It is distressing to open up the newspaper or turn on the TV and see repeated stories of the cozy relationship between the lobbyists and the legislators. The level of special access that the lobbyists are receiving continues to undermine the confidence of the American people in their Government. It really does further the belief of the average working American that that person has little or no voice in Washington, DC.

Let me mention, for example, just one item that appeared in a national journal publication. It appeared on May 5, 1995. This column briefly describes a retreat hosted by the American Bankers Association for congressional staffers and their spouses at a West Virginia resort. This retreat occurred on the weekend before the House Banking Committee was to vote on legislation backed by the American Bankers Association. The article notes that during the weekend retreat there would be morning discussions about bank modernization issues but the afternoons would be open for the staffers to ''indulge in golf, horseback riding, swimming, and other recreational activities that the posh Homestead offered.''

Now, when our constituents vote for us, and vote for us knowing what the salary is, they do not know about these fringe benefits that are provided. And here, Mr. President, just a few days before a congressional committee is to vote on a particular bill, the staff members from that committee are invited to an all-expense paid resort weekend by the lobbying association backing that particular bill. This is a disturbing practice. It sends a clear and strong message to the American people that this institution is at least perceived to be under the control of those who have the money and access to influence the political process. So to me it is clear that we have a very serious problem here. The issue before us today then is how we can best solve that problem and address the very cynical and skeptical feelings the American people sometimes hold for this institution.

I think we are all familiar with the gift ban approach embodied in S. 101. The sponsors of that legislation, including myself and the Senator from Minnesota and the Senator from Michigan, believe in a gift ban—a gift ban. No gifts from lobbyists period. No more free meals from lobbyists at fancy restaurants, no more free vacations paid for by lobbyists at sun spots around the world. This is not a gift ban we are trying to put in place. The McConnell proposal is a lesson in how best to dodge this issue. It ducks; it weaves; it does everything but ban gifts. In fact, Mr. President, what I think it does, if we have the wrong vote out here today or tomorrow, is enshrine gift giving in Washington and forever say that it is perfectly acceptable for Members of Congress to accept an unlimited number of gifts from lobbyists.

Let me repeat that. Under the McConnell proposal, lobbyists could give legislators as many gifts as they can possibly afford. How can anyone come out on the Senate floor and suggest that allowing an unlimited number of gifts—and it is unlimited—can be accurately portrayed as a gift ban or can accurately be portrayed as reform?

It is the polar opposite of reform. It is a total giving in to the current system.

Last year, Mr. President, when our gift ban and lobbying reform legislation was defeated only by a filibuster from the other side, we actually could hear the lobbyists gathered outside the Senate Chamber cheering in victory. But that is nothing, because if the McConnell proposal goes through, I think we are going to hear the sound of champagne corks popping outside this

Chamber, because it will be a permanent enshrining of the gift-giving practice. That is, because under the McConnell proposal, the following could still happen.

Just one example, the Senator from Minnesota was pointing out the total dollar value of what one lobbyist can do in 1 year for a Member of the Senate. We came up with the $36,500 figure. Let me give an example of how a lobbyist's week might go if he or she wanted to show a legislator a good time before a key vote.

They could take a Senator out for Chateaubriand and good wine on Monday. They could take him or her down to the Orioles game on Tuesday with box seats. Then on Wednesday a good concert, maybe over at the Kennedy Center. Then Thursday, a nice bottle of cognac could arrive at the Senator's office from the same lobbyist. And then to top it off, on the weekend, just before the vote the following Tuesday, a little trip to the Virgin Islands for the whole family, and that is all legal under the McConnell reform proposal, totally legal.

Mr. WELLSTONE. Will the Senator yield? After listening to him lay out this week, is the Senator sure he wants to stay with his position? It sounds pretty good.

Mr. FEINGOLD. I do want to stay with my position. I am used to it. I think that is the whole point. The public perks that have been eliminated, things like haircuts and the free gym, those things sound pretty good. But when you lay out what we are talking about—which is not just theoretical, this does happen, as I gave the example of the American Bankers Association—it sounds real good. When you are talking about people who already receive $133,000 in salary a year, which a lot of Americans think is pretty high——

Mr. LEVIN. Will the Senator yield?

Mr. FEINGOLD. Then you are really talking about an exceptional practice. I yield to the Senator from Michigan for a question.

Mr. LEVIN. Actually, the McConnell substitute is even weaker, believe it or not, than my friend from Wisconsin says, because it is not $100 per day, it is $100 a gift.

Mr. FEINGOLD. The Senator is correct. What the Senator from Minnesota and I have been doing, because we are so staggered as to how much can be done in a day, we are giving the minimum interpretation. I think the Senator is right, it is not a minimum interpretation; it could be several instances in a day. I have to sort of do the higher math. I guess what we are talking about, if you can do it for breakfast, lunch, and dinner, I guess what we are talking about is $100,000 a year.

Mr. LEVIN. I guess there is probably no way to give the total calculation, because it is $100 per gift. Presumably you could have lunch, dinner, and tickets. If you really want to calculate it, one would have to figure out how many gifts of $99 might be realistically possible in a day.

It is even a weaker approach, if that is possible, than the one that has been described, because that $100 gift, which does not count, does not even count toward the maximum, is a limit per gift which does not count and not a daily amount. I know the Senator knows that.

Mr. FEINGOLD. I do, and I appreciate the Senator from Michigan making the point. What he is telling us is the ability to give meals and wine in one given day probably outstrips the ability to consume of any Member of Congress. They could not possibly consume in one day the potential amount that is allowed under the so-called McConnell amendment.

Mr. WELLSTONE. Will the Senator yield for one more question?

Mr. MURKOWSKI. I wonder if the Senator from Wisconsin will yield for a question.

Mr. FEINGOLD. I yield to the Senator from Minnesota and then the Senator from Alaska for questions.

Mr. WELLSTONE. Just to be clear, I know the Senator wants to go on with other features. Just so we can clarify this point, going to what the Senator from Michigan asked the Senator from Wisconsin, the problem, as I understand it, is that—we are just talking about one provision in the McConnell-Dole substitute —is that Senators can receive from lobbyists up to $100, not per day, but per gift. There is no aggregate limit. So this is in perpetuity; correct?

Mr. FEINGOLD. That is my understanding.

Mr. WELLSTONE. So the minimum from one lobbyist per year could be 35——

Mr. FEINGOLD. $36,500.

Mr. WELLSTONE. Yes, $36,500; but that is a conservative estimate. Playing this out——

Mr. FEINGOLD. If I may interrupt the Senator from Minnesota, I think it is clear the Senator from Michigan is right, that is not even a conservative estimate. It is just a way to try to explain it, because it clearly allows, based on the reading of the way it is drafted right now, more than one time a day.

Mr. WELLSTONE. One other question I have is, there is no disclosure and there is not even any disclosure requirement, is my understanding.

Mr. FEINGOLD. That is my understanding.

Mr. WELLSTONE. Might I ask the Senator from Michigan, is that correct? The other question I had was, above and beyond it is not per day but per gift, my understanding is there is not any disclosure requirement either.

Mr. LEVIN. For gifts under $100, that is my understanding.

Mr. WELLSTONE. There is no aggregate limit, and there is no disclosure requirement?

Mr. LEVIN. The Senator is correct, as far as I know.

Mr. WELLSTONE. I thank the Senator from Michigan. I just want to point that out in terms of what we might call hollow reform versus real reform.

Mr. FEINGOLD. Mr. President, I said I would yield to the Senator from Alaska for a question.

The PRESIDING OFFICER [Mr. KYL]. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I intend to speak at the appropriate time when my friend from Wisconsin has completed his statement, with the Chair's permission. But I would like to ask a question. I have been sitting here for the last 15 minutes or so, and I heard time and time again about this free haircut business.

The Senator from Alaska has been in this body for 15 years. I am not aware of what the procedure was prior to 15 years ago. I would appreciate it if the Senator from Wisconsin could enlighten me on just where those free haircuts allegedly have occurred over the last 15 years, because this Senator is certainly not knowledgeable. I go down and pay $17 for a haircut about every 2½ to 3 weeks. Could my friend from Wisconsin identify where these free haircuts occur and are available to Members of this body? I would get trimmed all the time.

Mr. FEINGOLD. I have no idea. I raised the issue of free haircuts because people always told me there were free haircuts. Mr. President, is the Senator asking me a question?

Mr. MURKOWSKI. Mr. President, we are trying to document accurately the circumstances, and I heard about these free haircuts all morning, but I know of none and my friend from Wisconsin evidently knows of none. So I encourage my colleagues to take a free haircut with a grain of salt because we can get trimmed on the edges, but if we do not portray accurately what this gift ban is all about, why, then I think we are misleading ourselves, as well as being misled on the issue itself. If we are going to talk about free haircuts——

Mr. FEINGOLD. Mr. President, I have the floor.

Mr. MURKOWSKI. I thank the Chair.

Mr. FEINGOLD. I have the floor, and I am prepared to respond. You are being misled now by the Senator from Alaska, because I came out here and pointed out there were a number of public perks I was told existed. I do not know if they exist. I am not out here talking about the haircuts as something I am working on today. I thought that was taken care of. I got here 2½ years ago. I never found out where the Senate barber is. I could not get there if I had to. I have my own place where I go and pay just as the Senator from Alaska does.

I am not out here yelling and screaming about the public perks. If there are free haircuts, they should be eliminated. If there are not free haircuts, fine. That is not what I have been talking about.

In fact, I made the point that the public and others in this institution are talking about the public perks and some of them, as the Senator from Alaska points out, do not even exist. People say to me, ''Did you know you have that free gym over there in the Senate?'' I say, ''Well, by the time I got to the Senate, they already had a charge for that.'' I do not know if it is $35 or $40. I do not happen to be involved.

But I think the Senator actually is right, that we have to be accurate. I have not asserted that any of these things actually exist on the public side. If they do, they should be eliminated. But I have made it my practice here to identify the private perks which I do believe go on. I have pointed out several examples, such as the Bankers Association trip before the vote. We can document those. In fact, we can document the fact that in our office—and I can document this item for item—we have received 1,072 gifts in our office in the last 2½ years.

So, if there are free haircuts here, they should be eliminated; if there is not, fine. That is not the issue today. I have not asserted I can prove that there are free haircuts. This is a red herring. The issue here is what about the private perks. If there are more public perks out there, let us go after them.

The Senator from Alaska is right, it is our responsibility to first document that such a thing exists, and I will be happy to join with him to identify items of that kind.

Mr. President, under the McConnell proposal, charitable travel would have to be approved by the Senate Ethics Committee. It would not be just a completely free system as it is now.

Under our proposal, recreational travel is simply prohibited, but under the McConnell proposal, such travel is permitted if a Senator could get a stamp of approval from the Ethics Committee.

The Ethics Committee is an in-house committee made up of whom? Made up of Senators who themselves may want to partake in the same trip or a trip like it.

Now, without suggesting that members of the Ethics Committee would not exercise restraint in granting such approval, we should ask ourselves how this will look to the American public.

Under the McConnell proposal, we are giving ourselves, through the Ethics Committee, the ability to decide whether a certain trip is okay or not.

Mr. President, if this is not thumbing your nose at the American people, I do not know what is. To all those Americans that have lost faith in their Government and have developed a fundamental distrust of their political system, we are supposed to tell them that the key to banning these sorts of junkets is to have the Senators who go on the trips tell other Senators whether this one is a good one or a bad one.

I do not want to have to try and explain that one back home. I do not think that will go over, Mr. President. We have heard a lot of interesting arguments against our gift ban proposal last year. We heard that the Ethics Committee was going to have to triple its staff—triple its staff—they said, to deal with this problem, and that the whole system would fall prey to bureaucratic gridlock.

We heard an unbelievable argument. We should not pass the gift ban because it would be bad for business for all the Washington restaurants and theaters. I saw the restaurant owners up in the gallery looking pretty worried. We heard an argument that our legislation was going to make crooks out of a lot of honest people.

Mr. President, I have said it several times before but will have to say it again and again. This is not complicated. I served in the Wisconsin State legislature for 10 years. That legislature has operated under strict rules on the issue of gifts for over 20 years now. It is an even tougher rule in Wisconsin than contained in S. 101. The Wisconsin Legislature is simply prohibited from accepting anything of value from a lobbyist or an organization that employs a lobbyist. You cannot even get a cup of coffee from a lobbyist.

Mr. President, we are very proud that the Wisconsin legislators, is known as one of the most ethical in the country. Contrary to some of the notions put forth by opponents of the gift ban last year, we do not have Wisconsin legislators starving to death. No restaurants in our capital city have closed because of our gift ban. Our State ethics board has not had to hire an army of bureaucrats to interpret the gift rules.

Mr. President, it works just fine under Republican leadership, under Democrat leadership, Republican Governors, Democrat Governors, it does not matter; it has worked just fine. It is a simple rule that is easy to understand and operate under. There is not a single valid argument for not applying a similar gift prohibition to Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from today's Wisconsin State Journal entitled ''Ban Gifts and Boost Credibility.''

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

BAN GIFTS AND BOOST CREDIBILITY

Would a member of the U.S. Senate trade his or her vote for a fruit basket? Of course not. How about a bottle of cognac and dinner in a fancy Washington restaurant? The answer is still no.

But what if the shower of gifts includes free ski trips, golf outings and other vacation packages from special-interest groups—as well as other perks and meals that fall under a $100 per-gift limit? Again, few members of the Senate would be tempted to swap their integrity for freebies—after all, many of them are millionaires who don't need the help.

But at what point does the public perception of gift-giving practices on Capitol Hill begin to erode the credibility of Congress? That is the question being pushed by U.S. Sen. Russ Feingold, the Wisconsin Democrat who is leading the fight to dramatically restrict the kinds of gifts members of the Senate can legally accept.

Feingold isn't accusing his fellow senators of being on the take. He knows better. He's simply pointing out that so long as the American public believes Washington is a den of special-interest perks, the credibility of Congress will suffer.

Feingold is a product of the Wisconsin Legislature, where a ban on legislators accepting anything of value from lobbyists has served that institution well. Wisconsin has not been immune from lobbyist scandals—but those instances have been few in number and relatively minor compared to what happens in some states. People can and will disagree with the Legislature's actions but at least they need not worry that the fate of public policy in Madison hangs on who bought what senator the most expensive dinner at the Blue Marlin.

Since he took federal office in 1993, Feingold has been offered 1,072 gifts. With very few exceptions, he's returned them or donated them to charity.

Maybe he gets all these gifts because he's a nice guy. More likely, he gets them because various interest groups want to catch his eye or get his ear. What's amazing is that after 2½ years in office, the gifts keep coming, even though Feingold has made clear his policy from the beginning.

Some senators believe Feingold's push to embrace the Wisconsin model is overkill born of beachfront news footage of cavorting congressmen, or an attempt to score political points by beating up on the institution. U.S. Sen. Mitch O'Connell, R-Ky., says the Feingold bill is ''lined with legalistic punji sticks'' and would ''make a lot of honest, highly ethical people into crooks.''

There's nothing all that complicated about a ban on accepting gifts, free meals and trips from lobbyists. This is not a case of O'Connell and friends being unable to understand the language in S.101, Feingold's bill. It's a case of them not wanting to adopt it.

Congress has brought much of today's public cynicism upon itself. Passage of the Feingold bill would be a welcome step toward undoing that damage and bolstering faith in the Senate.

Mr. FEINGOLD. I will read one portion:

There's nothing all that complicated about a ban on accepting gifts, free meals and trips from lobbyists. This is not a case of McConnell and friends being unable to understand the language in S. 101, Feingold's bill. It's a case of them not wanting to adopt it.

Mr. President, I have said before, for most constituents back home, the Washington beltway has become more than a simple road, a boundary of sorts, that seems to separate Washington and the special interest community from the rest of America. The perception is that the beltway represents a safe haven for lobbyists and legislators where most of their interaction goes unreported and unbeknownst to the voters back home. The lobbying needs to be disclosed and the gift giving needs to be discontinued.

I am afraid the McConnell proposal, if enacted in its current form, is nothing more than a sham. It is counterfeit reform. It allows unlimited gifts from lobbyists. It allows recreational travel. It changes virtually nothing from the status quo. It sends a very clear message to the American people that the

U.S. Senate is as chained to the special interests as ever.

The Washington lobbyists, Mr. President, are on a roll. Here we are, 7 months into the new Congress, and this body has not passed or even considered a single piece of legislation to address the influence of special interests here in Washington.

Mr. President, the lobbyists asked for telecommunications reform and they get it. They ask for regulatory reform, and they may very well get it. They ask for tax breaks, and it looks like they will get them.

When the American people ask for campaign finance reform, the Congress ducks. When the American people ask for lobbying reform, the Congress dodges. When the American people ask for a tough gift ban, the Congress plays tricks and tries to offer a paper tiger.

Acting on a tough gift ban will fundamentally reform the way Congress deals with thousands of benefits and other perks offered to Members each year. It would, Mr. President, be more than a cosmetic change. I believe now, even though I may have thought it was more minor when I got here, I believe this marks a major change in the way Washington, DC, does business.

I thank my colleagues from Minnesota and New Jersey for their persistence on the issue, and also the Senator from Michigan, Senator LEVIN, for his overall dedication to reform issues and his leadership in crafting the provisions of S. 101. I urge my colleagues to take a very hard look at this. This is an opportunity to put this issue behind Members so we do not have to keep coming out here and talking about it. It is unpleasant, and it really does not befit the dignity of this body.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I do not think there is any question that we need reform, and campaign finance gift ban, et cetera, are appropriate for this body to resolve, but I suggest that there are a few statements that do need some enlightenment.

I will refer briefly to a reference made by the Senator from Wisconsin with regard to the perception that Members get free hair cuts. Mr. President, as I stated, when I asked my friend from Wisconsin if he had any knowledge just where a person gets a free hair cut—I have been in this body 15 years, I have read it, that somehow Members are perceived to get free hair cuts—I know of no free hair cuts in existence during the 15 years I have been here.

I think this is part of the perception that is out there, that Members do get free hair cuts. We get clipped, we get shaved, but we do not get free hair cuts, Mr. President. It is a misnomer.

I think there are other extended examples where it is assumed that because there is a gym, that we get free services. We corrected that some time ago. Those Members that want to pay and receive the services of the gym pay an amount each year equivalent to the cost of those services. That is appropriate.

To suggest that somehow this is something that is extreme, that is not accepted in the private sector—if you are with a corporation, oftentimes you have the use of a gym or work-out facility, and anyone that looked at the facility here would come to the conclusion that it is pretty antiquated, I think about early 1910 or 1915, thereabouts.

But in any event, I want to put that issue aside, because the reality that somehow this is a gravy train, that there are benefits associated with this, are not applicable in the private sector, I think, bears further examination.

As we look at the merits of this legislation before the Senate, the Levin-Wellstone legislation, private entities would not be able to reimburse Members for the cost of transportation and lodging, for participation in charitable events.

If we think about this, Mr. President, there is an inconsistency here. Why is there not a ban on reimbursement for political events? What is a political event? A political event is something, perhaps, that occurs in Los Angeles, perhaps it occurs in the Bahamas, perhaps it occurs in Florida, and a Member can go down and participate and receive reimbursement for travel, reimbursement for transportation.

Now, under the bill before the Congress, the Levin-Wellstone legislation, Members would still be permitted to be privately reimbursed if they travel to a fundraising event for another Member, in other words, a political fundraiser.

Now, under the Senate Ethics Committee rules, the interpreted rule No. 193, it is my understanding that a Senator may accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization.

In other words, Mr. President, we are mandating that we will still allow reimbursement, private reimbursement, for political events. We can get our travel paid, we can get our hotel room paid.

Mr. President, every Member of this body, because we are all in the business of politics, has at one time or another made a campaign appearance for his party, or a candidate of his party, and often that means flying to another Member's home State, attending a party function, maybe making a speech, sharing a meal, maybe attending an entertainment or sports function. The entire cost is covered by lobbyists and other political contributors.

As we look at the merits of this legislation, we should recognize the inconsistency associated with the hypocritical posture that we are putting ourselves in. We are saying, in the gift ban/campaign finance reform, we are eliminating the reimbursement for participation in charities, and we are still allowing full reimbursement for political events for travel, and for lodging. Who pays for it? Political contributors—lobbyists. Why does this proposed campaign finance reform, gift ban and so forth not address political events?

Mr. President, we know why. Several Members do not want to talk about that. They are hoping that nobody will bring up the inconsistency and the hypocrisy associated with this bill in the manner it is currently structured. I fail to understand why the sponsors of the legislation would not simply go through and say, ''Let's clean the whole slate. Let's prohibit the other part of this, the unmentionable, the political events.'' It is rather curious, Mr. President, for convenience and other reasons, this has been left out.

We have a situation, again, where a Senator can travel all over the country, attending political fundraisers, have lodging, and transportation reimbursement, but a Senator cannot attend a charity event, and get reimbursed. A Senator cannot attend events that raise money for worthwhile causes and have the costs of travel and lodging reimbursed. Is that not an inconsistency? Does this really make sense?

Why is it all right for a political action committee to host a $500-a-plate political fundraiser or give a campaign check for $2,000 or $3,000 to an elected official but there can be no solicitation of corporations or other individuals to participate in a charitable event that only benefits a small community or State? I believe this whole notion of preventing Senators and corporations from sharing and raising money for a worthwhile cause outside the beltway, but allowing $5,000 to $10,000 gifts, smacks of sheer hypocrisy.

This Senator is prepared to pursue legislation that would address corrective measures to include in this broad campaign finance gift ban prohibition on reimbursement for political events for travel and lodging. Why is it that, in the structure of the proposed legislation, we have eliminated reimbursement for charitable travel? We have had spirited debate about the role and influence that lobbyists and corporations play in shaping the public's perception of the political process in Washington. We have heard a little bit about that public perception. We have heard mentioned, time and time again, the free haircuts. There are not any free haircuts. I have been here 15 years and I defy a Member to suggest where you could get a free haircut in the last 15 years.

To get back to my point, much has been made of the fact that corporations have sponsored Senators' travel and lodging in connection with events designed to raise money for charity. But nobody is saying anything about the contributions from lobbyists and political contributors that will allow each of us to go off and attend a political fundraiser in the Bahamas or the Virgin Islands or Florida or Hawaii and get reimbursement for travel and lodging. Why do we not fix it all?

Clearly, it is too sensitive. Politics is our business and we want to exclude, in the perception of things, those that we feel have some exposure, but not those that we feel are necessary—yet provide the same base of support, political contributors and lobbyists.

When Senator MCCONNELL submitted the Senate gift rule reform resolution, Senate Resolution 126, it provided that Senators would be permitted to be privately reimbursed for lodging and transportation in connection with charitable fundraising events only if the Senate Select Committee on Ethics determined, ''that participating in the charity event is in the interests of the Senate and the United States.''

So, a Member of the Senate could be privately reimbursed for attending a charitable fundraiser only if the Ethics Committee makes a determination that the charitable function is in both the public interest as well as the interests of the Senate. I believe one of our responsibilities, as public officials, is to promote worthwhile charity causes. Most of us are inclined to associate ourselves with those, from time to time. Not everything that can be done for the public good derives from Government. We all know that. Private charities play a vital role in servicing many of the needs of our citizens.

Last year, in my State of Alaska, we had a situation that occurred where the mammogram machine in Fairbanks, AK, which had been in operation for several years, was growing older and it was difficult to get certified. This was a service that had been provided for many women. My wife is associated with it. It was started in the mid-1970's. They offered free mammograms for women in the Fairbanks area and surrounding smaller communities.

It became necessary to look at just how that group was going to continue to maintain that free service. We started a fundraiser to purchase a new mammogram machine for the Fairbanks Breast Cancer Detection Center in Fairbanks, AK. The idea was to hold a fishing event, a fishing tournament at a place called Waterfall, in southeastern Alaska. We held that event and raised $150,000, and were able to buy a new mammogram machine for the Fairbanks breast cancer clinic.

It was cleared by the Ethics Committee, corporations contributed, their members came, they fished, and the breast cancer clinic got a new mammogram machine. As a consequence, the center was able to continue to provide free breast cancer examinations and mammograms for some 3,700 women who came to the Fairbanks breast cancer clinic for screening. They came from 81 villages in my State of Alaska.

This August, my wife, Nancy, and I are going to be hosting a second event for the center to raise money for a second mammography unit. This is going to be a mobile mammography unit. It will fit into a van. It can traverse the limited highways in Alaska. But more important, it will be able to go into the National Guard C–130 aircraft, which will go out on their training missions and fly into the various villages where there are no roads, and offer this free service to many of the Native women in the bush area of Alaska.

This is an example of a function that would be banned under the current bill. We think we can raise, this year, another $150,000 to $175,000. This will allow us to buy a mobile unit. It alleviates a situation where many women will be covered who otherwise are unable to travel into Fairbanks and other areas for tests. They will be able to receive this free screening in their local communities. Otherwise, they would not be able to avail themselves to this technology. So, this kind of a contribution, this kind of charitable event, would be eliminated and, as a consequence, the opportunity to provide vital health services to many of Alaska's rural women would be lost.

The State's cancer mortality rate, I might add, is the third highest in the Nation. One in eight Alaska women, I am told, will develop some type of breast cancer. And breast cancer screening can reduce these amounts, I am told, by better than 30 percent.

I believe, without the money raised from these two fundraisers, the health of Alaska's women would be reduced to some extent. I am proud of the work my wife and other women, as well as members of the community, have done in providing volunteer efforts to operate these units. But the point is, if we change the rules on charitable events, why, these types of charities will have to find a new home. And if the rules had been changed prior to this, I am convinced that neither of these units would have become a reality.

I know of several Members who participate in charity events. Senator PRYOR has been running a golf tournament for some time in Texarkana to raise funds for children with development disabilities. Senator JAY ROCKEFELLER has been a supporter of funds for children's health care projects and nonprofit organizations, that I understand operates mobile vans in New York City and rural West Virginia and other locations.

Most of you know my colleague, former Senator Jake Garn of Utah, raised a great deal of money for the primary children's medical center in Salt Lake City. Many of us have been at those occasions to assist in the raising of those funds for those worthwhile causes. So, do we want to end our participation and the participation of corporations in these causes simply because there is a so-called perception problem?

One of the other things that is even more important than perceptions is proximity, because if we eliminate the ability to participate in charitable events, from the standpoint of travel and reimbursement for lodging, it does not exclude charitable events in the beltway area. So, for those of us who live great distances, we have a problem. But for those who are close to Washington, DC, they can hold a charitable event right here in Washington where there is no need for reimbursement for travel—transportation. So my point, I think, is one of equity. It would basically eliminate charitable events in my State, in California, Oregon, Washington, the West—where, indeed, for a Member to come out, there is a transportation expense of some significance as well as lodging. But if you have it here, where you do not have a problem for reimbursement for transportation or for lodging, why, you can have it. That discriminates against those of us out West.

If you eliminate the reimbursement for transportation and lodging then you are in a situation where the only alternative is to hold the event in Washington, DC, and perhaps if you are a large national charitable organization that has the clout to hold such an event in Washington, DC, why you can go ahead and have it successfully. But for those of us in the Western part of the United States, it is just not practical to expect we are going to be able to put on a charitable event here, in Washington, DC, and have the degree of success that we would have if we are able to hold it in our own State. Certainly, if you are a small organization like the Fairbanks Breast Cancer Detection Center, or some of the other charities that I have mentioned, you do not have the resources or the capability to hold your event in the Nation's capital. If Senators cannot receive transportation and lodging reimbursement, events like mine, and others, are going to disappear. They are going to disappear because it costs too much to get to Alaska or to get to other small States.

So, Mr. President, in conclusion, I am very sensitive to the prohibition that is in this legislation which would disallow reimbursement for travel and lodging for participation in charitable events. Let us face it, Mr. President. In many of these cases, the presence of the Senators is significant in the ability to raise money for the charitable event itself. This would be eliminated. I hope there still will be some way that we can meet some kind of a compromise in this area. The legitimacy of the event, of course, is the fact that it would have to receive approval from the Ethics Committee.

Those who say, ''Well, since the Ethics Committee is made of up Senators, how in the world could you have an unbiased evaluation of the merits?'' That is absolutely ridiculous thinking. If we cannot police ourselves within the Ethics Committee structure to set certain oversight and criteria for charitable events, why, probably none of us should be here.

So I am quite confident that the Ethics Committee can set precedents to ensure that the perceptions associated with the worthiness of participation in these charitable events is handled in such a way as to provide a check and a

balance and a public disclosure. Let us ask the public what they think about the ability and the worthiness of some of these charitable contributions that have been made as a consequence of the presence of a Senator.

Mr. President, I feel so strongly about this that I am seriously thinking of pursuing legislation on the Levin-Wellstone bill that would preclude reimbursement for the cost of transportation and lodging for political events—if, indeed, my colleagues feel that we must have sweeping legislation with regard to campaign reform and gift ban—because of the inconsistency, because of the hypocrisy associated with addressing charitable functions and not addressing the other.

The other is where Members receive payment from the political organization or the political function or political event which is made up of contributions of lobbyists and other political contributors so that we can travel for those events, and so that we can stay at the elegant hotels in Florida or Virginia, in the Bahamas, and Hawaii.

So I think we had better examine a little more thoroughly the ramifications of just what we are doing and just what we are trying to sell to the American public. We are trying to sell to the American public gift ban, finance reform, and convince the American public that there are no free haircuts—and there have not been. But what we are not doing, very cleverly—we do not hear this mentioned—is that we are not banning reimbursement for political events, transportation and lodging, but we are reaching out in a prohibition against participation in charitable events.

Well, I find that hypocritical, so hypocritical that this Senator is proposing at some point in time, if we do not get some balance in this process so we can continue a worthwhile contribution to charitable events under whatever set of rules is appropriate for the Ethics Committee to come down with, that I would propose that we also include a ban on reimbursement for transportation and lodging to those political events, because Members are still permitted to be reimbursed for travel to a fundraising event for another Member, or political organization. This is under the Senate Ethics Committee's interpretative rules that a Senator may accept travel expenses from an official of a district's political party organization in return for his appearance at a rally sponsored by that organization.

And again, Mr. President, let us look at the makeup of those organizations. Those organizations are supported by lobbyists, political contributors, and that is where the funds come from for reimbursement for each Member who might attend as he or she seeks reimbursement for travel and lodging.

So I guess my concluding question is, if we are going to cut out reimbursement for charitable events for travel and transportation after it has been cleared by our own Ethics Committee, why are we not doing the same thing, banning reimbursement for travel and lodging, for political events? It is hypocritical to do one and not the other.

So I hope, as the day goes on and we debate this matter fully, that we examine a little bit more the inconsistency, and that the American public wakes up to what is attempting to be done here. It is a bit of window dressing. It is a bit of telling the American people that we have this grandiose scheme for campaign finance, gift ban, and no more free haircuts, as if we have ever had them. But what we are not telling the American public is we are going to still keep our ability to seek reimbursement for travel and lodging for political events.

Well, I hope the American public and the media pick up and understand the difference. I hope that some balance remains in this body, and that we recognize the significance of what our contributions and corporate contributions mean to the charities in this country. If we are going to ban the charities and not ban the political events, why, indeed, hypocrisy is the note of the day.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am pleased to be joining in the sponsorship of the legislation that is being considered, one that would prohibit the lobbyists from providing gifts and meals and travel for Members of Congress.

Mr. President, it is quite apparent that the American people—and who knows it better than Members of this body as we have seen the onslaught of change take over—are unhappy with the political system and want change. The American people want Congress to respond first and foremost to the needs of ordinary Americans, not just the special interests, not just the wealthy, and not just to the lobbyists.

When I first introduced the proposal for a gift ban in the last Congress, many here on Capitol Hill did not understand or appreciate the depth of the public's distaste for the status quo. Today, I hope we all do. It is way past time, frankly, to finally translate that rage into a positive action.

Mr. President, this is a deeply emotional issue. It is an emotional issue for millions of ordinary citizens who feel that their Government has been taken away from them, who feel that they do not have the same voice as the powerhouses in Washington and State capitals around the country. But it is also an emotional issue here in the U.S. Senate. Just as our constituents are angry about being shut out of the process, many Senators are angry because they think somehow or other this bill implies that Members are corrupt. That is not the point at all. I do not think of any of my colleagues, no matter how much I may disagree with them, as being corrupt. I may be angry at their point of view. I may think that they are hardhearted. I may think that they are disengaged through the process. But corrupt? Not at all. So that is not the issue. And I think we ought to make that clear. We have all kinds of references, adjectives that describe how things are and what constitutes various conditions of honesty or hypocrisy.

Mr. President, I do not think that Members of Congress, of the Senate, are selling their votes for a cup of coffee or a trip to the Caribbean or to some glamorous event. To the contrary. The Members of this body are dedicated public servants who make enormous sacrifices to serve the public. That is true across the board. Some of my colleagues may be asking themselves. ''Well, if that is true, then what do we need this piece of legislation for? Why the bill?''

There are a couple of answers to that. The first answer is that the bill can begin the process of restoring public trust in the Congress. That does not solve the problem by itself. But it is a good place to start. This bill can make it happen. That is important because, until we restore public trust, Congress will never be able to have public confidence that we are, in fact, addressing the serious problems facing our Nation.

But, Mr. President, the need for a gift ban goes well beyond the need to change public perception. There is also a substantive issue involved.

The issue is not corruption. It is access. And perhaps more fundamentally it is an issue of fairness to ordinary Americans.

When lobbyists take a Senator to dinner, they are not just buying a meal for a nice person. The meal involves time, and time means access. When a lobbyist buys a Senator a meal, they do not usually sit at separate tables. He does not say typically, ''Well, why don't you and your friends go out to dinner and I'll pay for it,'' because the dinner includes a tete-a-tete, face to face, a discussion. Nothing surreptitious, nothing immoral, nothing illegal, but access. It is a chance to get a Senator's ear, a Senator's eyes, a Senator's attention for an hour or two or three, and if the wine flows generously then it may even last longer.

Mr. President, ordinary citizens do not have that access. They cannot just take their Senator to a quiet dinner at a fancy restaurant and explain what it is like to be unemployed, explain what it is like to be worried about a child's education, explain what it is like to worry about the loss of health care insurance, explain what it is like to be up against the wall and not know which way to turn. Those calls do not even get through, much less to have the ability to sit with the Senator. And there are millions of people who would like to do it, even if it was just to tell us off, millions of people who would love to sit there and say, ''Senator, do you know what it is like to lose your job, to come home to your family that

is dependent upon you for their food, shelter, clothing, and leadership, and to say I have been fired, my job is out?'' Let them have a chance to explain it to a Senator.

I would ask anybody here how many times have they have sat down with an ordinary, hard-working citizen for an hour or a half-hour or for 2 or 3 hours and let that person explain to them the real conditions of life, not what it is like to make sure that company A, company B, or company C has an appropriate tax deduction for their particular interest or that they can expand their power to communicate because they think it is good for the public.

They certainly cannot take Members to a beach resort in the Caribbean to discuss a problem that they individually are having with the Tax Code or how far behind they have fallen on their mortgage payments.

Lobbyists have lots of time under the present structure to do just those things. And it certainly gives them an edge over John Q. Public, whether a lobbyist goes on a trip with an individual and you sit on the deck of a boat fishing for 3 days, or you go to a tennis tournament where the pro fakes his inability to beat the Senator just to win a couple of points, or you are out on a golf trip where you get a golf bag as part of the trip, or you go to a ski tournament—and I have seen them first hand—where it is a uniform, a jacket that could be expensive, maybe a pair of skis, free lessons from one of the top pros in the ski business, sitting in a chair lift going up the side of the mountain that can be a 20 or 25 minute ride in some places, and the lobbyist is sitting alongside of you, and it is Joe and Harry and they talk 20 minutes at a clip riding up and down the mountain.

What do you think the lobbyist talks about, horticulture or the latest way to make a healthy salad? He has a mission, a mission for which he or she is paid, and the mission is to try to develop an attitude within that Senator that has to be favorable to my company, my course of action, my industry, my association. The average citizen does not have a chance to do that. And when they see Members of Congress at the fanciest restaurants getting wined, getting dined, they resent it. They think the deck is stacked against them. They think it is wrong. And I agree. They do not respect a system that operates that way.

Mr. President, I said it before. I do not stand before my colleagues to criticize anyone or to question anyone's motives. I am not claiming to be the holy one around here; I am not. But I do think we all need to change the way we do business. The public certainly thinks so, and it is about time we get it done.

The bill before us is a strong piece of legislation, with tough new rules on gifts. It would ban all gifts—all gifts—from lobbyists. It would prohibit lobbyists from taking Members on recreational trips.

Unfortunately, the purpose of this legislation is being either misunderstood or misrepresented because I, like the distinguished Senator from Alaska, who spoke just a few minutes ago, believe that wherever possible we ought to support voluntary groups that have a humanitarian or social mission. But if the organizations sponsoring the trip spend more on feeding and hosting Senators and their travel to get to an event than the ultimate beneficiary gets, there is something in that arithmetic that does not sound particularly honest. And as a consequence what we have said is any trip that is substantially recreational is prohibited. There is no prohibition to participating in charitable events as long as the focus is on the charity.

So, Mr. President, we are at a point in time when we have to step up to the plate. Under the Republican proposal, Members of Congress would be able to accept an unlimited number of gifts so long as each gift is worth less than $100. That means it can be lunch; it can be theater tickets; it can be dinner the next day; it can be a tennis racket, if they still cost less than $100; it can be anything as often as a lobbyist likes as long as it costs less than $100. The $99.95 special is OK, and it can continue forever.

Well, it does not take long for a few of those to convince someone that this lobbyist is more than a good friend who just wants to be a nice guy.

Lobbyists under the proposal that our Republican friends are putting up could give Senators tickets to the opera one day, tickets to the Super Bowl the next day, tickets to a fancy restaurant the next day, as long as they are buying tickets that cost less than $100, and so on and so on. Mr. President, that is not reform. It is a sad joke, and it is just not going to wash with the American people.

Before I conclude, I wish to express my appreciation to Senator LEVIN and Senator WELLSTONE and Senator FEINGOLD, all of whom have played critical roles in the development of this legislation. We have been close allies in what has been a long and difficult battle. I appreciate their effort, their skill, and their cooperation.

In conclusion, I urge my colleagues to support this bill and to reject the Republican alternative. Let us finally ban gifts from lobbyists. Let us try to win the confidence of the American people up front, and let us do it the right way.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have before us a bipartisan, very tough gift reform bill, and this bill will finally put an end to the situation where we get free tickets and free meals and we get recreational travel paid for courtesy of special interests. It is a tough bill, but cynicism is running deep in this country, and they want political reform. The worst thing we could do would be to pretend we are reforming gifts when we are not doing it.

Now, the McConnell substitute represents business as usual. We are pretending to be tough in the McConnell substitute, but basically we are continuing the current rules—pretending to be tough but basically maintaining the status quo. It is what I would call a sheep in wolf's clothing. It is pretend reform. If you can give an unlimited number of $99 gifts without disclosure, without accumulating them, that is sham reform. This recreational travel where we can get fancy resorts, fancy meals paid for by special interests, a vacation because it is billed as a charitable event, because part of the money which the special interest pays into the charity goes to the charity, what is left over after they pay for our recreational travel, that has to stop. That has helped to bring this body into disrepute. We must change it. I hope we will change it and do real reform today or tomorrow or when we finally resolve the gift issue.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, it is my understanding that at 11 o'clock, the Senator from New Jersey is to be recognized to offer an amendment on the lobbying reform bill; that we are now returning to lobbying reform, and that the time will then be divided where he will control half the time and the Senator from Kentucky or whoever the majority manager of the bill is will control the other half of that 1-hour debate time. Is the Senator from Michigan correct?

The PRESIDING OFFICER. The Senator is correct.

LOBBYING DISCLOSURE ACT OF 1995

The PRESIDING OFFICER. May the Chair announce at this time that under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of S. 1060, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized to offer an amendment on which there shall be 60 minutes of debate.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, that 60 minutes is to be divided, as I understand it, between my legislation proponents and those who oppose, to just alert those who are interested.

AMENDMENT NO. 1846

(Purpose: To express the sense of the Senate that lobbying expenses should not be tax deductible)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1846.

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(a) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is a very simple amendment. It expresses the sense of the Senate that a practice currently in law be continued; that is, that lobbying expenses should not be tax deductible. It simply affirms current law and puts the Senate clearly on record in opposition to any efforts to reinstate the lobbying deduction.

The question is reasonable. It says, ''Why bother? Why bother, FRANK, when in fact it is in law now?'' Because I get rumblings, I get communications, indirectly, that there are people who think that we ought to reinstate the deductibility for lobbying expenses. I want to see the Senate clearly on record that says if we have the majority of the votes, that this is a practice that ought to be continued.

What provokes this? It is that I offered an identical amendment in the Budget Committee, on which I sit, during this year's markup of the budget resolution. The amendment was solidly backed by a voice vote and it passed the Senate as part of the Senate version of the budget resolution.

Unfortunately, I guess somebody blinked in conference and the provision was dropped. So what the conference said is, ''Well, we don't want to confirm the fact that present practice should continue, but it implies, therefore, that perhaps the deductibility of lobbying expenses ought to come back into the arena.''

One can question why it was dropped, but one cannot obtain a satisfactory answer.

So, Mr. President, since we are discussing lobbying reform, and this is an excellent bill and just the right time to make sure that everybody knows what goes on here and that lobbyists have no advantage that other people in this society should be having, while it is not possible to clearly do that because of the physical presence, we ought to get as close to leveling this field as we can. I want to see the Senate clearly go on record in final opposition to providing a tax break for lobbying efforts.

After all, this year we are in the process of developing budget legislation that will impose severe costs on ordinary Americans. Congress has already asked senior citizens to accept deep cuts in Medicare and Medicaid. I can tell you from the calls I get back home in New Jersey, and across this country, people say, ''For Lord's sake, Senator LAUTENBERG, don't let them do that. Right now I am burdened with the extra costs on top of my Medicare reimbursement that I get to the tune on average of 20 percent of my income.''

They say, ''I can't afford to pay more.'' They say to me that, ''When I face the prospect of spending $3,300 more in the next 7 years, the last year being $800 or $900, it could break the bank, as far as I am concerned,'' remembering that 75 percent of our senior citizens live on $25,000 a year or less in income; 35,000 live on $10,000 a year or less in income.

So as we examine our budget, we want to make sure that we are being fair with ordinary, hard-working American people or, if not hard-working, those who worked hard for many years and finally have retired.

Students are going to be asked to accept sharp reductions in student loans. It is going to cost them a lot more, and I hear pleas from young people who want desperately to go to college, who say, ''My folks just cannot hand me the money to do that and I have to go out and borrow the money and pledge my future against it.'' Everyone knows they are clever enough, those young people going to college, to know that it is going to cost them more for their student loans than it did before. They are not like I who was able to get the benefit of a GI bill because I served in World War II and got my education paid for. These young people are not going to have that opportunity.

Working families will be asked to endure a significant tax increase as Congress cuts back on the earned income tax credit, a provision to help lower income people keep their head above water.

The people who lose in this year's budget generally are people who have no lobbyists representing them. They are simple, ordinary Americans who hardly know what is about to happen to them; thus, the frustration that we see is transferred into anger and rage. Most are too busy to follow developments in Washington. They have their own jobs to do, their own families to raise, their own bills to pay, and they do not have lobbyists on retainer to watch out for their interests and call them up and say, ''Hey, Joe, guess what is happening? They are going to make you pay more for'' this, more for that, ''what do you think?'' Their opinions are not sought.

Meanwhile, many of the special interests that benefit from the lavish subsidies are well represented in Washington. Special interests, lobbyists are already working hard to protect their clients' favorite Government handout, and you can be sure they will be doing everything they can to ensure their wealthy clients will not lose any of their tax breaks.

Mr. President, there is no question that those Americans who can afford to hire lobbyists for special interests already have a major advantage in the legislative process. They ought not also to get an advantage in the Tax Code. Fortunately, the 103d Congress recognized and repealed the deduction for lobbying. That repeal saved the U.S. Government $653 million over 5 years, a substantial sum. More than half a billion dollars over a 5-year period. And, yet, not everybody is happy with the repeal of that deduction.

Now that we have a new majority in the Congress, some believe that the lobbying deduction ought to be reinstated. According to the newspaper Roll Call, a national grassroots campaign is now underway to push for restoration of the lobbyists' tax break. The main targets of this campaign are those who are members of the House Ways and Means Committee and the Finance Committee in the Senate. But all Members are likely to feel the pressure, and I know I have heard from people in New Jersey urging that the deduction be reinstated. I can only assume that all of my colleagues have been subject to similar lobbying efforts.

Mr. President, I believe that the vast majority of the public opposes a tax break for lobbying. In fact, this proved to be a significant issue in my campaign last year for my third term. My opponent in 1994 called for reinstatement of the lobbying deduction. I strongly disagreed with him and, obviously, did it publicly. In judging from the reaction of the people I met in New Jersey, this was an argument that I won hands down.

Unfortunately, the possibility of reinstating the lobbying deduction so far has not received a great deal of attention in the public at large. So long as the American people do not know what is going on, it can be easy to quietly insert a related provision in a huge tax bill. I do not think that ought to be allowed to happen. As we are getting close to the consideration of the reconciliation bill, I think it is important that the Senate go clearly on record in opposition to the idea of reinstating that tax deduction.

The need to put the Senate on record is especially important, given the opposition from the House to including this same amendment in the conference report on the budget resolution. The House was willing to accept other sense of the Senate language, but for some reason they could not bring themselves to accept this. Our Senate negotiators could not keep it in the bill. One can only conclude that the House leadership apparently thinks

that the lobbyists ought to get this tax break back.

Now, Mr. President, I understand the view of some that say that lobbying should be considered like any other cost of doing business, and so it should be deducted. That is a view that apparently many in the other body believe. Based on the feedback that I have heard from constituents, the American people would strongly disagree. In their view, I think it is a matter of basic fairness, a matter of priorities.

Mr. President, if an ordinary citizen writes a letter to their Member of Congress to express their concern about proposed cuts in education, that is not deductible. If an ordinary citizen takes the train or a plane or drives down to Washington from New Jersey or other places to meet with Senate staff about the high cost of Federal taxes, the cost of that train ride or the plane ride are not, generally, deductible. If a senior citizen, concerned about Medicare cuts, drives across his or her State to collect signatures on a petition, these costs are not deductible.

Now, Mr. President, if ordinary citizens like these cannot deduct their lobbying expenses, neither should a special interest group who hires a lobbyist to protect its favorite Government subsidy and neither should a billionaire who hires a lobbyist to protect his favorite tax break or his special opportunity to grow his profits.

It is a question of fairness. It is a question of priorities. Think of it this way, Mr. President. Reinstating the deduction for lobbying would cost the Government over $100 million a year for the next 5 years—in fact, $650 million. Even if we think that lobbying expenses should be deducted, is this really a priority in these times of fiscal austerity, in these times of extreme sacrifices by many of our citizens who work hard and are barely treading water?

How can we in good conscience spend $650 million for a tax break for lobbyists and then severely cut Medicare? How can we spend $650 million for a tax break for lobbyists and then turn around and cut education? How can we spend $650 million for a tax break for lobbyists and then turn around and increase taxes on ordinary Americans, lower income citizens, by cutting back on the earned income tax credit?

Mr. President, with all the problems facing this country, we simply have to set our priorities straight. And giving a tax deduction to lobbying just should not be high on that list.

I want to be clear about something. I am not here to bash lobbyists. Not by any means. In fact, I would be the first to say that they often get a bum rap. Most are top-notch professionals—some of them trained in postgraduate courses, law school, Government, et cetera—and they perform important functions. They have every right, under the first amendment to the Constitution, to petition Government officials. What they do not have as a right is the ability to have their expenses deductible.

Now, this is not a radical idea, Mr. President. Congress reached the same conclusion 2 years ago. My point today is simply that we should not reverse that earlier decision, that, in fact, we ought to reaffirm that earlier decision so there cannot be any mistake about what this Congress stands for in terms of that deduction. This is a declaration of fealty, of loyalty, that we are going to preserve the nondeductibility of those expenses.

It would only strengthen the public cynicism about the Congress, which they already see as controlled by lobbyists and special interests. We cannot wonder why. It is quite apparent.

I want to add this point. I appreciate, Mr. President, there is some controversy about some of the details of the current law and how it is administered. My amendment is not intended to address these issues. I am not here to endorse every dot and comma in the IRS regulations, or to oppose minor modifications to current law in the area. I am here to make a more general point. If ordinary Americans are not allowed to deduct the costs of communicating with their elected representatives, lobbying expenses should not be deductible, either. It is a basic matter of fairness and priorities.

So, to repeat, Mr. President, my amendment simply expresses the sense of the Senate that lobbying expenses should not be tax deductible. Present law ought to continue. I hope that my colleagues on both sides of the aisle intend to continue the present policy. That is what we are going to see by the vote that we will be requesting, Mr. President.

Mr. President, as I understand, any opposition to this amendment has half an hour to express their opposition.

I suggest the absence of a quorum, and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I interrupt the quorum call simply to make certain that we are ordering the yeas and nays.

I ask the distinguished manager of the bill on the Republican side whether he will join me in calling for the yeas and nays.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Does the Senator seek consent to have the time divided between the two sides?

Mr. LAUTENBERG. As was requested, unless it expedites the process further by yielding back?

Mr. MCCONNELL. Mr. President, my indication from floor staff is they prefer the two votes to occur at 12. I am unaware of any speakers on this side.

If Senator LAUTENBERG would like additional time, I will be happy to yield it.

Mr. LAUTENBERG. Mr. President, the case was made, I hope clearly and sufficiently.

I therefore will yield all time and just have the vote occur as planned at 12 o'clock.

Mr. MCCONNELL. We are planning on the vote occurring at 12. So my suggestion would be for us to just put in a quorum call and let the time run and the two votes will occur at 12.

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

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

The time will be equally deducted from both sides.

The clerk will call the roll.

The assistant legislative 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.

THE BOSNIA RESOLUTION

Mr. DOLE. Mr. President, let me indicate to my colleagues that at 2:15 we will return to the Bosnia resolution which we will complete today. We hope we can do that without a number of amendments. I know there are 4 hours of debate, and we have debated this issue over and over and over again. I think it is—maybe not ironic, but another safe haven has fallen as we begin the debate. It seems to me that it is going from bad to worse on a daily basis.

I believe it is time that we lift the arms embargo. We have strong bipartisan support. Senator LIEBERMAN will lead the effort this afternoon. So I appreciate his willingness to cooperate.

THE LEGISLATIVE AGENDA

Mr. DOLE. Mr. President there will also be, for those who have an interest, a joint leadership meeting of House and Senate leaders at noon today where we will discuss the legislative effort between now and the so-called August recess, whenever that begins. And we will try to go over matters of mutual interest.

CONGRESSIONAL GIFT REFORM ACT

Mr. DOLE. Finally, Mr. President, let me say with reference to the gift ban,

that has been debated this morning. It started at 9 o'clock, it would be my hope that during the debate on Bosnia we could continue our bipartisan efforts to reach some agreement on a gift ban.

I do not know of anybody here that will live or die based on what happens on the gift ban. I think what we want to make certain of is that you do not have someone in this body who gets in trouble for some unintentional act.

I received five birthday cakes last week. I am not certain what the value of the cakes were. I only ate one piece. But I might be in trouble because I am certain that the value of some of those cakes was in excess of $20.

I was in Ocala, FL, on Sunday. They gave me a very nice piece of artistic work from wood. I do not know the value of it. The artist is not well known but well known in that part of Florida. Are we to say we cannot take that? There was not any lobbying group there. There were about 400 people there. For some reason they were happy I was there, and they gave me this gift.

I believe that the thing we want to make certain of is that we do not go over the cliff here. I know there are 23 exemptions, as I understand it, for ''nonlobbyists.'' But I would hope my friend from Kentucky, who is present on the floor, would make certain, in our effort to make certain we are all simon pure, that we do not unintentionally involve one of our colleagues in some difficulty down the road if somebody in an election year, particularly if somebody did not register this birthday cake, they did not register this or that. I think it is easy to go to the extreme.

If you do not have any friends they do not give you any gifts, and you do not have any problem. But most of us have friends, and they are good people. They are people from our home State, and people from other States which we visit.

I am talking about minimal gifts, not anything of any great substance.

If we can work out a bipartisan agreement, then obviously we will take it up tomorrow. If not, we may delay it for a while because we want to start on the State Department authorization bill. Hopefully, we can finish that in 2 or 3 days. That would still leave DOD authorization and appropriations, also foreign operations, welfare reform bill, four appropriations bills, the Ryan White bill, and a few other things before we recess for August.

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

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1846

The PRESIDING OFFICER. Under the previous order, the Senate now resumes deliberation of amendment 1846, offered by the Senator from New Jersey, Senator LAUTENBERG.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—72

Abraham	Feinstein	McConnell
Akaka	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Grassley	Moynihan
Bingaman	Gregg	Murkowski
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pressler
Bumpers	Hutchison	Pryor
Burns	Inhofe	Reid
Byrd	Inouye	Robb
Campbell	Jeffords	Rockefeller
Chafee	Kassebaum	Santorum
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Shelby
D'Amato	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Kyl	Smith
Dodd	Lautenberg	Snowe
Domenici	Levin	Thomas
Dorgan	Lieberman	Thompson
Exon	Lugar	Warner
Feingold	McCain	Wellstone

NAYS—26

Ashcroft	Ford	Lott
Bond	Gorton	Mack
Brown	Gramm	Nickles
Coats	Grams	Packwood
Cochran	Hatch	Roth
Coverdell	Helms	Specter
Craig	Johnston	Stevens
Dole	Kempthorne	Thurmond
Faircloth	Leahy	

NOT VOTING—2

Bennett	Graham

So the amendment (No. 1846) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

LOBBYING REFORM

Mr. DOLE. Mr. President, earlier this year, Congress took an important step forward in reforming the way we conduct the Nation's business by passing congressional coverage legislation. Now, we will think twice before imposing new regulatory burdens on the private sector because these burdens will be imposed on Congress, too.

Today, we will pass another key element of the reform agenda—lobbying reform.

Unlike last year's bill, this legislation strikes the right balance: it tightens up the registration and disclosure requirements for the Washington-based lobbyists, without infringing upon the rights of ordinary citizens at the grassroots to petition their Government. This was the main bone of contention during last year's debate, and I believe we have resolved our disagreements.

While I was hopeful that we could have made a number of additional changes, including codifying President Clinton's executive order which imposes a 5-year ban on postemployment lobbying by executive branch officials, I am nonetheless pleased that the bill includes my amendment restricting the postemployment activities of our Nation's top trade negotiators.

This amendment will prohibit anyone who has served as U.S. Trade Representative or Deputy U.S. Trade Representative, from ever representing, aiding, or advising any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of an executive agency.

Current law prohibits the U.S. Trade Representative from aiding or advising a foreign entity for a period of 3 years after his service has ended. My amendment transforms this 3-year ban into a lifetime ban and applies the ban to the Deputy Trade Representative as well.

The real problem here is one of appearance—the appearance of a revolving door between government service and private-sector enrichment. This appearance problem becomes all the more acute when former high Government officials work on behalf of foreign interests.

Service as a high Government official is a privilege, not a right. This amendment may discourage some individuals from accepting the U.S.T.R. job, but in my view, this is a small price to pay when the confidence of the American people is at stake.

Finally, Mr. President, I want to congratulate my distinguished colleagues, Senators LEVIN, COHEN, MCCONNELL, and LOTT, for all the hard work they have put into this effort.

I know they have been working a number of days—in fact weeks—in trying to come to some agreement. And because of their efforts, and because of the their willingness on a give-and-take proposition, I believe they have crafted a very clear and a very sensible bill. And it should go a long way toward helping restore the trust of the American people in their elected representatives.

I think the vote yesterday reflects broad support. The vote for the McConnell-Levin substitute was 98 to 0. There were two Senators absent, or it would have been 100 to 0. And I predict the vote today will probably be unanimous. Every Senator present will vote in favor of it.

So, again I congratulate my colleague from Kentucky, Senator MCCONNELL, Senator LEVIN from Michigan, Senator LOTT, who more or less had the responsibility for moving this bill along for the past several weeks and working with different groups; and, of course, Senator COHEN who was the principal author of the bill last year and again worked hard this year.

Mr. FEINGOLD. Mr. President, let me take just a few brief moments to commend the Senator from Michigan, Senator LEVIN, and the Senator from Maine, Senator COHEN, for their tireless work on trying to plug the gaping holes that exist in our current lobbying disclosure laws.

Like the gift ban legislation that the Senate will soon be turning to, the Lobbying Disclosure Act has traveled a long and winding road. S. 349, the original lobbying disclosure bill, passed the Senate in 1993 by a margin of 95 to 2.

Unfortunately, that legislation fell victim to a filibuster near the end of the 103d Congress when some last-minute concerns were raised that the bill might infringe on the lobbying activities of grassroots and religious organizations.

Though the Senator from Michigan, Senator LEVIN, has made clear that that bill would have had no such effects, I think it is to his credit that he has addressed those concerns in the underlying legislation, and made perfectly clear that it is neither the intent nor the practical effect of the bill to restrict such grassroots lobbying in any way.

The effort of the Levin-Cohen legislation to shed some much-needed light on the activities of Washington's paid lobbyists is long overdue, and together with a strong gift ban bill will make dramatic progress toward lessening the degree of influence that the special interests have here in Washington.

The Levin-Cohen bill, which I am an original cosponsor of, does not ban lobbying or restrict the rights of individuals to petition their Government in any way. It is simply a disclosure bill. It states that if you spend a certain percentage of time lobbying or spend x number of dollars on lobbying activities, you must disclose certain types of information about what legislators you are lobbying and the issues raised.

The bill would require paid, professional lobbyists to disclose essential information, such as who they are lobbying, who they are representing and what issues they are lobbying on.

The Levin-Cohen bill would also simplify and streamline the reporting process by allowing a single registration by each organization that employs professional lobbyists. This will dramatically cut down on the unnecessary and burdensome paperwork that has become associated with our current inadequate registration laws.

As I said, Mr. President, this legislation is long overdue. Our constituents are entitled to know who is lobbying us, who they represent, how much they are spending to lobby us, and what issues they are trying to influence us on.

The Senator from Michigan, Senator LEVIN, has probably illustrated how the current lobbying disclosure laws are riddled with holes and inefficiencies, and have resulted in only a fraction of the Washington lobbyists actually registering under the current laws. In short, the public is essentially in the dark as to the kinds of back room lobbying and deal cutting that has unfortunately become a large part of the legislative process.

I am pleased that this body is apparently going to overwhelmingly approve this bill. I have said before that many of these reform issues can be done and should be done on a bipartisan basis. I have joined with the senior Senator from Arizona on a number of issues, ranging from campaign finance reform to revolving door lobbying reform to gift reform, and I hope that the bipartisan cooperation that was so effective in producing this strong lobbying disclosure bill can be extended to make progress and the many other areas of our legislative process that have cried out for reform in recent years.

Again, I compliment the two sides for their willingness to get together, compromise and produce a bipartisan bill that preserves the tough disclosure requirements in the original Levin-Cohen bill while ensuring that the reporting provisions in this bill are not overly burdensome to those who are going to be complying with the new requirements. I look forward to a resounding vote on this legislation and I yield the floor.

AMENDMENT NO. 1847

(Purpose: To make technical corrections to lobby reform bill)

Mr. LEVIN. Mr. President, I now send to the desk a managers' amendment in behalf of myself and Senator MCCONNELL. This amendment clears up two provisions in the bill in order to make the wording more understandable. The first part of amendment is the request of the Finance Committee to clarify the language in the bill which avoids double bookkeeping. The second part of the amendment restructures the amendment of Senator BROWN on the disclosure of income and assets to make it conform to the structure of the Ethics in Government Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCONNELL, proposes an amendment numbered 1847.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the page 57 of the bill, at line 13, strike ''required to account for lobbying expenditures and does account for lobbying expenditures pursuant'' and insert: ''subject''.

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking ''or''; and

(2) by striking clause (viii) and inserting the following:

''(viii) greater than $1,000,000 but not more than $5,000,000, or

''(ix) greater than $5,000,000.''.

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking ''and''; and

(2) by striking subparagraph (G) and inserting the following:

''(G) greater than $1,000,000 but not more than $5,000,000;

''(H) greater than $5,000,000 but not more than $25,000,000;

''(I) greater than $25,000,000 but not more than $50,000,000; and

''(J) greater than $50,000,000.''.

''(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

''(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set froth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

The PRESIDING OFFICER. There are 5 minutes equally divided on the amendment.

Mr. LEVIN. Mr. President, let me simply say lobbying reform is one of the three pillars of political reform. Gifts and campaign finance reform are the other two.

For 50 years we have tried to reform lobby disclosure laws. Last year we almost made it. This year we are back on the road. I hope that the House will quickly adopt what we pass here, hopefully this afternoon.

I want to thank Senator COHEN and Senator GLENN and all Senators on both sides who have been helpful—Senator LOTT, Senator MCCONNELL—and Senator DASCHLE, who has stood with political reform with great constancy throughout his determination that we take up political reform issues, is one of the driving forces behind these efforts. I particularly want to thank him as well. But I think we are back on the road when it comes to political reform. I am glad that we did it on a bipartisan basis.

I yield the floor.

Mr. MCCONNELL. Mr. President, let me just say briefly that this is now a good bill. It will not keep citizens from exercising their rights to petition the Congress. We were able through bipartisan compromise to work out something which I think everybody can proudly vote for.

I particularly want to thank Melissa Patack of my staff, and Alison Carroll of Senator LOTT's staff for the good

work they have done on this and helping us get to this particular place.

Mr. LEVIN. Mr. President, in addition to the two staffers that Senator MCCONNELL mentioned that deserve plaudits, indeed, let me thank particularly Jim Weber of Senator DASCHLE's staff, Kennie Gill of Senator FORD's staff, and my two staffers who are really extraordinary, Linda Gustitis and Peter Levine. They have carried this and guided this for many years. And a special thanks to Senator FORD whose guidance has been so helpful and whose wisdom has been so constant throughout this effort.

The PRESIDING OFFICER. Do the managers yield back their remaining time?

Mr. LEVIN. I yield back the time.

Mr. MCCONNELL. I yield back the remaining time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1847.

The amendment (No. 1847) was agreed to.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—98

Abraham	Daschle	Hutchison
Akaka	DeWine	Inhofe
Ashcroft	Dodd	Inouye
Baucus	Dole	Jeffords
Biden	Domenici	Johnston
Bingaman	Dorgan	Kassebaum
Bond	Exon	Kempthorne
Boxer	Faircloth	Kennedy
Bradley	Feingold	Kerrey
Breaux	Feinstein	Kerry
Brown	Ford	Kohl
Bryan	Frist	Kyl
Bumpers	Glenn	Lautenberg
Burns	Gorton	Leahy
Byrd	Gramm	Levin
Campbell	Grams	Lieberman
Chafee	Grassley	Lott
Coats	Gregg	Lugar
Cochran	Harkin	Mack
Cohen	Hatch	McCain
Conrad	Hatfield	McConnell
Coverdell	Heflin	Mikulski
Craig	Helms	Moseley-Braun
D'Amato	Hollings	Moynihan
Murkowski	Robb	Snowe
Murray	Rockefeller	Specter
Nickles	Roth	Stevens
Nunn	Santorum	Thomas
Packwood	Sarbanes	Thompson
Pell	Shelby	Thurmond
Pressler	Simon	Warner
Pryor	Simpson	Wellstone
Reid	Smith	

NOT VOTING—2

Bennett	Graham

So the bill (S. 1060), as amended, was passed, as follows:

S. 1060

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 ''Lobbying Disclosure Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term ''client'' means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term ''covered executive branch official'' means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term ''covered legislative branch official'' means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term ''employee'' means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term ''foreign entity'' means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) LOBBYING ACTIVITIES.—The term ''lobbying activities'' means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term ''lobbying contact'' means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term ''lobbying contact'' does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress,

or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.—The term ''lobbying firm'' means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term ''lobbyist'' means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.—The term ''media organization'' means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term ''organization'' means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term ''person or entity'' means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term ''public official'' means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.—The term ''State'' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $20,000,

(as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $10,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than $10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has

served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 4(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

SEC. 6. DISCLOSURE AND ENFORCEMENT.

The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

SEC. 7. PENALTIES.

Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 8. RULES OF CONSTRUCTION.

(a) CONSTITUTIONAL RIGHTS.—Nothing in this Act shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) PROHIBITION OF ACTIVITIES.—Nothing in this Act shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this Act.

(c) AUDIT AND INVESTIGATIONS.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

SEC. 9. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking ''the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence'' and inserting ''any activity that the person engaging in believes will, or that the person intends to, in any way influence'';

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking ''established agency proceedings, whether formal or informal.'' and inserting ''judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.'';

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

''(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1995 in connection with the agent's representation of such person or entity.'';

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal'';

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking ''political propaganda'' and inserting ''informational materials''; and

(B) by striking ''(i) in the form of prints, or'' and all that follows through the end of the subsection and inserting ''without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.'';

(6) in section 4(c) (22 U.S.C. 614(c)), by striking ''political propaganda'' and inserting ''informational materials'';

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking ''and all statements concerning the distribution of political propaganda'';

(B) in subsection (b) by striking '', and one copy of every item of political propaganda''; and

(C) in subsection (c) by striking ''copies of political propaganda,'';

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking ''or in any statement under section 4(a) hereof concerning the distribution of political propaganda''; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking '', including the nature, sources, and content of political propaganda disseminated or distributed''.

SEC. 10. AMENDMENTS TO THE BYRD AMENDMENT.

(a) REVISED CERTIFICATION REQUIREMENTS.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

''(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

''(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).'';

(2) in paragraph (3) by striking all that follows ''loan shall contain'' and inserting ''the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee.''; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) REMOVAL OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 11. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) REPEAL OF THE FEDERAL REGULATION OF LOBBYING ACT.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) REPEAL OF PROVISIONS RELATING TO HOUSING LOBBYIST ACTIVITIES.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) AMENDMENT TO COMPETITIVENESS POLICY COUNCIL ACT.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting ''or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1995)'' after ''an agent for a foreign principal''.

(b) AMENDMENTS TO TITLE 18, UNITED STATES CODE.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting ''or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act'' after ''an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938''; and

(2) by striking out '', as amended,''.

(c) AMENDMENT TO FOREIGN SERVICE ACT OF 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting ''or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1995)'' after ''an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)''.

SEC. 13. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 14. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) ORAL LOBBYING CONTACTS.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this Act and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) WRITTEN LOBBYING CONTACTS.—Any person or entity registered under this Act that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this Act, and state whether the person making the lobbying contact is registered on behalf of that client under section 4; and

(2) identify any other foreign entity identified pursuant to section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) IDENTIFICATION AS COVERED OFFICIAL.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) ENTITIES COVERED BY SECTION 6033(b) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 3(8) of this Act, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) ENTITIES COVERED BY SECTION 162(e) OF THE INTERNAL REVENUE CODE OF 1986.—A registrant that is subject to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of ''lobbying activities'' in section 3(8) of this Act, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this Act under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of ''lobbying activities'' in section 3(8) and the definitions of ''lobbying expenditures'', ''influencing legislation'', and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this Act pursuant to this subsection; and

(3) any changes to this Act or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

SEC. 16. REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

''(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service, such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102). In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit based appointments.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and

(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

SEC. 18. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (P.L. 75–583).

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

''SECTION 11. REPORTS TO THE CONGRESS.—The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.''.

SEC. 20. DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking ''or''; and

(2) by striking clause (viii) and inserting the following:

''(viii) greater than $1,000,000 but not more than $5,000,000, or

''(ix) greater than $5,000,000.''.

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking ''and''; and

(2) by striking subparagraph (G) and inserting the following:

''(G) greater than $1,000,000 but not more than $5,000,000;

''(H) greater than $5,000,000 but not more than $25,000,000;

''(I) greater than $25,000,000 but not more than $50,000,000; and

''(J) greater than $50,000,000.''.

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

''(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting ''or Deputy United States Trade Representative'' after ''is the United States Trade Representative''; and

(2) striking ''within 3 years'' and inserting ''at any time''.

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

''(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.''.

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking ''and (5) and inserting ''(5), and (8)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(a) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

SEC. 24. EFFECTIVE DATES.

(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ANNOUNCEMENT OF POSITION ON VOTE

● Mr. GRAHAM. Mr. President, I advise the Senate that on Tuesday, July 25, I was a delegate to the 1995 Defense Ministerial of the Americas in Williamsburg, VA. The Defense Ministerial, which brought together military personnel from throughout the Western Hemisphere, is a forum for the discussion of the role of militaries in democratic societies. Had I been present at the time of the final vote on S. 1060 on July 25, I would have voted in the affirmative.●

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:57 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

Mr. DOLE. Mr. President, pursuant to the unanimous consent agreement on July 20, I now ask the Senate resume consideration of S. 21, the Bosnia and Herzegovina Self-Defense Act.

I have asked my colleague from Connecticut, Senator LIEBERMAN, to lead the effort this afternoon. Also, will my colleague from Virginia be willing to help manage the effort this afternoon?

Mr. WARNER. Mr. President, I will be privileged to do so.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of this proposal, which I am privileged to cosponsor with the distinguished Senate majority leader and a large number of other Senators from both sides of the aisle.

If passed, and we hope it will be passed overwhelmingly, this proposal will provide for a unilateral lifting of the arms embargo that was imposed against the former Yugoslavia in 1991 and remains in effect today, most notably victimizing the people of Bosnia.

There are times when people speak of this arms embargo as if it were Holy Writ, it were descended from the heavens, it were the Ten Commandments or the Sermon on the Mount.

The arms embargo against Bosnia is a political act, adopted by the Security Council of the United Nations in 1991, when Yugoslavia was still intact. It is, in the narrow legal sense, therefore, in my opinion, illegal as it is applied to Bosnia because Bosnia did not even exist as a separate country at that time.

But more to the point and ironically, cynically, when adopted by the United Nations Security Council in 1991, this arms embargo on the former Yugoslavia was requested by and supported by the then Government of Yugoslavia in Belgrade, which is to say the Milosevic government. And I say cynically because the pattern that was to follow was clear then, which was that the Milosevic government was going to set about systematically trying to create a greater Serbia and, therefore, knowing that Serbia itself, by accident of history, contained the warmaking capacity, the munitions, the weapons which were part of Yugoslavia, would enjoy essentially a monopoly of force as against its neighbors.

But we took that political act, supported by well-meaning governments in the West and elsewhere, as a way to stop arms from flowing into the Balkans so as to stop a war from going on, and we have made it into the Holy Writ. It is not. It is immoral. It is quite the opposite of the Holy Writ. It is immoral and it is illegal; illegal not only for the technical legal reasons I cited a moment ago but because it denies—this political resolution of the Security Council—denies Bosnia the rights it has gained as a member nation of the United Nations to defend itself.

What could be more fundamental to a nation as the guarantor of its own existence then the right to defend itself?

Yet, this resolution continues to be imposed to deny the Bosnians just that right.

The embargo is illegal and, Mr. President, let me say respectfully, it is immoral. It is immoral because it is having an impact on people who have done no wrong. This is not some expression, some sanctions resolution imposed on a people who have acted against international law or against their neighbors. It is imposed on the Bosnians, who have not been accused of wrongdoing here. And, of course, more to the point, history has shown, since the embargo was imposed in 1991, that the Bosnians have been the painful and tragic victims of Serbian aggression and, yes, genocide.

Talk about accidents of history, it is a quirk of fate that, on this day, when the Senate goes to this critical issue and debates the lifting of the arms embargo, word comes from the Hague that Bosnian leader Radovan Karadzic and his military chief of staff, Ratko Mladic, have been charged with genocide, war crimes, and crimes against humanity by the United Nations International Criminal Tribunal established in the Hague for that purpose. They are charged with genocide and crimes against humanity arising from atrocities perpetrated against the civilian population throughout Bosnia and Herzegovina.

This is an indictment. This is a legal instrument of international law. The tribunal said today that, in the summer of 1992, Bosnian Serbs held over 3,000 Moslems and Croats at the Karaterm Camp.

From the indictment, ''Detainees were killed, sexually assaulted, tortured, beaten, and otherwise subjected to cruel and inhuman treatment.'' In one incident, the indictment recalls, machineguns were fired into a room filled with 140 detainees, who all died. This is the indictment, turned out today by the International Criminal Tribunal in the Hague. Karadzic and Mladic are accused of ordering the shelling of civilian gatherings, including the May 1995—this is July 1995; the May 1995, a few months ago—attack on Tuzla, in which 195 people were killed, and the seizure earlier this summer of 284 United Nations peacekeepers in Pale and Gorazde.

Karadzic and Mladic are also charged with ''persecuting Moslem and Croatian political leaders, deporting thousands of civilians, and systematically destroying Moslem and Catholic sacred sites.''

I am not reading from any advocacy group for the Bosnians. I am reading from an instrument of international law, an indictment returned today in the Hague by an International Criminal Tribunal authorized by the United Nations, charging the leaders of the Bosnian Serb aggressors with war crimes and crimes against humanity. And as these crimes have been committed, as horrible as they are, what wells up inside me—and I know so many of my colleagues here—is that we were part of continuing to enforce this arms embargo which denied these victims of these war crimes and atrocities the weapons with which they could fight back. Just think of how we would feel ourselves if in a personal context somebody was attacking our home, our neighborhood, our community and for some reason the police were not available, and we had no capacity to defend ourselves or to fight back. That is what we have done and why it is time finally to lift this arms embargo.

Mr. President, there always seems to be another reason not to do it. First, it was that if we lifted the arms embargo the Serbs would seize U.N. personnel as hostages. They have done that already. That reason for not lifting the arms embargo is gone, tragically and sadly. Then it was said that if we lift the arms embargo the Serbs would attack the safe havens and go back to the slaughters that the world saw in 1992, 3 years ago. We did not lift the arms embargo, and the Serbs have attacked the safe havens.

Now the question is whether there is something happening coming out of London last Friday that gives us pause and should make us hesitate. Mr. President, I hate to say it, but it is hard to believe that the United Nations mission in Bosnia has not been a failure, has not collapsed. As for the London communique, I take some small heart from it because it is the first sign of a willingness by the Western allies to use air power to hold the Serb aggressors at bay, to make them pay for their aggression. Nonetheless, at this moment it is simply a threat. The London communique is a threat, not a policy calculated to end the war. And it is a limited threat, limited as it is to only one of the four safe havens that have not fallen to Serb aggression. Gorazde will be protected. But what about Bihac which is under fierce attack now? What about the great capital of Sarajevo? What about Tuzla? Why not them too?

The threat remains uncertain, although the original stories coming out of London on Friday were heartening in that it was said that this dual-key approach which has so frustrated the brave soldiers who have worn the blue helmets of the United Nations, that this dual-key approach which gives the political leadership of the United Nations the opportunity to veto the request for air cover and air support from NATO, it appeared that this dual-key approach was finally ended, and NATO would be able to protect itself without getting approval from Mr. Akashi or Secretary General Boutros-Ghali. But there seems to be a disagreement about the timing of this.

In this morning's news it is reported from New York that Mr. Fawzi, a spokesman for U.N. Secretary General Boutros-Ghali, said that the airstrikes are to defend U.N. peacekeepers, not to defend the safe area of Gorazde, and that the authority to order an attack ''remains with the Secretary General for the time being.'' So the dual-key is still an approach making even more uncertain the impact of the London communique.

When will NATO air power be employed to strike back? Will it be when troops mass around Gorazde that they attack? What are the rules of engagement? It remained uncertain in the meeting in Brussels yesterday whether the NATO countries could resolve that. But I will say to you, Mr. President, that if the threat to protect the safe area is carried out, then there is some hope because it will amount to the beginning of an implementation of the strike part of the lift-and-strike policy which Senator DOLE and I and others have advocated since 1992.

But, Mr. President, what happened in London is no excuse to vote against the lifting of the arms embargo, illegal and immoral as it is. The embargo stands separate and apart as it in itself is an unacceptable act of the international community, and we must repeal it and let these people defend themselves.

Mr. President, the other argument that is being used by some critics of lifting the arms embargo is that it will ''Americanize'' the war if we lift the arms embargo. And the implication here is that it will lead to the placement of American troops on Bosnian soil.

Let me say here that from the beginning, when Senator DOLE and I and others began to work on this proposal to lift the arms embargo, we have said we do not want American troops on Bosnian soil. We do not have enough of a national interest, and there is not enough of a strategic opportunity for those troops. And what is more, the Bosnians do not want them, and do not need them. They have said over and over and over again to us, ''We have soldiers on Bosnian soil. They are Bosnian soldiers. All we needed were the weapons, the tanks, the antitank weapons, the heavy artillery to help them fight a fair fight against the Serbs.''

So it is ironic to see at this moment the delays and the excuses for not lifting the arms embargo and, when we are finally at a point of having a strong bipartisan vote in favor of lifting the arms embargo, that the reason given by some to vote against it is that it will cause the ''Americanizing'' of the war. If it leads to the exit of the United Nations—and the United Nations, in my opinion, will exit for many more reasons than the lifting of the arms embargo—that will not be anything that we have desired, those of us who have proposed this policy for now more than 3 years. But why punish the Bosnians, the victims, for the error of our policy, for the inappropriateness of our commitments? They have been consistent all along. And I think we owe it to the victims to listen to them.

So why say now because the United Nations' forces were sent in and the President made a commitment to send

American troops to help extract the U.N. forces if that becomes necessary, that is a reason for us to sustain the illegal and immoral arms embargo and victimize further the Bosnian people?

Mr. President, this question of whether the war is ''Americanized'' is up to Americans. The President, the Congress—we will decide when and where American troops will be sent. This will not happen. Automatically lifting the arms embargo does not put us on some slippery slope where we inevitably end up with troops on the ground there. Far from it; certainly not in combat positions.

The other argument made is that lifting of the arms embargo will ''Americanize'' the war because we will have to send Americans there to bring the weapons and train the Bosnians. I have two responses to that. One is that if it becomes necessary to send Americans to train the Bosnians in the use of our weapons, we can do it in Croatia without sending them into Bosnia. But I will tell you, Mr. President, many of my colleagues here have had the same conversations about this with the Bosnians themselves. They say to us, if the arms embargo was lifted today, they really do not prefer American weapons. They do not prefer our American trainers. They prefer weapons from the former Warsaw Pact countries from when Yugoslavia was alive, and on which most of the fighters, the soldiers in the Bosnian Army, have been trained. They prefer them because they do not need a long period of training. They can get the weapons, and in a short time put them onto the battlefield.

I think what they most hope for is that as soon as this embargo is lifted the United States and other countries of the world hopefully—particularly Moslem countries who are infuriated by the one-sidedness of the battle and the way in which the international community has sustained that one-sidedness—will contribute funds for the Bosnians to use to equip them so as to make this fair play.

Mr. President, it is true that over the weekend or late last week in Geneva, there was a meeting of the Council of the Organization of the Islamic Conference, and the foreign ministers of the so-called OIC Contact Group on Bosnia and Herzegovina voted that the member states of the Organization of the Islamic Conference do not consider themselves legally bound to abide by the unlawful and unjust arms embargo imposed on Bosnia and Herzegovina which is a United Nations member. The ministers said that the burden of justifying the legality of maintaining the embargo imposed on Bosnia herself rested on the shoulders of the United Nations Security Council. So help may well be coming in implementing a lifting of the embargo.

Mr. President, we have, as we have had all along I am afraid, a choice here between the policy that we are advocating of lift and strike and a policy of wait and see. And we have waited for 3 years, and we have seen aggression continue. We have seen more than 200,000 people killed. We have seen more than 2 million refugees created. It is time to stop waiting and stop seeing, and it is time for us to lift the arms embargo and strike from the air in the hope that will finally put some pressure on the Serbs that they have not felt up until this time, so that they will come to the peace table with the prospect of negotiating fairly and accepting a peace agreement for Bosnia that the Bosnians themselves, who have accepted every previous peace treaty offer, can accept to bring an end to this tragic war. That is a policy that I think more than any other which has been tried to date and those that have been tried have failed offers even at this late and difficult hour in Bosnia some prospect not only for peace, but for the resurrection of some credibility, some legitimacy in the institutions upon which Europe and the rest of the world must depend in the years ahead for security and order; that is to say, NATO, the United Nations, and most of all, the strength and leadership of the United States of America.

Mr. President, I note the presence on the floor of my distinguished colleague and friend from Virginia, Senator WARNER. And I yield to him at this time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are no easy solutions to the tragic conflict in Bosnia. Throughout Europe and here in the United States persons with the most noble intentions have struggled with this program to no avail. The Senate has conscientiously searched for solutions. The debate knows no party lines, as is appropriate. The various policy options facing our Nation change weekly; giving the Senate an excuse to sit and wait. I join the majority leader and Senator LIEBERMAN in saying: ''No longer, the Senate must act.''

The course charted by the majority leader offers the best hope for the long-suffering people of Bosnia. While I have opposed, over 2 years, Senator DOLE's earlier approaches, he has now amended his approach to where I can now join as a cosponsor of the Dole-Lieberman resolution. The thrust of this resolution is to lift the arms embargo against the Government of Bosnia, but with conditions precedent. The current resolution incorporates these conditions which I have, all along, regarded as essential to a lifting of the embargo.

I commend the majority leader and the Senator from Connecticut for modifying their original resolution by making a withdrawal of UNPROFOR personnel the trigger for a U.S. lifting of the arms embargo. This modification addressed my main concern with previous legislative attempts, namely, of an immediate, unilateral lift of the arms embargo. My earlier concern was for the UNPROFOR troops being in place simultaneously with a lifting of the embargo. Such a move by the United States would endanger these troops who have been admirably, courageously, trying to perform peacekeeping, humanitarian missions in Bosnia under most difficult circumstances. I credit this effort with saving many lives which otherwise would have been lost to malnutrition and illness. Having gone to Sarajevo twice, I saw firsthand the efforts of UNPROFOR and UNHCR personnel.

The Dole-Lieberman resolution sets a responsible course toward achieving a goal of recognizing the sovereign right of a nation and its people to self-defense. The U.N. Charter so provides. Common law, common sense so provides.

Mr. President, until recently I had held out hope that a settlement could be successfully negotiated by the international community to end the conflict in Bosnia. It is now obvious that the numerous attempts by the United Nations, the European union, and the contact group, with U.S. participation, to resolve the differences over Bosnia have been thwarted. Despite the best efforts and sacrifices of the U.N. peacekeepers, it is clear that UNPROFOR is no longer capable of fulfilling its mandate, there simply is no peace to keep. What further evidence do we need, given the attacks on the undefended ''safe havens.''

Mr. President, administration officials have just completed their second weekend of discussions with our allies and Russia over the situation in Bosnia. And what are the results of those discussions? More warnings of military action by the international community. This form of deterrence has repeatedly failed. Consequently, the Bosnian Serbs have intensified their attacks against Sarajevo and the other safe havens. Each day, more death and destruction occurs in Bosnia. The Senate must act.

The most recent tragic aggressions by the Bosnian Serbs against the so-called safe havens close the door on the valiant efforts of the U.N. peacekeeping mission. There remains, in most regions of Bosnia, no peace to keep. The Bosnian Serb attacks on Srebrenica, Zepa, Bihac, and Sarajevo are a clear illustration of the futility of continuing on the present course. It is now time for the international community to make the decision to withdraw the UNPROFOR troops, and to proceed with that withdrawal in an orderly manner. To continue with the status quo—or even worse, to reinforce that status quo, as is being contemplated by the administration—would bring additional humiliation to the international community, and no hope for an end to the suffering of the Bosnian people.

While I continue to have concerns about the possible adverse effects of lifting the arms embargo, I believe that this is the best of the remaining available options. For a variety of reasons, the international community has

not been able or willing to take the actions necessary to bring an end to the conflict in Bosnia. We should at least be willing to allow the Bosnians to acquire the weapons they need to defend themselves, in accordance with international law. This is what the Bosnian Government has been asking for. The United Nations should not continue to stand in their way.

Let us examine some of the main arguments that the administration has been making against the Dole-Lieberman resolution. First, we have heard repeatedly from administration officials that this resolution will force a withdrawal of UNPROFOR. To the contrary, no action will be taken under the authority of this resolution until all UNPROFOR personnel have been withdrawn from Bosnia. We are not asking UNPROFOR to leave. We are certainly not requiring UNPROFOR to leave. We are simply saying that when UNPROFOR does depart, the Bosnian Government should be allowed to acquire the weapons it needs to defend its people and territory.

Second, the claim is made that this resolution will Americanize the war. I disagree. A U.S. move to lift the arms embargo will not Americanize the war unless we allow that to happen with subsequent action—that is, if we subsequently commit ourselves to equip and train the Bosnian army, and provide them with air support. The resolution before us specifically states that,

> Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

In my view, we are in far greater danger of seeing this war become Americanized if we carry through with proposals—as reported in weekend press reports—to conduct aggressive airstrikes against Bosnian Serb positions as part of the defense of Gorazde. This policy is very ill-advised. Americans will become directly involved in combat at that point—we will be combatants. We are taking sides in this conflict. American lives will be at risk—and for what purpose? To shore up a U.N. peacekeeping mission which has reached its end.

Mr. President, history has shown that the use of air power alone is not enough to win a war—it is not decisive without a proportional ground effort. It sounds appealing—it sounds like a cleaner, less risky military operation than ground combat. But it simply will not turn the tide of a battle. What clearer precedent do we need than the gulf war. For weeks prior to ground operations, air was used, used to lessen—not eliminate—the task of ground operations that followed.

During the gulf war, we spent weeks of massive, unrelenting air strikes against Iraqi targets in both Kuwait and Iraq. But that was not enough to force an Iraqi withdrawal from Kuwait. It took a large-scale ground operation to secure final victory in that conflict. Further, this air operation was carried out under terrain and weather conditions far, far superior to those in Bosnia.

And in Bosnia we have additional complicating factors which were not present in the gulf war. First, there are over 28,000 U.N. troops and uncalculated numbers of U.N. civilians scattered throughout Bosnia. Once we start offensive air operations, and become combatants, we are subjecting those U.N. troops and civilians to retaliatory action by the Serbs. How will we react when the Bosnian Serbs, once again, take hostages?

Past tactics of the Bosnian Serb forces was to colocate heavy weapons with the civilian population in Bosnia—next to schools, hospitals, and other population centers. Any NATO air strikes would run a very high risk of causing collateral damage. How will we react when we see pictures on CNN of Bosnian children who have been killed or wounded by NATO air strikes?

And finally, there is the problem the command and control arrangements which have reigned in Bosnia—the so-called dual-key arrangement. This dual-key usage by United Nations officials in Bosnia has resulted in less effective military action in response to Serb aggression. This is of greatest concern to all those worried about the safety of United States airmen flying missions over Bosnia—this dual-key arrangement has prevented preemptive air strikes to take out the Bosnian Serb air defense system. Scott O'Grady can tell you about the consequences of that failure. Will the dual key still be the order of the day if we proceed with the air operations agreed to over the weekend? Early reports seem to indicate that that indeed will be the case. Will the Bosnian Serb air defense network be eliminated before United States pilots again take to the skies over Bosnia?

We should not fool ourselves into believing that an air campaign to save Gorazde—this late in the game—will turn the tide in Bosnia. What about the remaining safe havens, other than Gorazde? We should not allow ourselves to become directly involved in the fighting, particularly when there is no clear unanimity among our allies about a course of action.

Mr. President, since the beginning of this conflict, I have consistently opposed the use of United States military force as a possible solution to the war in Bosnia. Events of recent weeks have reinforced this view. I do not want to see American lives expended in trying to resolve a conflict that is based on centuries-old religious and ethnic hatreds which none of us can understand or in any way can justify.

At this point, we should recognize that the United Nations mission has failed, and allow the Bosnians to do what they have been asking for—to acquire the weapons they need to defend themselves against Serb aggression.

Mr. President, I ask unanimous consent that two letters from the Bosnian Prime Minister, and a letter from President Clinton be printed in the RECORD.

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

THE REPUBLIC OF BOSNIA AND HERZEGOVINA,
July 11, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: Today, the United Nations allowed the Serb terrorists to overrun the demilitarized ''safe area'' of Srebrenica. Helpless civilians in this area are exposed to massacre and genocide. Once and for all, these events demonstrate conclusively that the United Nations and the international community are participating in genocide against the people of Bosnia and Herzegovina.

The strongest argument of the opponents of the lifting of the arms embargo toppled today in Srebrenica. They claimed that the lifting the arms embargo would endanger the safety of the safe areas. The people in Srebrenica are exposed to massacre precisely because they did not have weapons to defend themselves, and because the United Nations did not want to protect them. Attacks are also under way against the other safe areas in Bosnia and Herzegovina.

That is why we think it is extremely important that the American Senate votes to lift the arms embargo on the legitimate Government of Bosnia and Herzegovina.

If the Government of the United States of America claims that it has no vital interests in Bosnia, why then does it support the arms embargo and risk being associated with genocide in Bosnia and Herzegovina?

It is essential that the elected representatives of the American people immediately pass the bill to lift the arms embargo. This will provide a clear message that the American people do not want to deprive the people of Bosnia and Herzegovina of the right to defend themselves against aggression and genocide.

Sincerely,

Dr. HARIS SILAJDZIC,
Prime Minister.

REPUBLIC OF BOSNIA AND HERZEGOVINA, OFFICE OF THE PRIME MINISTER,
July 25, 1995.

Hon. ROBERT DOLE,
Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS DOLE AND LIEBERMAN: I write you today to once again appeal to the American people and Government to lift the illegal and immoral arms embargo on our people.

Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics, it is about doing the right thing.

In just the past two days in Sarajevo, 20 people have been killed while more than 100 have been wounded.

Brutal, unceasing attacks against the so-called UN safe areas of Zepa and Bihac are taking their toll on the lives of our civilians. The defenders of Zepa have heroically defied the aggressors and fight on and are ready to accept a collective suicide rather than submit to the atrocities we witnessed in the former UN safe area of Srebrenica—from where 10,000 people are still unaccounted for.

Yesterday, the Bangladeshi UNPROFOR battalion in Bihac requested air-strikes to

deter and to stop the Serb attacks on Bihac. The Serb forces are attacking from Serb-occupied Croatia, Serb-occupied Bosnia-Herzegovina with the full participation and backing of the so-called Yugoslav Army of Serbia-Montenegro. The Bangladeshi request was ignored—I ask myself if this same request would be ignored if it were requested by a British battalion.

This fact, and the silence about the continuing slaughter in Zepa, Sarajevo and Gorazde only further shows the impotence of the UN and international community which continues to hide behind the fig-leaf of consensus and consultations. News agencies have even reported that members of the French government want to change the map of the Contact Group's peace plan. The reports of these concessions air the same day that those to whom the concessions are to be given, Karadzic and Mladic, are indicted for war crimes by the War Crimes Tribunal in the Hague.

I wonder how many more Bosnian children must be killed, how many more Bosnian women must be raped, how many more Bosnian men and boys must be executed, how many more Bosnian families must be destroyed, how many more Bosnians must die while waiting in line for water before something is done? The current policies have failed. They died with Srebrenica. There is no line that the Serbs will not cross. It is clear that they will not stop until there are no more Bosnian people in Bosnia-Herzegovina.

Today, the people of Bosnia-Herzegovina received humanitarian aid from a joint Jordanian-Israeli delegation. This act between former enemies shows that Bosnia is not a question of politics and real politik but of humanity. The carnage we have endured thus far is inhumane.

I must reiterate that the arms embargo is an issue of human life and that it is time to do the right thing. It is not an issue of politics nor of excuses such as training or containment or ''Americanization'' or linkage to other international regimes and decisions. The arms embargo is illegal, it is a failed policy, it is immoral, it is in the interest of only the Serbian war machine, and it is a tool for genocide. The arms embargo is a matter of right and wrong and it must end.

Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and government to untie our hands so that we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name we ask that you lift the arms embargo.

Sincerely,

HARIS SILAJDZIC.

THE WHITE HOUSE,
Washington, July 25, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to S. 21, the ''Bosnia and Herzegovina Self-Defense Act of 1995.'' While I fully understand the frustration that the bill's supporters feel, I nonetheless am firmly convinced that in passing this legislation Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. As you know, we are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forgot that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnian-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days made clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. I am determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, as I have noted, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

I am prepared to veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support the pending legislation, S. 21.

Sincerely,

BILL CLINTON.

Mr. WARNER. Mr. President, I am happy at long last to join my distinguished colleague from Connecticut on this issue. For roughly 2½ years I have been in strong opposition to the efforts by the distinguished majority leader, Senator DOLE, and his coauthor of this measure, the distinguished Senator from Connecticut, recalling that during the gulf war operation when I was the principal sponsor of the resolution adopted by the Senate, my distinguished colleague from Connecticut was my principal cosponsor on that. So once again we have joined.

I wish to make very clear, Mr. President, I join for the very clear reason that the majority leader and the Senator from Connecticut changed in a very material way the approach they had initiated some 2½ years ago.

I think it is well worth the time of the Senate to focus on exactly what those changes were that led this Senator—and I now believe a majority of the Senate—to join in this. As a matter of fact, I am hopeful that close to 70 Senators will eventually join on this. I know my colleague from Connecticut and I and many others have talked among ourselves. These are the conditions that have materially changed this approach, in such a manner that it now gains the support of the majority of the Senate and indeed many of us. These are the conditions under which the United States will terminate the embargo. I read from the measure which is at the desk:

> Termination. Section 4. The President shall terminate the United States embargo of the Government of Bosnia and Herzegovina as provided in subsection (b) following:
>
> 1. Receipt by the U.S. Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

That is a very dramatic change. The initiative is on the Government, the recognized Government of Bosnia and Herzegovina, to first petition the United States and/or to petition the United Nations for the departure of UNPROFOR.

The second condition under which our President is authorized to act:

> A decision by the United Nations Security Council or decisions by countries contributing forces to UNPROFOR to withdraw UNPROFOR from Bosnia and Herzegovina.

That is very clear. It is an exercise of sovereign rights.

Now, the Senate received today a letter from the President of the United States addressed to the leadership. I have now had an opportunity to review that letter, and I regret to say that it is written as though the author had not read what is before the Senate today.

This letter now appears in the RECORD in its entirety, and I say to those who wish to take the time to examine it—and I hope all Senators will—it is a communication from the President of the United States to the leadership of the Senate in which he acknowledged that there are no simple or risk-free answers in Bosnia. But he goes on to recite a procedure that has been abandoned by the proponents of this measure before the Senate and, it seems to me, does not recognize in sufficient clarity exactly what has been put forth to the Senate.

So I will address that in greater detail later, but I should now like to pose a question or so to my distinguished colleague.

The criticism leveled at the initiative proposed by the majority leader and the Senator from Connecticut centers around the term ''Americanization'' and that if the Senate were to adopt this it would constitute an invitation, an invitation to the Government of Bosnia to take the initiative. My recollection is, having met with a series of Government officials, including the Prime Minister of Bosnia, they have come and specifically asked, asked of individual Members of the Senate that this be done in the exact fashion as is laid out in the measure before the Senate today. Am I not correct in this?

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely correct, in many ways. First, that the Bosnians have consistently asked that the arms embargo be lifted. Second, they have been confronted with this question: If you have to choose between lifting the embargo and the U.N. forces remaining in Bosnia, which will you choose? And they have said clearly lifting the embargo.

The language of this proposal before the Senate today is intended to give some ear finally to the victims and give them the opportunity to request, and in that sense to formally require that they request, the United Nations leave if that is their judgment as a precondition for the lifting of the embargo. And there are those who have said, well, they want the United Nations to leave, but they really do not.

This says that the condition on which the embargo will be lifted is if the Government of Bosnia says officially, formally that they request the United Nations to leave. Then the embargo will be lifted.

Mr. WARNER. Mr. President, that is a substantial change from the original proposition advanced by the majority leader and the Senator some years ago?

Mr. LIEBERMAN. The Senator from Virginia is absolutely correct. If the Senator will allow me, I just want to amplify on my answer to that question. It is a substantial change, and it is a change that has been inserted out of sensitivity both to our allies in Europe and other nations that have troops on the ground wearing the blue helmets of the United Nations. It is also an act of sensitivity and respect and deference to colleagues within this Chamber and, in fact, to the administration, which has expressed concern repeatedly on earlier occasions when the embargo lifting has been raised about the impact it would have on our allies.

So we are saying here we owe it to our allies, who have had soldiers serving bravely in the most difficult of circumstances, essentially unarmed in a hostile situation, to give them the opportunity to get out of there before we lift the arms embargo.

I must say to my friend from Virginia that I am particularly perplexed, angered by some who now say that the trouble with this proposal, S. 21, as substituted before the Senate now, is that it will require the U.N. troops to leave as a precondition for lifting the embargo.

Well, we have put it in there, Senator DOLE and I and others, to respond to the concerns that these same critics offered, issued a year ago or so, that just lifting the embargo was not respectful or fair to our allies and their brave soldiers on the ground. So the Senator is absolutely correct; it is a substantial change from the earlier version of this proposal.

Mr. WARNER. Mr. President, a second question. I have had the opportunity to travel to this region four times with various Members of the Senate. I was one of the very first to go into Sarajevo, and then I accompanied the distinguished majority leader to Sarajevo on a second visit. At that time we met with President Izetbegovic, and then, of course, the Prime Minister personally has been here in the United States I think on two occasions in the last 6 or 8 weeks. I do not recall in the discussions—I repeat, I do not recall—that they laid down any conditions whatsoever that would place an obligation upon the United States of America in the event this arms embargo is to be lifted.

Quite specifically, in my discussions regarding this matter with both the Bosnian President and Foreign Minister, they refuted that there was any obligation on the part of the United States. However, the President of the United States in his letter implies that if such action were taken as envisioned by the measure now before the Senate, there would be, impliedly, so to speak, an obligation on the part of the United States to provide arms, provide training and otherwise Americanize—that is this trick phrase that has been utilized—this situation.

I ask my distinguished colleague, in the Senator's discussions with the leadership of Bosnia, have they laid down to him any conditions whatsoever that would either imply or infer or indeed directly involve the United States in a period subsequent to the lifting of the embargo?

Mr. LIEBERMAN. Mr. President, in responding to my colleague from Virginia, in all of the conversations I have had with the various representatives and leaders of the Government of Bosnia and Herzegovina there has never once been a condition set for the lifting of the arms embargo—never once a condition set. And that is again why I think some of those who argue against lifting now are using very stretched, tortured, circuitous logic. It is not the Bosnians who have requested the United States to come in to help the United Nations out. It was obviously not the Bosnians who have made the commitment, a commitment which I think is appropriate, but that is for another day, to have American troops go in and help the United Nations out.

The Bosnians have said consistently, ''We have the soldiers. Please give us the weapons.''

Now, I will say, to give a complete answer to my friend, in recent conversations there have been occasions when the Bosnian leadership has requested, but certainly not said it was an obligation, that the full lift-and-strike policy be implemented, which is to say that not only should the arms embargo be lifted, but that they would be assisted in a transitional period while they are receiving arms if NATO could use airpower to keep the Serb aggressors at bay. No obligation ever. In fact, I have said to them, because others have said it to me, I said, ''You understand that people are saying to us, if you lift the arms embargo, there will be a bloodbath. You will demand that American troops come in.'' They have said, ''No, Senator. Not only do we have enough troops on the ground, but how could there be a bloodbath any worse than we have already had? So we are ready to take the consequences.'' No obligation.

Mr. WARNER. Mr. President, let me refer to the letter dated July 25 from the President of the United States to the leadership. On page 2:

> It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure.

I will return to that allegation that this is forcing the departure.

> First, as I have noted, we immediately would be part of a costly NATO operation to withdraw from UNPROFOR.

And that is a matter that the President has addressed previously. And it is my understanding that the distinguished majority leader, the Senator from Connecticut, the Senator from Virginia, and others have indicated that once the framework of such participation by the United States in assisting a withdrawal by UNPROFOR is brought to the Senate, it is likely that we will support it. Most likely. Certainly speaking for myself.

But I proceed to the second point:

> Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support, and if that fails, more active military support.

My question to my colleague: Do you know of any documentation to support that assertion by the President of the United States? I do not.

Mr. LIEBERMAN. Mr. President, respectfully, I do not. Clearly they are hoping for arms in Bosnia. That is what they most desperately want and need. As I indicated earlier, their first choice is to receive them from former Warsaw Pact countries, not from us. Second, yes, they would like air support in the transitional period. That is up to NATO. But they have never asked for more active military support. In fact, Senator DOLE and I, on every occasion we met with them, have said, ''Please do not expect that American troops will end up on the ground fighting for you in Bosnia.'' And they have said over and over again, ''Not only do we understand that, we do not want that.''

Mr. WARNER. Mr. President, I thank my distinguished colleague. I frankly call on the administration to provide the Senate with documentation to back that up because I find it contradictory to what the President of Bosnia and the Prime Minister of Bosnia have represented to individual Senators in our private meetings. There may be. There may be such documentation. But I think given that assertion in this letter to the leadership of this Senate, that that documentation should be brought to the attention of those of us who are actively supporting the measure.

Mr. President, I have a great deal to say, as I am sure others do, on this subject. I see the distinguished Senator from California present in the Chamber. I know that we spoke earlier when I was consulting with her in the hopes that she would support the measure on the floor. Mr. President, I yield the floor at this time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you, Mr. President. I thank the distinguished Senator from Virginia.

Mr. President, I rise today to indicate my intention to vote for the Dole-Lieberman resolution. I want to state what my intent is, and what it is solely. My intent is solely to allow an afflicted people to defend themselves.

Last week I stated that I had hoped that a specific course of action would result from last weekend's meetings in London. The actions taken, unfortunately, are limited to one enclave, Gorazde. They are not well defined, and as we have seen, the shelling of Gorazde has been ongoing since last weekend.

Also, last week I spoke about the devastating photograph of a young Bosnian woman who decided she could not go on and hung herself from a tree. This anonymous image spoke eloquently to me of the desperation facing the Bosnian people as they endure rape, torture, summary execution, and a litany of war crimes. However, no one knew who this woman was, and to this day we still do not. But now at least we have an idea of what might have driven her to take her own life.

According to one witness, a young mother tried in vain to trade her life for her 12-year-old twin boys who were taken from her and had their throats slit by the invading Serbs at Srebrenica. Later the mother tied a scarf to a tree limb and hung herself. Was this young mother the woman in the photograph? We may never know. But this story tells us all we need to know about what drives a person to such an extreme.

As the stories of the Srebrenica survivors have emerged, the picture of the suffering endured by the refugees and the atrocities committed by the attackers has become increasingly clear. I want to lay some of these out because in recent days news reports and other sources have revealed the true extent of the horror. Here are just a few examples.

On July 17, the New York Times reported several accounts of atrocities related by refugees. Two women, Hava Muratovic and Hanifa Masanovic, told nearly identical stories of Serb soldiers, dressed in uniforms of U.N. soldiers, breaking into a factory where some refugees were staying and hauling away a group of teenage boys.

According to Mrs. Muratovic: ''The next morning I saw a pile of bodies next to the water fountain. There were about ten of them, all with their throats cut. There was a tree next to the fountain, and two other bodies were hanging from the branches.''

Another woman, Sveda Porobic, told of three apparent rapes. In another factory where refugees were gathered, Bosnian Serb soldiers, dressed as U.N. peacekeepers, no less, came through the factory and dragged away two girls, ages 12 and 14, and a 23-year-old woman. After several hours, the three returned. They were crying, naked and bleeding, covered with scratches and bruises. One said, very simply, ''We are not girls anymore.''

On July 16 the Washington Post reported that a teenage girl found a stack of bodies of young men behind a factory. They had been shot with their hands tied behind their backs. Near the same factory, two other teenagers witnessed 20 men gunned down by a Serb firing squad.

Three days later, on July 19, just last week, USA Today quoted a Bosnian refugee, Zarfa Turkovic, who said she witnessed a brutal gang rape at the U.N. camp in Potocari, where refugees had gathered. She said that four Serb soldiers grabbed a young woman from among the sleeping refugees. ''Two took her legs and raised them up in the air,'' Turkovic said, ''while the third began raping her. People were silent. No one moved. She was screaming and yelling, begging them to stop.'' The rapists stuffed a rag in her mouth and continued raping her.

Since the day that Srebrenica fell, the U.N. High Commission for Refugees has been caring for Bosnian refugees fleeing the Serb armies. In Tuzla, UNHCR has been responsible for providing food and shelter to thousands of refugees in the last week and a half.

On July 18, the U.N. High Commission for Refugees released a report describing the experiences of a number of refugees, based on interviews with those who arrived in Tuzla. I would like to relate a few of the most disturbing examples.

A 60-year-old man and his wife described how the bus that was carrying them to Tuzla was stopped by Serb soldiers. The soldiers took four young women off the bus and into the woods. An hour later, three of the women emerged from the woods. The fourth woman appeared later in the town of Kladanj, naked, with only a blanket wrapped around her.

Buses were stopped by Serb soldiers a number of times along the road to Kladanj. Men and boys over age 12 were taken away, along with many young women. Most have not been seen since.

Most alarmingly, a group of refugees fleeing Srebrenica on foot through the woods encountered a group of Serb soldiers wearing the uniforms and blue helmets of UNPROFOR troops and using U.N. vehicles. One Serb soldier called out on a megaphone for the Bosnians to come out of the woods. Between 20 and 30 Bosnians, mostly women and children, emerged from hiding. The Serb soldiers lined them up on the road, and opened fire with machine guns, killing them all.

None of these reports has been independently confirmed, but based on the facts available, these stories are compelling, believable, and consistent with documented Serb behavior. There have also been many instances of refugees telling identical stories independently.

Mr. President, I ask unanimous consent that the entire text of the UNHCR report be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mrs. FEINSTEIN. In recent days, we have seen more substantiated reports of atrocities. Dutch peacekeepers present in Srebrenica have reported witnessing summary executions of Bosnian soldiers. The U.N. human rights envoy told reporters that ''what happened (in Srebrenica) cannot be described as moderate violations of human rights, but as extremely serious violations on an enormous scale.''

Yesterday, the Bosnian Foreign Minister called me from Zagreb. He told me that as many as 10,000 people are still missing from Srebrenica, and that of the 6,000 Bosnian men and boys held hostage in a stadium in Bratunac, north of Srebrenica, as many as 1,600 have been executed.

Most startlingly, he indicated that last Monday, the Bosnian President offered to peacefully evacuate Zepa. This

offer was turned down by General Mladic. I believe we know the reason.

If the evacuation had taken place peacefully and under U.N. supervision, it would have deprived the Serbs of the opportunity to detain and kill all the men of fighting age, and the opportunity to rape, torture, and humiliate defenseless refugees.

To me, it is unfathomable that crimes like these can be perpetrated in 1995, 50 years after the liberation of Auschwitz. The names Karadzic and Mladic will go down in history with the greatest villains of our time. They have led a regime that sanctions, promotes, and encourages its soldiers to murder, torture, rape, and humiliate innocent Bosnian civilians. They are evil.

Today, the International Criminal Tribunal for the former Yugoslavia announced indictments of both Dr. Karadzic and General Mladic for war crimes. It is my hope that both these men, and numerous other war criminals, will be successfully prosecuted.

I know that every Member of the Senate is outraged by the barbaric behavior that has taken place. But for the Bosnian victims of these crimes, our outrage is worth little, unless it leads to action. In the face of these atrocities, we must make an important decision.

Our choices are clear: we must either dramatically change the U.N. operation on the ground in such a way that it will be able to protect Bosnian citizens from Bosnian Serb murderers and rapists; or, we must lift the arms embargo against the Bosnian Government, unilaterally if necessary, in order to allow the Bosnians to defend themselves.

But there is one thing we cannot do, and that is nothing.

Last week, Secretary of Defense Perry, Secretary of State Christopher, and General Shalikashvili met in London with our NATO allies. They were attempting to devise a response to the collapse of Srebrenica and Zepa that will prevent and punish further Bosnian Serb attacks on safe areas and defend the civilians in those areas.

Before these meetings began, I felt that in order to be successful, they would have to succeed in radically changing the mission and mandate of the allied troops on the ground in Bosnia, giving them the wherewithal and command structure to fight effectively that they have lacked thus far.

Unfortunately, I do not feel that the agreements reached in London meet that test. I have spoken with the Secretary of State. I have spoken with our Ambassadors in London and Paris. And I have spoken at length with the Foreign Minister of Bosnia. All of these conversations have solidified my view that there has not been a sufficient change in the situation on the ground.

The London meetings only addressed the enclave of Gorazde. It is true that a fairly resolute statement was issued regarding a Serb offensive on Gorazde. Substantial allied airstrikes will be ordered in response to any attack on Gorazde.

What constitutes a Serb assault on Gorazde? Is this present shelling that has been going on since the London Conference enough to provoke action? Does a siege that cuts off the flow of humanitarian aid warrant airstrikes? Gorazde has in fact been shelled continuously since the London conference. Why have the airstrikes not begun?

Unfortunately, the promised defense of Gorazde only means that the Serbs will continue their attacks at Zepa, which I understand has finally fallen, Bihac, then Sarajevo, and Tuzla, and then what? In fact, the fate of Bosnia is sealed if the enclaves fall—for only 30 percent of Bosnia remains in government hands today.

As we debate this resolution, Bihac is surrounded and under attack. In this offensive, the Bosnian Serbs are receiving assistance from their Croatian Serb brethren—25,000 Croatian Serbs are coming over the border to augment the attacking forces. Bihac has received no food convoys for two months, and relief flights have been suspended because of the shelling. There is virtually no food left in Bihac, and residents are able to eat only what they can grow.

As for Sarajevo, it is perhaps the most important of all the enclaves. Its fall would mean the end of Bosnia. Yet, Sarajevo was hardly mentioned in London. It is true that since the conference, British and French troops from the Rapid Reaction Force have deployed around Sarajevo to respond to Serb shelling. But their mission, it seems, is primarily to protect U.N. forces. Earlier, in our caucus, the Secretary of State indicated that these troops would respond to Serb attacks on the civilian population. I certainly hope so.

As the Bosnian Foreign Minister told me, drawing a line in the sand around Gorazde alone is like drawing a line in the sand around one solitary sunbather on a beach. It may protect that one sunbather, but it ignores everything else on the beach.

Third, it is not at all clear that the United States and our allies have the same understanding about the agreements reached in London. While British Foreign Secretary Rifkind, promised a ''substantial and decisive'' response to any Serb attack on Gorazde, only U.S. officials mentioned the certainty of airstrikes.

Furthermore, it is entirely clear that Russia does not support a policy based on the use of airstrikes to contain the Bosnian Serbs. Foreign Minister Kozyrev went out of his way to say that ''no consensus'' had been reached in London. How Russia would respond to a policy that it does not support is uncertain. This uncertainty may well prove dangerous.

I had hoped that the London meetings would have initiated a genuine change to the situation on the ground in Bosnia. I wanted to be convinced. But with the weight of all the evidence, I am afraid the London conference appears inconclusive, and that the status quo will continue.

The London meetings do not produce a new course of action, and did not commit the allies to protect the Bosnians. I am convinced that we have no choice but to lift the arms embargo against the Bosnians. I prefer that it be a multilateral lifting. It has become painfully clear now that no one will defend the Bosnians except the Bosnians themselves. If no one will defend them, we can no longer deny them the right to defend themselves. And so, I intend to support the Dole-Lieberman resolution.

Last year, I opposed a similar resolution, in large part because it contained a policy of ''lift and leave''. It would have forced the President to lift the arms embargo unilaterally before any effort had been taken to extract UNPROFOR from Bosnia. I felt that was unfair to our allies, who have troops on the ground there.

The resolution before us has gone a long way toward addressing those concerns. It now contains a ''leave and lift'' sequence, which is very important. The President would not be required to lift the arms embargo until 12 weeks after UNPROFOR began its withdrawal, and that period could be extended in 30 day increments if the withdrawal took longer than expected. I believe that this change alters the effect of the resolution considerably.

This is a time for the entire world to feel outraged at the atrocities now being carried out with merciless abandon. And where is the conscience of the world? In fact, much of the world genuinely wants to help. Today, for example, a joint delegation from Israel and Jordan are meeting in Bosnia to see what they can do to help.

Let there be no mistake—we are watching the development of a ''Fourth Reich'' dedicated to the genocide of a people simply because they are different. To me, after the events of the past 3 years, there is little difference—except in size—between the drive for a pure Aryan nation 50 years ago, and that for an ethnically cleansed Greater Serbia of today.

The Bosnian Foreign Minister put it to me so eloquently yesterday when he said:

> No one has taken on the job of defending the Bosnian people. UNPROFOR is not a substitute for our defense, and the Rapid Reaction Force is committed only to defend UNPROFOR. We must know that somebody is going to defend us—and that somebody is only us.

An afflicted people must have the right to defend themselves. This resolution signals no more and no less.

EXHIBIT 1

UNITED NATIONS HIGH COMMISSION FOR REFUGEES (UNHCR) PRELIMINARY PROTECTION REPORT NO. 1 JULY 18, 1995

The following is a report based on initial interviews conducted with displaced people who fled Srabrenica after it was overrun by Serb forces.

I. CHRONOLOGY OF EVENTS

11 July—Serb forces overran Srabrenica after days of intense artillery and mortar shelling. Residents and displaced people flee burning houses and head for the Dutch UNPROFOR Battalion in Potocari, about 10 km north of Srabrenica. Others escape toward Sagna Finger on foot heading for Tuzia. Serb forces enter Potocari in the afternoon and disarm Dutch troops.

12 July—Serb forces began moving by bus people who had escaped to Potocari to Klandanj, about 70 km away. From there, the displaced were forced to move across 6 km of no man's land. They were met across the other side by Bosnian trucks and transported to the Tuzla Air Base. As the number of people swells, UNPROFOR opens a camp settlement inside the base.

13 July—Thursday Bosnian government agrees to move displaced people massed outside the air base to collective centers.

14 July—Government says the first elements of a column of 15,000 Bosnian soldiers, some of them accompanied by their families arrive in the village of Medjedja after walking across the forested Sapna finger. Four days later, the number of people had reached 8,000. The arrivals were wearing rags and mostly barefooted after their shoes were torn apart during the march. The government says it expects more soldiers and civilians to arrive in Madjedja and requested UNHCR for food and non-food items.

18 July—ICRC evacuates to Tuzla 87 wounded from a hospital in Bratunac and the Dutch medical facility at Potocari.

II. SUMMARY OF NARRATIVES

2.1 Random interviews were conducted among arrivals at the tent camp at the Tuzlaa airbase. At the outset, it must be explained that none of the accounts could be independently confirmed. The accounts include incidents of rape, robbery and execution stories were told of families being separated of men and women being taken away by Serb soldiers. Soldiers who escaped across the Sapna finger say the encountered heavy shelling, mine fields, ambushes and massacres along the way to Sapna in which hundreds were either killed or captured.

III. INTERVIEWS

1. From Potocari to Kladanj.

1.1 As civilians, mostly women and children, were fleeing advancing Serb forces, shells fell everywhere along the road to Potocari. One woman claims she saw scores of people killed and wounded in the mortar and artillery barrages. Upon reaching Potocari, the civilians gathered in and around the Dutch battalion camp and in the surrounding abandoned factories. Serb soldiers walked inside the camp and started separating families. Men of fighting age and young women were taken away, according to uniform accounts of the people interviewed.

1.2 One woman says her husband was stabbed dead before her eyes. She was dragged away to a bus but she managed to go back to look for her husband. Later, she found his body at the garage of a factory. Seven other bodies were lying there. Other women say that as they were waiting to be boarded in buses to Kladanj their husbands were taken away and that they did not know what happened to them.

1.3 Two women interviewed say men were separated from women as people were being loaded in the buses. They claim that Serb soldiers demanded money from them, but gave nothing since they didn't have any. One woman was separated together with the men because she is a relative of a senior Bosnian army officer.

1.4 The buses were stopped a number of times along the road to Klandanj. Men who were allowed to leave after the first screening were picked out of the buses and taken away. They include boys aged 12 years and upward and young women.

1.5 A 60-year-old man and his wife say that in their bus, four young women were taken out into the woods. An hour later, only three of the women returned to the bus. The fourth woman showed up in Kladanj naked with only a blanket wrapped around her.

1.6 Not only were incidents of robbery narrated before the people were put on the buses, but also as the convoys moved toward Klandanj. Along the route, Serb soldiers would demand the meager belongings and money from the passengers. One Serb soldier slashed the upper lip of a woman who could not produce money. Robbery also was allegedly committed as the people were offloaded at Kladanj.

1.7 One man says he counted 11 bodies as he walked toward Bosnian-controlled area along a six-kilometer stretch of no man's land. He says they apparently were victims of robbery attempts by Serb forces operating across the no-man's land.

1.8 Dead Bosnian men in civilian and military clothes were seen scattered along the route to Kladanj. Groups of hundreds of captured Bosnian soldiers, their hands behind the back of their head were all along the route.

2. Escape to Sapna Finger.

2.1 Four soldiers interviewed say they were among a column of 15,000 people, including 6,000 women and children, who broke across Serb-controlled areas after Srebrenica fell. They walked through 70 km of forests and faced heavy shelling, land mines and ambushes. Hundreds were reportedly killed and hundreds more were captured.

2.2 One soldier said the first ambush took place in Jaglici, the day the column left Srebrenica. He says more than 60 people were killed. At Konjevic Polja, the column encountered Serb soldiers in UNPROFOR uniform and using UN vehicles. One Serb soldier with a loudhailer called on the Bosnians to come out. Between 20 to 30 Bosnians, mostly children and women, who emerged out of hiding were lined up on the road. Then the Serbs opened fire with machine guns, killing all of them. The same soldier says he saw about 50 Bosnian bodies beside a road toward Cereka. And in another place later on, soldiers stepped on mine fields and that 150 were reportedly killed there. At Udrio, 300 to 400 were allegedly killed in an ambush. Another 300 to 600 were reportedly captured. Three other soldiers gave similar stories.

3. MEDEVAC.

3.1 Interviews were conducted with four male and five female civilians who were evacuated by car from Srebrenica—the Dutch facility at Potacari and the hospital in Bratunac—by ICRC. They were among 87 brought to Tuzla at the Norwegian medical center. The males were mostly soldiers who were wounded during the fighting before the fall of Srebrenica and were confined at the hospital there. After the Serbs took control of the town, the patients said they were mistreated. Serb soldiers and civilians entered their rooms a number of times and kicked and beat them up. One 60-year-old man says he was hit by a rifle butt in the chest.

ALVIN GONZAGA,
Protection Officer.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we wish to thank our distinguished colleague from California for the very strong contribution to this debate. I just want to draw on one point, to make sure I understood her correctly, because it coincides with my understanding, and that is that the Secretary of Defense, when asked by the Senator, made it very clear that these rapid reaction forces, primarily from France and Great Britain, which are coming there now, and pictures of which we saw moving up into Sarajevo today, are there not to protect the civilians but simply to facilitate a protective cover to the UNPROFOR forces as they continue to struggle to perform their mission; is that correct?

Mrs. FEINSTEIN. Mr. President, if I might comment through the Chair, what I learned from our caucus is that what my colleague has just stated is true in general, but there is some higher commitment in the Sarajevo area. I am not certain of this, but I believe I understood the Secretary to say that they would defend against the shelling of Sarajevo. I am sure someone will straighten this out for certain later in the debate, but that is what I understood today.

Mr. WARNER. Mr. President, that is another example of the difficulty many of us are having in getting an accurate understanding of precisely what is the intended use of these forces. We have had hearings in the Armed Services Committee and repeatedly we have pressed for these answers, and as yet we have not received them.

Mr. LIEBERMAN. Mr. President, if I may respond very briefly to the question of the Senator from Virginia, I was in the same meeting and I thought the answer was unclear. I thought the Secretary of State said that the rapid reaction forces in the vicinity of Sarajevo were capable of responding to attacks against the population there as well as against U.N. forces. But it was not clearly their authority to do so at this point. And the news wires carry stories today of the British troops that are there as part of the rapid reaction forces on the hills around Sarajevo saying that their understanding of their mission is to respond only to attacks by the Serbs against them, against the U.N. forces, and not against the civilian population.

Mr. President, I want to thank our friend and colleague from California for a very powerful statement. It is not just that I am honored she will support this legislation before us, but it is the strength of the high road that she took in her statement, and I am very grateful for it, and it encourages me as we begin this debate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me join our colleague from Connecticut in commending our colleague from California. Her speech was a very moving speech. I think anybody who is not affected by her definition of the problem, and the concerns she raised, clearly is not in touch with the reality of this situation.

Mr. President, I rise today in support of the resolution lifting the arms embargo. I would like to explain why I believe that the arms embargo should be lifted, why I believe the United Nations forces should be withdrawn, why I believe that the United States should not send ground troops into Bosnia, and why I am convinced that the only solution is to allow the Bosnians to have access to the arms that will allow them to defend themselves.

Let me start at the beginning. Like many Members of the Senate, I have been to the Bosnian region. I have talked to the leaders of the various factions. I have talked to the American military leadership. And, like every Member of the Senate, I have sat in on endless briefings about our situation in Bosnia and the options we have. I think basically it all boils down to this: To be decisive in stopping the killing in Bosnia would require at a minimum, according to our military leadership, 85,000 combat troops. If the United States of America sent 85,000 combat troops into Bosnia, there is no doubt about the fact that in that environment, we would take casualties. And if the conflict rose in intensity, we could take a substantial number of casualties.

I do not think there is any doubt that if we chose to, we would have the military power to intervene. In the process, for the period when our intervention was active and where we had troops on the ground, there is no doubt that we could temporarily change things in Bosnia. But I think one thing that everyone who has looked at this conflict agrees on is that the day that America pulled out or the day that a larger involvement by the United Nations was withdrawn, nothing fundamentally would have changed. And on that day, the conflict would reignite.

I think we all understand that if the United States intervened, or if we participated in the intervention with our allies, then ultimately the day would have to come when we would have to withdraw. I do not believe that the American people are convinced, given that we cannot permanently change a conflict that is 500 years old, that we can justify the loss of American life in Bosnia.

I do not believe that the American people support a massive ground intervention in Bosnia. I am opposed to it. I think it would be a mistake to send ground forces into Bosnia. I believe that the American people oppose it with enough intensity that if we did intervene, as soon as we started to lose American lives, then the pressure would mount for us to withdraw.

So where are we? I think we have a conflict that America cannot be decisive in changing through our intervention for any more than a very short period of time. It is not going to make me feel any better and I do not think it will make the American people feel any better to add American names to the casualty list in Bosnia.

I think the U.N. mission has failed. The safe havens are not safe. There is no peace for the peacekeepers to keep. I believe the U.N. forces should be withdrawn.

I think to engage in intensified airstrikes would simply put us into a position where, if they did not succeed, we would be drawn deeper and deeper into this conflict. And everything we know about the region and the effectiveness of airstrikes in a geographic area like Bosnia tells us that airstrikes are not likely to be decisive.

So what do I think the solution is? I do not think it is a very happy solution. I think, first of all, we have to recognize that there are limits of power and that, even though we are the most powerful country in the history of the world, even though we have greater military capacity than any nation in the history of the world has ever had, we do not have the ability to fix everything that is broken. We do not have the ability to right every wrong, and we do not have the capacity, given the unwillingness of Americans to sacrifice American lives, to be decisive in Bosnia.

Therefore, I think we should call on the United Nations to withdraw. I think we ought to lift the arms embargo. We ought to allow the Bosnians to arm themselves and defend themselves. We have to realize that foreign policy involving American military power is not like social work. It is not a situation in which we see something wrong in the world and we decide to fix it.

It seems to me we have to ask two questions to guide us in our policy with regard to Bosnia.

First of all, do we have a vital national interest in Bosnia? It is difficult to listen to the distinguished Senator from California and answer that question no. I think we do have an interest in what is happening there. I think the whole world has an interest in it.

But the second test is, can we be decisive, through our intervention, in solving the problem? I think the answer to that question is, regrettably, no. I think our intervention in the short run on a massive scale could have a short-term impact. But the day we withdraw, the problem is going to recur. I do not believe that the American people support the use of ground troops, and I do not support it.

We must recognize that while we have a national interest, and I think civilization has an interest, I do not think we have the capacity to be decisive in this conflict.

Finally, never, ever, under any circumstance, could I support sending U.S. troops into combat under U.N. command. It is an absolutely unworkable structure. The United Nations was never organized to conduct military operations, and I, for one, am determined to see that under the current structure of the United Nations or anything remotely similar to it, we do not put Americans into combat under U.N. command.

Let me, before I end, respond to a couple of points the administration has made. The administration has argued that lifting the embargo Americanizes the war. I strongly disagree with that argument. I think continuing to threaten to do things we are not going to do Americanizes the war.

I think the Serbs understand that we are not going to send ground troops into Bosnia. I think the Serbs understand that, at least to this point, we have been unwilling to use massive air power because it would not have been decisive and because a massive bombardment using American air power would have caused collateral damage, including killing innocent civilians, that would clearly have been very large. Even as sophisticated as our weapons are, that is likely to happen.

Instead, we have continued to threaten things that do not menace the Serbians. What we have to do is level with our allies and level with ourselves in saying some very simple things.

No. one, we are not going to send American ground troops into Bosnia. No. two, the U.N. mission is a failure, and nothing that we are going to do is going to change that. The obvious thing to do, the humanitarian thing to do, and in the long run the thing that is in the interest of the people of Bosnia is to lift the arms embargo and give the Bosnians the opportunity to defend themselves.

That is something that we are not going to do for them. The United Nations has been unwilling and unable to do it for them. They desperately want to do it for themselves. I cannot in good conscience deny them the ability to do that.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

BOSNIA DECISIONS

Mr. BYRD. Mr. President, we are considering legislation that would unilaterally lift the arms embargo against Bosnia on a date certain that is established by actions outside the control of the United States. A demand by the Bosnian Government for the United Nations Protection Force (UNPROFOR) withdrawal from Bosnia would cause the lifting of the United States embargo against the Bosnian Government. The sponsor of this legislation, Senator DOLE, and cosponsors and others have argued that UNPROFOR is not effectively protecting the U.N.-declared safe areas—and I agree with that—and that it should be withdrawn, allowing the Bosnian Government to defend itself and its people.

But, Mr. President, this scenario does not fully reflect ongoing developments. There is another option to what is clearly a failed U.N. mission, failed because no peacekeeping operation can succeed when there is no peace to keep. Last Friday, representatives of the 16 nations comprising the North Atlantic Treaty Organization [NATO] met in London to hammer out a coordinated

NATO response to the recent Serb aggression. That meeting has resulted in a new policy, the details of which are being finalized today. The most important element of the policy is that our NATO allies are remaining in Bosnia. They have not seized upon excuses to quit the morass that is Bosnia. Our European allies recognize that aggression in Europe feeds upon itself and must be met. They recognize that the spread of this cancer will eventually threaten the stability of NATO nations, through huge refugee flows, black market arms trading, and economic instability. They are not leaving the refugees in the safe areas with no hope that the West cares about their fate. NATO is prepared to take action if Gorazde is attacked. As the discussion proceeds in NATO councils, we should soon know if the ''dual key'' approach to approving airstrikes will remain in its now modified form, or if—as I hope—the retaliatory strikes are to be fully in NATO's control. My opinion is that now is the time for the U.N. bureaucracy to completely step aside.

This is a big change for U.N. and NATO policy in Bosnia, and one that is not recognized in the legislation we are debating. The U.N. operation in Bosnia has been castigated for not truly protecting the Bosnian Moslem refugees in Srebrenica, Zepa, and other safe areas. It is certainly true that the United Nations was unable to keep those towns from being overrun; just as it is true that Bosnian Government forces also failed to keep the towns from being overrun. Perhaps that is cause for some to call for the United Nations' withdrawal from Bosnia. I am opposed to unilateral action by the United States. I suggest that it is time to let NATO take over from the United Nations in Bosnia. That is the path that is being taken in the recent NATO decisions.

NATO is a fighting force, while the United Nations is not. For the four and a half decades since its inception in 1949, NATO has thrived as one of history's most successful alliances, serving as a defensive shield protecting its 16 members from a massive assault by Warsaw Pact armies. The fact that it has never had to fight the Warsaw Pact is perhaps proof of its effectiveness. In times of rivalry on trade and diplomatic fronts, NATO has been a stabilizing factor in U.S.-European relations, a forum where Western countries can air and coordinate important global policies of concern such as arms control, proliferation of weapons of mass destruction, and instability in the region. Now, it is proving to be a forum where, perhaps, a workable plan for the tragic situation in Bosnia can be hammered out and implemented.

NATO troops are seasoned and practiced in joint operations. They have the equipment, training, and rules of engagement to make them an effective enforcer of the decisions announced this weekend. The NATO military command is establishing the command and control links and decisionmaking rules to guide NATO operations in Bosnia in fulfillment of the decisions so recently made.

But NATO needs time, it needs the opportunity, to prove that it can be more effective in Bosnia than the U.N. peacekeepers have been. I know that proponents of this legislation will say that airstrikes have been tried before, and they have not worked. I do not deny that. But previous retaliatory airstrike operations have been bound with so many restrictions and such cumbersome lines of control as to be useless. Previous airstrikes have required advance notice to the targets that were to be hit. They have required a time-consuming and cumbersome decision-making process that rendered the strikes toothless and not timely. They have been conducted by flights of aircraft not necessarily suited to the task at hand. And, they have been deterred by the presence of hostages at the sites to be bombed.

These restrictions do not appear to be the case in the retaliation that has been outlined for NATO and by NATO. NATO retaliation will be swift, it will be at a time and place of NATO's choosing, it will not be announced, and it may encompass any Serb military target, including command and control centers and headquarters. Our NATO allies with forces on the ground have even accepted the possibility that hostages may be taken, and have pledged to continue on even in these difficult conditions. This is a far cry from the previous ineffective U.N.-controlled airstrikes.

Will this be easy? No, I do not think so. Is it important to support NATO in this effort? Yes. I think it is very important. Our NATO allies have made two points clear: First, they are committed to taking action in Bosnia, and remaining engaged there. Second, they have made it clear that United States actions to unilaterally lift the arms embargo would seriously damage the allied coalition on Bosnia. The United States has urged NATO to take on this larger role, and to become more active in deterring aggression in Bosnia. They are doing it.

Mr. President, this legislation does not address the key issue, which is the role of NATO in keeping the peace on the European continent. It pretends to lift an embargo that the United States has not enforced for months, due to compromise language worked out in last year's defense authorization bill. Arms and funds to buy arms are making their way to the Bosnian Government from sympathetic governments, just as arms are making their way to the Bosnian Serbs. A lifting of the United States embargo could very well be a prelude to greater American involvement in this conflict. Following a formal lifting of the United States embargo, shall we expect to see legislation introduced to use U.S. taxpayer's funds to supply arms to the Bosnian Government? Such legislation has been included in bills in the past, up to $200 million. Some $50 million in defense articles and services from the Department of Defense was authorized to be provided to the Government of Bosnia in the Fiscal Year 1995 Foreign Operations Appropriations bill (Public Law 103–306), subject to Presidential certification. This assistance even may prove necessary, if action to lift the embargo weakens NATO's resolve and ability to act in Bosnia. After all, why should our allies, who have so much more at stake in Bosnia, undertake such risks, when on the heels of their consensus, the United States adds a new unilateral element?

All of us sympathize with the suffering in Bosnia. Nobody sympathizes with the suffering any more than I do. I am not blind to it. I hope that the new NATO policy will be successful, and will finally let the Bosnian Serbs know that they cannot defy the world, take more territory, and displace residents in order to create an intolerant society. I simply cannot see how this legislation before us today improves the situation for the Bosnian Government, or for the Bosnian people, or for the hope that the United States and its allies can retain a united security policy.

It is this unilateral action that threatens to ''Americanize'' the conflict in Bosnia. If our actions here today on this measure jeopardize the new NATO policy in Bosnia before that policy is implemented and tested, we may have assumed some responsibility for the further deterioration of conditions in Bosnia. If our actions on this measure lead to our European allies quitting the field in Bosnia, then we may feel more responsible for the fate of Bosnia. If we then begin to supply arms, and the Bosnian Government still fails to deter Serb advances, and we are urged to supply training, and then intelligence, and then advisers, and then more powerful weapons, we will have chosen a well traveled path—a path that in our own past has led to places like Vietnam and Nicaragua. This is classic incrementalism. It is a poor substitute for decisive NATO action.

Active, decisive NATO operations to deter or retaliate against Serb aggression will do more to support the Bosnian victims of aggression than will an UNPROFOR withdrawal and a lonely battle fought only by the Bosnian Government forces. With our European allies, the United States has been involved from the beginning. It is better for Bosnia, and better for the United States, for the United States to act in concert with our allies, rather than to act alone.

Mr. President, let us vote to give NATO a chance in a very complex and difficult situation. Let us not make that situation more complex and difficult. I intend to vote against this bill.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Will the distinguished Senator from West Virginia yield for a question?

Mr. BYRD. I yield.

Mr. WARNER. I thank the distinguished Senator.

The premise, as I listened very carefully to the Senator's very eloquent remarks, was that NATO be given the responsibility, given the responsibility—and I copied it down correctly—to deter quite this situation which would, first, be clearly taking sides.

The United States is an integral part of NATO, and that leads me to the question, if NATO were to be given this authority, in my judgment, that would immediately lead to the assumption that U.S. ground troops as an integral part of NATO forces called into the battle would then be sent into that conflict.

Mr. BYRD. Mr. President, I do not agree with the Senator. He has a right to his opinion. He is a very able and long-time Member of the Armed Services Committee. I respect his viewpoint.

I am simply saying that the allies have determined on a course of action. I am saying that for us to adopt the measure that is before the Senate to unilaterally lift the embargo would be, in a way, jerking the rug out from under the allies. I am saying, let the allies take the course of action that they have taken, they have decided upon—we do not have to pass this resolution today or tomorrow—but let us not take action here which may in the final analysis result in exactly what the distinguished Senator has expressed concern against, and that is the use of American fighting personnel in Bosnia.

Mr. WARNER. Mr. President, if I may ask a second question, if the responsibility is turned over to NATO, what would be the likely reaction of Russia? Russia has a historical connection with Serbia and the cultures associated with Serbia, and speaking for myself, I would want to know exactly what their reaction would be before I say, ''NATO, you take over this fight.''

Mr. BYRD. I do not suppose they will like it, but what will be the Russian reaction if we lift the embargo unilaterally? What will be their reaction to that?

Mr. WARNER. Mr. President, I think that has already been stated by Russia. They will revert to their historical ties to Serbia and in all probability aid Serbia. But to give this situation over to NATO and let them take such action, as I took notes here, I as yet have not seen any decisive action. This is the whole problem—no decisive action thus far by NATO most likely as a consequence of the U.N. dual-key handle on the situation.

Mr. BYRD. Which I am against.

Mr. WARNER. I understand, Mr. President, very clearly that the Senator has made that point. But I do not see the circumstances under which—no matter how intriguing our distinguished colleague's suggestion might be, I do not see the circumstances where this would be turned over to NATO. And if it were, then, in my opinion, we would have to participate as an integral partner in NATO both in the ground and in the air and on the sea. That is my concern.

Mr. BYRD. Mr. President, I ask unanimous consent that even though I hold the floor, I may be permitted to ask a question of the Senator.

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

Mr. BYRD. Mr. President, is the Senator discouraged by the action that will be taken by the NATO allies, the decision that was made by the NATO allies on last Saturday and the follow-through which they are making today?

Mr. WARNER. Mr. President, my answer to that——

Mr. BYRD. Is he not in concert with the decision that was made by the allies?

Mr. WARNER. Mr. President, most respectfully, I am not. I think that to begin a very serious air-bombing campaign of portions of Bosnia and Herzegovina and possibly extending it on into areas bordering on if not Serbia—and that has been mentioned—is a very dangerous mission. What is to happen if hostages are taken during the course of this bombardment, not only hostages of the UNPROFOR but the U.N. forces there associated with the food disposal and disbursements, and civilians?

There has been a long history by the Bosnian Serbs, Mr. President, of collocating with targets of opportunity, collocating innocent civilians, of chaining hostages, of chaining hostages, Mr. President, to the likely targets. And I cannot see the United States being told or exercising leadership, bomb and bomb and bomb, while hostages are being chained and innocent civilians dragged into the collocation of those targets.

Suppose you were a young American aviator and you were directed to bomb a target when you knew full well of the innocent people in the vicinity. Mr. President, that policy disturbs me greatly.

I thank my good friend and colleague. We have served here these many, many years together, and on this we have a difference of view.

Mr. BYRD. We do have. Mr. President, I am sorry that the distinguished Senator deplores the fact that the NATO allies have not taken any action, and yet he also deplores the decision by the NATO allies on last Friday to take action. He says, why have they not taken any action? They have not had time to follow through on the decision.

Mr. WARNER. Mr. President, they have indicated a willingness to put the rapid reaction force into positions where those forces can better protect UNPROFOR, not stop in any way the killing, the raping of many, many innocent civilians.

Mr. BYRD. Mr. President, the Senator has taken on more than a man-sized job now when he talks about stopping the raping and killing of the innocents. That goes on here in the District of Columbia and everywhere else. And that has been going on in the area that we are talking about for over 2,000 years. It was from that area that the Roman legions were able to get their best soldiers, in Pannonia and Dalmatia, Illyria—the area more recently referred to as Yugoslavia—where, in A.D. 6, some 200,000 Dalmatians and Pannonians revolted and massacred thousands of Roman citizens and Roman soldiers.

We are dealing with an extremely difficult problem here. It is not going to be dealt with overnight. And I am afraid—I simply say it is my opinion. I may be wrong; I have been found wrong upon several occasions in my 77 years. I may be wrong this time. It is my opinion that this is the wrong thing to do, to lift this embargo unilaterally.

Mr. WARNER. Mr. President, I thank my distinguished colleague for the opportunity to have a colloquy together.

Mr. BYRD. I thank my friend.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I think the colloquy between the distinguished senior Senator from West Virginia and the distinguished senior Senator from Virginia is probably as illustrative of the debate we have here as anything. Without meaning to embarrass either of the distinguished Senators, one from West Virginia and one from Virginia, they are two of the most knowledgeable Members of this Senate, they are two people probably who have observed history, the use of force, the trends in history and trends in the use of force as much as anyone, certainly longer than the senior Senator from Vermont. It is indicative of the agonizing choice here that they are in disagreement on this. They are two Senators respected by their colleagues on both sides of the aisle and respected by each other and yet they differ on this. That is a measure of the strong feelings we all feel about this desperate situation.

It is indicative of the larger issues that underlie this debate. I worry, for example, about what will remain of NATO when this is over? This is an issue that many of us feel, as does the Senator from Vermont, should have been handled by NATO in the first instance, starting several years ago. And NATO—which has been supported by the United States, maintained by the United States, in many ways led by the United States ever since the beginning of the cold war—NATO, when faced with its first real challenge, a challenge to show leadership, a challenge to deal forcefully with a conflict taking place right on their borders, they failed and failed miserably. And it is almost as though the meetings in Brussels and the dinners in the chandeliered dining rooms and the discussions of

those driven around in limousines and saluted were more important than the policy. And I worry that part of the damage of this whole sorry episode in the former Yugoslavia, part of the damage may be a wounding of NATO itself. I am very concerned that NATO may not be as relevant as we go into the next century, just 4½ years away.

I say this because I am one who does not assume that NATO is no longer needed today, that the Soviet Union has completely disappeared. I am not ready to accept that. I certainly accept there have been magnificent and significant changes in the former Soviet Union. But those things that we feared about the Soviet Union, I would say to my friend from Virginia and others, those things we feared I am not sure they cannot reappear.

I applaud the things that have happened in Russia, for example, the opening of a far freer press. I certainly applaud the privatization that is going on, the efforts toward openness and democracy. I certainly hope these changes are permanent, and I have strongly supported aid to the former Soviet Union to help them succeed in this difficult transition. But I am not ready to accept that Russia is like our European allies who we have grown accustomed to throughout our lifetime. It is still a country with thousands and thousands of nuclear warheads, a country still having difficulty deciding what kind of a government it is going to have, and a country with many in positions of power who long for the good old days of Soviet privilege and power.

I do not say that to be overly pessimistic. But I am saying that if the Western World is going to stand up for democracy, human rights, and the civilian control of military power, then NATO is the place to show it. I worry much that NATO may have been so badly damaged by this debacle that it will never recover its footing. I hope it does.

Throughout this debate on the Dole-Lieberman amendment to unilaterally lift the arms embargo against Bosnia, there have been eloquent and persuasive arguments on both sides. I find myself torn. In fact, when similar resolutions as this came up in the past I found myself actually supporting the other side at one point, something I rarely have done in 21 years. I can think of few issues in my 21 years about which I have felt so conflicted.

I do think there are things we all agree on. The arms embargo which was imposed by the United Nations Security Council with strong U.S. support was well-intentioned but, I believe, a tragic mistake. It was agreed to even before Bosnia declared its independence, at a time when very few anticipated the disaster that has since befallen the former Yugoslavia. While the embargo has not prevented Bosnian Moslems from obtaining arms on the black market, it has provided a military advantage to the Serbs by denying the Bosnians access to tanks and heavy artillery.

We also agree that while both sides are guilty of atrocities against civilians and prisoners of war, the Serbs have been responsible for the overwhelming majority of the atrocities, especially in their hideous campaign of ethnic cleansing. We have heard of thousands of women and girls raped, thousands of prisoners mutilated and summarily executed, civilian targets shelled, even the wounded in hospitals taken out and shot.

If there is anything that would fit a definition of war crimes, it has been these atrocities. We have watched as the Bosnian Serbs have overrun 70 percent of the territory previously occupied by Bosnian Moslems. Even today, Sarajevo and Bihac are under attack. That is beyond dispute.

We also know that an American F–16 was shot down by a Serb missile. There was absolutely no evidence that the NATO aircraft, which was enforcing the no-fly zone, posed any threats to the Serbs. But yet they shot it down.

I think we all agree that the status quo is completely unacceptable. UNPROFOR went to Bosnia to protect civilians, but they were never given the mandate, the equipment, or the rules of engagement to do the job, a job they were asked to carry out under agreements worked out with parties that continuously lied and broke their word.

It was unconscionable to inject U.N. peacekeepers into a war where there is no peace to keep and without adequate means to defend themselves. We have watched as the United Nations and NATO have been humiliated and weakened as Serb violations of U.N. resolutions were met with silence. We have been disgusted as NATO, the most powerful military alliance in recorded history, seemed impotent to respond aggressively to these outrages.

We have watched helplessly as U.N. troops were taken hostage, abused, and even killed. Bosnians civilians accompanied by U.N. soldiers have been seized by Serb soldiers, been taken away and shot. The U.N. soldiers have had to stand by and watch this, helpless to stop it. U.N. weapons and equipment have been flagrantly stolen.

The U.N. mission was to protect civilians. While UNPROFOR has saved lives, it has fallen far short of accomplishing its full mission. U.N. safe areas have proven to be anything but safe. The U.N. dual-key approach turned out to be a terrible mistake.

Finally, I think there is widespread agreement that the response of the West, including the United States, to the genocide in Bosnia has been a catastrophic failure. We even refused to call it genocide when what we watch on television was clearly genocide. The policy of our European allies and two consecutive American administrations have been timid, equivocal, and ineffective.

Mr. President, I wish there had never been an arms embargo. But with one in place, we now have a real problem of whether to break with our NATO allies. Many feel that would be a very serious mistake.

The Bosnian Government wants the arms embargo lifted. But does it want the United Nations to leave? The Bosnian Government has never asked the United Nations to leave. That is because they know that, even as flawed as this has been, the United Nations is saving lives and is getting food and medicine to over 2 million stranded, defenseless people. If the United Nations leaves, they know the war will escalate and more people will die. Bosnia's Prime Minister wants the United States to enter the war, and that is why he supports this amendment.

I have also listened to those who believe that even large U.S. airstrikes aimed at strengthening the U.N. operation would not defeat the Serbs. They argue the only way to defeat the Serbs is with massive numbers of NATO ground troops, including thousands of Americans, to seize territory and defend it. Since the Serbs know that the United States is not prepared to undertake such a hazardous, costly military operation of indefinite duration in a country where no U.S. security interests are at stake, there is a possibility the Serbs will resist our air attacks and fight on.

They may be right. But our Pentagon commanders believe that punishing air attacks could swing the balance in this war. And maybe they are right.

And so, Mr. President, it is because there is no easy solution to the conflict in Bosnia that we face this agonizing choice. Everything in my heart and emotion makes me want to vote to lift this embargo. As I talked with the Bosnians themselves, and I hear them say, ''Let us fight like human beings and not die like animals,'' I want to lift the embargo.

And if I thought that unilaterally lifting the arms embargo would stop the bloodshed there, I would vote for it without hesitation, despite, I might say, the unfortunate and even the dangerous precedent it would set in rejecting a Security Council resolution that we here in the United States voted for and supported. I would do so because I believe so strongly that the genocide in Bosnia must be stopped.

Mr. President, I am one who has said for a long, long time, even when our own Government would not say so, that this is genocide. But I find that it may well be impossible for me to vote for this amendment because our military leaders predict that the bloodshed would quickly escalate and that, as UNPROFOR leaves, U.N. troops would be drawn into a protracted ground war in Bosnia. That may be inevitable. It may be inevitable. But there is still a chance that NATO can prevent such a debacle.

I cannot support the withdrawal of the United Nations when there is still a chance that NATO would display the

kind of unity and power that it should have displayed from the very beginning of this conflict. I cannot turn my back when NATO may be able to redeem itself and be a viable force for bringing about an end to this cruel war.

I believe our first responsibility is to NATO. I say that as one who has supported NATO throughout my adult life, as one who believes that the West needs a strong leader.

NATO is our first responsibility, and today the administration and our NATO allies are feverishly working to develop a strategy to deter further Serb advances on the Bosnian Moslem enclaves.

I would like to see some time at least elapse following the meetings in London this past weekend, while the meetings are continuing today, before we vote on the question of lifting the arms embargo.

I am afraid if we pass this amendment today, we are inviting NATO to walk away from Bosnia, and we are saying we do not support a forceful NATO response, that we are prepared to see an appalling situation become even worse. I think that would be a mistake. I think we should give the process underway in London time to unfold.

Frankly, I was disappointed, as I know many Senators were, that last Friday in London, the NATO Ministers only threatened to use substantial and decisive force if the Serbs attack Gorazde. Why should that threat not apply equally to Serb attacks against the other remaining safe havens? They are under Serb assault right now.

Innocent people have been dying for months. Secretary of State Christopher and Secretary of Defense Perry have both suggested the enclaves would be covered by the NATO threat, but it is unclear whether NATO feels that way. I believe this is absolutely crucial. I have discussed this with the Secretary of State.

I am confident that the administration will continue to push for the broadest and strongest rules of engagement for NATO, and that the disastrous dual-key policy will end. Frankly, Mr. President, I hope our country will never be party to something like this again.

Any decision to use force will be made by NATO commanders, not U.N. bureaucrats, and U.S. ground troops will not be involved except, of course, I might say, as we the President has already said, to ensure the safe withdrawal of U.N. troops.

Mr. President, the easy vote for me on this amendment would be to vote ''aye.'' That is an easy, visible way for me to cast my lot with those suffering in Bosnia, suffering that should never have happened if there had not been mistakes made by the West for at least 5 years now.

I feel for those desperate people as passionately as anyone in this Chamber. How could any human being not? But I find it virtually impossible to support an amendment which I believe would lead to wider war, greater suffering, that would endanger the lives of the troops of our NATO allies who are on the ground, and possibly endanger thousands of Americans at this moment when NATO is substantially revising its policy in Bosnia.

As I have said, I have been torn by this more than any issue here. If the new policy does not work, perhaps I will feel differently, perhaps I would vote differently.

If the decision is made to withdraw UNPROFOR, which is what this amendment does, then tens of thousands of U.S. troops will be sent to assist their retreat, If that occurs, Americans and U.N. peacekeepers will be killed and possibly taken hostage.

As the leader of NATO we have that responsibility. If we are asked by UNPROFOR to help them withdraw, we will have to say yes. I am one Senator who would vote to support that, even though it means we will put American troops in harm's way. But I cannot support an amendment which does not spell out all these risks for the American people. This amendment says nothing about the fact that American ground troops would likely end up in Bosnia. Perhaps we should vote on that.

Mr. President, while I have been deeply disappointed by the failure of the Western countries to act more forcefully to stop the genocide in Bosnia, I have hope that that is changing. I think we and our allies have failed badly. The past 3 years will be remembered for horrifying brutality met by timidity and meaningless threats.

Today, NATO has a last chance to redeem itself. President Clinton has gone to great lengths in recent days to persuade our national allies to act forcefully. There has been significant progress toward a unified position. He has urged us to give NATO a chance to prove itself—not the U.N. but NATO. I believe we have a responsibility as the leader of NATO to stand up for that alliance today.

For that reason, and primarily for that reason, I will vote no. If NATO does not stand up, if the situation does not change, if after the conclusion of the discussions in London further Serb atrocities are still met with inaction, then frankly, Mr. President, I do not see how I could continue to vote no.

I want to say, again, Mr. President, before I yield the floor, I see my friend from Virginia, and I have so much respect both for him and for the distinguished senior Senator from West Virginia. Hearing that colloquy, I could not help but think that they spoke to the things that have been going back and forth in my mind.

I walked the fields of my farm in Vermont, and I have gone back and forth and been awake in the middle of the night. I find myself one moment saying yes, and the next moment, no. I have gone back and forth. This has, frankly, Mr. President, been one of the most difficult votes I have cast, even though there is no question in my mind that the resolution of the distinguished majority leader and the distinguished Senator from Connecticut will pass this body, I suspect, by a fairly large margin.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Virginia.

Mr. WARNER. Mr. President, a question to my distinguished colleague.

The American taxpayer has been paying this bill, now, in 1993, $138 million; 1994, $292 million; 1995, $315 million; now at even a higher rate, for their participation in the air and in the naval embargo.

I think it is time that the U.S. Senate stood up for something. Does the Senator from Vermont—and I listened very carefully—does the Senator advocate a larger role for NATO then, Mr. President? I think you are obligated to tell what you want NATO to do. We now have dispatches today that Boutros-Ghali, the head of the United Nations, is not about to turn this thing over to NATO.

Let Members not hold out there is a solution by NATO.

Mr. LEAHY. Mr. President, the Senator, of course, is entitled to his own analysis of what I said, which of course is not what I said. I have spoken on this floor many times and elsewhere for several years, both in the past administration and in this administration, saying there has been opportunity after opportunity lost by NATO in the past.

This is not something calling for NATO to act today. It is something I have been saying for years, something I have said both to the current President and his predecessor. This is not something I am saying up here and raising this point. It is a situation where I wish I had been wrong in calling for stronger action in the past. It may have had a lot more effect. But I see now, as I look back, I was right and the decisions made by two administrations were wrong.

Mr. WARNER. Mr. President, I simply conclude by saying that if someone has a plan that NATO should carry out, perhaps they ought to bring it out here and discuss it. If we have NATO with greater involvement, I cannot see how our President can say NATO will continue in the air, but no way will we go in on the ground.

If you bring NATO in and give it full responsibility, then we are in this combat on the ground very decisively, in my judgment.

Mr. EXON. Mr. President, I thank the Chair. I note the presence on the floor of the majority leader, the principal sponsor of the amendment. I have been waiting for some time, but if the Senator from Kansas, the majority leader, wishes to make a statement, I am happy to yield.

Mr. DOLE. I came to listen to the Senator from Nebraska.

Mr. EXON. I hope I will not disappoint the Senator from Kansas with my remarks.

Mr. President, the vote that I will cast on the Dole-Lieberman measure on the critical, complicated, and extremely dangerous situation in Bosnia is one of the most important, if not the most important vote, that I have ever cast in the Senate.

I will vote no, Mr. President, because I am convinced that this ill-advised Americanization of the war will gut our relationships with our traditional allies, sow the seed for the end of NATO, and make the United Nations substantially less of an instrument for the settling of disputes.

To my colleagues, I say vote no. This is not the correct course of action. Vote no, I plead—I plead, since I am convinced that this ill-advised action could turn out to be disastrous for the world and for the United States of America.

Mr. President, last Wednesday I addressed the Senate on the reasons why I oppose S. 21, the Dole-Lieberman bill to unilaterally lift the arms embargo against Bosnia. Since that time, the United States has met with our European allies to assess our collective policy in response to Serbian attacks on two Bosnian safe havens. I am convinced now even more than last week that passage of S. 21 in its present form would only worsen the situation in Bosnia.

With the deployment of the French and British Rapid Reaction Force and the recommitment of the alliance, including the United States, to the use of air strikes to blunt Serbian attacks on safe havens, the crisis in Bosnia has entered an important new phase that I think we should recognize. The alliance is now committed to meet Serb aggression against civilian populations with force unencumbered by a restrictive dual-key arrangement for authorizing airstrikes. As Secretary Christopher said in his July 21 press briefing, the city of Gorazde, our most immediate concern, will be defended.

Unilateral lifting of the embargo prematurely starts a series of events in motion that will directly undercut the agreement reached by the alliance over the weekend. Lifting the embargo will result in an infusion of arms on all sides of the conflict—not simply the Bosnian Government, but to all sides—that will only sustain the ability to wage war, inflict casualities, and terrorize the civilian populations. Removal of the peacekeepers would be inevitable and the dogs of war will be unleashed, newly strengthened, to carry on the fight until one dog remains or there is nothing left alive to fight over.

As I said during my statement last week on S. 21, I am not a supporter of an embargo that hinders the Bosnian Forces in there ability to defend themselves. I also question the effectiveness of the peacekeepers to fulfill their mission when a peace agreement is not in place. We have turned over responsibility of protecting civilians on the ground and seeing that convoys of food and medicine get through to our allies. We have asked that the French, the British, the Dutch, and many other countries shoulder the costly burden of putting their soldiers at risk on the ground, while we lament their inability to stop the bloodshed and demand that something be done, we suggest by Dole-Lieberman that we ''courageously'' unilaterally lift the embargo.

It is disingenuous for the U.S. Senate to be calling for a unilateral lifting of the embargo and undercutting our allies when their soldiers are the ones dying in an attempt to protect innocent men, women, and children. The United States lost 43 men in Somalia in an operation to save hundreds of thousands of lives imperiled by starvation. The French have now lost 42 men in Bosnia since arriving in June 1992. I could only imagine the howls emanating from this Chamber had a nation not involved on the ground in Somalia decided, contrary to international agreement, to supply arms into Somalia that in turn further endangered Americans there. Our foreign policy is not made in a vacuum and we must be aware of the standards we ask other nations to adhere to when we contemplate a course of action that places us at odds with our allies.

Sure, proponents will say that the situations are not the same and that S. 21 provides for a lifting of the embargo after the peacekeepers are withdrawn. But the point is that this bill is the impetus for the Bosnian Government to demand that the peacekeepers leave. S. 21's enticement to remove the shield, now reinforced by this weekend's decision, is the promise of arms, a promise, by the way, that S. 21 neither fulfills nor addresses. Similarly, the bill before us refuses to take into account the need to authorize United States forces to assist in the withdrawal of United Nations forces from Bosnia. S. 21 is only half of the story. The other half of the story no one wants to be bothered with is a lot more messy: thousands of United States ground troops in Bosnia extracting our allies; increased fighting among combatants as the arms pour in to Bosnia and its cities become the battlelines; more brutality; more death; and ever-deepening scar of human suffering.

There are no easy courses of action with respect to our policy in Bosnia. No alternative is guaranteed to reach a peaceful and equitable settlement. President Clinton has joined our allies in strengthening the prospect of bringing the Serb Forces attacking civilian safe havens to heel. I have heard none of the proponents of S. 21 suggest that lifting the arms embargo and removing the U.N. peacekeepers will reduce the fighting. Likewise, the proponents of S. 21 will not tell you that by pulling out the peacekeepers protecting the safe havens Serbian forces will cease their attacks on civilian populations. That is so because we know such a conclusion is faulty, as the events of the past have clearly shown. Every one knows the opposite is true. Lift the embargo, pull out the peacekeepers, flood the region with more arms, and watch the bloodshed rage. S. 21 will prolong the war, not end it. S. 21 will lead to more casualties, not less.

The West's dedication to use air strikes to keep the Serbians at bay improves the prospect that the military balance will shift to the point that the Serbs cannot exploit their advantage in the Eastern Bosnian enclaves, thus hopefully—I say hopefully because nothing is assured—leading to a realization that this war cannot be won on the field of battle. After all, Bosnian Government Forces are numerically superior to the Serb Forces and have been retaking land from the Serbs in some of the western areas. Perhaps the status quo is the lesser of two evils. But there are no simple solutions. We must work with the hand that we are dealt. I believe the President's policy and that of the NATO alliance is measured and appropriate under the circumstances. It has been totally agreed to by our military leaders. This is not Kansas. We can not click our heels three times and expect the problem to go away. Our allies are doing their best in a very difficult situation. Let us not undercut them. Let us not undercut our President as he carries out his constitutional authorities as Commander in Chief.

S. 21 has the allure of cotton candy. But as we know, the sweet taste soon disappears and leaves only the threat of tooth decay. Cotton candy is not good for you and S. 21 is not good for the cause of peace in Bosnia. I urge the Senate to not endorse a course of action that resigns us to a cynical view that endorses the rearming of the region in a misguided hope that more arms, more fighting, more American involvement will further the prospect of peace.

When tens of thousands of women and children were being brutally hacked to death by machetes in Rwanda, I do not recall anyone in the Senate taking the floor calling for the need to send arms to the persecuted minority in Rwanda to defend themselves. I mention this because the Senate has a way of being selective in its indignation over foreign policy matters. The Congress has an unfortunate tendency to be inconsistent in how we involve ourselves in foreign affairs. So let it not be a surprise, if S. 21 becomes law, when at some point in the future an ally of ours decides to break out of the Iraqi, Libyan or Serbian international embargo and points to our vote today as justification for the action.

The fact is that the present policy has the best shot, although I agree it is a long one, of realizing a peaceful settlement to the fighting in Bosnia. We hope and we pray that that will happen.

Until we as a Nation have forces involved in there are more than we have

now, our indignation over the recent policy decisions in the Balkans rings, in the view of this Senator, as somewhat hollow.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, may I ask my colleague, has he had the opportunity to read the letter from the Prime Minister of Bosnia requesting that this specific action before the Senate today be taken?

Mr. EXON. No. I have not read that letter. I do not believe, in answer to my friend from Virginia, that we should necessarily be swayed by such a letter. If the Bosnian Government would make the official request to remove the peacekeepers at the proper agency, which I suggest is the United Nations, then I think it would be more meaningful. Will the Senator from Virginia agree?

Mr. WARNER. Mr. President, I agree. That is precisely what this measure before the Senate at this time provides. If I could draw the Senator's attention—I am sure he has read it—the distinguished majority leader and the Senator from Connecticut revised earlier provisions to say expressly that should be done; namely, that the Bosnian Government make a formal appeal. This does not constitute a formal appeal. But time after time Senators have come up and said the Dole-Lieberman measure gives an inducement for them to take certain action. They have already made the decision. Here are two letters, one July 11 and one dated today from the Prime Minister corroborating statements that he made to many of us here in terms of his desire.

So I say to the Senator, this is not an inducement. This government does desire the action recited in the present measure.

Mr. EXON. May I ask the Senator from Virginia, has the Government of Bosnia made a formal request to the United Nations for such action?

Mr. WARNER. Mr. President, it has not as yet.

Mr. EXON. As I said in my speech last week, I remind my friend from Virginia that, if that would happen, that would be the proper means of doing it. I do not believe that it necessarily follows that, since the Senate had received a letter from the President of Bosnia indicating what his intentions are, that necessarily in and of itself justifies our taking the action that S. 21 provides.

Mr. WARNER. Mr. President, I will simply say I call your attention to the measure pending before the Senate in which it says clearly the President of the United States shall terminate the arms embargo to the Government of Bosnia as provided following receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the arms embargo in exercise of its sovereign rights. Then it goes on to say decision by the U.N. Security Council or decision by countries contributing. So there it is right in this resolution.

Mr. EXON. Will the Senator from Virginia tell me about how our allies, who presently have combat troops on the ground at risk and being killed, what is their attitude toward the letter that the Senator from Virginia is using to justify S. 21? Does he think we should take into consideration the commitment of the United Nations, the commitment of our allies, the commitment of NATO? Does that have anything to do with the situation?

Mr. WARNER. Mr. President, it certainly does. It has a great deal to do with it. But at this point in time our President, together with our allies, is putting forth a plan which, in the judgment of many, will not work to resolve this situation; that is, increased bombing in the face of increased hostage taking.

I call the Senator's attention also to articles in today's press which still recite the utter confusion as to whether or not the dual-key policy has been revised. So it is more and more of the same, while the American taxpayer is shelling out more and more dollars.

But the most significant thing is we are standing by while more and more innocent people are being denied the right to defend themselves. How many more pictures do we need of this endless stream of refugees, of these stories of human atrocities which it is inconceivable to think in this century could take place? How much longer must we stand by?

I yield the floor.

Mr. EXON. I ask my friend from Virginia if he recognizes and realizes, or might even concede that, if S. 21 passes, or if it does not, if the Bosnian Government would make its formal request to the United Nations that the U.N. peacekeepers be withdrawn, under that kind of a scenario, will the Senator from Virginia support the sending of 25,000 American troops into Bosnia to help extricate the U.N. forces there on the ground at this time in great peril?

Mr. WARNER. Mr. President, the President of the United States indicated that he will recommend, indeed take action as the Commander in Chief to provide, whatever amount is required of our forces to help the orderly withdrawal of the UNPROFOR forces. And I would support the President.

Mr. EXON. I thank my friend for that forthright statement. I suspected that would be his answer. Will the Senator from Virginia tell me if such an authority is granted in S. 21 as presently before the Senate?

Mr. WARNER. Mr. President, it is not addressed in this because the President of the United States has not come up with any specifics. We would be simply trying to deal with an unknown situation. We do not know what is to take place. I do not think at this point in time the Senate should be addressing a ''what if'' type question. We are speaking out in this resolution very decisively as to what should be done given the facts as of this moment.

At a later point in time, I will join others in this body in supporting the President in such legislative action as might be required.

Mr. EXON. But not as a part of S. 21?

Mr. WARNER. Mr. President, I do not intend to support it as a part of this because it is not timely. We do not know the number of troops. We do not know the situation. We have to make, I think, a very careful assessment of all factors. Again, this Senator obligates himself to support our President.

Mr. EXON. I would simply point out that I thought it was rather interesting that my colleague from Virginia indicates that the President of the United States has not suggested that. I would simply point out that I think the Senator from Virginia would clearly say that the driving forces behind S. 21 are taking little, if any, heed from the recommendations of the President of the United States on the matter of S. 21. But the Senator from Virginia is insisting that they might take heed of a request from the President to authorize a sending of troops into Bosnia to extricate U.N. personnel. Is that correct?

Mr. WARNER. Mr. President, they are entirely separable situations. My distinguished colleague and I serve together on the Armed Services Committee. We have sat there several times and heard about the plans concerning the withdrawal. But they are only conjecture. They are only plans. We do not know specifically the circumstances under which such a withdrawal would take place. But I again say that I would support the Commander in Chief at such time as he comes before the Congress to seek whatever authority he feels he needs in addition to that which he presently has under the Constitution.

Mr. EXON. But the Senator from Virginia clearly does not support the Commander in Chief in his present efforts, nor does he support our allies in NATO and in the United Nations and our traditional allies. He does not accept their recommendations with regard to not unilaterally lifting the embargo. But I take him at his word in the future.

Let me say, Mr. President, that one of the most troubling matters on S. 21 for this Senator is that I find that many of my closest friends and colleagues, including my distinguished friend from Virginia, with whom I have had the pleasure to serve for 17 years now on the Armed Services Committee, are on the opposite side of this Senator on this particular issue. We have a different view in looking at it. I think the Senator from Virginia and others that are supporting S. 21 are taking an unwise course of action. But I do not for a moment feel that they are doing it for other than what they think is best. I just do not agree with their judgment on this issue.

Mr. WARNER. Mr. President, I share that. We do have an honest disagreement. I see other Senators anxiously awaiting to participate in this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Thank you, Mr. President.

Mr. President, I rise in support of the measure, of which I am a cosponsor, for the purpose, within the limit of my ability, of clarifying some of the issues that have been raised in this debate. Specific consideration must be given to the role of the United Nations, as against that of NATO, and with regard to the right of individual and collective self defense. These are three cascades, you might say, of rank from the collective to the regional to the individual state.

I am very conscious that I am standing on the Senate floor in the presence of our revered former chairman of the Committee on Foreign Relations, who was at the U.N. conference in San Francisco where the Charter was drafted, the anniversary of which was observed just 1 month ago. He knows this subject as few persons living ever can do. I would plead the lesser but not perhaps the irrelevant credentials of having been the permanent Representative of the United States to the United Nations and of having served in one period as President of the Security Council.

I would first of all go to the subject of whether this action would Americanize the war.

Anyone who was in San Francisco last month, certainly much less 50 years ago, would know that the U.N. Charter had as its fundamental purpose a system of collective security in which the United States and the other permanent members of the Security Council would automatically be involved in any international conflict anywhere in the world as would the United Nations itself.

Article 24 of the Charter states:

> In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf.

Now, the point I would wish to make here is that what we are seeing in Bosnia and Herzegovina and in the whole Balkan region right now is not an action by the Security Council under article 24 concerning the taking of prompt and effective action ''for the maintenance of international peace and security.''

It is another thing altogether. It is an invention, an important one, that came in the course of the 1948 Middle East conflict in which U.N. volunteers acted as peacekeepers in a situation where there was peace. There is not peace in Bosnia and Herzegovina. And it was, as all agree now, an incomparable blunder to have sent peacekeepers into the middle of a war.

The Charter provides for warmaking capacity in the United Nations. We tend to forget it. Article 45 says:

> In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action.

It goes on to provide, under article 46, for military planning by the Security Council to be conducted with the assistance of the Military Staff Committee. It goes on in article 47 to describe the functions of the Military Staff Committee with respect to the forces made available to it.

This Congress, the Senate, in 1945, passed legislation stating that the President was authorized to make available forces to the United Nations under article 45. He was to propose which forces might be made available. The Congress was to agree to the particulars—for instance, the 10th Mountain, the First Marine Division, the Sixth Fleet might be authorized to participate. And Congress having agreed, the President was thereafter free to deploy those forces under U.N. direction at his own behest without further reference to the Congress. That was the depth of our conviction and commitment to assist in collective security.

We do know that the whole arrangement vanished in the cold war. When I was at the United Nations amidst the cold war our representative on the Military Staff Committee was a colonel. They originally had been admirals. After it became clear that the Soviets were not going to cooperate—they did not—little by little this idea faded. But now the cold war is over, and the first test is before us. And if we meet it, fine. If we do not, we shall find ourselves asking what did we go through the last three-quarters of a century for? What has been accomplished since the time Woodrow Wilson brought the League of Nations Covenant back to this body?

Mr. President, at the San Francisco Conference, there was a specific and revealing difficulty. Members of the U.S. delegation were opposed to including language on the right of self-defense in the charter for fear that such a provision might be used to limit the right of self-defense. Somewhat the same issue arose with respect to the American Constitution and the adoption of the Bill of Rights. There were those who argued that if you ever list any specific number of rights about which Congress may make no law, if you leave one out, you may indicate that possibly you could make a law with respect to that right. Wiser counsel prevailed, and we have the Bill of Rights, and wiser counsel prevailed in San Francisco.

On May 15, 1945, James Reston described the breakthrough. He said:

> San Francisco, May 15.—President Truman broke the deadlock today between the Big Five and the Latin American nations over the relations between the American and the world security systems.
>
> After over a week of negotiating, during which American foreign policy was being made and remade by a bi-partisan conference delegation, the President gave to the Latin American nations the reassurance which they wanted before accepting supremacy of the World Security Council—World Security Council it then was—in dealing with disputes in the Western Hemisphere.
>
> This assurance was announced late tonight by Secretary Stettinius, who said that an amendment to the Dumbarton Oaks proposal would be proposed reading substantially as follows:

Mr. Reston was not only a great journalist. He had a great friend on the Chinese delegation, that we now know, and he quotes:

> Nothing in this charter impairs the inherent right of self-defense, either individual, or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member State occurs.

That with very slight changes became article 51 of the charter. And that, sir, is exactly the situation which we confront today. The Security Council has not carried out its responsibility to maintain international peace and security under article 24. An ambiguous and in the end unavailing deployment of NATO and other forces as peacekeepers where there is no peace has clearly broken down.

A year ago, I was speaking on this subject on this floor, and I said what the UNPROFOR had become at that time. I said:

> But if we are to refrain from helping the Bosnians out of concern for their welfare, let us be candid and call the members of UNPROFOR what they have become: hostages.

I have visited some of the UNPROFOR forces and found them to be courageous to a fault, incredibly self-sacrificing, honorable, everything you would want in military men: but hostages even so.

Now, the question is what if we move to lift this arms embargo which I regard as an illegal sanction. It was never directly imposed on Bosnia and Herzegovina. How could it be? They have committed no act of aggression. They have violated no international law. People say, ''Well, what about Iran? What about Iraq? What about Libya?''

The answer, Mr. President, is very simple. In each case, those sanctions apply to a country which is in violation of international law—invaded a neighboring country, committed international acts of terrorism.

In no sense is there a comparable situation. To make such an argument is to equate the victim with the victimizer in this situation. The U.N. forces are not capable of carrying out the assignment given them, nor are the forces from other countries involved.

I was in Sarajevo in Thanksgiving of 1992. I made my way into the capital through a hail of small arms fire and heavy machine gun fire in a Ukrainian armored personnel carrier, was then transferred to an Egyptian armored personnel carrier to meet with President Izetbegovic and dined at the ceremonial mess with a British officer formerly with the Gurkha Regiment.

That is the international setting in Bosnia, the urge to collective security,

but they cannot defend themselves. They cannot make peace. And they are sent as peacekeepers where there is no peace.

In this situation, sir, could I suggest that one of our problems as a nation is that we have never fully understood the role of ethnicity, of religion, of nationalism in this second half of the 20th century where it seemed that the great issue was the impending Armageddon of an encounter between the Soviet Union and its Marxist-Leninist creed and the western, liberal, Democratic, free enterprise world. Yes, there was that. Heaven knows, there was that. It ended up with the Soviet Regime collapsing under ethnic pressures—not that we ever foresaw it but it could have been foreseen. Some of us who have worked in this field predicted it, wrote about it, but were not heard. Now because the Soviet Union is over, there is the impression such tension is over. To the contrary. To the contrary, we invite, by the actions we now take, a conviction in the Islamic world that we will not defend Muslims horribly violated by Christian forces from a neighboring country and living also within their own country. Even as this London conference was meeting this weekend, Islamic nations met to ask what were they to understand the world was saying about an Islamic State, the victim of aggression. Were they saying it would not be defended and it would not be given the inherent right of self-defense? Turkey, a NATO member was at that conference.

The possibility of these events leading to a general encounter between Islamic forces in Europe and in the region just beyond in Asia Minor is not to be discounted, sir. The possibility of it spreading across the vast Islamic areas of the former Soviet Union is not to be discounted. Those who discount it could well ask, how did we get into this situation we are now in? It has been made clear this is a situation that this present administration inherited from its predecessor. But in both cases, they have acted in the same way, declining to seek an elemental legal principle and, if you wish, a moral imperative as well. It seems to me that we should recognize the standards we brought to the world.

That conference took place in San Francisco. The announcement of the agreement that produced what would become article 51, was made by the American Secretary of State, Mr. Stettinius. These are our standards. If we will not uphold them, we will have hugely diminished our position in the world, and the world will become a vastly more dangerous place.

I simply would like to express my appreciation to the Republican leader for having seen this from the beginning. I thank him particularly for showing me a letter sent just this day to him and to his distinguished cosponsor, the Honorable JOSEPH LIEBERMAN, from the Prime Minister of Bosnia and Herzegovina. I will read a few sentences, Mr. President, if we cannot hear these things, we are not equipped for this time. The Prime Minister notes that:

> Yesterday, a Bangladeshi UNPROFOR battalion in Bihac requested airstrikes to deter and stop the Serb attacks on Bihac. The Bangladeshi request was ignored. I asked myself if this same request would be ignored if it were requested by a British battalion.

''I asked myself if this request would be ignored if it were requested by a British battalion.''

Mr. President, it is all there to see. People who cannot see that ought to stay away from this work. We have heard not very helpful comments from the Secretary General about such matters. But this ethnic dimension is not local; it is not Balkan; it is worldwide. And if we cannot act in response to its potential for worldwide crisis, we shall one day wonder how could we have been so blind.

Mr. LIEBERMAN. Will the Senator yield?

Mr. MOYNIHAN. I will be happy to.

Mr. LIEBERMAN. I thank the Senator. May I first thank him for his extraordinary statement, if I may say, extraordinary for most of the rest of us, but not for himself. Because I have come to appreciate the range that he has shown, again, the Senator from New York, in his ability to look beyond the events of the day, both backward and forward, and to help us understand the significance today of both of those points of view.

I want first to thank him overall for the force of his statement and for reminding us of what the history of the United Nations is and what has brought us to this day. And of the impact on the United Nations of what has happened in Bosnia, second, which was the misuse of the U.N. troops to go in where there was war and not peace, in sending them in as noncombatants though they were seen as combatants by particularly the Serbs. Also, I want to thank him for pointing out what is too often missed here as we localize this conflict, but it does go to the heart of the genocidal aspects of it, which is that a people are being singled out because of their religion, in this case, Moslems. And the consequences are broad throughout the world, throughout the Islamic world and throughout the world. They have an effect on our relations with that great and rising force of Islam in the world.

I note for the Senator from New York that last week on Thursday, July 20, the Gulf Cooperation Council called for a lifting of the arms embargo against the Bosnians and told the European leaders that it wanted to help stop what it called the great tragedy of the 20th century. This was followed over the weekend by the meeting that the Senator from New York has referred to in Geneva of the Organization of the Islamic Conference, which announced it was considering the arms embargo to be invalid and was prepared to assist.

I would like to ask this question of the Senator. Would he care to comment for a moment on the impact of this sad story in Bosnia on NATO, on what NATO's position has been, and what it suggests to us about what will become of NATO in the post-cold-war world?

Mr. MOYNIHAN. NATO will have been engaged in its first military action in almost 50 years and it will have been defeated. Just at that moment when it seemed to have triumphed by virtue of its capacity and presence in the face of the Soviet Union, it will have in fact gone to war and will have been defeated. And we will have put it in that situation. The aftermath will be demoralization, domestic protest, a sense of ''what are we doing?'' And curiously, at just the moment you see some sense of the complex issues involved. I note that the situation is at such a critical level in Bosnia that the Jewish community in Germany asked that German forces be committed to this issue. It is genocide.

And you put not just at risk the whole situation in the Islamic world. It is an idea that I do not want to insist too much on, but not everyone would know, I suppose, that until recently the third largest nuclear power in the world was Kazakhstan. We put that at risk. In Turkey, the civil government of Istanbul and of the other major cities, including the capital, is an Islamic fundamentalist party, known as the Welfare Party, that being a translation into English as such.

Turkey joined with nations with which it normally has no relationship at that meeting which you related. We could see NATO come apart along ethnic religious lines. We could see its moral collapse and its domestic support disappear because we will have allowed it to be defeated by deploying forces never envisioned by the U.N. Charter. The U.N. Charter specifically calls for military forces to be made available to the United Nations through the military staff committee. Statutes enacted on this floor provide that the President of the United States can reach an agreement to provide soldiers to the U.N. Security Council. And the Congress having approved of this, the President may deploy them thereafter without further reference to Congress.

That was a system of collective security envisioned by the charter. At no time were peacekeeping forces envisioned. Deploying peacekeeping troops was well intentioned, but a good invention in a situation where there was peace, not in the present situation.

Mr. WARNER. Mr. President, if I may say one thing in the way of a question to my colleague. You would not want to, I think, end up with saying defeat for NATO given that there are so many Americans, as we speak, flying, at sea, and otherwise trying to carry out the missions assigned them as part of the NATO forces. NATO has been handcuffed, virtually handcuffed, by virtue of the United Nations dual-key policy.

Mr. MOYNIHAN. I absolutely agree.

Mr. WARNER. To say this would go down as a defeat for NATO I am sure was not the intention of my distinguished colleague from New York.

Mr. MOYNIHAN. I will put it this way: It would not be the intention of anybody involved. But the perception might be very different, sir. We put NATO in jeopardy by letting it assist in a mission at which it cannot succeed.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The majority leader.

Mr. DOLE. Mr. President, I thank the distinguished Senator from New York for his outstanding statement. I say to my colleagues, I hope that we can reach some agreement so we can have a rather early disposition of this matter. I think some feel strongly on each side of the issue, but the issue has been debated.

As we speak, I understand there is an all-out attack on Bihac. All out. I do not know where NATO is. I do not know where the protection is. It seems to me that what may have been a meeting in London to work out some plan apparently did not succeed.

This is an issue that many Members have been speaking on before. It was back in the Bush administration, I guess, when I first raised questions about what was happening in Yugoslavia. I did not agree with my President, President Bush. I said so. Many others said so at the time.

That was 1992. Here we are, halfway into 1995, and I have been working with many in this body, primarily the Senator from Connecticut [Mr. LIEBERMAN], in a bipartisan, nonpartisan way to bring this issue before the Senate, but more importantly, before the American people.

I do not imagine the average American has really spent a great deal of time focusing on what is happening in Bosnia. It is on the evening news. It is in the newspaper. It is on the radio. It is tragedy. It is suffering. It is rape. It is murder. It is slaughter. We are sensitive to that, but it is not close. It does not threaten America. There are no American troops involved, except those in NATO.

It seems to me that we have an historic opportunity—not as Republicans, not as Democrats—but as a Senate. I have said for some time, we are the one best hope the Bosnians have—right here in the U.S. Senate. And then, hopefully in the House.

In fact, we met this morning with the Speaker in a joint leadership meeting and suggested if we could pass this resolution, that maybe the House could take it up at a very early date and send it to the President.

I have a different view than President Clinton. My view is if we pass this resolution, it will strengthen his hand in developing and shaping and directing policy, not weaken his hand, not Americanize what is happening in Bosnia.

It seems to me that we have all known for some time that what is happening there is immoral. It is unjust. No doubt about it, it is easy to single out the aggressors.

Today, the International War Crimes Tribunal indicted Bosnian Serb leaders Karadzic and Milosevic for war crimes. Maybe that does not mean anything. It means somebody else in the world recognizes what is happening. This is an independent body.

Meanwhile, hardly deterred by this indictment, Milosevic is supervising attacks on Bihac and Sarajevo. In today's Washington Post, a senior State Department official is quoted as saying, ''The arms embargo is morally wrong.'' This is a State Department official. This same official was quoted last week as saying, ''The dual-key commands arrangement between NATO and the United Nations is insane.'' It is not a partisan statement. This debate has never been partisan in the sense that it was Republican versus Democrats, or the Senate versus the President or the administration.

This is only one individual. Maybe this individual is wrong.

What does this say about America? Are we willing to go along with immoral or insane policies because the rest of the international community is doing so? What does it say about us? What does it say about American leadership, including the Congress? Are we willing to go along with ludicrous commands arrangements that threaten U.S. air crews and are seriously damaging the credibility of NATO, that we are unwilling to use the influence, power, and prestige of the United States to lead the way and to do what is right in an effective way?

I learned something today from the Senator from New York that I did not know about article 51, that we had made the motion or made the change or set the policy. It is fairly difficult to tell people there is not some inherent right of self-defense as an individual, as a nation. That is what this debate is all about. It is not about sending Americans anywhere.

Again, referring to the letter that has been referred to that has been received by my colleague and myself from the Prime Minister of Bosnia and Herzegovina, he said: ''Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics. It is about doing the right thing,'' which should be easy for America to do the right thing. ''In just the past two days in Sarajevo, 20 people have been killed, while more than 100 have been wounded.'' After a while maybe people become immune, whether it is 10, 20, 50, or 100.

I hear the voices raised about the U.N. protection forces, that if they are withdrawn, there could be American casualties, because I think most would support the effort the President has committed himself to, to help them withdraw.

How long will they stay there? This is not an occupation force. Four years? Five years? Ten years? How long will the U.N. protection forces stay there, and how long will we continue to pay a large portion of that, 31 percent, as I recall, as the Senator from Virginia pointed out earlier.

The President asked the Senate last week to postpone the vote. We did that, as we should have. The President made the request, and we honored that request. The President even suggested maybe the two of us could sit down and talk about policy. I am not certain I could talk about policy, not having the information, but I am certain that we ought to look at the facts.

I want to say that the President sent a letter today, and he said:

> The passage would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

Now, I have heard that dozens of times in the past 2 weeks. It is not that I want to criticize the President. It is not an accurate statement. That is not what we are about. That is not what we are about. I just want to set out the facts very quickly.

With respect to negotiations, the 1-year anniversary of the Bosnian Government signing a contact group plan has come and gone. Bosnia signed it; the Serbs never have. Never have, and probably never will, as long as the only repercussions are the huffing and puffing of Western leaders and the buzzing of NATO planes overhead.

As for talks in Belgrade, Milosevic is driving a hard bargain. He wants the sanctions lifted but is busy supplying the Bosnian Serbs with weapons, as exposed recently by the New York Times, I think, two or three Sundays ago. They are getting weapons and troops and other support.

The bottom line is that no negotiation process is in place, and I do not think there will be one until the Serbs pay some price for their aggression.

As for escalation of the conflict, the conflict has escalated. More United Nations troops are being deployed, and as United States and European leaders issue more empty threats, the reality is the indecisiveness and ineffectiveness of the West invited the Serbs to move rapidly on all the so-called safe havens.

The London ultimatum on Gorazde has neither stopped assaults in Gorazde or curbed the attack in Bihac. I indicated we just had a call from the foreign minister, saying it is underway, full force right now, and Sarajevo, also. And, as pointed out by the Senator from New York and others, there is still bickering over the dual-key approach. Is it in? Is it out? Will it work? Will it not work? So we have Boutros Boutros-Ghali back doing what he does best, blocking any action against the Serbs that might remind the world that they are the aggressors.

But the point I really want to focus on is this Americanization, because that frightens the American people. Somebody asked me a question at a town meeting this weekend, ''Why should we Americanize the war by lifting the embargo?

I said, ''We are not.''

But that is the word, that is the official word from some. There is no doubt now that our fingerprints are all over this conflict. We would not like to think so. I would call it ''this disaster.'' It is disaster, it is failed. It is a failed policy. Our fingerprints are on Srebrenica, on Zepa. We have not only tolerated, but participated in a failed and morally flawed approach. And I do not believe, as the leader of the free world, that we can escape responsibility. We are not the other countries. We are America. We are the United States. We are the leader of the free world—supposedly to provide moral, spiritual, economic and, where necessary, military leadership.

Last fall the Congress passed the Nunn-Mitchell position as part of the fiscal year 1995 defense authorization bill. We passed so much I am not certain anybody has really gone back and taken a look at that. My staff did, went back and showed it to me, reminded me what we said then. It has been almost a year now.

In the sense of the Congress, the section stated: ''The acceptance of the contact group proposal by the Government of Bosnia should lead to the lifting of the arms embargo.'' The Bosnians accepted the contact group. The Serbs never have. The embargo is still in place.

In the section entitled ''Interim Policy'' it states—this is the same thing we passed:

> If the Bosnian Serb faction attacks any area within those areas that have been designated by the United Nations as ''safe areas,'' the President or his Representative should promptly, formally introduce and support in the United Nations Security Council a resolution that authorizes the selective lifting of the Bosnia arms embargo, authorized to allow the provision of defense weapons such as antitank weapons, counter battery radars and mortars to enable the forces of the Government of Bosnia and Herzegovina to defend the safe areas.

That was a year ago, and the safe areas as we speak are being overrun. Maybe Tuzla will be left. Maybe Sarajevo. Maybe Gorazde. Two have already fallen. One is under attack. There is no attempt to lift the arms embargo.

This is what we passed. The Senate passed this. The President accepted it. We have not had any selective lifting of the arms embargo. There has been no effort to prevent the safe havens from falling. We asked the Bosnians to ''turn in your heavy weapons and you will be safe. We will protect you.''

Once they have done that, they have nothing to fight with. They have no artillery pieces. They have no heavy weapons. They have rifles against tanks—not a fair fight.

So when do we start? When does NATO strike? When does Boutros Boutros-Ghali turn in his key so somebody can make a decision. When we have three safe havens left? Or two safe havens left? Or one safe haven left? Or no safe havens left?

This was a policy developed by the British and the French and we signed on. We were asked to wait, be patient. I know it does not seem like it has been very long since we voted here in the Senate. But let us just assume we were in Bosnia all this time. Every day, every day, every day the shells were coming in. They were hauling off our children. They were murdering our wives. They were raping our sisters. Every day, every day, every day we were adding to the death toll of innocent people who only wanted a chance to defend themselves.

It is pretty safe here in the Senate Chamber. And I know we cannot have policy made by what we see, images we see on television or in the newspapers or reports from commentators who are on the scene. And maybe the Bosnian people understand that, well it has been a year, it has been 2 years, it has been 3 years—maybe someone will help us help ourselves. And while the Bosnian people may understand the international community's unwillingness to protect them, they cannot understand the unwillingness to allow them to protect themselves. There is no way they can understand that.

If we are attacked in our homes, if we are attacked in our Nation, we have a right of self-defense. And, as the Senator from New York so eloquently pointed out, that is article 51, now, of the United Nations Charter.

So we have had all the excuses. We have heard them over and over again. We heard them in the last administration. I do not know, I have listened to the Senator from Virginia ask the rhetorical question about NATO. I am not certain what happens to NATO, what the future of NATO is. I know they are in a box. But their credibility is on the line, too. It has been weakened. There is no question about it. In the eyes of the international community, the people—notwithstanding our commitment to NATO and the importance to NATO—NATO has been weakened because of its subordination to the United Nations.

So the NATO alliance, I think, is in some jeopardy. The Serbs will attack. This is what Secretary Christopher said earlier today, if the Dole-Lieberman legislation is passed, ''the Serbs will attack.'' I thought the Serbs have been attacking every day. They are attacking right now as we debate the resolution—not because we are debating the resolution—they have been doing it for a week or 10 days in Bihac.

They were given a green light in the Bush administration. The Bush administration talked about a united Yugoslavia, even after they had elections in Croatia and Slovenia. There was no more Yugoslavia.

So, it seems to me the London conference certainly was not a red light for anybody to stop. The green light is still on. The Serbs understand the green light is still on, and they are making all the headway they can.

We are also told that if this passes and becomes law, it is going to end humanitarian assistance. I think we have heard the Prime Minister, Mr. Silajdzic, say from time to time: When you talk about food or talk about death, it is difficult. They are living a subsistence existence. But the bigger picture is they have no protection. What good is food against snipers and heavy shells and death? They have no future. They are at the mercy of Western leaders who think they know best. I can understand the British. It would be embarrassing if they withdrew. I can understand President Chirac. He is new. He wants action; something to happen. And they have just lost two more French soldiers.

I have the highest regard for the members of the United Nations protection forces, whether they are from Bangladesh or Great Britain or France or Pakistan or wherever.

So I would just conclude by saying many of us believe that the arms embargo is illegal.

Mr. MOYNIHAN. It is.

Mr. DOLE. Indeed, an arms embargo was never imposed on the independent, sovereign state of Bosnia. An arms embargo was imposed on Yugoslavia, which no longer exists, at the request of Belgrade, at the suggestion of Britain. And, as has been said here by everybody, Bosnia is a member of the United Nations. They are an independent nation. They have a right to self-defense.

But this is not just a vote about Bosnia. It is a vote about America. It is a vote about what we stand for, about our humanity, and our principles. And I know, probably relentless pressure is coming from the British and the French and others of our allies, traditional allies, just to stick a little while longer—1 more week, 1 more month. In about 2 more months we will be into winter again—2½ more months. And that is when the suffering really begins, when it really begins.

I know there will be a little hiatus here if the U.N. protection force is withdrawn and we lifted the arms embargo. It will be a very difficult time for the Bosnians. But it is a very difficult time for them now. We have the rapid reaction forces now in place in some areas. But let us face it. It has been a fact for weeks and weeks the United Nations protection forces could not even protect themselves, let alone protect the safe areas or anyone else.

So it would seem to me this is not a vote about Republicans or Democrats or philosophy. It is a vote about what is right.

Again, as stated by the Prime Minister as he closes his letter, he said:

> Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and Government to untie our hands so that

we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name we ask that you lift the arms embargo.

Several Senators addressed the Chair.

Mr. KERRY. Mr. President, I ask the Senator, the majority leader, if he will engage, perhaps, in a brief colloquy? I would like to take the opportunity to ask a few questions, if possible.

I would like to ask the majority leader—first of all I would like to say I think every U.S. Senator shares the anguish and frustration expressed by the Senator and by others on the floor.

The question here is what is the consequence of one step or another?

I would like to ask the Senator if we could perhaps have a little dialog. I think it would be helpful to elucidate this a bit. I would ask the Senator if this is the Senator's preferred policy. I heard the majority leader talk about American leadership and inaction, and being hamstrung by the U.N. I presume there is a policy that is growing out of frustration. I would ask him if this is his preferred policy, and if it is not, whether or not the Senator would articulate what he would prefer to see us doing now that would make a difference.

Mr. DOLE. Obviously, in my view—and I think the view of everyone—the preferred policy would have been some negotiated settlement months ago, a week ago, or a year ago. But that has not happened. As I said, the Bosnians signed on the dotted line with the contact group recommendations. The Serbs never have.

So how long do we wait? There is no negotiating process in place now. Preferred options? We have listened to everybody except the people in Bosnia. Do they not have any rights? Can they not say, ''U.N. protection forces get out. Lift the arms embargo. Let us die for our country''? That may not be the best option. People are going to be injured. People are going to be killed. They are being injured and killed as we speak. There is not any good option.

Mr. KERRY. If I could say to the Senator, the Senator talked about forcefulness and the need to stand up and be a leader. My question is this: Is the only leadership that we are offering a leadership that effectively says not only will we not give you weapons, not only will we not strike, but we will simply lift an arms embargo and you fight it out?

Mr. DOLE. Oh, no. I would go beyond that. I would provide weapons, although I understand the Bosnians are much better equipped to handle Russian weapons, and will not need as much training. I would train the Bosnians. That is not ''Americanizing.'' It would be training in a safe place, just as we helped train the Afghans in that adventure in El Salvador. So I would go as far as to provide air cover in this little hiatus, as I mentioned earlier on.

But I think the problem was in June of 1993, when President Clinton said, ''Let me tell you something about Bosnia. On Bosnia, I made a decision. The United Nations controls what happens in Bosnia.''

That is not an American policy. That is United Nations policy. That is not American leadership. I do not know. I see all the people who come to our offices. They are just asking for a right to defend themselves. That may not be the best policy. But it is a policy the Bosnians themselves are asking us to try. It seems to me they are doing all the dying. There is not any dying here. Their voice should be heard.

Mr. KERRY. I accept that. I understand that.

But my next question would then be if the Senate went the full measure and Congress passed this, at that point in time does the Senator accept the French and British pronouncements that they will withdraw completely?

Mr. DOLE. I am not certain how to accept their pronouncements. If we passed this legislation, which I assume the President will veto, we would have to override his veto.

Mr. KERRY. Assuming we would override it and it became the law of the land, apparently this British Prime Minister, as recently as yesterday, said to the President if this passes the Senate, they will begin the process of withdrawal.

Mr. DOLE. My own view is I think the British Prime Minister may be looking for some excuse to withdraw, and it would be nice if he could lay it on the United States because we have no forces on the ground. But we are, of course, engaged in NATO forces. We have people at risk, as we learned a few weeks ago with the young pilot. But I do not know whether they would withdraw or not. There is lot of rhetoric out there.

We have had rhetoric for 3 years, and no results. We can ask these endless questions forever, and go on and ask this question. We have been asked these questions forever. It seems to me that it is time to vote. It is time to send a message. If we lose, we lose. If we win, we win. And then it goes through all the other processes. The President can decide what to do. But I do not believe that just passing this in the Senate is going to cause the British and French to say, ''Oh, that powerful U.S. Senate has spoken. We had better get out of here.'' I do not believe that will happen.

Mr. KERRY. I appreciate the Senator taking the time. I would like to ask again a couple more questions, if I may.

Mr. President, I ask the majority leader, would the majority leader prefer a policy that went further than what was achieved in London, where each of the safe areas was in fact given a guarantee of being safe? Would NATO be capable of enforcing that with American air support reinforcing French and British troops on the ground and with sufficient troops to make real the notion that the international community will make a difference? Would the Senator prefer that policy?

Mr. DOLE. I would prefer that policy. But it is probably not a solution. I do not know if it is a policy. I do not think we have a policy.

Mr. KERRY. Would that not be a policy that might not in fact leverage the negotiated settlement that would be everybody's desire?

Mr. DOLE. But that is not what happened in London. We do not even know if they have not abandoned the dual-key approach. They have not decided what did happen. Bihac is under siege right now by Krajina Serbs and Bosnian Serbs, and nothing has happened. NATO is doing nothing. The United Nations is doing nothing. Another 15,000 people are at risk, and they say, ''Well, that is all; 15,000, take that off; take off the other two safe havens that have fallen, Srebrenica and Zepa. That leaves three. We will protect whatever is left.''

By the time they get around to it, there may not be any left. It may be a better policy if NATO did not have to be supported. The U.N. in my view would be a much better way to do it, as the Senator I think would like to do it.

Mr. KERRY. Mr. President, the final question that comes out of that is since Bihac is already under attack and Gorazde is already under attack, if we were to put into law the notion that all we are going to do is lift the embargo, why would the Serbs then not accelerate the pace of the attack in order to guarantee that during the interim, before heavy weapons can get there, they would finish the job?

Mr. DOLE. I assume there would be an acceleration. Nobody is under the illusion they are going to say, ''Well, let us see. Let us take a time out while the Bosnians get ready. Let us have 30 to 60 days while people bring in arms and heavy weapons.''

But the Bosnians are people who understand and comprehend. They understand what they are up against. But in understanding what they are up against now, take a look at the casualties. Who has been doing the dying? It has been the Bosnians—women, children. There has been a lot of talk on this floor about the children, that we ought to do more for children.

We are not engaged. We are not asking to send ground forces. I would support air cover even during this hiatus, as I think the Senator from Massachusetts maybe might, if I understand the question correctly.

But all I am suggesting is—and I hope the Senator from Massachusetts will join us because he has the experience. He is a member of the committee. He understands what this is all about. This is about the U.S. Senate. It is not about Republican BOB DOLE or Democratic Senator JOE LIEBERMAN. This is about the Senate and whether or not we have a voice and whether or not we

have a role, or whether we care about what happens in the world. We believe it is a failed policy, as I did back in the administration of the Republican President.

So I am not here standing and jumping up, saying we had a Democrat President and I am a Republican, so I should find some way to find fault with this policy.

I hope that we will have a strong vote. I think it would send a message of hope to the Bosnians.

Mr. KERRY. Mr. President, I thank the distinguished majority leader for taking the time.

I would like to respond a little bit to some of the answers and some of the notions, if I may, because I accept what the Senator has said. This is not due to him. He has consistently been critical of the lack of adequate response, and he has been for a stronger response. I think what is really noteworthy is that in his answers, he acknowledged that his preference would be to have a stronger allied response, a stronger response without dual key, a stronger response with a NATO that is capable of immediately impacting events, and a stronger capacity on the ground.

What we have watched is a steady process where the Bosnian Muslims have systematically and methodically had the entire fabric of their community and life stripped away. But what we are doing is debating a resolution that will effectively ratify our own hesitation, our own confusion, our own weakness, and even the cowardice of the Western world. And what will happen with this resolution is that because it effectively says here is what we will do when we can do nothing else—that is what this amendment says: Here is what we will do because in our ineptness, in our frustration, we cannot find another policy. So we are basically saying, ''We are going to feel good about your dying.''

It is interesting that the President of Bosnia keeps saying, ''Give us the weapons.'' But he does not say, ''UNPROFOR, get out of here.'' He wants the best of both worlds. And there is a reason for that obviously, which is precisely why the British and the French have been reluctant to go along with lifting the embargo, because they understand how they could get trapped in a worse war if the weapons are coming in on both sides and they are there supposedly trying to keep peace.

Now, the Senator is absolutely correct. The reason this equation has been so crazy on balance is that there has been a gutless process wherein the civilian leadership of the U.N. itself has been unwilling to guarantee what it originally gave as a guarantee. So we disarmed people. We gave them the notion of an enclave that was safe. We promised humanitarian assistance. And we pretended that their presence would act as the leverage to try to get a peace agreement when in fact we, never being willing to respond, annihilated our own leverage and, in fact, invited more and more aggression by the Serbs.

So we have a lot of blame to make here. But the question we ought to be asking ourselves today is are we going to come here now and codify that blame, codify our own guilt into a policy that effectively says we are prepared to wash our hands of this?

In effect, this amendment will stand for all of history to say that not only were we so craven as to not find a policy but we were ready to codify our own helplessness. The majority leader has acknowledged it. He said his preferred policy is to be tough. His preferred policy is to guarantee that we can make them pay the price of violating the safe zones, of shooting against innocent civilians who go out to get water at a fountain or cross a street. Are we so helpless in the front of that that all we can do is turn around and say, ''We are going to give people the capacity,'' not even the weapons, not even the training? That is not in here. There is no strike in here. There is no long-term aid program like Afghanistan in here. This is the abandonment amendment. But it is cleverly written. It is cleverly written to only take place if the President of Bosnia goes to the United Nations and says, ''Leave, UNPROFOR.'' Or if UNPROFOR is out after a period of time. So in effect the proponents can stand there and say to everybody, well, we are really not doing anything except if the President wants us to or if UNPROFOR has already left, and then what are we doing?

Is this really our response to what is happening in Bosnia, to come up with an amendment that has two condition precedents, two triggers, both of which effectively wind up saying a message, neither of which does a darned thing to change the situation and meet the needs of people today? But we are going to pretend that this somehow meets needs.

Those who favor this approach somehow suggest that someone—we do not even say who—just putting arms into the Bosnian Moslem hands is going to affirmatively change the equation on the ground, and it is going to make us feel better simultaneously. The truth is that it promises to do neither.

Let us be very clear, Mr. President. Lifting the embargo, as the Senator from Kansas said, will not stop the killing. It will probably increase the killing. And it is everybody's guess as to how much and how fast.

I wonder what America is going to do if this becomes law. And we ought to act responsibly on what we pass around here with a notion that it might be law and not just pass it on for others to deal with by veto so a minority can kill it and people can walk around and feel good. Because if this does become law, we will have unilaterally breached an international agreement.

I am not suggesting we should keep the embargo, incidentally. I voted to lift it last year for the simple reason that I thought it might change the equation at that time and we were sending a message. It did not and we have not. But now we are talking real. Now we are talking a very different situation.

It is clear that just lifting it at some point in time in the future is not going to meet the needs of now. It does nothing to provide for the immediate needs of any of those enclaves that the Senator listed as being under siege or being next to be under siege. But it will result to an absolute certainty, if it becomes law, in the withdrawal of humanitarian assistance, the withdrawal of the U.N. effort, and the shifting to the United States for having made this choice a future responsibility for whatever it is that flows.

Now, I cannot predict what it is that will flow, but I think most people here have a pretty good sense that there is going to be a lot more killing. If the people think that the CNN images of refugees were bad in the last few weeks, wait until all of the U.N. effort is out and the population is left to the whim and will and fancy of people running around with guns desperate, all of them, to stay alive.

Then what will the U.S. response be? Will the Senator come back to the floor and say, ''Well, at least they are dying with a gun in their hands?'' Will the Western world response be, ''Well, this is OK because they are able to make a choice?''

I do not think so. I think, on the contrary, the probability is that Moslem countries will not tolerate what might be going on and maybe they will become more deeply involved. And perhaps it will then spread across another border. Perhaps all the unthinkable things that we never stopped to think about before World War I and World War II take place. Who knows? Will it spread to Macedonia? I do not know. I do not have the answers to that. But I know wise people exercising good judgment with respect to foreign policy should not just take a step and throw their hands up in the air and say we should not try to think those things out and measure what the consequences are.

It is hard for me to believe that a Senate that is so filled with people who want to be tough about what is happening with respect to Serb behavior and who understand that we should be responding more forcefully would come to the floor with anything but a resolution seeking that kind of a response. This is not a policy for the now. This is a policy that is an epitaph for Bosnia, and it basically says, ''We ignored you for a few years. Then we lifted the embargo after we did you damage. And we wished you good luck. Have a nice war.''

That is the impact of this. At the very moment that our allies that we have spent, what, 45, 50 years building an alliance with to make a NATO work

are saying ''do not do this,'' we are prepared to unilaterally pull the rug out from under them.

It does not make sense. We are prepared to deal a major blow to a NATO that has already dealt itself a blow, obviously. But Tuzla still stands. Gorazde still stands. Sarajevo still stands. And all of those people in those cities are safer today for that fact and for the presence of the United Nations than they would be without it.

Who will come to the floor in a few months and explain away those people who are lost when we claim responsibility that the world will quickly give us for having pulled the rug out from under this international effort? And what happens when one of our allies comes to us and says, ''Hey, you know, we don't really like that embargo on Iran. We are tired of the embargo on Iraq. We really don't agree with you on what we are doing to Qadhafi, and, by the way, North Korea is your problem; you people figure out what to do with the nuclear weapons.'' All of those things can flow as a consequence of the unilateralness of what we are doing. I would love to see the embargo lifted.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. KERRY. I will be delighted to yield for a question.

Mr. LIEBERMAN. Does the Senator agree that there is a difference between the embargoes or sanctions applied to Iran and Iraq, which are lawbreaking countries, as opposed to an embargo placed on a country, Yugoslavia, which does not exist, now enforced against Bosnia, a section of that former country, independent, a member of the United Nations, having committed no violation of international law or U.N. resolutions?

Does the Senator not agree that there is a difference there?

Mr. KERRY. Absolutely. There is a profound difference. And I agree completely with the Senator. As I was just starting out in the last sentence when I broke to answer the question of the Senator, I was saying we should lift the embargo. It makes sense in terms of article 51, in terms of the law, in terms of the equities. But we should not do it unilaterally.

Now, that is where we get caught in the Catch-22 that has confounded everybody for the past months because every time we turn around and go to the French and the British and say we want to do this, we are told, ''No, if you do that, we are going to leave.'' And so we do not do it, and we pull back, and we go around in this circle.

I think that what has changed in the last week or two is the recognition, hopefully, that the situation is, indeed, untenable and that we cannot continue in the form in which we are. And the President has made that about as clear as a President of the United States can make it. The President has been forthright in saying this policy is not working. He has been forthright in acknowledging that the dual key is a terrible mistake and we must never do that again. He has been forthright in acknowledging that we have not adequately been able to respond because we have had a proportionate response rather than a disproportionate response.

So I think the President has pretty much laid the policy of the past months on the table and said it is changing.

Now, I listened to the Secretary of State today say to us point blank, there is no more dual key. The NATO commander on the ground has the ability to make the decision, if he observes an attack, to call in a strike.

In addition to that, the French and the British have put howitzers up on Mount Igman. They have put additional troops, Legionnaires up in the hills around Sarajevo. They have strengthened their own capacity. And so suddenly, in the face of their willingness to do all of this, we are going to turn around and say, ''Sorry, folks; the United States of America says time to cut.''

Mr. LIEBERMAN. Will the Senator yield?

Mr. KERRY. I will be happy to yield for another question.

Mr. LIEBERMAN. I read to the Senator from an Associated Press article written today, dateline Washington, Barry Schweid, diplomatic writer, quoting Ahmed Fawzi, a spokesman for U.N. Secretary General Boutros-Ghali, saying that ''authority to order an attack'' in Bosnia ''remains with the Secretary General for the time being,'' and that there was general agreement at the allies' high-level meeting in London that ''the dual key arrangement remains in place.''

Mr. KERRY. Let me just say, if the Senator wants to suggest to me that the Secretary of State lied to the Democratic caucus today, then do that.

Mr. LIEBERMAN. Obviously, I would not say that.

Mr. KERRY. I will not accept whatever Mr. Boutros-Ghali is putting out to the press.

Mr. LIEBERMAN. I have an extraordinary respect for Mr. Christopher.

Mr. KERRY. Mr. Boutros-Ghali does not have the ability to stop the NATO commander from doing a strike if the NATO commander—the NATO commander does not report to him, the last time I understood it. If it is our understanding that the NATO commander has the capacity to do the strike, I am confident when he radios Washington with the appropriate messages, he is going to strike notwithstanding whatever Mr. Boutros-Ghali said for the purposes of international U.N. political consumption.

Now, I agree with the Senator that is part of the problem here. It always has been. And when we were at the meeting at the White House the other day, a number of us suggested to the President that it is imperative to be out from under any control factor in the clearest terms. If we cannot do that, then I would agree with the Senator we have to find an alternative solution.

But I would still respectfully say to the Senator, the alternative solution is then, hopefully, not to throw up one's hands and say we cannot do anything. I think then the appropriate solution is to say NATO and willing nations must assume what the United Nations is either unwilling or incapable of doing. Now, that is my preference before we come to the floor of the U.S. Senate and ratify an abandonment.

Mr. LIEBERMAN. Will the Senator not agree this is not the first time we have come to the floor? This is not an issue of first impression. We have been coming to the floor for 3½ years once war broke out in the former Yugoslavia saying, how can we justify not allowing one side, the Bosnians, who wish to defend themselves, to have the weapons? Would the Senator not agree that the United Nations and NATO have had all sorts of time to prove that they can be effective? And in all that time, the Bosnians have been ultimately defenseless and have been slaughtered?

Mr. KERRY. Let me say to my friend from Connecticut, whose concern for this is as passionate as anyone's in the Senate, that he is absolutely correct. We have been here, done that, seen that, said that. And that is part of what is feeding the frustration that every Member feels today. But as far as I know, that is not a predicate for suggesting that we should personally step in, step in in a way that now unravels whatever potential is left of minimizing the loss of life.

I believe the Senator will also acknowledge that every step of the way, when we were serious about a strike, we made a difference. That is how we secured the safe zones in the first place, if everybody goes back to think about it. It was the fact of airstrikes that gained us this notion of safe zones. And each time we stepped up to bat, the Serbs have stepped away from the plate or off the field.

Mr. LIEBERMAN. Would the Senator not agree that——

Mr. KERRY. I just want to say to my friend, why should we ignore that history? This is not a big place. Four million people, 600,000 on this side, 2 million on one side. What are we talking about here? This is not Russia. This is not Vietnam where there were 77 million people. This is not the same kind of struggle. We are not talking about becoming involved in the civil struggle. We are talking about delivering humanitarian assistance. We are talking about guaranteeing a safe zone. Those are the two most minimalist things that you can conceivably ask for under the laws of warfare. Is the Western World incapable of living up to the most minimalist standard of protection under the laws of warfare? Are we incapable of taking this incredible, mighty war machine and putting it to use to guarantee that trucks can go down a road, that we can keep people from a certain perimeter from picking

off an old woman who goes to a drinking fountain? I do not believe we are that incapable. I am not going to come to the Senate floor and ratify an effort that literally puts into law that lack of capacity and will. I think it is wrong.

Mr. LIEBERMAN. The answer is that—

Mr. WARNER. Will the Senator yield?

Mr. LIEBERMAN. We are clearly that capable, but we have been unwilling.

Mr. KERRY. Why not be willing today?

Mr. LIEBERMAN. How can we continue to justify delay, while those older women going to the drinking fountain are getting hit by Serbian shells? We will not—the Bosnians themselves have the ability to defend themselves. We are not intruding ourselves in. We are finally getting ourselves out.

Mr. KERRY. Let me ask the Senator, are there any weapons provided for in this resolution? Yes or no.

Mr. LIEBERMAN. No.

Mr. KERRY. Is there any strike provided for in this resolution?

Mr. LIEBERMAN. We leave that to the President and our allies.

Mr. KERRY. The Senate is going to be big and brave and take this big step that does not provide a weapon.

Mr. LIEBERMAN. I say to the Senator from Massachusetts, I will be glad to join with him, as soon as this measure passes, in introducing a package authorizing aid to allow the Bosnians to buy weapons that they need. There is an outstanding resolution——

Mr. KERRY. I say to my friend, in the U.S. Senate that is the kind of thing that could take 6 months, a year to pass maybe. What would happen in the meantime? Here is this great effort that says we are going to guarantee them weapons. Who is going to provide the heavy weapons and artillery and the antitank weapons? Who is going to provide the tanks themselves if they need them? Where are they coming from?

Mr. WARNER. Will the Senator yield for a question?

Mr. KERRY. Besides, let me ask this. How are they going to get in? Because I am told they can only arrive by ship. If they arrive by ship, they must cross Croatia, and there is no guarantee that the Croatians are going to permit that. So where are we?

Mr. WARNER. Will the Senator yield?

Mr. KERRY. For a question.

Mr. WARNER. Addressing the Senate, the Senator said if you pull back the UNPROFOR, then all war breaks out. That infers that UNPROFOR is there to protect the civilians. And I strongly take disagreement with my colleague and good friend. UNPROFOR is there for the reason only to deliver food and medicine. They did not go equipped with the armaments to defend either themselves or the other people.

Mr. KERRY. Let me say——

Mr. WARNER. We made a terrible mistake, Mr. President, in calling them ''safe areas'' when we did not put in place such military equipment as to make them safe should they be attacked. And if UNPROFOR is there solely to protect themselves and to carry out their limited mission—limited mission—of delivering food and medicine, the Senator is wrong in saying, if you pull them out, all war breaks loose.

Mr. KERRY. Let me say to my friend from Virginia, that is not in keeping with what safe havens were. We did guarantee safe havens.

Mr. WARNER. Mr. President, did we put in the weapons to carry out that guarantee?

Mr. KERRY. No.

Mr. WARNER. The answer is ''no.''

Mr. KERRY. No. Because not one U.S. Senator, myself included, I think, will put American troops on the ground. And the British and the French were not prepared to put additional troops in at the time. Now I think that equation has changed.

But the truth is, and the Senator from Virginia knows this well, the safe zones were designed to protect civilians. That was the concept. In fact, we said to people, give us your weapons. We disarmed them in order to protect them, and then never followed through with sufficient capacity to do that. But the concept was that they would be safe in a safe zone.

Mr. WARNER. But——

Mr. KERRY. I will say to my friend, I do not think it is the responsibility of an American to be on the ground in Bosnia without a peace agreement. I accept the notion we should be part of legitimate peacekeeping if there is an agreement. But this is, after all, not World War I or II. And it is Europe's backyard. And I have no guilt nor shame, no restraint whatsoever in suggesting that the majority of the responsibility on the ground belongs with Europeans. And if they are willing to carry that, I am willing to support the notion that a young American should go in harm's way in air support and logistical support. And I think that is the appropriate balance.

Now, absent a British or French willingness to do that, then maybe we are left with nothing more but to do this epitaph resolution. I do not believe we have exercised that full measure of diplomacy yet. I do not think we have come to that point yet. And if we have, it is a sorry state of affairs. As Pope John Paul said, this represents a defeat for civilization. But it has not happened yet, notwithstanding the horror, notwithstanding all that has gone on.

Now, I am not suggesting that we can make peace. I am suggesting we can guarantee the most minimalist notion that we have carved out, which is the delivery of humanitarian assistance and the protection of a few safe havens.

Mr. WARNER addressed the Chair.

Mr. KERRY. I yield for a question.

Mr. WARNER. Mr. President, may I remind my colleague that his emphasis is on air power to protect the safe havens. The last time, Mr. President, we used that air power to any degree, hostages were immediately taken. People were strapped to the targets and the air power dissolved.

Mr. KERRY. Mr. President, let me say to my friend, that is because we have basically been searching for 3 years or more for a no-risk policy. And every balancing act that we have made in each equation that we have come up with has been sort of the minimalist, the minimalist of what we can achieve on the ground without upsetting Yeltsin, the minimalist of what we do without getting Croatia at a point where they move too much, the minimalist of what we do with respect to Milosevic in Serbia, the minimalist of what we can get out of the French, and the minimalist of what we give ourselves. That is the history, all of which from our point of view has been geared essentially to be no risk.

Now, I do not think there is such a thing. And I do not think the Senator from Virginia believes there is either. Nobody knows it better than he as a former Secretary of the Navy and as a former marine. There is a reason young Americans put on the uniform. There is a reason we have a standing military. And we make judgments, or we are supposed to, about the different tiers of interest that we have as a nation. Sometimes that interest rises to vital national security, a challenge to our way of life, and we go all out.

Sometimes it arises just to ease security interests. Sometimes it is only a national interest. Sometimes it is only an interest.

I respectfully suggest that with each of those different tiers, you may or may not be willing to risk a patrol plane, you may be willing to put a bomber wing on the line, you may put a squadron, company, or division. You make those decisions. We have essentially tried to avoid all of those.

I do not think you can resolve this problem in any way that is satisfactory to the NATO commitment, to the civilized notion of who we are as a country and where we should be going, and certainly, to the history of Europe, without assuming some risk.

Mr. WARNER. Mr. President, I conclude—and I see other Senators very anxious to speak—by saying that if it would be minimalist after minimalist throughout this time, this diplomacy, this inaction has denied the people of Bosnia the most fundamental thing, the right to defend themselves. This is a right which is founded in the common law which has been honored by mankind since the earliest hours and which was enshrined as article 51 in the U.N. Charter. That is what this measure does.

Mr. KERRY. I say to my friend, in a sense it does that. In an emotional kind of litmus test, a written sense, it does that.

The reality is that it does a lot more than that. It does a lot more than that. It is not just us making this decision.

For better or worse, we engaged with the United Nations; for better or worse, NATO involved itself with the United Nations; for better or worse, our allies are involved; and mostly for the better, it is they that are on the ground, not we.

They are saying this is not the preferred way to go. It is a Frenchman who was buried yesterday. Mr. President, 42 or so Frenchmen have died.

Now, I suggest that we cannot just come here in a vacuum and be insensitive to the implications that are far more complicated than this resolution permits for. What bothers me so much about this resolution is it is so attractive on its face. It is so easy. We basically say it will not happen unless the President of Bosnia asks it to happen, and it will not happen unless the troops are coming out.

Everyone understands there is a different message in it, really. We should not be debating on the floor how we withdraw. We should be debating on the floor how we summon the will and the capacity to put together a structure that can win for the Western world the capacity to leverage a settlement.

Now, that may be long in the doing. One of our greatest problems is that for 20 years nobody believes any longer in our staying power. Most countries have come to believe through Somalia, through all of our debate, that all they have to do is put us to the test. I rather suspect that is one of the reasons why Saddam Hussein went the distance that he did. It seems to me that at some point, if we are going to put an end to that legacy, we will have to be prepared to assume or define, at least, a certain amount of risk.

I am willing to understand that this is fraught with pitfalls. There is no guarantee that we may set a certain limit of the risk we are willing to assume and may not be able to get beyond that. Boy, I would rather do that, Mr. President, than turn around and ratify our helplessness, which is effectively what we are doing today.

I say, there is no certainty at all that weapons will get through Croatia. None whatever. There is a certainty to the fact that 25,000 American troops are going to go in to get everybody out. That, there is a certainty of.

So when people say this is not a way to Americanize the war, let me say, if you are the British and you are already apprehensive about this policy, or you are the French and you think you have been abandoned by an ally who wants to unilaterally do something, there is no finer excuse than to be able to turn around and say, ''OK, you guys have your own program; you go in and help us get out, and it is your ball game.''

Then what happens if, while we are getting out, a lot of helpless women and children come running up to Americans because there are people killing them and chasing them in the background; are we going to stand and watch as we get out? What are the rules of engagement going to be for the young soldiers? What will happen if someone wants to lure them into some kind of a fire fight? And then when we lose people, we feel we have to retaliate against one side or the other?

I think it is a hell of a lot better, I say respectfully, to be there with the defined purpose of delivering humanitarian assistance and helping to protect a safe haven than worrying about how we are getting 25,000 of our troops back out. I think for history's sake, we would be better off taking that position than the road we are about to go down.

I am in favor of trying to lift the embargo on a multilateral basis. I wish we were changing this in a way that set up a structure for a multilateral process and for some diplomatic leverage with an attempt at a cease-fire and an ability to enforce and reinforce this kind of effort.

My belief is that the administration understands the difference in this equation today. My belief is that we must put this London meeting to the test. For the U.S. Senate to not even have the patience to allow the next few days to play out before we step in with an arrogant club is to somehow ignore both our relationships as well as common sense.

Other colleagues are on the floor. They want to speak, Mr. President. I have other comments, but I did not expect to go on at this point in time.

Mr. PELL. Mr. President, I share the deep frustration many of my colleagues have expressed during the course of the Senate's debate on the Dole-Lieberman bill. Whatever the outcome of the vote on this bill, all of us agree that the behavior of the Bosnian Serb leadership is dreadful. The International War Crimes Tribunal at the Hague has also acknowledged this. It has, in fact, just issued indictments against Bosnian Serb leader Radovan Karadzic and Bosnian Serb military commander Ratko Mladic for crimes and abuses committed earlier in the Bosnian war. The Serbs' most recent offenses—their utter disregard for the U.N. protected-safe havens—outrages us, and make us want to do something in response. Where proponents and opponents of the Dole-Lieberman legislation disagree, however, is what that something should be.

At the urging of the United States, the contact group countries have agreed to do something in response to the atrocious Serb behavior. Details still need to be worked out, but this much is clear: earlier this week, the allies delivered an ultimatum to the Bosnian Serb commander that any threat against Gorazde will be met with disproportionate air strikes. Secretary Perry has made clear that the policy adopted for Gorazde could quickly be adopted to other areas should they come under attack. At the same time, British and French troops—part of the rapid reaction force—are working to open a key humanitarian supply route into Sarajevo.

These new efforts have just begun, yet by passing this bill today, the Senate is saying that we are not willing to give them a chance. As President Clinton said in a letter today to the distinguished minority leader opposing this bill, ''Congressional passage of unilateral lift at this delicate moment will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.'' I would add that in passing this bill, we not only undercut the policy, but in so doing, we put at risk the brave U.N. personnel on the ground.

The troop contributing countries, the U.N. Security Council, indeed the Bosnian Government have all made the judgment call that the United Nations should remain and redouble its efforts in Bosnia. None of those parties is asking for a U.N. withdrawal at this time. They know that if the United Nations were to pull out altogether, any areas of Bosnia which are now stable and well supplied due to the U.N. presence would likely face a humanitarian disaster. This is particularly true in central Bosnia. In his letter to Senator DASCHLE, President Clinton points out that ''for all its deficiencies UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia.'' The President, our NATO and U.N. allies, and indeed the Bosnian Government have balanced the potential catastrophe of a U.N. withdrawal against the current tragedy, which has led many to call for a complete U.N. pullout. They have decided not to advocate a U.N. withdrawal at this time. Yet by passing this bill, the Senate is unilaterally calling for the United Nations to leave. That does not come without cost.

I would remind my colleagues that the United States has committed to helping our allies withdraw from Bosnia as part of a NATO effort. So, in essence, by passing this bill, we are triggering the commitment of up to 25,000 United States troops to Bosnia to help with that withdrawal. We need to be clear about what we're voting for.

This bill advocates, indeed would precipitate, a U.N. withdrawal from Bosnia followed by a unilateral lifting of the arms embargo. I do believe that if and when a decision is made to withdraw UNPROFOR, the arms embargo will de facto, be lifted with the support of our allies. That is as it should be. We are just not at that point yet.

As I argued last week, if we pass this bill, it will inevitably be perceived as the beginning of a United States decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away.

Another serious concern I have about this legislation is that it says that the lifting of the embargo shall occur after

UNPROFOR personnel have withdrawn or 12 weeks after the Bosnian Government asks U.N. troops to leave, whichever comes first. Basically, this legislation gives the Bosnian Government—the power to end United States participation in a U.N. imposed embargo. While the Bosnian Government does indeed have the right to ask UNPROFOR to leave, we should not abdicate to the Bosnian Government the power to trigger a unilateral lifting of the embargo.

I have been somewhat torn about how to vote on this matter, and have not made my decision lightly. Like my colleagues who support this bill, I want to do something to alleviate the suffering of Bosnian civilians; to make the Serbs pay for their brutality; to tell them that aggression will not be rewarded. I am not convinced, however, that we will achieve those goals by passing this legislation. Indeed, we could make things worse, at great risk not only to the besieged Bosnians, but to the United States and our European allies. I reached this decision too, out of respect for our President's request that we not move ahead with this legislation. I will therefore, with some reluctance, vote against the Dole-Lieberman bill. I ask unanimous consent that the full text of the President's letter on Bosnia be printed in the RECORD at this point.

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

THE WHITE HOUSE,
Washington, July 25, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to S. 21, the ''Bosnia and Herzegovina Self-Defense Act of 1995''. While I fully understand the frustration that the bill's supporters feel, I nonetheless am firmly convinced that in passing this legislation Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. As you know, we are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forget that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnia-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days make clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. I am determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, as I have noted, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

I am prepared to veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support the pending legislation, S. 21.

Sincerely,

BILL CLINTON.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). Does the Senator yield the floor?

Mr. PELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have been listening to this debate for the last 2 hours and I find the debate to be somewhat disassociated from the resolution we are being called upon to adopt. We have had it said that we are talking about American leadership. We are talking about American prestige. We are talking about America's willingness to assume its proper role in the world.

Yet, when I look at the actual language of the resolution, particularly on page 5 where it states, ''Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment,'' that is not a heroic call to action. That is not a statement that stirs men's blood with a commitment to the protection of the innocent.

I believe that what we have before us is a resolution which essentially is an abdication of some of the most basic national interests of the United States of America. What are those interests that will be affected by the proposal of the United States to unilaterally lift, and therefore abrogate, the resolution of the United Nations which had prohibited the international community from supplying additional arms to the former Yugoslavia?

I suggest that we have at least five national interests at stake in this debate tonight. One of those is the national interest in terms of the protection of our fighting men and women. Do we wish to place U.S. military personnel, especially ground troops, at risk?

Interest No. 2 is to contain the conflict and not allow it to become the catalyst of an even larger war in the Balkans and in southern Europe.

Interest No. 3: We have an interest in preserving the integrity and capacity of the North Atlantic Treaty Organization.

Interest No. 4: We have an interest in the international community respecting international agreements.

Finally, we have an interest in the capacity of the United States, given the reality that we are a government of divided responsibility, and therefore the necessity of the executive and the legislative to work with some degree of harmony and mutual respect in order for the United States to be an effective force in the world community.

I believe all five of those important goals are placed at risk through the adoption of this resolution.

What I think is interesting about those goals is, if you think of them as concentric circles, only the first two of those relate directly to circumstances affecting Bosnia. The other three are more generic interests of the United States. And it is somewhat gratuitous that the circumstances in Bosnia are the basis of those interests being placed at risk.

Let me just comment briefly as to why I believe each of those five interests are jeopardized by the adoption of this resolution. Our first interest is to avoid the unnecessary placing of U.S. military personnel at risk. There are a series of comments that have been made. Our closest allies in NATO, who do have military personnel on the ground in Bosnia, have stated repeatedly—and, I think, unequivocally—that it is their intention to withdraw from

Bosnia if the United States unilaterally lifts the arms embargo. I believe they are sincere in that statement.

The United States has made a commitment that if they do withdraw, we will provide up to 25,000 troops, to provide them cover while they are withdrawing. So the effect of adopting this resolution to unilaterally lift is that our allies will withdraw and that we will facilitate that withdrawal with up to 25,000 U.S. ground troops. So we have directly countered one of our interests, which is to avoid placing U.S. troops at risk on the ground.

Second, containing the war. In my judgment, which is not particularly meaningful—but in the judgment of virtually every serious student of this issue, from the leadership of the United States military to our diplomatic leadership—they have all stated that if the arms embargo is lifted, it will precipitate an urgent move by the Bosnian Serbs to take advantage of the military circumstances as they now exist before those advantages are compromised by armaments reaching the Bosnian Moslems. So there will be an escalation of the conflict.

There will be additional weapons introduced into the region and they will not all be the weapons that the United States might be prepared to introduce. Although this resolution explicitly indicates that we are not committing ourselves to provide any additional training, support or delivery of military equipment to the Bosnian Moslems, the Russians are not so circumspect. A news item from Tass, the Russian news bureau, dated July 12, states that the Russian Duma, the Russian Parliament, has condemned the new NATO bombing raids on the positions of the Bosnian Serbs near Srebrenica.

Since this time, that former safe haven has fallen.

According to the statement of the Duma, these bombardments have created a situation where armed provocations by the so-called Moslem Croatian Federation, unrestrained by the West and NATO, cause response from the Serbs which is always followed by a unilateral use of power by NATO.

The Duma resolution goes on to call for the Russian participation in the lifting of the arms embargo for purposes of providing arms to the Bosnian Serbs.

So we are going to have the Russians providing military equipment to the Serbs, the United States assumedly providing military equipment to the Moslems—a major escalation of the conflict within Bosnia, creating the potential of a serious overflow of this conflict into an already tinderbox adjacent area.

This has the potential of a major conflagration throughout the Balkans and southern Europe, even the potential of drawing into that conflict Greece and Turkey, two of our NATO allies. So if one of our objectives is to try to contain the war, if that is why we have 400 United States military troops in Macedonia, the adoption of this resolution and all of the things that are likely to flow from it will have exactly the opposite effect.

Third, it is in our interest to preserve the integrity of the North Atlantic Treaty Organization. That is an organization which is already under serious pressure as a result of events in Bosnia. This would raise that pressure. We have been besieged by our French and British allies not to unilaterally lift the embargo because of the greater danger that it will pose for its troops that are on the ground. We are going to be called upon, if this resolution is adopted, to protect our NATO allies by assisting them in withdrawal. I fear one of two things: I fear that we either will—or I fear that we will not—vote on an amendment to this resolution which will specifically authorize the United States to place some 25,000 troops in Bosnia in order to assist our NATO allies in their withdrawal.

I fear that we would debate that because I fear that it will fail. In fact, I have a reason to believe that gives me confidence that the amendment would fail. Therefore, the Senate would be sending a statement to our NATO allies that we are not going to honor our commitment to protect them. I am distressed that we would not debate that amendment because it indicates I think the fundamental level of timidity which is part of this resolution that we are calling for actions that have very high probable consequences and yet are not willing to accept affirmatively the implications of those responsibilities. So in so doing we place our NATO alliance at risk.

Fourth, is the respect for international agreements. This is not the only international agreement in which the United States has joined with the rest of the international community in adopting.

Let me just refer to one of those other agreements; that is, the agreement that the United States led the Security Council in adopting on August 6, 1990, imposing on Iraq a sweeping set of sanctions. What are those sanctions? A ban on the import of any product originating in Iraq. This primarily relates to oil which is 90 percent of Iraq's exports. A worldwide freeze on Iraq's financial assets; a ban on all weapon sales to Iraq; a ban on any exports to Iraq with the exceptions of food and medical supplies.

On September 25, 1990, to those set of sanctions was added an additional prohibition on civil air activity. That is an international agreement of which we are a party. There have been tremendous pressures on that Iraq embargo. Iraq has offered to Russia, France, Germany, and other countries huge quantities of oil at discounts, lucrative contracts for oil exploration and industrial redevelopment. Thus far our allies have resisted those entreaties. They have resisted them because Iraq has not lived up to its obligations, including its obligation to allow full surveillance of its capacity to produce weapons of mass destruction, weapons which already have destabilized the Middle East, and have the potential to do so again.

It is very much in our interest that this embargo against Iraq be honored by all of the world's countries. Yet, what moral ground do we have to continue to urge that they be honored if we have just unilaterally breach the United Nations' embargo which was arrived at with equal solemnity relative to the provision of armaments in the former Yugoslavia?

Mr. President, I think we are about to shred our moral capacity to lead the world and to ask the world to follow the rule of law and international obligations. And there is no country which will pay a dearer price for that than will the United States of America.

Fifth, and finally, Mr. President, I believe we have a great stake in the capacity of this Government of the United States of America to be able to function in international affairs.

When I was a boy growing up in a home, the father of which had been born in Croswell, MI, our political hero was Senator Arthur Vandenberg of Michigan. Senator Vandenberg accomplished much in his life and in his public career. But the thing for which he is best known is his cooperation with President Truman in the critical years after World War II in fashioning a bipartisan foreign policy for the United States which did in fact allow us to lead, to lead in a very difficult period of 45 years until finally the Soviet Union crumbled.

That standard of cooperation is, I fear, one of the real potential casualties in the adoption of this resolution. If I can use as the example that commitment that the United States made to our allies to provide up to 25,000 troops to help extricate them from Bosnia should that be called upon, I imagine what happened was that a representative of this Government, possibly at the highest level, the President himself, possibly at the level of the Secretary of Defense or the Secretary of State, in a meeting with our allies reviewed a series of contingencies. We were trying to encourage our allies to put troops into Bosnia as peacekeepers in hopes that they would play a positive role both in the humanitarian relief of the besieged people of Bosnia but also in the containment of the level of violence that had been occurring. One of those concerns of our allies before they would make that commitment is what would you do in the event that we have to remove our troops and our troops are under military siege? And we committed that as part of their obligation to go in, that we would assume the obligation to help them get out. That was a commitment that was made in the name of the United States of America through our Commander in Chief and President.

If we are unwilling to now honor that commitment, as I fear the implications of this resolution is that we are so unwilling, I believe we strike a fundamental and maybe lethal blow to not only our world leadership but also our capacity to function as a Nation attempting to establish a singular credible policy position in the world.

So, Mr. President, I fear that we have much at risk here to the United States' national interest. And as a U.S. Senator and as a U.S. Senate, I think that is where our principal focus should be. What is in our national interest? It is not in our national interest to adopt a resolution that would cause us to abrogate a solemn international agreement which had the result of placing the United States troops at risk, has the potential of causing this serious conflict in Bosnia to become an even greater fire throughout southern Europe. It is not in our interest to see the integrity of NATO put at risk. It is not in our interest to see a diminution of respect for international agreements, and it is not in our interest to see the necessity of bipartisanship in foreign policy development and implementation rendered by this action.

So, Mr. President, I think this is a serious moment for the Nation and for this Senate. I would strongly urge that this resolution be substantially modified, and failing such modification be defeated.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we have in a rather informal way managed this afternoon's very important debate on this issue. I know speaking with the majority leader, and the distinguished Senator from Connecticut, myself and others, we will urge the Senate to vote tonight.

So I would hope that Senators who are desiring to address this important matter would find the opportunity, if they so desire, to come to the floor as soon as possible.

I see the Senator from Texas. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have listened to the debate on the floor tonight. It seems to me that we are all looking at the same fact situation. But we are coming at it from a very different vantage point, and with the same facts we are coming to very different conclusions.

One side says this is a failed U.N. peacekeeping mission, and that we should shore up the United Nations and escalate the effort that the United Nations is making. The other side says this is a failed U.N. mission, and within the constraints of our commitment it is time for us to withdraw.

Mr. President, I am in the second category. The time has come for us to get the United Nations out and let the Bosnian Moslems have a fair fight. We have stood by and watched while the well-armed Serbian forces have waged war against the Bosnian people that has made us cry at night watching what has happened.

The fall of Srebrenica, and the ethnic cleansing which followed, provides convincing evidence of the failure of this current policy. The Serbs are not going to negotiate. They have demonstrated that they believe they have more to gain by fighting than negotiating. Absent a military threat, the aggressor Serbs have no reason to negotiate in good faith.

We have debated this issue for over a year now, and we have watched the situation in Bosnia continue to deteriorate.

History will not judge us kindly if we continue to withhold from the Bosnians the means to fight for their own freedom. Our action has not been one of neutrality because the effect has been to keep the Bosnian army from defending themselves with the same kinds of arms that the Serb aggressors have had. The time has come for us to end this debate, withdraw the U.N. forces, and lift the arms embargo once and for all.

The old adage said, ''It is preferable to die fighting on your feet than to live begging on your knees.'' It is clear the Bosnians have made their choice. They have been bravely fighting on their feet for months, but they have been severely limited in arms. The Bosnians are not asking us to arm them. They are not asking for American troops to defend them. They are simply asking to be allowed to fight their own fight. It is unconscionable for us to continue to deny them that basic right to fight for their survival.

What we have is a bloodstained policy which denies them the means of defending themselves, and it is one which we can no longer countenance.

Two months ago, I stood on the border of Macedonia and Serbia. I was standing side by side with our Americans with U.N. blue caps. They were at an outpost watching the border to make sure that this fight did not spread. I returned to the United States to find that our administration was considering requests from our allies which will only draw the United States deeper and deeper into an implacable situation. We are being asked to help increase and reinforce the U.N. mission in Bosnia, more airstrikes, and a larger U.N. ground force. For us to participate in such a plan would be a grave mistake.

We are considering increasing the U.N. involvement when the message could not be more clear. What we are doing is not working. The last thing we should do is increase that commitment.

I have been opposed to sending ground troops into Bosnia, and in light of recent developments, my resolve is even stronger. Any decision to involve United States forces in additional air support roles would take us two steps closer to a United States ground presence in Bosnia.

I heard the Senator from Massachusetts earlier today saying maybe it would be a balance, that we would provide air cover and airstrikes for our allies who would be on the ground.

I do not think that would be a fair balance, Mr. President. The shootdown of Capt. Scott O'Grady served to remind us that providing air support is not without cost. It has the potential of getting us more deeply involved in this conflict.

We are now drawing up operational plans for airstrikes should the Serbs move on Gorazde. We are on the brink. The U.N. is conducting a peacekeeping mission in a region where there is no peace. The U.N. is paralyzed, unable to respond and unwilling to retreat.

Two weeks ago, the Bosnian Serbs attacked the U.N.-designated safe area of Srebrenica. They rounded up the men for ''questioning.'' They threw women and children out of their homes and onto the roads—no food, no water. The tales of the acts of barbarism committed by the Bosnian Serb forces are now being reported by the United Nations. One U.N. official said the Serb actions constituted very serious violations of human rights on an enormous scale that can only be described as barbarous.

Using artillery and armored vehicles, the well-armed Serbs quickly overran Zepa and now they have turned their sights on Bihac, Gorazde, and Sarajevo.

For some time, this administration has argued that their reluctance to lift the arms embargo stems from a fear that if the arms embargo should be lifted, the Bosnian Serbs would only be encouraged to go on the offensive and press their attack on the Moslems.

This line of reasoning, Mr. President, is frustrating and beneath the standards of our great Nation. The Bosnian Serbs are on the attack. That should be obvious to any casual observer. The Serbs are oblivious to what the U.N. is doing because they have seen only empty threats and rhetoric. The refugees fleeing Srebrenica and Zepa provide ample evidence of the failure of this embargo where only one side of the conflict is armed.

I remember my meeting with the Prime Minister of Bosnia when he was here just a few weeks ago. He was bemused. He said, ''I keep hearing the United Nations say there are two sides to this war.'' He said, ''There are two sides all right. One side is shooting and the other side is dying.''

That is two sides, but it is not a fair fight, and we must do everything in our power to let them have a fair fight without U.S. presence in that fight.

The bill we are debating acknowledges what we all know, that the United Nations can no longer function in Bosnia in anything but a limited humanitarian role. Since this bill links termination of the embargo to United

Nations withdrawal, the Bosnians and those participating in the United Nations will make ultimate decisions as to when and under what conditions the United Nations would withdraw and the embargo would be lifted.

By linking United Nations withdrawal to the lifting of the arms embargo, the Serbs will be on notice that should the U.N. leave, they will get the fight they have been seeking, but it will not be with unarmed women and children, unarmed men. It will be a fair fight with armed Moslem soldiers.

The United Nations is an effective peacekeeper when two sides to a crisis want peace. That is not the situation in Bosnia today. As the frustrated Bosnian Foreign Minister said so eloquently following the fall of Srebrenica, ''The U.N. troops have become a hindrance, a clumsy reminder of the U.N.'s failure.''

It is time for the U.N. to abandon this failed mission, not because they did not try but because the tide was not right. I urge the President to turn away from this recent shift in American policy and instead of encouraging the United Nations to increase its activities, we should lift the arms embargo so the Bosnian Moslems can defend themselves and allow our allies to decide if they want to leave.

One Bosnian official said last week, ''We have never seen the United Nations do much more than talk. We have given up on anyone from the outside coming to our rescue.''

Mr. President, we can no longer leave the Bosnians defenseless. It is time to recognize the failure of our current policy and to do what it takes to provide the Bosnian Government the right to defend its own people from aggression. The United States has acted unilaterally before, and we will again. We must lift the arms embargo. Vice President Ganic said, ''We are dying anyway. Let us die fighting, fighting for our country.''

I think the time has come for this Senate to remember our own heritage. Over 200 years ago, we fought for our freedom. ''Give me liberty or give me death'' was the rallying cry of our soldiers. We should remember the sacrifices that our forefathers willingly made because they cared so much for freedom. And we should heed the pleas that come from a country far across the ocean, a country that wishes to fight for their freedom, their liberty, their families, and their future generations.

Mr. President, we must step out of the way and let them have a fair fight. I hope my colleagues will give overwhelming, bipartisan support to finally taking the stand that we have talked about and debated and danced around for months on end while other people have paid the ultimate price of enduring rape and ravage and murder, and let us let them have the ability to take what is left of their country and defend it with the honor they are seeking.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to say that I listened very carefully to the remarks of the distinguished Senator from Texas, and I think it brings another very important perspective to this debate. I wish to express my congratulations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB addressed the Chair.

Mr. NUNN. I wonder if the Senator from Virginia would let me give a 5- or 6-minute explanation of the amendment. I want to get the amendment on the floor.

Mr. ROBB. Mr. President, I would be pleased to yield to the Senator from Georgia. I would like to have the opportunity to seek recognition at the conclusion of his remarks.

Mr. BIDEN. Parliamentary inquiry, Mr. President.

Mr. President, is the Chair in the position, since so many people are wishing to speak, to, in a sense, unofficially acknowledge the order in which we are standing on the floor? I think it might make things appropriate. I know the Senator from Michigan was here before the Senator from Delaware. The Senator from Delaware was here before other people.

My inquiry is, is there an attempt on the part of the Chair to recognize people in the order in which they are sitting on the floor waiting to be recognized?

The PRESIDING OFFICER. That is beyond the power of the Chair.

Mr. WARNER. There has been an informal arrangement purely based on comity among Senators, since this matter was introduced at about 2:15, to follow much what the Senator from Delaware has suggested. I just think if we recognize among ourselves, without any request for action from the Chair, that the Senator from Virginia has been waiting, he recognizes that the Senator from Georgia desires to lay down an amendment and speak for a few minutes, the Senator from Michigan, and then the Senator from Delaware, that seems to me——

Mr. BIDEN. Mr. President, the Senator from Virginia has just made a statement I could not propound in the form of a question. I thank him.

Mr. WARNER. We thank the Chair.

Mr. NUNN. I thank the Senator from Virginia for yielding to me on this. I would like to discuss two amendments, one very briefly and the other amendment in detail.

The first amendment that I had intended to propose to this Dole-Lieberman bill, Mr. President, would have made it very clear that the President of the United States is authorized to use United States military forces for the purpose of assisting in the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina provided, No. 1, that the Secretary-General of NATO requests the participation of U.S. forces and certifies that such participation is necessary for the successful completion of the operation; No. 2, the withdrawal operation will be carried out under NATO operation control and using NATO rules of engagement; No. 3, participating NATO forces will not be unduly in danger to remove the military equipment of the UNPROFOR forces; and, No. 4, the North Atlantic Council decides to conduct the operation.

That was one of the amendments I intended to introduce. I do not intend to introduce that amendment now. I think the amendment would enjoy substantial support on the floor. There would also be opposition without any doubt. The President has not sent up a request, and without a request or at least an expression from President Clinton and his administration that they would welcome this kind of authorization, I do not think it is really appropriate to ask our colleagues to vote on that kind of authorization at this time.

I do add, though, Mr. President, that everyone should understand—and I hope the American public understands—that the amendment that we are debating, the Dole-Lieberman resolution, basically encourages the United Nations to withdraw from Bosnia. In encouraging the United Nations to withdraw from Bosnia, the enticement is very clear—the unilateral lifting of the arms embargo, as the amendment is currently drawn, if the United Nations withdraws after a request by the President of Bosnia. So that gives the President of Bosnia an incentive to make that request.

Now, I think for the Senate, we need to understand that if the U.N. forces withdraw, President Clinton has clearly said publicly—I am not sure it has been focused on all over the country—but it is clear that the President of the United States has committed to send U.S. military forces if requested by NATO to assist in the withdrawal of U.N. and NATO forces.

I happen to believe the President is correct on this. I believe that we do have an obligation if there is a withdrawal and if we are needed. If, of course, withdrawal can be accomplished in a peaceful way without U.S. forces, then that would suit all of us better. But if we are needed, we have had two Presidents, President Bush as well as President Clinton, who have encouraged our allies to go in there on the ground. The United States has not sent ground troops. But we have had President Clinton encourage, even to this day, the U.N. forces and the forces of our NATO allies to remain on the ground. And for them to get in difficulty on withdrawal and for the United States not to come to their assistance, as already expressed publicly and

privately by the President of the United States, in my view, would deal a lethal blow to the alliance we have been part of since World War II.

So I think no one should make any mistake about it here on the floor of the Senate. The Senate of the United States is going to have to face up to this question at some point if there is a withdrawal. And the Dole-Lieberman amendment anticipates, in fact encourages, withdrawal.

I had hoped we would join this issue on the floor. I know that there are a number of Senators who agree with me on both sides of the aisle. I know that the Senator from Kansas, Senator DOLE, and Senator LIEBERMAN have both indicated that they would support this general type resolution. I am not talking about this specific wording. But there are Senators who would oppose it. But at this stage, without a request by the President, or without at least an expression by the President that he would encourage this kind of proposal at this time, then, in my view, it is not appropriate to present it for a vote at this time. But it cannot be avoided. At some point we are going to have to face up to it. And I hope the Congress of the United States will understand what is at stake here. Far more than the question of Bosnia, what is at stake is U.S. leadership, United States commitment, and the North Atlantic Treaty Organization itself were we to choose not to support the President's commitment here and not to help our allies.

Mr. President, I do intend to send another amendment to the desk. We made a few changes in it. I have talked to the Senator from Virginia, Senator WARNER. I ask that Senator GRAHAM, the Senator from Florida, be added as a cosponsor of this amendment. This amendment I will describe briefly and when it is retyped with a couple of small changes, technical but important changes, then I will send it to the desk as called for in the unanimous consent order.

Mr. President, this amendment that I will send to the desk in a few minutes has two aspects. First, it adds a new finding that reiterates the position of the contact group that was first expressed in July 1994 and maintained ever since. And that is that the U.N. Security Council termination of the Bosnian arms embargo would be unavoidable as a last resort if the Bosnian Serbs continue to reject the contact group's proposal.

Mr. President, the contact group is composed of Britain, France, Germany, the United States, and Russia. This is a statement they issued in July of 1994. And I want to repeat that the contact group itself said that the termination of a Bosnian arms embargo would be unavoidable as a last resort if the Bosnian Serbs continue to reject the contact group's proposal. Of course, we all know the contact group's proposal has continued to be rejected by the Bosnian Serbs.

Second, this amendment adds a new provision that would require the President, President Clinton, to immediately introduce and to press to a vote in the U.N. Security Council a resolution offered by the United States to terminate the Bosnian arms embargo on a multilateral basis if the Bosnian Government requests the withdrawal of the U.N. forces or if the troop-contributing countries or the Security Council decides to withdraw the U.N. forces from Bosnia. The resolution would provide that the Bosnian arms embargo would be terminated no later than the completion of the withdrawal of the U.N. forces from Bosnia.

Mr. President, I believe that it is important to set up a mechanism as a part of this bill to ensure that the Clinton administration seeks to achieve a multilateral lift of the Bosnian arms embargo if the events stipulated in the Dole-Lieberman bill for triggering the embargo should occur. In other words, the Dole-Lieberman bill now visualizes a unilateral lift of the embargo if these events are triggered. What this amendment would do is insert that, before that unilateral embargo was lifted unilaterally, the President would go to the United Nations Security Council and seek a multilateral lift. I emphasize, this amendment would not delay the Dole-Lieberman unilateral lift, because that is now not going to occur until after the U.N. forces have been removed from Bosnia, pursuant to either their own decision or pursuant to a request from the President of Bosnia to the Security Council.

Mr. President, if the Dole-Lieberman amendment is enacted into law, it would result, as it now stands without this amendment, in the unilateral lifting of the Bosnian arms embargo upon the withdrawal of the UNPROFOR in Bosnia. That might happen even if my amendment were adopted. I will make that clear, also. But we would at least first seek a U.N. multilateral lift, which I think most people in this body prefer as the first choice.

This arms embargo was established with the concurring vote of the United States during the Bush administration. It has been complied with throughout by the Clinton administration. Mr. President, I think it would be an unfortunate precedent if the United States, a permanent member of the U.N. Security Council, a member who has been the strongest supporter of various arms and economic embargoes on countries such as Iraq and Libya, which continue to this day, was to lift the embargo unilaterally on Bosnia without at least first going to the Security Council and asking for a multilateral lift before we take unilateral action.

Mr. President, it seems to me that if the decision is made to withdraw the U.N. forces from Bosnia, then the Security Council should be receptive to a lifting of the Bosnian arms embargo on a multilateral basis. And I repeat, the contact group, composed of Britain and France and Germany and the United States and Russia, have issued a statement last year saying as a last resort they believe the United Nations Security Council should lift the embargo. That indicates at least implicitly some support in that group when we get down to the last resort.

Mr. President, if we are not close to the last resort in Bosnia, we are very, very close to it. I think we are close to it if we are not already there. Our allies who have troops on the ground in Bosnia and who have resisted the termination of the arms embargo because it would endanger their troops, should be willing to vote for such a resolution once their troops are out of Bosnia. If we can get a multilateral lift in the Security Council, it would be a much better, much improved situation for the United States because we would not meet ourselves coming back on such critical embargoes as Iraq where there is strong sentiment by some members of the Security Council to lift that embargo and where we resist lifting that embargo. Mr. President, I hope that we will support this amendment.

The contact group has been on record for more than a year that the arms embargo should be lifted by the Security Council if the Bosnian Serbs continue to reject the contact group's proposal. As I said, that is what they have done. Surely, the continued rejection by the Bosnian Serbs, coupled with their repeated violations of the humanitarian laws of war, merits a positive vote by all members of the contact group for such a resolution and, I also believe, for the Security Council to make this same decision.

I realize there is no assurance that such a resolution would be adopted by the U.N. Security Council. I also realize that it is possible that Russia, or one of the other permanent members, would be in a position of vetoing this resolution. But I do believe that even if it is vetoed, there is no reason we should continue to avoid a vote. We ought to at least have the Security Council vote, and we ought to make at least some effort to have a multilateral lift before we strike out on our own.

I would have preferred that the administration would have pressed for a vote on the resolution it submitted and supported last year, and that resolution was submitted by the Clinton administration pursuant to the Department of Defense Authorization Act for Fiscal Year 1995, which called for a multilateral lift of the Bosnian arms embargo.

The President committed to us in conference last year that he would introduce and support such a multilateral lift effort in the Security Council. However, the administration did not ask for a vote. They did introduce a resolution and they did support it, but they did not ask for a vote. So there still has not been a vote at our request on this key issue.

I realize that diplomats like to avoid unpleasant confrontations. I realize the United States does not like to be on

the losing side of a U.N. vote in the Security Council, but I believe in this instance, it is imperative that we press this resolution for a multilateral lift to a vote and at least find out where every member of the Security Council stands. And if a member of the contact group who is also on the Security Council objects to this resolution, if it is introduced by the Clinton administration pursuant to this amendment, if this amendment is adopted, or if the member of the Security Council who is also on the contact group vetoes the resolution, then they should answer the question, What did you mean when you agreed to the contact group statement that in the event of continued rejection by the Bosnian Serbs of the contact group's proposal for Bosnia and Herzegovina, a decision in the United States Security Council to lift the embargo as a last resort would be unavoidable?

If there is a veto, then at least we would hopefully get some explanation as to what that contact group statement meant when it was issued last year.

Finally, Mr. President, I emphasize that this amendment does not interfere in any way with the operation of the Dole-Lieberman bill. The Dole-Lieberman bill requires that the Bosnian arms embargo be terminated upon the withdrawal of the U.N. forces from Bosnia. That withdrawal will take some time.

We received various estimates from our military ranging from 7 to 22 weeks for the completion of a withdrawal operation. Best case, about 7 weeks; hopefully, worst case about 22 weeks. That leaves ample time, even under the 7-week estimate, for the Security Council to carefully consider and vote on a United States resolution to multilaterally lift the arms embargo on the Government of Bosnia and Herzegovina.

Mr. President, I certainly welcome support on this amendment. Again, I ask unanimous consent that the Senator from Florida, Senator GRAHAM, be added as a cosponsor. I hope there will be other cosponsors as the debate continues.

I yield the floor and, again, I thank my friend from Virginia.

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

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. At the outset, I ask unanimous consent that I be added as a cosponsor to the amendment of the Senator from Georgia.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. ROBB. Madam President, as we watch the sovereignty, independence, and territorial integrity of the Republic of Bosnia and Herzegovina wither under Serbian attack, we are faced with a very difficult choice: Stay the course with the U.N. and allied forces on the ground in the hope of limiting the bloodshed and containing fighting as best we can, or breaking with the current policy and letting the Bosnian Army defend itself.

I am troubled by the fact that we treat Bosnia and Herzegovina as a barren wasteland, not as a country. We have slipped so far into a policy of sustaining and occupying U.N. force in the Balkans for the sake of rebuffing Serbian aggression that we shut aside the views and aspirations of Bosnian Government officials, Prime Minister Silajdic among them.

Madam President, Bosnia and Herzegovina is a living, breathing country, represented in Washington, at the United Nations and around the world. We should respect and listen to the views of its officials and not ignore them.

Like many of our colleagues, I met recently with the Prime Minister, and he angrily intoned that our policy of militarily straitjacketing his forces made us complicit in the Serbian slaughter of the Bosnian people.

While I took very strong issue with his point that we were serving as a partner in genocidal crime, his message was unmistakable: We and the international community are standing in the way of a free and independent country seeking to fight for its very survival on its own territory and terms.

I understand those who caution us about the consequences of letting weapons flow to the Bosnian Government forces. They argue that a lift-and-strike policy does not consider the battlefield incineration that might follow. But I believe that we should leave these decisions in the hands of Prime Minister Silajdic and other Bosnian leaders.

The Government of Bosnia and Herzegovina, like Serbia, Croatia, and any other sovereign nation, should be allowed to exercise its right of self-defense under article 51 of the U.N. Charter, and our policies should not interfere with that fundamental authority.

There are no painless options before us. Ultimately, there are substantial risks, and we have to be prepared to assume some of them. With no peace to keep in the former Yugoslavia, however, I believe a policy of simply muddling through is a prescription for failure. It extends the war indefinitely and provides no hope or answers to the Bosnian people on how the community of nations intends to help defer Serbian aggression. I advocated pushing our allies much harder earlier to change course, but they have clung to a policy of defending the status quo.

As the situation on the ground has worsened, we have failed to respond decisively in any way. Given that bleak outlook, I have consistently supported an approach in the past that allows the Bosnian Government to defend its people and territory. We have voted on seven separate occasions on the arms embargo question and, in each instance, I have supported giving the Bosnian Army the military capability to defend itself. And I will support legislation again tonight that I believe provides the only real chance for eventually establishing a permanent and lasting peace in the Balkans, and that is by lifting the arms embargo.

I should note, however, that while I share the goals of what is likely to be a majority of my colleagues regarding the lifting of the embargo, I am deeply troubled by the invasive means by which we encroach on Presidential authority.

On war and peace issues, I have long advocated placing our trust and support in the hands of our Commander in Chief.

This legislation, admittedly, challenges Presidential authority outright and sets a bad precedent for our intervention in executive branch prerogatives. But we have been urging this course of action literally for years now, and yet the genocidal slaughter continues.

Madam President, I feel Congress ought to exercise its oversight on matters of national security with great caution and be particularly sensitive to actions that might have the effect of micromanaging foreign policy or usurping the President's constitutional responsibilities.

I have tried to support Presidents of both parties on defense and foreign policy decisions, and I want to continue to do so in the future.

Serbian atrocities, beyond the pale, however, force the Senate to act today. Ethnic cleansing, gang rapes, hostage-taking of noncombatant peacekeepers, and pillaging the eastern enclaves of Bosnia, demand an unequivocal United States response. In that case, it is lifting the arms embargo.

An affirmative policy of lift and strike will clarify to Serb marauders that their military campaign is ultimately a futile one and that a negotiated settlement is the only way out.

For now, Serb gunners and soldiers have no incentive to lay down their arms. They brazenly march ahead. Srebrenica last week, and then Zepa, Bihac today, and Gorazde tomorrow, fighting a defenseless enemy.

Bosnian Government soldiers, lacking the wherewithal to fight back, retreat and scatter. UNPROFOR stands as an idle force nearby, if anything, helping Belgrade's aspiration for achieving a greater Serbia. While UNPROFOR certainly deserves credit for supporting humanitarian missions, the war-torn Balkans, separating the combatants and attempting to deter atrocities, I do not see how the international community can afford to keep peacekeepers in a region where there is no peace. The role of UNPROFOR has gone from keeping the peace to regulating the war. It is time for a change.

Secretaries Christopher and Perry, for whom I have enormous personal respect, visited us again today and said now is not the right time to unilaterally lift the embargo.

Time is running out on the Bosnia people. If not now, when? The escalation of events these last few days with Bihac under attack today, underscores 3 years of failure to achieve a peaceful settlement.

Madam President, this civil war, in my view, must ultimately be resolved by the different groups within the former Yugoslavia. We should conduct a policy that provides the greatest incentive for both sides to peacefully negotiate their differences at the bargaining table.

To wit, I believe the United States should first press our allies for the expeditious withdrawal of UNPROFOR; second, lift the arms embargo multilaterally, if possible, unilaterally, if we must; third, continue to isolate the Bosnian Serbs politically and economically; fourth, not harbor any illusions about the consequences of lifting the embargo.

We cannot duck the question of whether United States forces—up to 25,000, in some scenarios—will be required near and in Bosnia to help extract UNPROFOR.

President Clinton has pledged to support UNPROFOR's emergency extraction. In my judgment, this is the right thing to do. We ought to go on record supporting him in this regard. In that regard, I certainly support the Senator from Georgia.

With emergency extraction, however, come risks. Both the Bosnian Serbs and the Bosnian Government forces could choose to interdict the UNPROFOR withdrawal. Given the narrow and fragile transportation routes in Bosnia, either side could do much to accomplish this goal.

Closer examination suggests that neither side has a compelling incentive to prevent UNPROFOR's withdrawal by force. The Bosnian Government would be loathe to attack its potential supporters, and although the Bosnian Serbs are benefiting immensely from UNPROFOR's indecisiveness, they would have no rational reason to delay UNPROFOR's departure.

We must accept, however, that lifting the embargo will not and can not mean the end of United States involvement. The Bosnian Government will request that the U.S. provide airstrikes to stem a Bosnia Serb advance. It is reasonable to expect that the United States will need to continue the equivalent of Deny Flight to keep the skies free of Bosnian Serb air power. The United States may have to take an active role in supplying the Bosnian Government with arms and equipment, intelligence, and training, and the United States will have to supply extensive humanitarian assistance by airdrops and other means to compensate for the departure of the humanitarian assistance personnel.

The Balkans conflagration may well get worse before it gets better, implementing a lift and strike plan, but it is going to end sooner due to it, and it will save many innocent victims in the long run.

These, Madam President, are not attractive options. There are no attractive options before the Senate.

Accordingly, Madam President, I believe that the United States should lead by example and not be deterred by protestations from our allies on lifting the embargo unilaterally if they choose not to join us.

The time has come to give the Bosnian Government a fighting chance. I hope the Senate will send that message in resounding fashion. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. WARNER. Madam President?

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mrs. KASSEBAUM. Madam President, I am happy to yield to the Senator from Virginia if he has a question.

Mr. WARNER. I simply wish to address the Chair and those present. We are following an informal order. The Senator from Michigan has waited for about an hour and a half. Somehow it has worked out for 5½ hours.

Mrs. KASSEBAUM. Madam President, I think it is good to follow an order. I know the Senator from Michigan was here before I was on the floor and I am happy to yield at this time to the Senator from Michigan.

Mr. CHAFEE. Madam President, I wonder if I could get in line.

Mr. WARNER. Madam President, what we have done before is just recognize Senators. The Senator from Maine has been here for some period off and on.

Perhaps, without seeking ratification by the Chair, just among ourselves, have a comity by which the Senator from Michigan be followed by the Senator from Kansas. The Senator from Delaware, very definitely, has been here.

Mr. COHEN. I object, because none of us will get to speak.

Mr. BIDEN. Madam President, maybe he will learn something.

Mr. WARNER. The Senator from Michigan, Delaware, Kansas, Rhode Island, and then Maine.

Mr. CHAFEE. The Senator from Maine was here before I was.

Mr. WARNER. We will reverse that. The Senator from Arizona is behind that group.

The PRESIDING OFFICER. Will the Senator restate that.

Mr. WARNER. We will first recognize the Senator from Michigan, followed by the Senator from Kansas, followed by the Senator from Delaware, followed by the Senator from Maine, followed by the Senator from Rhode Island, and then the Senator from Arizona.

Mr. CHAFEE. Madam President, did we get a firm commitment that the Senator from Delaware will be in his usual crisp style?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. McCAIN. Will the Senator from Michigan yield for a unanimous-consent request?

Mr. ABRAHAM. Madam President, I yield.

Mr. McCAIN. I ask unanimous consent that the order of recognition be as described by the Senator from Virginia.

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

Mr. BIDEN. Will the Senator yield?

Mr. ABRAHAM. I yield.

Mr. BIDEN. I say to my friend from Maine and from Rhode Island, had they listened to the Senator from Delaware 2 years ago, we would not be having this debate today.

Mr. ABRAHAM. Thank you, Madam President. I also thank the Senator from Kansas for yielding. I promise for my part to be quite concise here tonight.

I rise today in support of S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995. I do so because I believe it is past time for us to allow the Bosnian Government to defend itself against naked and cruel aggression. The United Nations has failed to protect this state, NATO has been prevented from effectively protecting this state, and the valiant peacekeepers on the ground have been placed in the impossible position of keeping the peace where there is no peace to keep. Under these circumstances, the United States cannot continue to abide by an embargo that punishes the very people it was meant to protect.

I did not always believe that lifting the arms embargo was necessary. Previously, I considered the introduction of yet more weapons to this war to be destabilizing and capable of pushing the conflict outside of the former Yugoslavia.

However, this is no longer the case. The arms embargo has not been observed by all sides. Because of these violations, the Bosnian Serbs possess a disproportionate number of heavy weapons and as a result possess a clear military advantage that cannot be overcome by the courage, numbers, or moral authority of the Bosnian Government; it can only be met by similar arms.

When we recently me with the Prime Minister of Bosnia, he stated ''We do not want American, French, British or any other country's boys to fight for Bosnia. Our own boys are willing to fight for our country. The problem is we do not have the means to defend ourselves.'' It is the arms embargo that is denying the Bosnians those means, and it is the arms embargo that must end.

Mr. President, I believe a full discussion of this issue must also include Croatia. The Bosnian-Croatian Federation represents one of the strongest mechanisms to bolster Bosnian sovereignty, and must not be forgotten. Strong democratic institutions are taking root in Croatia, and the Croatians in Bosnia are capable of helping secure similar liberties in Bosnia. I am concerned that lifting the embargo on Bosnia alone will kill this federation in

its infancy and with it, one of the strongest allies the Bosnians may have.

For the Croatians to feel capable of assisting in the defense of Bosnia, they must also feel capable of defending themselves. Therefore, if we are to claim the Bosnian Government is entitled to have access to the arms necessary to defend themselves, then so too are the Croatians. I commend Senators HATCH and GORTON for also raising this important consideration, and would welcome efforts to address this issue.

But the whole of the Balkans is not the issue before us today, it is Bosnia alone. With Bosnia, we must act now. To continue to sit idly while the Bosnian Moslems are systematically evicted from their homes, rounded up like cattle for forced relocation, and uniformly persecuted simply because they are Moslem is wrong. The United States has the capacity to provide the means necessary for Bosnian self-defense, but has for too long remained on the sidelines, using as an excuse one thing after another, primarily the inaction of multilateral institutions which were never designed to meet such threats, and which are not and may never be capable of doing so.

I did not come here today to say this administration is totally to blame for the tragedy in Bosnia. Mistakes were made before, and contribute to the problems we face now. However, the current administration has broadened these problems because of its failure to enunciate a clear set of national security interests in Bosnia, a set of goals to protect those interests, and a decisive plan to achieve those goals.

This is the very essence of foreign policy, and yet the Administration has been unwilling and incapable of formulating even this basic building block so vital to the protection of our national interests.

Where this has led the United States is a policy of mindless reaction. We repeatedly find ourselves responding to the latest crisis in the Balkans, wondering which course to take next instead of taking deliberate action intended to achieve a precise set of goals. So I think now is the time to develop a strategy that will give us the capacity to make wise decisions that will stand the test of time.

We must not allow such short sightedness to happen again. Some day soon, we could very well find ourselves facing an even more serious set of decisions concerning Bosnia or some other part of the world—the issue of sending American troops into harms way. Making such decisions without a strategy in place is a prescription for disaster. Hence, the value of staking out a clear path to follow.

So let today or tomorrow, whenever these votes shall come, be the watershed. Let us first decide today to restore the right of self-defense to the people of Bosnia. Hopefully this will provide that government the means necessary to bring about a just and lasting peace. But we must be prepared for the next crisis, and that requires our immediate examination of the complete issue, and our role in its resolution.

I applaud the bipartisan leadership of the majority leader and the Senator from Connecticut in addressing the problems we face today. I look forward to their continued leadership in defining our long-term interests and plans in the Balkans to avoid these crises in the future. But for today, I call on my colleagues to support this effort and bring to the Bosnian people an opportunity to fight for their country, their people, and their land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, the Senate has returned once again to the question of whether the United States should act unilaterally in lifting the arms embargo on Bosnia. We debated this course before and rejected it for what I believed then, and I still believe, were compelling reasons.

I listened with great interest to the amendment that was put forward by the Senator from Georgia, [Mr. NUNN], about some language that would, indeed, begin to make it a collective action on the part of the Security Council and with our allies. This approach may be something that will improve, although I hope not unduly confuse further, the language in the bill. It seems to me that does open possibilities, but I would like to explain why I still share deep concerns about unilaterally lifting the embargo.

I well understand—in fact, I share—the sense of frustration and anger that underlies this legislation. Time after time, we and our allies have failed to find a consensus for acting on the pressing and horrific situation in Bosnia. Time after time, we have been cowed and buffaloed by the Bosnian Serbs and by Serbia. We have appeared, and have been, indecisive, ineffective, and divided.

It is, therefore, no surprise that unilateral American action has great appeal to many Senators and will, I do not doubt, be approved by a large number of Members of the Senate at the end of this debate. That may make us feel better. But I am not at all sure that it means it is the right solution.

I have enormous respect for the bill's authors. The majority leader and my colleague from Kansas, [Mr. DOLE], has been a firm, consistent, and powerful advocate for clear and concerted action in Bosnia, as has his coauthor, the Senator from Connecticut, [Mr. LIEBERMAN]. This is a bipartisan effort. It is not a partisan effort.

Given the President's failure to produce a consensus with our allies for such action, it may well be that Congress must step into the breach by dictating a go-it-alone American strategy. If so, I think we should not fool ourselves about the realities that may follow.

All the old arguments against this course are still valid, I believe. In acting unilaterally, we are breaking the kind of international agreement that we have needed before and we may need again. We are creating a precedent for others to thumb their noses at the international community. In acting alone, we are directly undercutting our allies, primarily the British and the French, who have troops on the ground in Bosnia. Those troops will be the first targets of what could be a steadily escalating conflict, as the Serbs seek a decisive victory before Bosnia can obtain the heavy weapons to prolong the war. In acting alone, we may force the total abandonment of humanitarian relief. But despite the profound flaws of the current effort, and they have been significant, its elimination would create enormous hardship and disaster in the short run. Finally, in acting alone, we will give force to our failure of leadership. Madam President, this may be, in some ways, the most significant and subtle aspect of this.

Far from demonstrating America's willingness and ability to lead the west, unilateral action is the final concession that we can find no one willing to follow us. The full impact of that admission may not stop in Bosnia. It could be felt for a long time to come in NATO and other multilateral organizations that are vital to our national interests.

Against these very real dangers, supporters of this legislation raise the argument that since we, our allies and United Nations cannot defend Bosnia—which we clearly have not—then Bosnia should be allowed to defend itself by lifting the arms embargo. It is a compelling argument, made more effective each day as the allies and the U.N. forces appear more and more ineffective.

We have all felt this as we have watched food convoys be turned back because there was a Bosnian Serb tank blocking the convoy, and rather than stand up and say, ''This food delivery is going to get through,'' it turns around and retreats.

Certainly, Bosnia has the right to defend itself. What it lacks is the ability to defend itself. This legislation, by itself, cannot create that ability. That can only happen as Bosnia obtains armaments and supplies and then trains its forces in their use. That will take a great deal of effort and money—which we here may or may not be willing to provide—but most of all it will take time. and not that that is not also important. But we have to recognize that it will take time. There is going to be a certain period of time in there in which the armament—the large armament and the capability to do so—they will still be trying to put it in place. And the population that we most want to help can be at risk.

The reality is that the only time left to Bosnia may be that purchased by the international community. Clearly, the U.N. protection force [UNPROFOR]

has not and cannot serve that purpose in any effective way and its mission should be ended.

Whether the current shift of policy will produce an effective replacement for the U.N. force remains to be seen. There is considerable confusion and many conflicting signals about the role of NATO air power and the new rapid reaction force being put in place by Britain and France. It is possible that this new policy will never evolve into an effective force but I believe we must not cut off that possibility prematurely.

If in passing this legislation we undermine that international effort, we may prove that it is still possible to make the situation in Bosnia even worse.

Madam President, this legislation is well intended. The anger and dismay of its authors is well founded. It may be the right thing to do, but I do not believe so and I will oppose it as it presently is presented.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I understand the unanimous consent order was that I was to be recognized next. My colleague from Maine has asked whether or not he might be able to go first. I ask unanimous consent that I be able to yield to him since he was next in line and then have my opportunity to speak when the Senator from Maine finishes.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

The Senator from Maine.

THE ''UNITING FOR PEACE'' AMENDMENT

Mr. COHEN. Madam President, let me thank my friend from Delaware, and especially in view of the fact that I expect that he will engage in a very passionate recitation which may start out to be 15 minutes but I suspect will extend long beyond that time. I say that having been the beneficiary of many of his speeches here in the Senate and in many cases having been enlightened as a result of his taking the floor.

Madam President, let me just respond to some of the comments offered by my colleague from Georgia who has not offered yet but has outlined an amendment that I believe goes a long way toward addressing the concerns of the administration and many of our colleagues in the Senate over the implications of a unilateral lifting of the arms embargo in Bosnia.

The administration has made the point, I believe, to the Democratic caucus, to the Republican conference, that if we lift the embargo unilaterally, the United States is then going to be endangering the viability and the continuing force of U.N. sanctions on Iraq and Libya. So to deal with this concern, Senator NUNN is proposing—or will propose—an amendment that directs the President to seek a vote in the U.N. Security Council on lifting the embargo as the President has said he would do and as the Senate urged him to do last August in the Nunn-Mitchell amendment.

I might point out that Senator NUNN was on the floor last year in August asking the President to go to the United Nations to seek a resolution on this. And, of course, the President went but did not seek a vote in order to lift the embargo.

Senator NUNN's amendment aims to achieve a multilateral action. The amendment does not in any way, as he said, impact upon the provisions of Dole-Lieberman. It simply strives to give the greatest possible international support of U.S. policy.

Here is my concern. If the Nunn amendment is accepted and becomes part of the bill, once UNPROFOR decides or is asked to leave, the President would then go to the United Nations and seek a multilateral lifting of the embargo. Then, obviously, that resolution could be vetoed by one of the members of the Security Council. I think it is reasonable to expect that. I think it is inevitable it would occur.

At that point, as I understand the legislation, the President would be required to automatically lift the embargo unilaterally as soon as UNPROFOR's withdrawal from Bosnia is complete. Once he has made the effort under the Nunn approach to go to the U.N., and it fails, because either they fail to take action in the U.N. Security Council or a permanent member vetoes it, then under the Dole-Lieberman bill the President will be required to lift the embargo unilaterally.

It raises an issue that we have to contend with. If the Security Council undertakes consideration of the measure and a permanent member of the Security Council vetoes it or prevents it from coming to a vote, then under terms of this legislation, automatically the President will be forced to lift the embargo. Does that not flout the U.N. Security Council? That is one way of interpreting it.

What I suggest as a possible option—and it is something that we ought to consider during the course of this evening, and if the matter carries over until tomorrow, we can consider it at that time as well—is to consider requiring under that scenario that the matter be taken directly to the General Assembly. Under existing procedures, the United Nations does have a way to bring this matter before the General Assembly.

The ''Uniting for Peace'' resolution was created at the initiative of the Truman administration during the Korean war. It has been a part of U.N. practice and procedures since 1950, and basically it works as follows. If the Security Council is unable to act on an issue affecting international peace and security because of disagreement among the permanent members of the Council, consideration of the issue can be moved to the General Assembly. This is done through a procedural resolution in the Council, which is not subject to a veto.

Secretary of State Dean Acheson, who was the father of the ''Uniting for Peace'' idea, said at the time of its adoption, ''The General Assembly can and should organize itself to discharge its responsibility promptly and decisively if the Security Council is prevented from acting.''

The 1950 resolution, itself, states that ''the failure of the Security Council to discharge its responsibilities on behalf of all the Member States—does not relieve the Member States of their obligations or the United Nations of its responsibilities under the Charter to maintain international peace and security—(S)uch failure does not deprive the General Assembly of its rights or relive it of its responsibilities under the Charter in regard to the maintenance of international peace and security—.''

In the event of a failure by the Security Council to counter a threat to international peace and security, the resolution states that ''the General Assembly shall consider the matter immediately—.'' The General Assembly's powers in such circumstances are far-reaching. The resolution for example, states that the Assembly can call on Member States to take ''collective measures including, in the case of a breach of the peace or act of aggression, the use of armed forces when necessary.''

It has been pointed out during the debate that in each of the last two years, the General Assembly has voted overwhelmingly and without dissent to lift the embargo. This has been to no avail, however, because the Security Council has primary authority on questions of international peace and security. But once the Council has failed to act because of a conflict among the permanent members and the Uniting for Peace process is invoked, authority shifts to the General Assembly to take the matter up.

I suggest that this is one option we may want to consider. I realize it may pose some difficulties for Members; namely, if we take the matter to the General Assembly and the General Assembly overwhelmingly—as it has done on two prior occasions—votes to lift the embargo, are we not setting a precedent that other efforts will be made to invoke the General Assembly's authority on measures that we might not like to see go forward? That is an issue we have to contend with.

I might point out that use of this procedure is, in fact, not unprecedented. This procedure has been used at least eight times. It was used by the United States in 1950 to respond to a Soviet veto of a resolution regarding North Korea's aggression. Subsequently, the ''United for Peace'' mechanism was invoked to support international action in the Suez crisis; also in response to the invasion of Hungary back in 1956; the Lebanon crisis of 1958;

the crisis in the Congo in 1960; and the question of Bangladesh in 1971. It was used again after the Soviet Union invaded Afghanistan. A resolution was introduced to condemn the Soviet Union for that invasion, but a veto was cast by the Soviet Union and the matter was taken to the General Assembly.

So in the event that the Nunn amendment does not include my provision or in the event that the Nunn amendment is not tabled, then it would be in order to take up the second-degree amendment that I would like to offer. s

Let me just give you a few reasons why I think we should give this second-degree amendment serious consideration. First, it would serve as a means to enable the members of the U.N. to exercise their right and obligation under the U.N. charter to maintain international peace and security even if the Security Council fails to act.

Second, it would allow the United States to act in conjunction with the more than 100 U.N. members states who have voted during the last 2 years for the General Assembly resolutions urging the lifting of the embargo.

Third, it would recognize the importance of multilateral action in this critical area. As such, I believe it meets the objections the administration and a number of our colleagues have raised during the course of this debate regarding the damage that a unilateral lifting of the embargo would cause to the credibility and integrity of the United Nations system. We would be going to the General Assembly where, with overwhelming support, lifting the arms embargo would be undertaken as a U.N. action. It would not be a unilateral lifting, as would result under the Dole-Lieberman bill, even if it is amended by Senator NUNN.

And fourth, let me suggest that it perhaps reduces the likelihood of a veto in the Security Council because all the permanent members would be on notice that the United States is going to seek to refer the matter to the General Assembly.

For each of these reasons, I would respectfully ask my colleagues to consider it this evening. I think it adds to the Nunn resolution. It does pose the issue of whether or not we want to see this procedure invoked when it may be adverse to our interests. That is something with which we have to deal. My basic question would be whether or not we want to be in a position to obtain multilateral action in lifting the embargo, when we know that one or more permanent members might veto or will exercise a veto in the Security Council. If a veto is to be exercised, then going to the Security Council is really a futile act. And second, the bill would require the President automatically to then go and unilaterally lift the embargo. With my second-degree amendment, the matter would be brought to the General Assembly to take action on a multilateral basis. I believe that would be preferable to taking unilateral action ignoring the U.N. Security Council.

So I thank my colleagues for their deference, especially the Senator from Delaware for his consideration. This is only a proposal. I would ask my colleagues to consider it during the course of the debate. I may not offer it. But I have talked to Senator NUNN about it, and we share, I think, mutual concerns about the procedure we are now invoking in going to the United Nations. But I think it is a worthwhile endeavor on our part to give it serious consideration. I now yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, as the Chair observed, many of my colleagues have commented on my passion on this issue. In the last 2½ years I have probably risen in the Chamber a dozen times to speak on this issue. I know they do not mean to suggest otherwise, but I do not apologize for my passion on this issue.

In the 23 years I have been here, there is not another issue that has more upset me, angered me, frustrated me, and occasionally made me feel a sense of shame about what the West, what the democratic powers in the world, are allowing to happen.

I have on two occasions, with a year interval between, visited Bosnia, Croatia, and Serbia. This does not make me qualified for anything other than explaining the depth of my concern and anger on this issue. I have been in and out on more than one occasion in Sarajevo and Tuzla and other safe areas. I have seen, as many have on television, and I personally have interviewed in the camps, people who literally as a consequence of the cleansing left—literally, not figuratively—their elderly mother on a frozen mountaintop to die because it would have slowed up the whole family to continue with her.

I, quite frankly, never thought that—as a young Senator arriving here when I was 30 years old with a traditional education both in undergraduate and graduate school with a focus on history—I would ever stand in the Chamber of the Senate and hear people refer to the policy of ethnic cleansing in anything other than a historical context. I never thought I would stand in this Chamber and read accounts and hear—not from Senators but in the general discussions—about how the Bosnian Government and the Bosnian people are trying to sucker us to get involved.

I remember reading about people saying that the Jews in the Warsaw ghetto were trying to sucker us into a war against Germany. We have a way in this modern day to make the victim the aggressor. We make loose use of terms about this being a civil war.

The fact is that Bosnia is an independently recognized country—recognized by the United Nations and this country—that is being aggressively moved upon by the neighboring country of Serbia.

I hear people say in the media, in the councils of Europe, and even to some extent on the floor of the Senate that the Bosnian Government and the Bosnian military are Moslem.

When I first raised this issue for my colleagues—and I say not with a sense of pride but with a sense of futility, that I believe I was the first to raise this issue with my colleagues several years ago—it was not a Moslem government. It was a multiethnic government.

In Sarajevo I met with the government that at the time was made up of over a third Bosnian Serb, about 20 percent Croat, and the rest Moslem. All these people are Slavs. They are Croatian Slavs. They are Moslem Slavs. They are Serbian Slavs. It is not as if you read the press here and speak to Western leaders and it sounds as though we are talking about the Government of Iran in Bosnia—or Moslem fundamentalism. All you have to do is walk through the markets and the cafes. On one occasion when I was there, the bombing had ceased and the people were out. You saw Moslem men drinking liquor, and Moslem women, none of them wearing veils. It is not a fundamentalist Moslem society. These are people for whom, when the Ottoman Empire defeated them two different times, including the Hapsburg Empire, the deal was made. If you want to own property in what is now Bosnia, if you want to do business, you must be a Moslem. So people converted. This is not some occupying nation. This is not a leftover from the Ottoman empire. These are Slavs, all Slavic people. And here I am on the floor of the U.S. Senate defending and arguing for a resolution that was the same resolution that we passed in the last months of the Bush administration. We passed overwhelmingly a law urging the President to push to lift the arms embargo, and authorizing President Bush to be able to directly send $50 million worth of American military equipment to the Bosnian Government. We passed that. That is the law today, the law. The President needs no authority to send weapons. We passed it.

I stand on the floor and listen to my colleagues talk about the fall of the safe areas. Do you know how those safe areas became safe areas? The contact group got together and said, ''I will tell you what, we will make a deal with you Bosnians defending yourself in Srebrenica and Zepa'' The two that I mentioned already have fallen. ''Here is the deal. You give us the weaponry you have, and we will tell the Serbs you are no longer a danger. And we will protect you. We will disarm you. We are not only going to stop arms from coming in to you, but we are going to disarm you.''

And the Bosnian Government said OK, if that is what protects those folks. And then the United Nations understandably—and I will not take the time to explain why I think it is understandable—stood there and watched

the Serbs come in and overrun the safe areas.

How many years on this floor have we heard, ''If you lift the arms embargo, we are going to lose the safe areas''? You saw what the Senator from Arizona spoke to on the floor last week. He held up a picture, I think from the New York Times, showing U.N. military blue-helmeted personnel sitting on their weaponry watching the Serbs in Srebrenica divide the women from the men, to send the women to rape camps, and take the able-bodied young men and send them off in another direction to prison camps, and then load everybody else up on a truck who was old and infirm and not suitable for rape or work and banish them to a third ''safe area.''

Then I hear today from the administration and others on this floor that what Senator DOLE is proposing is not a policy. Let us review what the policy of the contact group, of which we are a part, has been. And I challenge anyone at all within hearing distance of this discussion to correct me if I am wrong or they think I am wrong. What is the policy of the contact group? One, negotiate a settlement. Two, in the meantime, guarantee the safe areas. That is the policy, beginning, middle, and end.

Now, let us examine it. When we joined the contact group—and we had not been a member of the contact group—we said we are joining because we had a commitment, made public, from the contact group members that, if in fact the contact group arrived at what they believed to be an equitable settlement, that they would present that settlement, which is essentially a division of Bosnia, to both the Bosnian Government and the Serbs in Pale, and whoever rejected the contact group settlement would ''suffer the repercussions.''

So guess what? We signed on. We came up with a proposal. I argued against it because it called for the partitioning of Bosnia, in effect, essentially 51–49. Presented to the Bosnian Government, they accepted it. Let me remind all my friends, they accepted it. And the Serbs, meeting in Pale, their self-appointed ''parliament'' rejected it.

And what did we do? We suggested maybe we have to ease the arms embargo—ease the economic embargo on Belgrade to get Milosevic to put more pressure on Karadzic to accept. And then we said we are going to use airstrikes. Remember? That is what we said.

Well, obviously, the policy of a negotiated settlement is not on the Serb agenda. That is not part of what they are contemplating. And obviously we, the West and the contact group, did not fulfill our commitment. We reneged. And as they say in court, ''Check the record.'' We reneged. Nothing bad happened, directly or indirectly, to the Serbs.

Then we are told—and I hear it time and again—''You know, we cannot lift this embargo. Even if the Bosnian Government had weapons, they would not know how to use them.'' Ladies and gentlemen of the Senate, the same Bosnian young men were in the same army as the Serb young men. There was universal conscription until the breakup of Yugoslavia. They are fully as capable. They need no help. They can do it themselves. They are not a bunch of folks who are not ready to fight. I heard someone say today—and because I am not sure whether it was intended to stay in the room or not, I will not mention the name —that he recently made a commencement speech at a major university, and his predecessors had made similar speeches at that university 20 years earlier and were greeted with signs saying ''get out of Vietnam,'' and this particular person said, ''The irony was I was greeted with signs saying 'get into Bosnia.' How ironic. Cannot we learn our lesson?''

The lesson is very different. Vietnamization was never a possibility because the Vietnamese people did not support it. Yet, unlike Vietnam, the Bosnian Government said only one thing, ''Do not send us your men. Do not come and fight for us. Let us fight for ourselves.'' All those of you who think you are Balkan scholars, read the literature. I heard 2 years ago on this floor, ''We cannot do anything in Bosnia. They are the same forces, the Yugoslav forces that held off the Germans.'' I might remind you most of that holding off was done by Bosnians in Bosnia. They were Yugoslavs, but it was in Bosnia. These tough fighters do not all live on the other side of the Drina River. The point is that these folks are fully capable, have a long history of both a will and a capability of defending themselves.

But what have we done in the name of peace? We have said, ''If you defend yourselves, you will widen the war.'' Translated —we would rather 300,000 of your people get slaughtered in genocide than have the rest of us run the risk of a widening.

The second part of the policy—protect the safe areas. Well, does that need to be spoken to? There will be no safe area, Madam President, within 6 months. That is the plan. That is how the West is going to save its conscience, because if we dally around enough, do not let them fight for themselves, at the end of the day there will be nothing to protect. We will say, ''Oh, my God, my God, what an awful thing has happened.'' The Secretary of State said today, ''Many mistakes have been made. We would not do what we did again,'' in terms of policy.

Well, we are doing what we did again and again and again and again and again.

Madam President, I was told 2 years ago on this floor that airstrikes do not work; it does not make any sense. Yet, we are told today that the reason why we do not need this bill, I say to my friend from Connecticut, is that in London they set down the law—bang. The contact group said, ''If you, the Serbs, go at Gorazde, we will massively retaliate with airstrikes. It's going to work now.'' Do you not find that amazing? When asked, by the way, ''Why Gorazde, why not Tuzla, too? Why not Bihac? Why not Sarajevo?'' ''Well, we intend that is probably going to be covered,'' I think was the response.

Even a kid like me from Delaware can figure this one out. How did all of a sudden the threat of massive airstrikes take on a utility and capability it did not possess for the last 2½ years? What has happened? Was there a revelation? Did the Lord come down and say, ''Mend your ways. You can do it if you have the will''? Is that what happened? And if it did happen, Madam President, I respectfully ask the opponents of this amendment, why only Gorazde? Why there? Why nowhere else?

Madam President, this is not a policy. As I have said on this floor before with regard to arms control, we, the U.S. Congress, are not in a position, nor were we institutionally designed to formulate foreign policy. But, Madam President, we know enough to know when one stinks. We know enough to know when one is recognized as a failure. We are institutionally constructed to be able to acknowledge that.

Madam President, the Secretary of Defense said to us today, ''if you lift the arms embargo, three things will certainly happen.'' I wrote them down because I found them so fascinating.

First, the loss of the enclaves will occur. I assume that means if we do not lift the arms embargo, then there is at least a chance the enclaves will not be lost. Two are gone out of five now. What will keep the others from going?

Everybody understands the way this works, right? It goes like this. Since we did not sign onto the policy in the first place of putting the U.N. forces in there, and they went ahead and did that, then we, the United States, are now obliged to be there if the U.N. concludes that they should no longer be there.

Let us go through this again. The U.N. was placed in there when Western nations concluded that is what they should do. We said, ''OK, if that is what you want to do, but we don't think that is going to work.'' Then, from the time I first introduced the lifting of the embargo 2½ years ago, I was told, ''No, if you lift the embargo, the U.N. forces will leave and everybody will be slaughtered.''

Then that took on a new twist in its maturation. Now it goes like this: ''U.N. forces are sent in, we lift the embargo, U.N. forces go out, we then must go in because we have committed to take the U.N. forces out.'' Therefore—talk about the tautology—if you vote to lift the arms embargo, you are committing ground troops to fight in Bosnia. We are being ''suckered in''

was the phrase used today. Is that not amazing? How did we get there?

Had we listened and the arms embargo lifted, you would probably have a stalemate on the ground by now, and probably have a settlement. Obviously I cannot guarantee that, and we could have a wider Balkan war as well. Only history would be able to tell that had we acted. But now, Joe LIEBERMAN, Joe BIDEN, and Bob DOLE—who are arguing against putting any American forces on the ground—are told that if we prevail, we are the reason America has to take over the war in Bosnia.

Madam President, the second thing the Secretary said today was that if we lift the embargo, we will damage the alliance. Tell me how you save this alliance? Tell me why, I say to any of the people up here, they should continue to spend $100 billion a year for NATO when there is no Soviet Union and they cannot even stop ethnic cleansing in their own back yard?

Third, I am told, they will send ground forces into Bosnia if we lift the embargo.

Madam President, I am tired of all of this, and I am sure you are tired of hearing me over the last couple of years repeat these arguments. But ask yourself the following question: If air power and the threat of it will work to save Gorazde, why only Gorazde?

Another argument is that the Bosnian Army cannot fight, it would have to be trained and equipped. For example, the Secretary of Defense said today, if we lift the arms embargo, we will be in the position of going to war with our allies because we will be attempting to break the embargo through French lines to get in American tanks.

Whoa,—this is ridiculous. Madam President, the same people who say these folks cannot fight are the same people who worry—on this floor and in the press 2 months ago—that the Bosnian Government is at fault because of the gains they made in Bihac. Remember? They were becoming too powerful. They beat the Serbs initially. All of a sudden the issue was that they are too powerful. This is going to make Milosevic mad. Milosevic is now going to cross the Drina River. But now we are told, if you lift the arms embargo, they cannot use the weapons anyway. Well, let us see, let us see.

I do not want American ground forces in Bosnia. I respectfully argue we would not even be talking about the possibility had we not signed on to a failed policy of putting UNPROFOR in there in the first place.

And, Madam President, lastly—my friend from Rhode Island is waiting to speak and I will yield with this comment—we are told now that if we lift the arms embargo, all these terrible things are going to happen.

I ask my colleagues to ask themselves, if we do not lift the arms embargo, is anyone going to protect the safety areas? If we do not lift the arms embargo, is anyone going to protect the part of Bosnia that is not already occupied by the Serbs? If we do not lift the arms embargo, is the alliance going to be fixed up, right quick? If we do not lift the arms embargo, is the United Nations going to become a credible institution again in terms of peacekeeping?

If Members can answer yes to three of those four, do not lift the arms embargo. But if Members cannot answer yes to three of those four—and I think you cannot answer yes to any of them—then I respectfully suggest that the Senate majority leader and the Senator from Connecticut are correct.

We tried this how many times, I say rhetorically, to my friend from Kansas, over the last 1½ years? There is no more time, Madam President. Time does not work for these people. Time is not on their side. They will all be dead by the time the West decides to do anything at all about this problem.

I do not apologize for the passion. I do not even apologize for the time, but I do apologize to the people of Bosnia. I do apologize to the women in those rape camps. I do apologize to those men in concentration camps. I do apologize. For we are not to blame. But we have stood by—we, the world—and watched in the twilight moments of the 20th century, something that no one thought would ever or could ever happen again in Europe. It is happening now.

If we do not do anything now to help them fight for themselves, I ask, when are we going to do anything? I ask the rhetorical question, do you think we—we, being the West—would be doing this, do you think we would be as indecisive, do you think we would be as timid, do you think we would be putting a rapid deployment force in who has an express purpose to defend only the peacekeepers there, not the civilian population, do you think we would be doing that, if, in fact, these were not Muslims? Do you think we would be doing that if this was a Christian population? Maybe we would, Madam President, but I have a feeling the reason why the world has not responded in Europe is because they are Muslims—the same reason we did not respond in Europe—because they were Jews.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Rhode Island.

Mr. LIEBERMAN. Will the Senator from Rhode Island yield for a moment very briefly?

Mr. CHAFEE. I yield.

Mr. LIEBERMAN. I simply want to thank the Senator from Delaware for his remarks. He was teased a bit about how long he was going to speak. As far as I am concerned, he can keep on speaking. He saw the situation, as he has many others, very clearly from the beginning.

On several occasions before, as he has tonight, he has spoken with great eloquence and power. His voice pierces the stillness of this Chamber with the power of truth. I just want to say how grateful I am for his support of this measure and how proud I am to serve with him and to call him a friend. I thank the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in previous debates over major foreign policy matters, I have been reluctant to challenge the President through the legislative process, whether the President was a Republican or a Democrat. It is that there is always danger in the Congress, the Senate in particular, or either branch, actually, in legislating foreign policy, especially the details of foreign policy.

I came to this debate with a great deal of skepticism about the Dole-Lieberman proposal, to lift unilaterally the arms embargo in Bosnia. My voting record in the past on this issue reflects the skepticism that I have. Like all Americans who have witnessed the events in Bosnia in the past weeks, I am outraged by the continued brutal campaign carried out by the Bosnian Serbs against the people of Bosnia. What has taken place—there have been scores of atrocities, execution, ethnic cleansing, and the kidnapping of soldier-age men on trumped-up charges—these are all undisputed facts that have been brought home by very courageous journalists in the Balkans.

Through all of this, the Serbs have scorned the views of the United Nations and have shelled safe area after safe area. The question the Senate faces today and tomorrow is, How does the United States respond to these horrors? What can we and our allies do to end the war and the suffering, and to restore legitimate authority to the sovereign Government of Bosnia and secure a lasting peace in the Balkans? Needless to say, these goals have been elusive since the war began 3 years ago.

Previously, I have been supportive of the U.N. policy, which has been endorsed by the Clinton and the Bush administrations and our allies. The policy is to try to protect Bosnian Moslems from Serb aggression through the establishment of six ''safe havens'' in Bosnia, which are towns and cities in which the civilian population and humanitarian aid deliveries would be defended by the U.N. protection force, UNPROFOR. With the United Nations maintaining at least a modicum of stability in Bosnia, negotiations could take place in search of a lasting political settlement to some very serious and longstanding disagreements.

I have been opposed to U.S. unilateral lifting of the arms embargo in the former Yugoslavia, a move that would undoubtedly and understandably result in a serious rift with our allies by endangering the lives of their participating troops in UNPROFOR.

I have come to the regretful conclusion that the U.N. mission in Bosnia has failed. I do not think we ought to pin much hope on it for the future. After 3 years of very-well-intentioned and courageous attempts to halt the bloodshed in the former Yugoslavia, we cannot ignore the facts. First, the six

U.N. safe areas are anything but safe. Srebrenica has already fallen to Serb forces. Zepa is on the verge of falling. The other four, especially the northwest enclave of Bihac, are subject to heavy shelling from the Serbs.

The United Nations mission of protecting the Bosnians is further discredited by additional atrocities such as ethnic cleansing on the part of the Serbs.

UNPROFOR is having a hard enough time protecting itself, never mind the long-suffering Bosnians. Finally, the U.N.'s failure is illustrated by the chronic Serb attacks on humanitarian aid deliveries since the inception of the U.N. mission.

While I am encouraged by the allied declaration recently in London last week to reinforce the U.N. contingent in Bosnia, I have great doubts this will prove to be a successful, long-term solution. Indeed, it appears unclear whether any safe area other than Gorazde will be defended. We have heard a number of different accounts as to whether NATO forces must still obtain U.N. permission before retaliating in response to continued Serb attacks.

It has also become clear that earnest, well-intentioned diplomatic efforts have failed in the Balkans. These efforts, largely through the contact group—what is the contact group? The contact group is composed of the United States, Britain, France, Germany, and Russia—these efforts have simply not produced an agreement all sides could accept. The most recent contact group peace proposal in which the Serbs would be given 49 percent of Bosnian territory was accepted by the Bosnia Government but rejected by the Bosnian Serbs.

Given their overwhelming military advantage, the Serbs have shown little willingness to agree to any diplomatic solution that falls short of their goal of creating a greater Serbia out of the internationally recognized sovereign nation of Bosnia.

So strong is the evidence pointing to the failure of the U.N. mission and diplomatic efforts in Bosnia, that despite my stated inclination not to legislate foreign policy, I believe that Congress ought to step in and require the Clinton administration to move in a different direction. After much reflection, I am convinced that the only logical choice we have in Bosnia is to give the Bonsians what they currently lack and what they desperately seek: the ability to defend themselves through lifting the U.N. arms embargo. There is no doubt that this embargo, imposed in 1991, even before the establishment of the nation of Bosnia, has overwhelmingly worked to the benefits of the Bosnian Serbs, who inherited massive amounts of arms and equipment from the former Yugoslav army. In fact, the Bosnian government army is more than double the size of the Serb army, but has fared poorly in trying to defend its nation, largely due to the embargo-caused lack of equipment.

I have serious concerns that the infusion of heavy military equipment into Bosnia could cause the war in the Balkans to spread. That is a possibility. But I am at the same time convinced that an equitably equipped Bosnian military would halt the Serb advances and eventually force the Bosnian Serbs to the negotiating table. It is, after all, the goal of the world community to see a settlement to the Balkan War agreed to at the negotiating table. Whether a Bosnian military success will take 1 week or 1 year, no one can say for sure. We certainly cannot take such a military escalation lightly. But, in the end, I have concluded that unless we are willing to settle for continued frustration over failed U.N. peacekeeping and diplomatic efforts in Bosnia, we simply must give the Bosnians the opportunity to defend themselves against unending Serb aggression.

My support for lifting the arms embargo only comes with the very significant modification made to the Dole-Lieberman bill. The proposal now only provides for lifting the embargo after the U.N. has left, or 12 weeks after a Bosnian request that they leave. This change should mollify those of us who were concerned that last year's proposal was understandably opposed by our allies, whose troops constitute the bulk of the U.N. Protection Force,

Mr. President, I do not take this vote lightly, not do I believe that a military solution has to be the best course of action for Bosnia. However, 3 years have passed since the U.N. arms embargo was imposed on the former Yugoslavia, and the situation there is as bad as it ever has been. The unending bloodshed, suffering and horrors inflicted on the Bosnian people call out for a change in course. I believe it is time for the United States to lift the arms embargo.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I know that Senator DOLE did not plan debate on the resolution that is being presented to us to take place today for any particular reason. I think it is of more than passing interest, however, to note that two things happened today which lend urgency and cogency to the passage of this resolution.

The first thing that happened today was that General Mladic, the chief of the Bosnian Serb armed forces, and President Karadzic, the President of the so-called Bosnian Serb Republic, were indicted today by a war crimes tribunal for crimes against humanity, two of the few times, to my knowledge, that individuals have been indicted for war crimes since the end of World War II. The reason why this is particularly compelling is that still the administration policy is one of avowed neutrality and a refusal to take sides in what we all know has been a terribly uneven conflict.

There is no doubt in my mind that General Mladic and President Karadzic are guilty of war crimes of the most unspeakable kind. It, again, makes clear that we cannot remain neutral in a war in which one side is exterminating the other and is helped dramatically in doing so by the continued enforcement of an arms embargo that ensures an unequal situation on the battlefield.

The other thing that happened today is that another so-called safe area, Zepa, fell to the Bosnian Serbs. We will see, probably, on television tomorrow and in the newspapers, the same thing we saw a week or so ago when Srebrenica fell to the Bosnian Serbs. First comes the separation of men between ages 16 and 65, where they are taken to be ''screened'' for war crimes. Following that, young women are removed for the obvious purposes. And, following that, of course, those who are left are herded out of town in the most unspeakable and brutal fashion.

The thing that makes this tragedy different—in fact, totally different—is that standing by, observing these unspeakable atrocities being perpetrated, will be the very troops that were sent there to protect them, the very United Nations Protection Forces, which is their name, wearing blue helmets, who promised them that if they went to the safe area and if the Bosnian military removed themselves and their equipment, that they would be protected by the United Nations Protection Forces.

The moral there is that there really are worse things than dying. There really is something worse than military defeat, and that is the degradation and humiliation and dishonor in the most Orwellian and bizarre scenario of the very protectors standing by and watching those who were to be protected being subjected to unspeakable horrors.

Both of those events today, the indictment for war crimes of the Bosnian Serb leadership and the fall of Zepa, are compelling, yet certainly not the only reasons why the Dole-Lieberman resolution should be agreed to and with an overwhelming majority. The question is no longer whether the resolution will be agreed to. The question is whether it will acquire 67 votes or not, which, as we all know, is sufficient to override a veto.

What is wrong with the policy in Bosnia? We all know that it is an attempt to pursue a policy which is fatally flawed. Simply put, as has been said on this floor by many on many occasions, it is an attempt to keep peace where there is no peace, ignoring the lessons of Beirut, ignoring the lessons of Somalia, where we went in with the best of intentions but were unable to keep a peace where no peace existed.

I have to, in all candor, describe that one of the reasons why the American people are so badly confused about this issue—yet are so deeply moved—is because of the lack of leadership from the President of the United States. I believe the President of the United States, in almost every instance, should be the steward of our foreign policy and our national security policy.

But when there is a lack of coherent leadership from the executive branch, sooner or later the legislative branch will step into that breach, and that time has come.

The American people do not know what our policy in Bosnia is. Let me tell you why.

On August 5, 1992, the President of the United States said:

If the horrors of the Holocaust taught us anything, it is the high cost of remaining silent and paralyzed in the face of genocide. We must discover who is responsible for these actions and take steps to bring them to justice for these crimes against humanity.

That was August 5, 1992.

On August 6, 1992, the President said:

We cannot afford to ignore what appears to be a deliberate and systematic extermination of human beings based on their ethnic origin. I would begin with air power against the Serbs to try to restore the basic conditions of humanity.

On October 1, 1992, the President said:

While Mr. Bush's administration goes back and forth, more lives are being lost and the situation grows more desperate by the day.

On February 10, 1993, the President of the United States said:

You know about it. The rapes of the women. Murders of the children. All these things you have read about. We have got to try to contain it. I can tell you folks we are not going to make peace over there in a way that is fair to the minorities that are being abused unless we get involved. If the United States now takes a leadership role, there is a real chance we can stop some of the killing, some of the ethnic cleansing.

That was on February 10, 1993.

On March 26, 1993, the President said:

We are going to do everything we can to put out a full court press to secure agreement of the Serbs. I think we have a chance to get a good-faith signing. We have to give that a few days before we up the ante again.

On April 25, 1993, the President of the United States said:

Remember in the second war, Hitler sent tens of thousands of soldiers to that area and never was successful in subduing it, and they had people on the ground.

On May 7, 1993, the President of the United States said:

I think we have to take stronger steps. I would think these fights between the Serbs and the Bosnian Muslims and the Croats, they go back so many centuries, they have such powerful roots that it may be that it is more difficult for the people on the ground to make a change in their policy than for their leaders.

On May 14, 1993, the President of the United States said:

Our interest is in seeing, in my view at least, that the United Nations does not foreordain the outcome of a civil war.

On May 21, 1993, the President of the United States said:

There may be some potential down the road for something to be done in connection with a peacekeeping operation. But I think it is something we have to be very skeptical about. We do not want our people in there basically in a shooting gallery.

On June 15, 1993, the President of the United States said:

Let me tell you something about Bosnia. On Bosnia, I made a decision the United Nations controls what happens in Bosnia.

On October 20, 1993, the President of the United States said:

The conflict in Bosnia is ultimately a matter for the parties to resolve.

On February 10, 1994, the President of the United States said:

Until these folks get tired of killing each other, bad things will continue to happen.

On May 3, 1994, the President of the United States said:

We should never forget that there are tonight people in Sarajevo and Tuzla who are alive because of the actions taken by NATO working with the United Nations. I did the best I could. I moved as quickly as I could. I think we have shown a good deal of resolve.

On August 11, 1994, the President of the United States said:

It has been my long held view that the arms embargo has unfairly and unintentionally penalized the victims in this conflict and that the security council should act to remedy their injustice. At the same time I believe lifting the embargo unilaterally would have serious implications going well beyond the conflict in Bosnia itself.

On June 5, 1995, the President of the United States said:

It's tragic. It's terrible. But their enmities go back 500 years. Do we have the capacity to impose a settlement on people who want to continue fighting? We cannot do that there. So I believe we are doing the right thing.

Last week, Mr. President, on the occasion of the fall of Srebrenica, the President of the United States said:

I think we ought to go right back in there and retake Srebrenica.

Mr. President, that is why the American people are confused. We do not have a consistent or coherent policy as regards the tragedy in Bosnia, and that is why this resolution, this binding resolution, is going to receive overwhelming support from both sides of the aisle.

Mr. President, today my friend, Senator JOHN KERRY, called this resolution ''the abandonment amendment.''

There is but one honest response to the Senator, and that is the following: we have no need to authorize the formal abandonment of the Bosnians; we abandoned them long ago.

Let no one tell the Senate that the ''London Communique'' represents some hope that the West will spare the Bosnians from further Serb conquest. All that communique represents is the further abdication of U.S. leadership in the Atlantic Alliance. The parties to that communique cannot even agree that the utterly failed ''dual key'' command structure has come to a long overdue end.

All that was confirmed in London is that the United Nations and NATO will preside for a little while longer over the ruthless extermination of the legitimate government of Bosnia.

We have promised an aggressive defense of Gorazde from the air. Zepa fell today, and the U.N. only seeks to negotiate the evacuation of the city. When Bihac falls, we will be reminded that NATO only promised to defend Gorazde. When Gorazde is again besieged, air strikes will be called in and their magnitude will fall somewhere in a range between utterly useless and inadequate. Gorazde will fall and the United States Government will blame it on the UN or Great Britain or France. But the fault will lie as much with us as it does with Boutras Galhi or John Major or Jacques Chirac.

The plain truth, Mr. President, is that no Western government has any intention of fighting for Bosnian sovereignty. Our interests are not so severely threatened by the war in Bosnia that we would make such a bloody sacrifice for that cause.

UNPROFOR will hold on for a little longer until the Bosnian tragedy plays out a bit further. Then the United States Armed Forces will evacuate them. That is an absolute certainty. No one should dissemble any longer about the viability of UNPROFOR. It is over, and only a fool cannot see that.

Mr. President, yesterday Assistant Secretary of State Richard Holbrooke offered perhaps the most mystifying defense to date of the administration's opposition to lifting the Bosnian arms embargo. From Secretary Holbrooke we learn that the administration agrees that ''the arms embargo is morally wrong,'' but they don't think that United States refusal to participate any longer in that embargo is ''the right solution.''

Mr. President, when has doing the morally wrong thing become the right solution. The United States has always tried to temper the dictates of Realpolitik with a little human compassion, a little regard for the Rights of Man. Have we now reached a point where the United States of America, the greatest nation on earth, the greatest force for good in human history, Lincoln's ''beacon light of liberty'' can only respond to another nation's claim of its right to defend itself with the complaint that we are trapped by diplomatic circumstances—in an Alliance whose strength is directly commensurate to the strength of our leadership in it—we are trapped by diplomatic circumstances into doing the ''morally wrong'' thing? By God, I hope not. I hope not.

As I said in an earlier statement, I don't know if the Bosnians can prevail in this conflict if we withdraw UNPROFOR and lift—at this late date—the unjust, illegal, and ill conceived arms embargo. I cannot predict that the Bosnians will recover enough territory to make an eventual settlement of that conflict more equitable. I cannot predict that the Bosnians will mount anything more than a brief impediment to the Serbian conquest of all of Bosnia. But they have the right to try! They have the right to try. And we are obliged by all the principles of justice and liberty which we hold so dear to get out of their way.

Mr. President, I yield the floor.

Mr. SMITH. Mr. President, this debate is one of the most emotional debates I think that I have had the opportunity to witness and in any way be involved. I think it is one of the major foreign policy issues of our time and probably the last major foreign policy problem that the world will face in this century.

I must say, as I listened to the debate, in particular the remarks made by the Senator from Delaware, Mr. BIDEN, the emotion that he put into those remarks and the strong personal feelings he expressed, I think summed it up about as well as anyone could. I think it summed up the frustration, it summed up the morality issue, the political issue, and made us all reflect on what a terrible crisis this is.

I have some concern standing here and speaking, because if words in this Chamber could solve the world's problems, I guess they would have been solved many times over.

So I have some trepidation in trying to add. As Lincoln said at Gettysburg, there is little to add or detract, to pay due respect for what they did, referring to those who died at Gettysburg.

In other words, words cannot express what is happening in Bosnia. There is no way you can capture that in debate in this Chamber.

I wish to compliment Senator LIEBERMAN because he has been steadfast on this issue for many months, as has Senator DOLE, the majority leader. The two of them have been very outspoken in particular, and others have as well, on the arms embargo issue, even early on before this has reached this crisis proportion.

I can remember both of these Senators being very outspoken and eloquent on the issue of the arms embargo and the right of self-determination for the Bosnian Muslims. So I wish to publicly thank Senator LIEBERMAN and Senator DOLE for their leadership.

I should like to add a few remarks to express my feeling as well, knowing full well, considering the eloquence of many of the people who have preceded me here to speak today, and probably will speak later, there is not much one can add other than to express his or her own personal outrage and disgust, contempt, frustration, whatever the words might be, to describe it.

I would start by saying I think the word dilemma is probably appropriate in the sense that this is a world dilemma; it is a U.S. dilemma; it is a U.S. foreign policy dilemma; it is a dilemma certainly for the participants in that war; it is a moral dilemma; it is an ethical dilemma; and certainly it is a political dilemma for whomever happens to be in the White House or in the Congress, in Government at the time.

I rise in very strong support of this bill introduced by Senators DOLE and LIEBERMAN to lift the arms embargo against the Bosnian Moslems. It is the right thing to do. It has been too long in coming, but it is the right thing to do.

Bringing this matter before the Senate is long overdue. Perhaps, had we had this debate in this kind of public policy forum, we may have brought it to a head a lot sooner. Perhaps if the Senator from Connecticut and the majority leader, the Senator from Kansas, had had their way, we might have saved some lives, had this embargo been lifted back in the days early on when the Senators were talking about that.

The illegal and immoral policy of denying people the capability to defend themselves must stop. It must stop. If we are not going to intervene, which we have made the decision not to do, in terms of ground forces, then we ought to lift the embargo and allow people the right to self-defense.

How can anyone, seeing what is happening now in Bosnia, dispute that? It is time to lift the arms embargo against the Government of Bosnia. The United Nations policy toward Bosnia—there is no other way to say it—is an unmitigated disaster—all well intended, the greatest motives in the world, no question about it. I admire the soldiers who went there and the countries that sent them there. But they were not given the tools to do the job. They did not go in as a fighting force, and they did not go in as a protecting force, Mr. President. They are not fighting, and they are not protecting either. They need to get out, and they need to get out right away.

Our acquiescence of this policy, indeed, our active enforcement of it, is not only wrong, it is absolutely unconscionable, unconscionable that we would tolerate the sending of a force under the auspices of protection, not engage, not stop the atrocities but simply stand by and allow them to happen.

Every day, every minute, as we speak on the floor, the situation gets worse. As I sat watching the Senator from Delaware, listening to his very eloquent remarks, I wondered how many people died in Bosnia while he spoke. I wonder how many people will die in Bosnia before we complete this debate, not because the United States of America or the allies did not go in and intercede and fight the war for them, not because of that, but because they were not armed, because they did not have the opportunity to protect themselves or defend themselves, to defend their women, to defend their children, to defend the very men who have been hauled away and imprisoned and executed.

Every day, every single day that we participate in this embargo, this whole action becomes more reprehensible, more unconscionable, more unethical, more immoral—every single day, every single minute that we continue this policy.

As I reflect upon this, I say to myself, it is easy to criticize, but there are many times when we make policy mistakes. I am sure many of us have made mistakes here with our votes on policy matters. Many Presidents, past and present and future, have made and will make mistakes in the future. But this one, this one is costing lives every day. Every single day lives are lost because of this policy.

Article 51 of the United Nations Charter affirms Bosnia's inherent right of self-defense as a sovereign nation. That is very clear. Sovereign right, in article 51, of self-defense—self-defense. It does not say in there that we have to defend them or anyone else has to go defend them. It says to defend themselves. It says self-defense. Yet, the arms embargo prevents them from exercising this very basic right. So it is not just a matter of not intervening to help someone. It is a matter of preventing them from helping themselves.

That is why it is immoral, and that is why it is unconscionable. No matter how strongly you feel about this, how can anyone condone such a policy which denies the Bosnians the capability for basic self-defense? How can we participate in a policy that leaves them utterly vulnerable to territorial conquest and ethnic cleansing?

I hate that phrase, ''ethnic cleansing'' because the word ''cleanse'' has a pure meaning to it, something good. It is not ethnic cleansing; it is murder. Let us call it what it is. Let us take the term out of the vocabulary, the vernacular. It is murder, it is rape, it is extermination. That is what it is. It is brutality. Ugly words, ugly, dirty words. Not good, clean words.

Mr. President, the United States has no business, in my opinion, making matters worse by intervening in this conflict. At least that has been the policy decision that has been made. It is the overwhelming feeling of the majority of the American people that we do not have military interests and we do not have economic interests and we do not have an alliance and relationship to enforce, and it is not our battle to fight. You have heard all the arguments. It is not our place to deny innocent Bosnian victims the ability to defend themselves either.

If I were to give a comparison, Mr. President, I would say this would be the equivalent of you seeing a terrible crime being committed, say a murder, several murders. You call the police, and the police come. And the victims who are being preyed upon by this murderer or murderers try to come to the police for aid, and the police simply stand by and watch it all happen.

That is what is happening. It is the exact same analogy there. There is nothing different about it. So, blue uniforms of the policemen; blue hats of the United Nations. They cannot do anything about it. They are not doing anything about it. Therefore, why create the impression that somehow they are going to help and be able to help these people?

It is not the United Nations' battle either although the so-called U.N. protection forces are currently deployed in several so-called safe havens. I think the term ''protection forces'' is another

misnomer, misnamed. They are not protecting anybody. So why call them protection forces? Again, it is the vocabulary, the vernacular, the semantics, to help mislead the world that somehow these people are protecting the Moslems.

And safe havens. Think of that word as we talk about vocabulary. Safe havens. People are being butchered, raped, dragged out of their homes in safe havens. And that is what we continue to call them. That is the term that is still being used. Gorazde, Zepa, safe havens, even though in many cases the safe havens have been overrun. It is completely misleading to even use such terms. U.N. forces are not equipped to protect the designated areas. And these areas are certainly not safe.

The truth is, the truth is—and this is harsh—but U.N. forces are nothing more, Mr. President, than a speed bump for the Serbian forces who are overrunning these positions at will. That is all it is, a speed bump. Bloop. Out of the way. Seizing hostages wherever, whenever, it suits their needs and using those hostages by placing them next to military targets, in a sense saying, go ahead, bomb us. It is a disgrace and embarrassment to the world and to our country.

No one likes to stand here and say that. We witnessed it once in our history in Vietnam and now we are seeing it again. And if we get into this country, it will be Vietnam 10 times worse.

And perhaps the most telling example of just how preposterous this whole situation is, Mr. President—this has really got to me emotionally—is recently U.N. troops, UNPROFOR troops, came under attack, not by the Serbs, but by the Moslems. Why were they attacked? They were attacked because the Moslems wanted their weapons to protect themselves. They wanted to take the weapons from their protectors, so that they may be able to confront the Serbs. If that did not convince you to support Senator DOLE and Senator LIEBERMAN and their endeavor, I do not know what else could possibly convince you to do it. When the U.N. force is incapable of defending the victims of Serbian aggression and even preventing them from defending themselves, it is clear that this policy is a failure.

The report on this was very brief, did not give a lot of detail. But you cannot help but wonder just what happened in that little exchange when the Moslems confronted the U.N. forces to take their weapons. Did they fight the Moslems? Did they voluntarily lay them down and give them up? I did not see a lot of detail on that. It would be interesting to know just how that little exchange took place.

Mr. President, the only reasonable strategy—the only reasonable strategy—is to terminate further escalation of military involvement, terminate it, move out the U.N. forces, lift the arms embargo against the Bosnian Moslems, and we ought to establish a timetable to fully withdraw the U.N. forces within the next 3 to 4 months, followed by an immediate lifting of the embargo.

I want to be very clear on my position that I oppose the introduction of American ground forces for this conflict for the same reasons so eloquently stated by Senator MCCAIN a few moments ago. There is no mission. And without that mission being very specific, you are not going to get the job done. And when you go in, what is your mission? Kill all the Serbs? Then what? Partition the country? Line up along the borders, not allow anybody in or out? For how many years? For 100 years? For 1,000 years? Two days? They have been fighting for centuries there. It is ethnic fighting. How do we police it? Do we plan to stay there forever?

I have no objection to the use of American communications equipment, command and control assets, to support a withdrawal of U.N. forces. Maybe that will be necessary. I personally believe that the Serbs would welcome withdrawal of the U.N. forces. I do not think they want them there. I think they would welcome it, and I think resistance may be overstated in terms of how much resistance they would give if we announce tomorrow that the U.N. forces were leaving.

The U.N. forces should be immediately withdrawn, followed by the lifting of the embargo. Let those who are being heinously persecuted, let them meet destiny on their own terms, not on somebody else's terms, Mr. President. Let them meet their own destiny on their own terms. And let them meet that destiny from behind their own weapons, not cowering behind the ruins of some unsafe haven, waiting, hoping, praying that somebody in a blue helmet is going to come in and provide them protection. Let them meet destiny on their own terms with their own weapons. We do not have the legal or moral authority to play policeman in this centuries-old conflict. Least of all do we have the moral authority to do it when we go in there under the auspices of a protection force and then do not protect anybody. That makes it worse. That compounds it. Let us step back, allow the Moslems the dignity and the capability to defend themselves.

It would be nice to read about a few successes with the Moslems as they do have the opportunity to meet at least with some weaponry to allow them to meet this enemy on some reasonably equal terms on the battlefield. It would be nice to witness that and read about that and see that take place. And it can take place if we would stop this insane policy. And it is insane.

This is exactly what this legislation does. At present the military equation is completely one-sided, totally one-sided. The Dole-Lieberman bill will enable the Moslem forces to better defend themselves and even the playing field until a mutually acceptable peace settlement can be reached.

Mr. President, that is the least we can do. That is the least we can do. No one, least of all this U.S. Senator, likes to stand up on the floor of the Senate and admit that a foreign policy, no matter what President it is, or how many Presidents developed it, is a failure.

This is not, particularly, a direct hit on this President. This is a foreign policy failure. It perhaps goes back before the beginning of his administration. There is enough blame to go around. This is not a blame game. This is much bigger than that. This is a moral issue of the highest magnitude, and I think that when historians look back on the close of this century, this will be one of the big moral issues, international moral issues that this country has faced. It is not too late to have history judge us in a positive way, but it is getting there. It is getting there, Mr. President. And we have to lift the embargo. The U.N. forces out, lift the embargo and we can at least make an attempt to correct a terrible injustice.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. DOLE. Mr. President, I know there are a number of speakers who still want to speak this evening. We are also trying to reach an agreement, which I think we can request momentarily. Maybe not. It will be in just a few moments. So if I can just interrupt the Senator from Idaho later on.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Idaho [Mr. KEMPTHORNE].

Mr. KEMPTHORNE. Mr. President, just a few miles from where we stand is a brand new museum, a museum that opened just in the last couple of years. And yet while it is a new museum, it has become one of the most well-attended museums and locations anywhere in the Nation's Capital.

When citizens go to this museum, immediately you sense the hushed tones by which they experience what is inside this museum. You realize that they are experiencing shock and revulsion. They cannot believe what they are seeing, because this museum is the museum of the Holocaust, and it gives evidence of the atrocities that took place some 50 years ago. People go to see this, but they cannot believe what took place. It is against our moral fiber to even think that humans could do this to other humans.

This was done because of ethnic cleansing. These atrocities were genocide. It was an attempt to wipe out an entire race of people.

At the conclusion of walking through this museum, you have the opportunity, if you wish, to buy books or mementos about what you had just experienced and seen. One of the little items that you can buy is this button, this button which is a pledge, a pledge of mankind once they had realized what had taken place 50 years ago. The button says ''Never Again.'' ''Never again.''

I do not know how many times I have gone to gatherings, large gatherings here in the Nation's Capital, where we discuss what took place 50 years ago. I have listened as speakers, with great emotion, invoked that pledge ''Never Again; Never Again.'' and the audience, in great emotion, erupts because that bond of the pledge has been reaffirmed.

I say this, Mr. President, because it is happening again. It is happening in a place called Bosnia. Ethnic cleansing and genocide is again running rampant as they try to exterminate a race of people.

We say, ''Never Again.'' We pledge that. But do we mean never again or do we mean never again except; never again maybe; never again. It is easier to say, I say to my friends, never again when you put it in the context that you are referencing something that happened 50 years ago, and so you are safe because you have that many years separating you from what was happening versus what action is called for now.

But we need to make that same pledge right now and say ''Never Again Now.''

Recently, Senator DOLE hosted a meeting where a number of Senators gathered, and we met with the Prime Minister of Bosnia. One of the things that the prime minister stated was, ''We can understand neutrality. We can respect if the United States of America says this is not our war and, therefore, we will remain neutral. But,'' he said, ''what we cannot understand is that you deny us the opportunity to have the weapons so we can defend ourselves.''

He said, ''That is not neutrality. We do not want your boys to fight our battle on our land. We have boys. We have young men. We have men who will fight the battle on our soil. But, please, allow us so that we can arm the men and the women of our country so that we can defend ourselves.''

This idea when we see that they capture the safe havens and then say, ''Women and children this way, load them up, we are going to transfer you, and then we want to take the men and the young men and the boys and you go this way, and we're going to take you to a stadium and we're going to hold you there.''

Then, as we all know, they are executing them in the name of what? Ethnic cleansing? We said, ''Never Again.'' Are we simply historians or do we mean it?

We have been told, ''Don't lift the embargo. Don't lift the embargo because the forecast of the scenario that it would bring about would be dire consequences for the future of the Bosnians.'' They do not have a future. While we talk about this, while we think about this, they are dying; they are dying.

We have a moral obligation to allow the Bosnians to defend themselves. You would not deny it to anyone. I personally, Mr. President, do not feel that I could ever again in the future attend any gathering and invoke that pledge, ''Never Again,'' to the response of an audience if today I turned my back on lifting the arms embargo on the Bosnians. That would be morally wrong, and I would be a hypocrite.

Therefore, I support the DOLE-LIEBERMAN amendment or measure that will lift this arms embargo, and I commend Senator DOLE and Senator LIEBERMAN for the action that they have generated to bring us to this point where we stand on the eve of finally doing what is right.

It does not mean they will stop dying, but it means they can at least defend their parents, their wives, their children. I also want to commend Senator FEINGOLD who early on, when he arrived as a freshman Senator, also was at the forefront of this issue, and I was proud to join him at that point.

Mr. President, this must not go on.

Mankind has established a pledge: Never again. I uphold that pledge. I yield the floor.

Mr. ROTH. Mr. President, I rise for a second time in support of the Dole proposal.

Current policy in Bosnia is a failure. Bosnian Moslems continue to be driven from their homes under a horrific policy of ethnic cleansing. Atrocities are escalating. U.N. peacekeepers, while well-intended, have been unable to stop it and have themselves, tragically, ended up as tools for Serb aggression. Our allies are paralyzed and the unrest threatens to destabilize the entire region.

It is time for the West to extricate itself from this failed policy and undertake a different course of action. S. 21 offers a sound and just mechanism to do so. Under this legislation, the arms embargo against Bosnia would be lifted only after one of two conditions have been met: a request by the government of Sarajevo for the withdrawal of the U.N. peacekeeping forces in Bosnia, or a decision by the U.N. Security Council to withdraw the UNPROFOR.

However, President Clinton has threatened to veto this legislation. He seems to fear that a change in course would leave America responsible for dealing with this conflict. This does not need to happen.

The Bosnian Government is not asking America to send its ground troops to fight against the Serbs. The Bosnians only want access to weapons and supplies that will enable them to more effectively counter what everyone I know recognizes as aggression.

The best approach now is to shift away from a policy that has only painfully and dangerously protracted the war, to a strategy structured around two clear objectives. The first is containment; that is, restricting the spread of the fighting. The second objective is the establishment of the balance of power necessary to stop Serb aggression. Toward these ends, America and its allies must work closely for the nations surrounding the conflict. The West must withdraw its peacekeepers, and we must allow the Bosnians to arm and defend themselves.

The passage of the Dole proposal—I do hope that it will pass—is the first step in implementing such a strategy. It warrants our support.

I hope the President will reconsider his opposition. It is not a carte blanche to the President. He must live up to its responsibilities as our Commander in Chief. The President must present the American people a coherent strategy toward ending this conflict.

Mr. President, let me add that I support the amendment to be submitted by the Senator from Georgia. That amendment would require the President to request the U.N. Security Council to lift the arms embargo against Bosnia before the U.N. unilaterally lifts that embargo.

I believe this amendment is consistent with the motivations behind S. 21 and would reinforce our interests within the United Nations and among our allies.

Mr. President, the vision among our allies has led to paralysis and appeasement in Bosnia. Consequently, it is even more urgent that we are not divided at home.

As I stated last week, strong congressional support behind S. 21 is absolutely essential. Combined with the President's support and leadership, S. 21 will be a first step toward a more effective strategy to end the aggression of atrocities now unleashed in Bosnia.

I yield the floor.

Mr. KERREY. Mr. President, I rise this evening to speak in opposition to the Dole-Lieberman legislation.

Mr. President, its intent, to change the direction of the United States policy in Bosnia, is good. For me, the language of this legislation is too ambiguous. To make a case it is ambiguous, Mr. President, I need only summarize the arguments of four Senators, myself included, two of them in favor of the bill and two of them against.

Senator MOYNIHAN argued in favor. He wants the U.S. to stay involved because he believes it is in our interests to do so. Senator MCCAIN argued, as well, in favor. He wants the U.S. to become less involved because he believes that Americans do not see our interests sufficiently engaged to commit ground forces. Senator EXON, on the other hand, argues against. He is against it because he wants the United States to stay more involved, and he believes it is in our interest to do so.

I am here this evening arguing against, for the same reason cited by Senator MCCAIN when he declared his support, which is that I am one of those who do not want the United States to take the military lead, because I do not believe it is in our interest to do so.

Mr. President, this has become one of those great polarized debates where if you declare you are opposed to this legislation, people immediately say, well,

you are for doing nothing. I received calls into my office today from people who were saying, if you are not for Dole-Lieberman, you are for genocide. That is how this argument is being framed here in America, unfortunately, at this moment.

I do not argue that we should become uninvolved. The United States cannot afford to turn its back on the events in the Balkans. Americans are appalled by what we see there, and thank God we are. Ethnic cleansing, intentional killings and terrorizing of innocents, and arrogant disregard for international law, all of these have provoked us to the point that some of our citizens believe it is time for America to choose sides and enter this war on behalf of the Moslem minority.

Unfortunately, too many commentators and observers who want to pursue a unilateral course of action try to leave the impression that those who prefer an alternative would like the United States to do nothing. The United States must lead, Mr. President, in a clear, defined, and in this case, limited way.

For the past 4 years, beginning with the careless diplomatic recognition in 1992 of Croatia and Bosnia that led to a grisly and hate-filled war with Serbia, we have been trying to exercise leadership. After ignoring or not hearing the warning signals coming as early as 1988 from knowledgeable sources that ethnic hatred would erupt after the Communist grip was loosened, our first action, one of diplomacy, probably made matters worse.

Still, we did not walk away from our responsibilities. We helped negotiate an end to the fighting between Croatia and Serbia. After the people of Bosnia and Herzegovina voted for independence, Bosnian Serbs formed an insurgent government. Thus began a bloodthirsty move to control territory by means of a cruel device known as ethnic cleansing.

While we recognized the deep and longstanding hatreds, we could not stand aside, Mr. President, and have not stood aside for the last 4 years. Our response has been in part humanitarian, with relief flights, medical care, and international efforts to break the siege on the city of Sarajevo. Our response has also been diplomatic, with round after round of discussions, the most notable of which were led by former Secretary of State Cyrus Vance.

Our response, Mr. President, to be clear, has also been military. Americans, though we have withheld support for Americans going in on the ground, peacekeeping forces, our sailors are in the Adriatic, our airmen in Avellino, Italy, and our soldiers in Macedonia have been regularly and daily risking their lives.

Those who say that the United States has made no military commitment have to devalue the lives of those who, in fact, are regularly out there on behalf of the United States of America and on behalf of those who are being terrorized in Bosnia, risking their lives.

If we measure success as an end to the violence and killing, there is no question, Mr. President, that we have failed. If success is measured as a reduction in both, we have not failed.

That we have not turned our backs should likewise be apparent. This is not Nazi Germany where we ignored the overwhelming evidence that something terrible was going on. We have ignored nothing; its just that nothing we have been willing to try has stopped the killing.

We are frustrated by apparent impotence. We want success like we had in the Gulf War or Haiti or even for a while Somalia. We want this thing to be over. We want to be free of the images like the 20-year-old woman who hanged herself after being driven from what we called a safe haven in Srebrenica. We want to be free of what seems to be a policy that stumbles blindly down one diplomatic path after another tripping wires that explode into more and more killing.

The Dole-Lieberman legislation is a response to that frustration. The goal of this proposed law is to change the course of our currently policy something I wholeheartedly agree needs to happen. Specifically, the law proposes that we do two things: direct the President to lift the current arms embargo which has had the unintended consequence of making it more difficult for one side—the Bosnian Government—to fight for their country, and bring about the withdrawal of the United Nations peacekeepers.

If this resolution encouraged the multilateral lifting of the arms embargo, and if it authorized the President to deploy U.S. forces to lead an orderly and honorable withdrawal of the United Nations, I would support it. But according to the news of the past week, British and French forces in Bosnia are more aggressive than ever before. The British have inserted two batteries of artillery into the Sarajevo area. The French conducted a massive mortar attack over the weekend. According to news reports, the French responded to the death of two of their soldiers by using a one-bomb airstrike Sunday against the house of a Bosnian Serb leader in Pale. Now that our allies are committed and actively engaged, it is not the time for us to pull the plug on them. They should get to vote on withdrawal. If they choose it, we should lead it.

Let me explain why I cannot vote for this legislation in its current form. First, it suffers from the same defect as the administration's: It is ambiguous about purpose and objectives which, of course, encourages Senators to vote ''aye'' and explain their vote anyway they choose. Second, it may prohibit the United States from honoring its commitment to provide ground support for the evacuation of United Nations peacekeepers. Such a prohibition may broaden the appeal in the Senate; it does not broaden our appeal in the world.

Defining an objective in the former Yugoslavia is neither morally easy nor objectively precise. Defining an objective forces us to decide if we are going to establish a principle which allows us to lead but does not require us to take the lead with our Army, Navy, Air Force, and Marine Corps in every world dispute, violent outburst, or tragedy involving human rights abuses. I believe we must establish such a principle. As difficult as it may be to weep for rather than fight in every battle, to do otherwise would be a mistake.

The principle should be: only if the interests of the United States are at stake should we take the lead with our military forces. What we are witnessing in Bosnia is a civil war with the potential of spreading to other Balkan countries. The combatants, and especially the Serbs, are guilty of gross violations of human rights and the laws of war. The Intelligence Committee, in fact, intends to hold open hearings on this very subject. But we are not witnessing the Holocaust or the rise of the Fourth Reich. Such references exaggerate and do not help us decide what we must do.

Our interests in Bosnia include the following:

First, prevent the conflict from spreading to other areas.

Second, preserve the territorial integrity of a nation recognized by the United Nations.

Third, prevent ethnic cleansing and human rights abuses.

Of these three, only the first qualifies as a vital interest. If either Greece, Turkey, or Russia became directly involved, we would be at war. The second and third are more limited, and for obvious reasons more difficult to limit. Indeed, some would risk a larger war in order to satisfy their desire to do something—almost anything—about them. I believe we should limit this risk.

Again, saying we are not going to take sides in a war to preserve Bosnia's territorial integrity or to prevent ethnic cleansing and human rights abuses does not mean we should stand aside and do nothing.

Before we rush to judge the United Nations peacekeepers harshly we should remember and pay tribute to their bravery. It is not their fault that diplomats and political leaders have issued hollow threats or passed toothless resolutions. It is not their fault that a so-called dual key mechanism that was devised as a safety check has provided more safety to the Bosnia Serbs by denying much needed and oft-requested NATO airplanes to United Nations forces so they could carry out their mission.

The broad consensus required to keep the United Nations together works fine if there is a peace to maintain. If peace breaks down and force is needed, this broad consensus is no match or substitute for individual courage and a military code of honor. Both of these

are what is needed to end the violence in Bosnia. And, it will take courage on the ground to seize and hold territory; bravery from the air can only support, not secure the victory.

Two examples of courage were reported by New York Times writer Mr. Roger Cohen on July 16, 1995. Mr. Cohen's story reveals two important truths. Our United Nations peacekeepers have been very brave and we will need such bravery on the ground if we are to persuade the Bosnian Serbs and the Bosnian Government to negotiate an end to their fighting.

In March, 1993, Lieutenant General Phillipe Morillon, who was the commander of United Nations forces in Bosnia, went to Srebrenica when it was under attack by Bosnian Serbs. He declared he would not move until the survival of its people was assured. In Mr. Cohen's words: ''It was an irrational act. Confronted by this stubborn general, the Bosnia Serbs desisted from their onslaught and Srebrenica survived for another 28 months.'' When it fell 10 days ago, almost no stubbornness was revealed to the Bosnian Serbs by the Bosnian Government troops who were armed and outnumbered their attackers. They did not fire a shot.

On May 27, 1995, the day after NATO air strikes near Pale, the Bosnian Serbs began taking hostages and using them as human shields. Faced with the prospect of killing United Nations peacekeepers the U.N. high command decided not to order further air strikes.

Lieutenant Gilles Jarron, a member of the French Foreign Legion and a U.N. officer in Sarajevo, show no such reluctance. Along with 11 other Legionnaires he defended a U.N. weapons collection site in a Serb-held suburb. Eighty Serbs armed with rocket-propelled grenades and a T–55 tank gave the peacekeepers 5 minutes to give up.

But, according to Mr. Cohen:

> Lieutenant Jarron called his commanding officer. There was little question the legionnaires would all be killed in any battle. The last order he received from Colonel Jean-Louis Francheschini was, ''From this moment on, make sure that every French life is paid for dearly by the Serbs.
>
> Every evening, as the stand-off wore on and the Serbs failed to carry out their threats, the soldiers read each other the code of the Legionnaire: The mission is sacred. You execute it to the end, at any price. In combat you act without passion or hatred. You respect your defeated enemy. Never do you abandon your dead, your injured or your arms.

This is the behavior that wins wars. That seizes ground and holds it. Air strikes alone will not work. President Clinton's air strategy will likely fail. According to the President:

> The only thing that has worked has been when they thought we would use disproportionate air power. This allowed us to move their heavy weapons into pools. If we adhere to this tougher policy, we can be successful at negotiating.

In an account of the battle that occurred on Mount Igman over the weekend, again after the French had taken two casualties, the French launched an attack and included the use of 122 millimeter mortars, 84 rounds launched into Serbian positions. And those who observed it said that ground attack was more impressive and did more damage and did more good for our cause than all the airstrikes together thus far in this war.

I fear that a tougher air policy, in the absence of a tougher ground policy, will make matters worse once again. At this stage we are inching close to a declaration of war against Serbia, an action we must not allow to happen unless and until we intend it.

When we threatened air strikes on February 9, 1994, which did lead to the withdrawal and turning over to the United Nations of mortars, artillery pieces and other heavy weapons within a 12.4 mile range of the center of Sarajevo, the Bosnian Serbs were wary of testing NATO's mettle. Our warnings of air strikes were repeatedly vetoed by Mr. Boutros-Ghali, the U.N. Secretary General, who is ultimately in command of the more than 20,000 European and other peacekeeping troops in Bosnia. Seeing that NATO's mettle was soft, the Bosnian Serbs and the Bosnian Government have both retaken their weapons and have resumed heavy shelling of Sarajevo, Gorazde, Bihac, Zepa, and Srebrenica.

This time we are told things will be different. There is good reason to believe they will be different. First, the Rapid Reaction Force—formed in response to the taking of hostages in May—has begun to demonstrate a resolve the Bosnian Serbs have not seen from U.N. forces. Importantly and correctly the French and the British are taking the lead in this effort. The French have lost 44 soldiers in Bosnia. They do not want to withdraw. We have lost none, and we do. The moment when the U.N. is moving stronger forces into the heart of the conflict is precisely the wrong moment to pass a law which would compel U.N. withdrawal.

Second, the President has pressed for different operating procedures when carrying out NATO air attacks. NATO is asking that U.N. ground commander in Bosnia, General Rupert Smith, alone be given the authority to request these attacks from Admiral Leighton Smith, the NATO commander for this area. This would mean that neither General Janvier, the U.N. Commander for all forces in Bosnia and Croatia, nor Secretary General Boutros-Ghali would have the power to veto this request. Of course, airstrikes should not occur at danger-close distances to U.N. peacekeepers, and it should be easy to transmit this information to strike pilots. But the dual key will hopefully be laid to rest.

As we debate this resolution tonight, and as the intensified fighting around Bihac makes more likely a renewal of open warfare between Croatia and Serbia, I am hard pressed to consider a better course of action than continuation of an even stronger U.N. presence. It is apparent that none of the parties is yet ready to negotiate seriously: all of them believe they can achieve their aims on the battlefield. Outside support is already getting through to the combatants, even to the Moslems. The flow of weapons will grow to a flood when the embargo is lifted, and all the parties will be much better armed. The departure of the U.N. will mean no international effort to get food to besieged areas and no international witnesses to war crimes. Most importantly, it will mean no international effort to halt or contain the fighting and America's principal interest here is to contain the war.

A weak, passive United Nations—and I refer to its political leaders—has done a mediocre job in accomplishing these tasks, not just in Bosnia but throughout Yugoslavia. You can be sure in the absence of the U.N., these tasks would not get done at all. It is too easy for us to vote out of frustration and send the message, get the United Nations out of Bosnia and let them all fight it out. But think what the situation of civilians would be in a no-holds-barred war involving Serbia and Croatia as well as Bosnia.

No option is ideal. There may come a time in fact when the Dole-Lieberman legislation is precisely what this country ought to be doing.

There is pain and risk involved in all of the options.

But in looking at those options, a larger, better armed, more aggressive UN force, backed by NATO airpower not subject to a dual key, is the best course of action. Now the United Nation's spine is being stiffened by the increased commitment of two of our oldest allies, who have already made significant sacrifices but are willing to do more. Now is not the time for unilateral United States action that would force them out and leave the Bosnians, and many others in the former Yugoslavia, without aid or witnesses, defenseless in a brutal ethnic civil war. I will vote against the legislation.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FEINGOLD. Mr. President, I am a strong supporter of the Dole-Lieberman legislation, and have spoken on a number of occasions about the moral and strategic imperative to lift unilaterally the arms embargo on Bosnia-Herzegovina. I am confident that the legislation will pass, and am pleased that the 104th Senate will finally go on record to do the right thing in this intractable situation. My only regret is that the Dole-Lieberman legislation does not include a mandate to

lift the embargo on the Republic of Croatia as well.

Today we are all focused on the unspeakable horrors perpetrated by Bosnian Serb rebels against the Bosnians. But the same patron, President Milosevic of Serbia, is complicitly supporting the Croatian Serbs' campaign of terror against Croatia as well. Though we expect to aid the Bosnians with our legislation today, we can only effectively address the entire Bosnian crisis if we seek a regional solution. That means including Croatia in the equation, and in this case, it means lifting the embargo against Croatia as well.

One of the successes the Clinton administration has had in this conflict has been the March 1994 Washington Accords which secured American support for the Moslem-Croat Federation and the Bosnia-Croat confederacies. The Federation recognizes the need for a regional solution, an alliance where Serb forces are confronted by the united forces of the Bosnian and Croatian militaries. It also acknowledges that both states would be more viable if they can be united. Indeed, in order to receive the arms we are supporting tonight, they will have to be shipped through Croatia. Why would we want to pit these countries against each other when together they have a better chance of defeating the Serb aggressors?

I am a proponent of lifting the embargo, Mr. President, because I believe that it is the only way to enable the Bosnians to effect the balance of power on the ground against the Serb aggressors, and thus negotiate in seriousness. Lifting the embargo on Croatia would help achieve the same goal by strengthening the credibility of the military threat against the Serbs, and expedite the transport of weaponry to Bosnia.

Since we will not be voting on the embargo against Croatia tonight, I hope that as the Administration begins to think about implementing our legislation, it will take the practical path and lift the embargo against Croatia as well.

Ms. MOSELEY-BRAUN. Mr. President, the issue before the Senate is whether to lift the arms embargo on Bosnia and Herzegovina. This is one of the most important debates on the floor of the Senate this year. This vote has the potential to dramatically change the course of the war in Bosnia.

The international community has made a good-faith attempt to make the current policy in Bosnia work. The United Nations, through the United Nations Protection Forces, known as UNPROFOR, has tried to minimize the loss of life in Bosnia, to provide humanitarian assistance, to protect Moslem refugees in U.N.-dedicated safe areas, to contain the fighting, and to prevent this conflict from spreading into a wider regional war.

Between 1992 and the last few weeks, the United Nations was able to contain the violence and the casualties. UNPROFOR has enforced a no-fly zone over Bosnia. The United Nations has enforced zones around urban areas where heavy weapons were excluded. The United Nations airlifted food and medical supplies to civilian population, conducting the largest airlift of humanitarian supplies since the Berlin airlift. And while there have been despicable attacks against civilians since UNPROFOR has been in Bosnia, these policies have dramatically reduced the loss of life. In 1992, 130,000 people perished in the war in Bosnia. In 1994, 3,000 people died.

But the fragile stability that UNPROFOR provided over the last 3 years has been shattered. The policy is not working. The so-called safe areas of Srebrenica and Zepa have already been overrun. UNPROFOR cannot protect the civilian populations in the safe areas or anywhere else it is deployed in Bosnia because it is not equipped as a fighting force. UNPROFOR's mission is to provide humanitarian assistance. It does not have a mandate to confront or push back Serb forces. It does not have the manpower or the armaments to protect civilians in a war zone. Even the new Rapid Reaction Force, which is moving into positions on Mount Igman above Sarajevo, is charged with opening and securing routes into Sarajevo for the delivery of humanitarian aid, and stopping Serb attacks against U.N. personnel and U.N. assistance convoys. The Rapid Reaction Force is not mandated to stop Serb assaults against civilians. UNPROFOR cannot stop Serb aggression. It has not been able to halt ethnic cleansing—the massive movement of refugees—the rapes of women, and the rounding up and disappearance of military-age men.

Mr. President, the terrible pictures of Moslem refugees we see in the newspaper of Bosnia are not new. The other day, there was a photo on the front page of the Washington Post of two middle-aged women walking out of Srebrenica into Moslem territory. They were each pushing a wheelbarrow. In one wheelbarrow was an old man; in the other was an old woman. Better than any words, this photo crystalized the ethnic cleansing the Serbs have forced on the Moslems. It is the women, the children, and the elderly, who continue to suffer the most. But, Mr. President, we saw the same pictures 3 years ago. Today, the pictures are of refugees from Srebrenica. Earlier, the refugees were from Banja Luka, and other towns now under the control of the Bosnian Serb Army.

Today, we are again hearing reports of women disappearing. Serb soldiers are approaching groups of refugees, and pulling young women away from their families. The Serbs are using rape to terrorize. They are also using rape as a tool of genocide—to impede the birth of the next generation of Moslem children. The violence against women in this war is horrific, and cannot go unpunished. But as I stand here on the floor, I recognize that we have heard these reports before. Mr. President, in March 1993, 2 months after I arrived in the U.S. Senate, I signed a letter to Secretary Christopher with 30 of my colleagues requesting information on the State Department's plans to fund medical and psychological assistance to the women of Bosnia who had been victims of rape and forced pregnancy. March 1993, Mr. President. And in July 1995, we are hearing the same cries for help.

Not only has the United Nations been unable to protect civilians, it has also been unable to put an end to this conflict. In March 1993, the Vance-Owen plan was negotiated and presented to both parties. The Moslems signed the plan; the Serbs rejected it. The Contact Group of nations—the United States, Britain, France, Germany, and Russia—presented the peace plan of July 1994. Again, the Moslems accepted it; it was rebuffed by the Serbs. These plans extracted major concessions from the Moslem side. They were proposals that rewarded aggression. But in the interest of their people, the Bosnian Government felt compelled to accept them. The Bosnian Serbs, however, have been unwilling to agree to an internationally mediated plan to divide up the territory.

This situation has muddled along, because there is no consensus on an alternative course. The continuing Serb attacks on the U.N.-safe areas, however, make it impossible to continue trying to muddle through. Moreover, I am convinced that the strategy developed in London this weekend will not be sufficient to bring both parties to the negotiating table. Both human rights considerations and our own national interest require us to change our policy in Bosnia.

Mr. President, the United States cannot allow the systematic abuse of human rights to continue unchecked. The American people will not accept it. I have received dozens of phone calls from people in Illinois over the last few days expressing their outrage over the human rights abuses in Srebrenica. One gentlemen who called me is a physician. He spent 16 months in eight concentration camps in Bosnia. Now he is trying to put his life back together in Chicago. He is a lucky one, Mr. President, because he is out of the horror.

But it is not only compassion that requires us to change our policy toward Bosnia. Our national interests demand it. Because of the arms embargo, one side is able to dictate the pace and outcome of this war. The United States cannot allow such naked aggression to continue. The Serb success in using military force to gain territory and forcibly move ethnic populations sends a signal to other would-be dictators that military force is a better option than political negotiations. This is the wrong signal.

The war in Bosnia is causing profound tension in the NATO alliance.

Our NATO allies, especially Britain and France, have substantial ground troops in Bosnia. The opposition of these governments to lifting the arms embargo reflect their justifiable concern toward the safety and well-being of their soldiers. I am very concerned, however, that continuing the status quo will only increase the tensions between the United States and our European allies.

This war is also causing tensions between members in the eastern part of NATO. While the historical resentments between Greece and Turkey are an ongoing issue within NATO, the Balkan war is exacerbating these tensions. Greece has traditionally had a strong relationship with Serbia. Turkey, a secular Moslem country which has tried to condemn the Bosnian conflict without making mention of religion, is finding it harder to keep silent on the religious aspect of this war. The implication is that if the Bosnians were Christian, the West would be doing more to protect them.

This religious argument is a very important component of how the Bosnian conflict is viewed in many circles in the Moslem world. A front page article in yesterday's Washington Post reports that moderate Moslem governments that are allies of the United States, including Turkey, Egypt, and Jordan, are under pressure from their citizens to come to the aid of the Bosnian government not because a fellow member of the United Nations is in need, but because the principal victims in this war are Moslem. Fundamentalist circles in these countries who argue in support of the Bosnian Moslems are gaining the moral high ground. The Bosnian conflict is increasingly being viewed in religious terms. It is in the national interest of the United States to minimize the perception that the West is forsaking the Bosnians because of their religion.

These tensions, coupled with UNPROFOR's failure to curb Serb aggression, or prevent ethnic cleansing and human rights atrocities, lead me to conclude that the status quo cannot be sustained.

In my view, either the international community must defend Bosnia, or we must make it possible for the Bosnians to defend themselves. And since the first option is not politically viable, the only choice left is to withdraw UNPROFOR and lift the arms embargo. In a speech this past April in Chicago, the Bosnian Ambassador to the United States, His Excellency Sven Alkalaj, was very clear: ''If we must choose between UNPROFOR and arms, we can only choose arms.'' The Bosnians are not asking the United States or any other country to defend them. They simply ask for the right to defend themselves.

There will only be an end to this conflict if aggression is met head on. As long as one side is free to wage war without meeting any counter force, the aggression will continue. UNPROFOR has no mandate to counter the attacks against civilians. Worse, the presence of UNPROFOR provides a shield against NATO air strikes. UNPROFOR's presence on the ground prevents the one thing that could make the fighting come to an end, and bring both sides to the negotiating table—the balance of power.

Only if there is a balance of power can there be a political solution in Bosnia. This cannot be provided by the United Nations, or the countries of the West. Only the Bosnians themselves, properly armed, can provide a balance of power.

The Bosnian Serbs will not negotiate as long as they think they are winning on the battlefield. As long as UNPROFOR remains in Bosnia, one side is in a position to use aggression without consequence.

Mr. President, we need to change that equation. The Serbs must learn that they cannot wage war on noncombatants in markets and bread lines with impunity. They need to know that they are not going to be protected from the horrendous human rights violations they are committing.

Mr. President, pulling out UNPROFOR and lifting the arms embargo is not without significant risk. These consequences have already been outlined on the floor. The President has committed up to 25,000 U.S. troops to help extricate UNPROFOR. Our troops would go into Bosnia for a short, well-defined mission, under NATO command. The possibility of casualties, however, cannot be underestimated. Removing UNPROFOR will leave Moslem refugees at immediate risk. Under this scenario, the humanitarian situation will certainly get worse before it gets better. And, finally, the increased intensity of the fighting between Serbs and Moslems escalates the possibility of a wider regional war.

I believe that these serious consequences must be weighed against allowing the present situation to continue. The current Serb policy of taking UNPROFOR soldiers hostage, and overrunning safe areas cannot be allowed to continue. Two years ago, these actions, in total defiance of the United Nations, might have meant a considerable escalation that the international community would have wanted to avoid. But today, these acts have not only occurred, they have not met any counter force.

Mr. President, the UNPROFOR mission is untenable. It does not have the resources or the armaments to enforce peace. It does not have the will to enforce peace. The mission, as it has been mandated, can only function if all sides are willing to stop fighting. UNPROFOR cannot keep the peace when one side wants war. UNPROFOR cannot protect the enclaves from serious assault. UNPROFOR cannot protect women from rape or men from disappearing. There is no consensus to turn UNPROFOR into a military unit capable of defending the enclaves or the innocents. The only conclusion is to lift the arms embargo.

Mr. HATFIELD. Mr. President, in considering the legislation pending before the Senate today which requires the President to unilaterally lift the arms embargo against Bosnia and Herzegovina, I am struck by the following question: What is our goal?

My colleagues have stated that we can no longer stand by and watch the Bosnians continue to be slaughtered by the Serbian army. By lifting the embargo, we are giving the Bosnians the means to stand up and fight the Serbs on an even footing. In their minds, we are helping to prevent further killing of Bosnians. But are we really doing that or are we contributing to more bloodshed, more killing, and more ethnic cleansing?

As I have said several times in the past when the Senate has been faced with this issue, lifting the arms embargo will not guarantee peace. It will only widen the war and guarantee more deaths on both sides. Lifting the arms embargo contingent on the removal of United Nations Protective Forces does not take into consideration humanitarian concerns. It will not lead to greater protection of civilians and refugees in the safe areas. Rather it will lead to further violence against them.

While I agree that the international efforts of the United Nations have faltered in recent months, I do not believe that lifting the arms embargo is the appropriate response. To be honest, short of full scale military intervention, no one in the international community has a comprehensive solution to ending the conflict in Bosnia. Although some may see lifting the arms embargo as the only solution right now, it does not get us any closer to finding a comprehensive solution or to bringing the war to a close.

It is still my opinion that the only way to end the war in Bosnia is to bring economic and diplomatic pressure to bear against the Serbs and their allies. We must begin by making a greater effort to cut off Serbian access to arms. Only by choking off their ability to conduct the war in Bosnia will we be able to bring them to the negotiating table.

Again, I return to my original question: What is our goal in lifting the arms embargo? What are we trying to achieve? I do not believe anyone in this body truly believes that any kind of humanitarian or peace-bringing goal is accomplished by this ill-fated action. For that reason, I will once again oppose this legislation.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROTH. Mr. President, I ask unanimous consent that, notwithstanding the consent agreement of July 20, 1995, the following amendment be the only first degree amendment in order to the Dole substitute to S. 21, and subject to a second degree to be offered by Senator COHEN, with all time for debate to

be consumed tonight except for the time between 8:30 a.m. and 10:40 a.m., and 90 minutes beginning at 12 noon, with all that time to be equally divided between the two leaders or their designees.

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

Mr. ROTH. Mr. President, I further ask unanimous consent that at 1:30 Senator DASCHLE be recognized to use his leadership time, followed by Senator DOLE to use his leadership time, and the Senate then proceed to vote on the Cohen second degree, to be followed immediately by a vote on the Nunn amendment, as amended, if amended, to be followed by a vote on the Dole substitute, as amended, if amended, to be followed immediately by a third reading and final passage of S. 21, as amended, if amended.

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

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF KOREA

Mr. ROTH. Mr. President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Kim Yong-sam, President of the Republic of Korea, into the House Chamber for the joint meeting tomorrow.

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

ORDERS FOR WEDNESDAY, JULY 26, 1995

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:30 a.m. on Wednesday, July 26, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 21, and that Senator DODD be recognized.

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

Mr. ROTH. Mr. President, the Senate will be in controlled debate between 8:30 a.m. and 10:40 a.m. on the Bosnia legislation.

I ask unanimous consent that at 10:40 a.m., the Senate stand in recess until 12 noon in order to hear an address by President Kim of the Republic of Korea.

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

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, under the previous order, the Senate will begin voting on amendments and final passage of S. 21 at approximately 1:45 p.m. Therefore, Senators should be on notice that at least two votes will occur at that time. Following those votes, it will be the intention of the majority leader to begin the State Department authorization bill, and if consent cannot be granted the leader will move to proceed to S. 908.

ORDER FOR RECESS

Mr. ROTH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the conclusion of the remarks of Senator DASCHLE.

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

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, let me describe for our colleagues briefly what this unanimous-consent agreement entails so everyone has a clear understanding of what the situation is.

We will come in at 8:30 in the morning. At that time, we will have debate for 2 hours and 10 minutes, to be equally divided. We will then recess to attend the joint meeting to hear the speech from the President of South Korea, reconvene at noon, and have an additional 90 minutes of debate, again to be equally divided, followed then by recognition of the two leaders for one-half hour under which leadership time will be used, and with the completion of that time, an immediate vote first on the Cohen amendment, and then on the Nunn amendment, and then finally on final passage.

So there will be two blocks of time, an hour on either side approximately in the morning, 45 minutes on either side beginning at noon.

What that means is that there is very limited time, and I encourage my colleagues to keep their remarks brief. We have already had a number of requests for time tomorrow morning on this side. I urge my colleagues to be accommodating and to take into account the fact that a number of Senators will wish to be recognized and to be heard. It is not my intent to allocate any time beyond 10 minutes tomorrow morning to any Senator except Senator NUNN, who has an amendment pending or during that period beginning tomorrow noon.

So this accommodates a number of concerns raised and certainly allows us to reach a time for final passage sometime in early afternoon, and I appreciate the cooperation of the Senators on both sides.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, let me make a few comments tonight—I have waited to allow other Senators to be heard—and I intend again to speak briefly tomorrow prior to the vote, but I wish to take some time this evening to express my personal position with regard to this issue and explain why I will be voting as I will tomorrow afternoon.

We are again, as others have indicated, in a crisis in Bosnia. Just today, as was reported several hours ago, in open violation of the United Nations mandates, the Bosnian Serbs have seized another safe area, Zepa, under the protection of UNPROFOR, the United Nations protection forces.

This despicable act of aggression by the Bosnian Serbs is now being followed by a brutal wave of ethnic cleansing that is forcing thousands of Bosnian women and children and elderly to flee for their lives. United Nations peacekeepers now find themselves under attack in a land where there is little peace to keep.

This is not the first time the Senate has debated whether to terminate the arms embargo in Bosnia. In the 103d Congress, the Senate voted on the matter seven different times.

Less than a year ago, on August 11, 1994, the Senate adopted two competing amendments to the fiscal year 1995 Department of Defense appropriations bill. The first of those amendments was offered by Senators DOLE and LIEBERMAN. It set a deadline of November 15 of last year for the President to break with our NATO allies and unilaterally end the arms embargo on the Bosnian Government. It passed by a vote of 58 to 42.

The second amendment, offered by Senators Mitchell and Nunn, proposed a different scenario for lifting the arms embargo. It said first that if the Bosnian Serbs refused to accept a peace plan developed by the five-member contact group by October 15, 1994, then the United States would introduce and support a resolution in the United Nations to end the embargo completely.

Second, the Nunn-Mitchell amendment said that if the United Nations failed to lift the arms embargo against Bosnia by November 15 of 1994, and if the Bosnian Serbs continued to reject the peace plan developed by the contact group, then no Department of Defense funds could be used to enforce the arms embargo against Bosnia. In addition, the President would be required to submit a plan to equip and train the Bosnian armed forces and consult with Congress regarding that specific plan.

The Nunn-Mitchell language was included in the 1995 defense appropriations bill and signed into law on October 5 of last year.

The administration has been unable, unfortunately, to convince the United Nations Security Council to lift the arms embargo multilaterally. But in keeping with the congressional mandate, the United States last November ceased participation in the enforcement of the arms embargo against the

Bosnian Government. The administration also prepared and briefed the Congress on a plan to equip and train Bosnian armed forces. That is the historical context for the debate we are now experiencing here on the Senate floor.

Today, as this Senate once again debates whether to lift the arms embargo against Bosnia, the credibility of UNPROFOR as peacekeepers has seriously eroded. What has not eroded is the overwhelming desire by the American people to see the bloodshed in Bosnia ended without committing United States ground troops to the Bosnian conflict.

Yet, the Dole-Lieberman amendment would make this all the more likely by requiring the President to unilaterally lift the arms embargo against Bosnia. This amendment will place United States ground troops in peril by intensifying the conflict at the time when United States troops were assisting our NATO allies in the difficult and dangerous mission of withdrawing their scattered forces from Bosnia.

Mr. President, today I received a letter from the President explaining his reasons for strongly opposing S. 21, which he believes ''could lead to an escalation of the conflict there, including the possible Americanization of the conflict itself.''

I ask unanimous consent that the President's letter be printed in the RECORD at the conclusion of my remarks and urge all of my colleagues to consider carefully the President's concerns as we debate this legislation.

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

(See exhibit 1.)

Mr. DASCHLE. In contrast to those concerns, some of the sponsors of this amendment believe that by lifting the arms embargo, we can avoid the awful possibility of sending United States ground forces to Bosnia or we will let the Bosnians fight their own war. But it is not that simple, and we know that. We have a responsibility in this Senate to speak honestly to the American people, to tell them the potential consequences of lifting the arms embargo at this time and in this manner.

The Dole-Lieberman amendment requires the amendment to lift the embargo upon completion of the withdrawal of the United Nations protection forces or 12 weeks after the Bosnian Government requests the withdrawal of U.N. troops.

While the President may extend the deadline for lifting the embargo for up to 30 days, if he determines and reports in advance that the safety, security and successful completion of the withdrawal of UNPROFOR requires more time, the fundamental problem remains the same. Under this resolution, America's military and diplomatic policy in the Balkans conflict will be determined not by the President and not by the Congress, but by the actions of the Bosnian Government. Let me restate that, Mr. President, because it is so critical to an appreciation of what this vote is all about. America's military and diplomatic policy in the Balkans will be determined not by the President, not by the Congress, but by the actions of the Bosnian Government.

What is not addressed in the bill is what happens when the U.N. forces, including substantial forces of our NATO allies, begin to withdraw from Bosnia. What happens? As we all know, the President has promised our NATO allies that the United States will provide up to 25,000 ground combat and logistic troops to assist in the safe evacuation of the U.N. peacekeepers from Bosnia. It could very well mean that we will be forced to send U.S. troops into a situation of heightened conflict that would risk American lives.

There is no question that the long nightmare in Bosnia must end. There is no question that the United States must play a role in resolving the nightmare. But let us be fully cognizant of what is truly at stake. Let us not pretend that there is an easy way out, because there is not. There should be no confusion in the minds of any of my colleagues regarding what a vote for this bill actually means. What it means is that the President of the United States, the Commander in Chief of our Armed Forces, will be required by law to act in response to actions taken by a foreign government, the Government of Bosnia.

It means, by design, by this legislation itself, not only are we responding for the first time to a foreign government, required to respond in a way that may not be in our best interest, but we will have to ignore our closest allies and unilaterally lift the embargo to do so. It means this Nation will very likely be forced to assume sole responsibility for arming and training the Bosnian army. That is what this means.

And it means almost certainly—it means almost certainly—that in all of this, U.S. troops will die. This is a very slippery and treacherous slope we would embark on with the passage of this bill. And I would remind my colleagues that, if we enact it, we have got to be prepared to face the almost certain consequence of U.S. involvement of U.S. ground troops in Bosnia sometime very soon.

No one can read the accounts of ethnic cleansing, no one can look at those images of terrified refugees trudging a trail of tears from one Bosnian city to another in search of safety and not be horrified. I understand the arguments of those who say we cannot stand by and allow genocide to occur unchecked and unchallenged. I understand those arguments and agree with the moral concerns of those who advance them. But let us be clear, forcing U.N. protection forces to withdraw from Bosnia, which is the most likely effect of the bill, can only increase, not decrease, the horrifying acts of genocide in Bosnia.

Mr. President, what happens then? What happens when the U.N. forces are gone? What happens when NATO forces are gone? What happens when we continue to see night after night on the televisions across this land that genocide, the horrific acts that we have seen so far, and there is no one there to protect them? What will we do? Do we continue to say it is unacceptable and we will keep sending arms? And then watch this spread to Kosovo and Macedonia and other parts of this region? Is that what we are allowed to do?

What happens? We are left with the untenable choice after all our allies have washed their hands of this situation to accept one of two things: either to accept the horrific acts that we will continue to see, Serbians rolling over the Bosnians, with or without additional arms; or some unilateral insertion of American troops to stop this from spreading and to stop the holocaust that we see already. That is the untenable choice we are going to be given if our allies leave.

The very best case scenario, Mr. President, assumes that it will take 2 to 3 months to arm and train the Bosnian army. That scenario also assumes the arms will actually reach the Bosnian army and that they will not be captured by Bosnian Serbs and that the Croatian Government will allow all of the arms to be transported through their ports and across their land. That is what we are assuming, that somehow the Croatian Government will say, ''OK. We will subject ourselves to whatever may come, all of the repercussions that may come with opening our ports to the Bosnians so that the Bosnians can ship tanks and heavy weaponry through our ports, through our land, to fight the Serbs.'' How many people really believe that is what is going to happen?

Mr. President, to suggest that the Bosnian Serbs will simply wait patiently and peacefully to decide what the Croatian Government is going to do, to decide whether or not the Bosnian army is being armed, seems to me to be very naive. We are talking about a regime that shells unarmed women and children as they wait in line in safe areas to collect their daily ration of water, a regime that is committed to ethnic cleansing. Should we really believe that this regime will hold its fire while the U.S. troops are training the Bosnian army to defend its own people? Can we, without endangering U.S. or allied troops, counter their fire? We know the answers. I have grave doubts.

The likelihood is that the Bosnian Government will escalate its campaign of genocide, will overrun the remaining safe areas quickly while it still has the ability to do so with little resistance. And it is entirely possible that this escalation could occur while U.S. troops are on the ground in Bosnia.

Then what? Those who would vote for this bill must also be concerned about

the very real possibility that withdrawing U.N. troops from Bosnia now and unilateral lifting of the embargo will greatly increase the risk that the war in Bosnia will spread. While the United States may have no direct national security interest in Bosnia itself, we certainly would have security interests at risk in fighting that would go south to the region in Kosovo, in Macedonia, where 500 U.S. troops are now stationed and involve our NATO allies of Greece and Turkey.

I believe that every Member of this Senate is deeply concerned about the tragic events that are taking place in Bosnia. And I believe that every Member of this Senate would like to see an end to the fighting that has left thousands of innocent people dead, millions of people displaced, torn from their homes, torn from their families. And I do not believe there is any disagreement about the goal we all share: to end the aggression and the atrocities born in the Bosnian conflict. The only disagreement is over how we can best achieve that goal. And the question is again before the Senate, should the United States on our own, against the wishes of our allies, end the arms embargo, or should we continue to act in concert with our allies and the United Nations to end the arms embargo? Considering this question, let us remember that Bosnia is not the only Nation in which the United States is engaged in a multinational effort to impose sanctions or take other collective measures. There is a collective action to impose sanctions against Iraq, against Cuba, against Libya, and it may become necessary to impose sanctions against others to control the spread of nuclear weapons, or for other reasons. All of these collective efforts are of great importance to this country.

Mr. President, if we unilaterally terminate the arms embargo, then what is to prevent our allies from doing the same on collective actions with which they disagree? What do we tell them? What standing do we have to suggest to them that they must comply but we will not?

We cannot have it both ways. We cannot expect our allies to support us on collective actions that suit us if we refuse to support other collective actions that may make us uncomfortable.

Senator EXON and others have raised important questions about the consequences that lifting the arms embargo could have on NATO. Fifty years ago this summer, the NATO alliance freed Europe, freed the world actually, from the great evil of Nazism. And for nearly 50 years, until the start of the Serbian aggression 40 months ago, NATO has kept peace in all of Europe. The NATO alliance was essentially there to end the cold war, and now it is essential to the continued stability of both Europe, as well as the United States.

Our NATO allies are imploring us not to lift the arms embargo unilaterally while they have troops in Bosnia. They are imploring us to stand with them as they continue to seek a negotiated settlement against the odds, recognizing the difficulty, knowing there are no easy answers, appealing to us to help them as they have helped us.

What will happen if NATO chooses at some point in the future to ignore us? What will happen to NATO if we ignore the urgent pleas of our allies now? Those are questions we must all ask ourselves, Mr. President, before we cast this crucial vote tomorrow.

The end of the cold war and the resurgence of ethnic conflict and nationalism have created flashpoints all over this world. As the only remaining superpower, the United States is going to be asked again and again to send troops to resolve conflicts. Maybe these conflicts will have long histories and maybe they will be intractable, but we will be asked and, in some cases, we will commit, and as we make those decisions, we, by ourselves, must recognize that we cannot solve every problem in the world. We are going to need the help of our allies in dealing with these problems, and the only way we can deal with them without resorting to unilateral action is in those difficult times, as we see right now, we recognize the implications of breaking out from multilateral efforts and taking upon ourselves the responsibilities that come with the actions that we are now contemplating.

I understand and, frankly, I empathize with the motivations of my colleagues who have introduced and supported this bill. The carnage in Bosnia cries out for decisive action to end the suffering of helpless men, women and children who daily are abused, killed by Bosnian Serb gunmen. But we must not, we must not allow our frustration over the failure to reach a settlement of the Bosnian crisis to force us into actions that will only worsen the situation. We must not lose sight of the fact that breaking with our allies carries with it the risk of long-term consequences, and we must not pretend we are decreasing the chances that U.S. ground troops will be sent to fight in Bosnia when, in fact, the very opposite is likely to happen.

So as we debate this proposal, let us consider carefully what is in our Nation's best interest, in the best interest of the Bosnian people now and in the future. Let us recognize that this is an issue beyond Bosnia, in spite of our outrage, in spite of our frustration, in spite of our desire to respond in some way. We must also recognize the commitments, the long-term ramification and the extraordinary nature of the decision that we will be making tomorrow afternoon.

Mr. President, we will have more time to talk about this tomorrow. I certainly hope that we will not allow our decision to be made by emotion, rather by objective calculation of what is best for the effort, what is best for our long-term alliances, what is best for this country, what is best for the men and women we will be called upon to send to Bosnia should this situation worsen and should the need for U.S. forces be more evident as the weeks and months unfold.

Mr. President, I now yield the floor.

EXHIBIT 1

THE WHITE HOUSE

Washington, July 25, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to S. 21, the ''Bosnia and Herzegovina Self-Defense Act of 1995''. While I fully understand the frustration that the bill's supporters feel, I nonetheless am firmly convinced that in passing this legislation Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. As you know, we are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forget that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnian-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days make clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. I am determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, as I have noted, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is

complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

I am prepared to veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support the pending legislation, S. 21.

Sincerely,

BILL CLINTON.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein.

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

TRIBUTE TO JOHN MORAVEK

Mr. DOLE. Mr. President, with the recent passing of John Moravek, our nation's legal community lost an outstanding and respected member, and many Americans lost a good friend and trusted adviser.

John worked for Century 21 real estate for 20 years—the past 15 as general counsel at the corporate headquarters in Irvine, California.

John was recognized as one of America's preeminent experts in his field in the field of real estate and franchise law, and he was one of few attorneys who had the honor of appearing before the United States Supreme Court.

I was not privileged to know John as well as his countless friends and colleagues, which included my daughter, Robin. But I do remember John as a man of great integrity, intelligence, compassion and curiosity.

The title of the obituary that ran in his hometown newspaper, the Long Beach Press-Telegram, summed it up best—''John Moravek was a renaissance man.'' John's interests ranged from classical guitar, to sailing, to painting, to politics. And while John and I didn't share beliefs on every political issue, we shared a sense of determination and a sense of humor.

Without exception, those who knew John well speak of a remarkable man with a passion for life—a man who loved the ocean, who loved his job, who loved his friends, and who, above all, loved his wife, Lisa.

Mr. President, I join in extending my sympathies to Lisa Moravek, and to all who were proud to call John Moravek their friend.

IS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC!

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and ''talk'' is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote.

As of yesterday, Monday, July 24, at the close of business, the total Federal debt stood at exactly $4,938,384,897,270.48 or $18,746.19 per man, woman, child on a per capita basis. Res ipsa loquitur.

Some control.

MEDICARE'S 30TH ANNIVERSARY

Mr. SARBANES. Mr. President, I rise today to join my colleagues in celebrating the 30th anniversary of the Medicare program. In light of recent Republican attacks on the program, it is particularly important that we take the time to recognize the value of the Medicare program to so many of our Nation's senior citizens and their families.

For decades, Democratic leaders have supported and reinforced the generally accepted proposition that health care is a fundamental human need and that, in a just society, there ought to be a way to provide for it. Since it was signed into law by President Johnson in July 1965 the Medicare program has succeeded where many had thought it would fail. The world's largest health care program, Medicare currently provides quality health services for more than 37 million American senior and disabled citizens at an administrative cost of just two percent.

In my State of Maryland alone, more than 604,000 seniors receive vital medical services through the Medicare program. Just yesterday, I visited a number of these individuals at the Parkville Senior Center in Baltimore County. Like a vast majority of seniors across the country, they too are concerned about the future of Medicare and how decisions now being made in Congress will effect the quality and availability of health care services for their generation. Quite frankly, Mr. President, I share their concerns.

For these senior citizens and the more than 37 million elderly Americans nationwide, the Republican budget cuts will be devastating. The Republican Budget Resolution cuts Medicare by $270 billion over the next 7 years. I know it is asserted that the actual dollar amounts for Medicare will not drop, but rather will increase gradually over the next 7 years. However, if the proposed dollar increases are not proportional to increases in Medicare enrollees and increases in the costs of medical care, the end result is massive cost-shifting and cuts in services for beneficiaries.

Mr. President, in my view, it is essential that we recognize that Medicare is not a system unto itself. The Medicare program is instead a large component of our Nation's health care system and it is illogical to assume that isolated cuts in Medicare will not adversely effect all Americans.

The Health Care Finance Administration [HCFA] estimates that Medicare payments account for 45 percent of health care spending by our Nation's elderly. Under the Republican budget plan, out-of-pocket costs to seniors are expected to increase by an average of $900 per person year by the year 2002. Over a 7-year period, the typical beneficiary would pay an estimated $3,200 in additional out-of-pocket costs. While this might not sound like much to some, these numbers become more significant when you factor in statistics that indicate that 60 percent of program spending was incurred on behalf of those with incomes less than twice the poverty level, and 83 percent of program spending was on behalf of those with annual incomes of less than $25,000.

Clearly, when we talk about Medicare recipients, we are not talking about our Nation's wealthiest citizens. Many seniors live on fixed incomes. In fact, a large number of Medicare recipients depend on Social Security benefits for much of their income. According to HCFA, about 60 percent of the elderly rely on Social Security benefits for 50 percent or more of their income and 32 percent of the elderly rely on Social Security for 80 percent or more of their income. It is also estimated that as many as 2 million seniors can expect to see the value of their Social Security COLA's decline as increased Medicare costs consume 40 to 50 percent of Social Security COLA's by 2002. Requiring these individuals to pay more for their health care will directly undercut their standard of living. In my view, it is simply unacceptable to create a situation in which more and more seniors will see their resources stretched to the extent that they will have to choose between food and health care.

Mr. President, what I find most troubling is that Congressional Republicans are seeking to enact draconian spending cuts, the burden of which will fall primarily on the shoulders of the most vulnerable of our society, in order to provide a significant tax cut for the very wealthy. The future health security of our Nation's seniors should not be jeopardized in order to create a pool of funds for a tax break which almost

solely benefits upper income individuals.

As we commemorate the signing of this important measure into law, I think it is appropriate that we all take time to reflect upon the history of the Medicare program and the principles upon which it was founded. Before the Medicare program, many of our elderly could not afford health care or were forced to watch their life savings dissolve under the weight of ever-increasing health care costs.

Mr. President, those involved in crafting the Medicare program recognized that providing health care to some of our Nation's most vulnerable individuals lays the foundation upon which to build a decent society. As Democrats we must continue to embrace this principle today, as we have for the past 30 years.

THE 30TH ANNIVERSARY OF MEDICARE

A TURNING POINT FOR MEDICARE

Mrs. FEINSTEIN. Mr. President, in 1965—30 years ago this week—in Independence, MO, Medicare was signed by President Lyndon Johnson, with Harry Truman looking on.

Over the last 30 years, Medicare has become one of the largest public health insurance systems in the world, having grown from 19 million seniors at a cost of $3 billion to 37 billion seniors costing over $159 billion last year.

In 1995—30 years later—Medicare is at a turning point.

In fact, some would say the Medicare is under attack, because Medicare is slated for $270 million in cuts over the next 7 years under plans which are scheduled to be enacted later this year.

This proposed 14 percent cut in Medicare spending is the largest Medicare ever proposed and makes up over 20 percent of the $1.2 billion in cuts in the Republican resolution.

THE BENEFITS OF MEDICARE

While there are many disagreements about which direction Medicare should go in the future, there is no doubt about the benefits and achievements of the current program.

Before Medicare was enacted in 1965, health care for seniors was expensive and often unavailable, due to the lack of insurers willing to cover seniors and the fact that, even with Social Security, seniors have been one of the highest-poverty age groups in America.

Only 50 percent of seniors had health insurance, and so an illness could quickly force a senior into a charity ward or consume a lifetime of family savings.

In comparison, the benefits of the current Medicare program are clear to millions of individuals and the families of those who are enrolled; health coverage is provided for 37 million seniors—including 3.6 million Californians.

Ninety-nine percent of the elderly population is covered through Medicare, giving seniors the highest rate of health coverage for any age group in the United States;

The average lifespan for older Americans has increased 3 years since Medicare began, and quality of life has been improved by procedures and treatments such as hip replacements developed through Medicare.

PROBLEMS FACING MEDICARE

Nonetheless, there are some clear problems with Medicare that must be addressed, including; the anticipated bankruptcy of the Medicare Part A Hospital Trust Fund, which is projected to occur in the year 2002 at current spending rates; high annual increases in spending of 10 percent, which have helped cause the program to go from $3 billion in 1965 to $160 billion in 1994; fraud and abuse that eat up $44 billion in total health care costs annually, according to a GAO report, and result in $140 million in excess charges paid by consumers each year; the lack of potentially cost-saving managed Medicare, which enrolls only 10 percent of Medicare participants even though additional dental and prescription drug benefits are sometimes available (the rate is 25 percent in California).

In short, the current Medicare Program pays out much more in benefits than it is taking in from premiums and payroll contributions. Without reform, Medicare will continue to grow out of control. Costs for new technologies and procedures continue to increase rapidly, and about 1 million additional Medicare participants each year will add to costs.

REASONABLE MEDICARE REFORMS

To address these problems and lower Federal spending, I support a number of tough-minded Medicare reforms, including tightening controls and preventing fraud in Medicare; using successful State and Federal models such as the California Public Employee Retirement System [CalPERS] and the Federal Employee Health Benefits Plan as a basis for cooperative, market-based systems. I support asking the wealthiest Medicare recipients to pay more into the system than they do now; making managed care plans more beneficial to the Federal Government and more easily available to seniors, only 10 percent of whom are currently enrolled in HMO's.

To help solve these problems, I voted in favor of $54 billion in Medicare cuts and reforms contained in the 1993 budget reconciliation bill, and I supported national health care reform such as the mainstream coalition proposal.

REPUBLICAN BUDGET PROPOSALS CUT MEDICARE TOO FAR, TOO FAST

However, I strongly oppose destructive Medicare reform proposals that go too far, too fast, without any certainty as to the results, including those that would force all Medicare enrollees to change doctors, give up their choice of doctors, or join HMO's involuntarily; steeply raise Medicare cots to participants, who already spend a national average of 21 percent of their incomes on health costs; rely almost entirely on appealing but untested changes to the current Medicare system, such as private vouchers and medical savings accounts; target the 3.6 million Californians who participate in Medicare for an unfair share of the deficit-reduction burden.

As a result, I voted against the Republican budget resolution, which cuts $270 billion from the current baseline for Medicare over the next 7 years.

UNKNOWN EFFECTS OF MEDICARE CUTS

What exactly do health care cuts of this size really mean? Well, no one really knows, but health care experts tell us that the options for cuts of this size are few, and estimates by the Health Care Finance Agency, which runs these programs, have projected dramatic effects.

Under the Republican budget proposal—and the initiatives that are being considered for enactment later this fall—more will be taken out of seniors' Social Security checks, because that is where the Medicare part B premium is deducted. Medicare premiums and Social Security checks are linked together because under the integrated Social Security check-issuing system, Medicare premiums are automatically taken out of Social Security checks.

Cuts to Californians on Medicare would total over $36 billion over the next 7 years—13 percent of the $270 billion total cut despite the fact that California only has 9.5 percent of the total population—Health Care Finance Administration.

Costs to seniors will have to be steeply increased, even though over 80 percent of Medicare goes to seniors with less than $25,000 in income, who already pay over 20 percent of their income for health costs.

Managed care could be implemented on a large scale without any real assurance that there will be more benefits to seniors and increased savings to the Federal Government. The current demonstration of managed Medicare has not yielded savings to the Federal Government, according to recent studies.

Popular but untested ideas such as private voucher systems and medical savings accounts, which have not been tried at anywhere near this scale, could once again allow insurance companies to discriminate against older, sicker seniors, or force families to spend their savings in order to provide care.

Relatively small-scale purchasing pools, such as the Federal Employees Health Benefits Plan, which covers only 9 million people nationwise, will be expanded enormously without any clear knowledge of the potential effects on care for the elderly.

CONCLUSION

There is no argument that Medicare needs to be strengthened and improved, and I have supported reasonable Medicare reform in the past. But cutting $270 billion out of the program and implementing reforms that have yet to be

tested is not really reform, it's dismantling the program.

The effects of cuts on this scale may not be felt immediately, and the plans for how to achieve them are certainly being kept under wraps until the last minute, but sooner or later it will be clear that cutting $270 billion out of Medicare goes too far, too fast.

I only hope it is not too late to save the program before the American people realize it, and that 30 years from now this Congress is known for having reformed but not reduced the Medicare Program that has gotten us so far.

PROCLAMATION HONORING THE SERVICE AND LEADERSHIP OF SHERIFF JOHN T. PIERPONT

Mr. ASHCROFT. Mr. President, it is with great pleasure that I rise today to salute a good friend whose leadership in the field of law enforcement is exemplary. John T. Pierpont is currently serving his fourth term as Sheriff of Greene County, MO, which includes my hometown of Springfield, MO. John was first elected to serve Greene County in 1981 and is overseeing an office of 140 employees in seven different divisions, all dedicated to helping and protecting the people of Greene County and Southwest Missouri. Prior to serving Greene County, John was U.S. Marshal for the Western District of Missouri for 8 years. As U.S. Marshal for the Western District, John oversaw a jurisdiction of more than 66 counties.

While successfully leading law enforcement efforts throughout southwest Missouri, John Pierpont also has been an active leader within the Missouri and national law enforcement communities. Sheriff Pierpont is a former President of the Missouri Sheriffs' Association, the Missouri Peace Officers' Association, and the Retired U.S. Marshals. John was first elected to a leadership position in the 26,000 member National Sheriffs' Association in 1989 as Sergeant-at-Arms and moved up from Seventh Vice President to the position of First Vice President which he held in 1994. I am pleased to salute John Pierpont for his June 14, 1995 election as the National President of the National Sheriffs' Association.

Through his years of selfless service and dedication to his chosen profession of law enforcement, John Pierpont has displayed principled leadership and a devotion to the principles of justice, hard work, and family. His standard of leadership is an example to his colleagues in law enforcement and all other areas of public and private service.

THE LOBBYING DISCLOSURE ACT

Mr. SMITH. Mr. President, I rise in support of S. 1060, the Lobbying Disclosure Act of 1995, as amended last night by the compromise language developed by our distinguished colleagues, Senators MCCONNELL and LEVIN. I am pleased that the McConnell-Levin amendment solves both of the principal problems with lobbying reform legislation that caused me to vote against it last year.

First, the McConnell-Levin amendment assures that this legislation is not directed at grassroots lobbying. Grassroots lobbyists will not be required to report their activities or disclose their contributors. Unlike last year's bill, moreover, S. 1060 does not threaten to make grass roots lobbyists divulge their entire mailing lists.

Second, the McConnell-Levin amendment removes from S. 1060 the provisions that would have created a new government agency, which would have been called the Office of Lobbying Registration and Public Disclosure. It replaces those provisions with language that establishes administrative enforcement by the Secretary of the Senate and the Clerk of the House of Representatives. Those officers, and not a new government agency, will receive the lobbying reports that will be required if S. 1060 becomes law.

Mr. President, S. 1060 represents a reasonable compromise that properly balances the first amendment rights of the people against the demand of the public for meaningful reform of the way in which Washington does business. I remain convinced that last year's bill went too far and threatened to abridge the first amendment rights of grassroots lobbyists. Moreover, last year's bill made the age-old mistake of attempting to address a problem by creating yet another new government agency. I am pleased that last year's bill was defeated and that, this year, the opposing sides in that battle have come together to produce this bill.

Mr. President, I commend the distinguished Senator from Kentucky, Senator MCCONNELL, for his able leadership with respect to this bill. He has done an outstanding job in achieving the imminent overwhelming approval of the Senate for this bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1226. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the Resolution Trust Corporation for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1227. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to final decisions and actions in response to the recommendations of the Inspector General; to the Committee on Governmental Affairs.

EC–1228. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the fiscal year 1994 management report of the FFB; to the Committee on Governmental Affairs.

EC–1229. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ending March 31, 1995; to the Committee on Governmental Affairs.

EC–1230. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-77, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1231. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-76, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1232. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-67, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1233. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-68, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-69, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-71, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-70, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-72, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1238. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-73, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1239. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–74, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1240. A communication from the Chairman and Chief Executive Officer of the Farm

Credit Administration, transmitting pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 to March 31, 1995; to the Committee on Governmental Affairs.

EC–1241. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–1242. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the Office's audit report register; to the Committee on Governmental Affairs.

EC–1243. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–81, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1244. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–82, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1245. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–83, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1246. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–85, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1247. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–88, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1248. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–89, enacted by the Council on June 6, 1995; to the Committee on Governmental Affairs.

EC–1249. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–90, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1250. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–91, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1251. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–92, enacted by the Council on July 10, 1995; to the Committee on Governmental Affairs.

EC–1252. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–93, enacted by the Council on July 10, 1995; to the Committee on Governmental Affairs.

EC–1253. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–94, enacted by the Council on July 13, 1995; to the Committee on Governmental Affairs.

EC–1254. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Fiscal Year 1993 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Governmental Affairs.

EC–1255. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Agency Fund of the Office of the People's Counsel for Fiscal Year 1994''; to the Committee on Governmental Affairs.

EC–1256. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Review of the Award and Administration of Parking Ticket Processing and Delinquent Ticket Collection Service Contracts''; to the Committee on Governmental Affairs.

EC–1257. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–1258. A communication from the Inspector General of the Department of Justice, transmitting, pursuant to law, a report relative to an audit of the Department's Private Counsel Debt Collection Program; to the Committee on Governmental Affairs.

EC–1259. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to reports issued or released by the Justice Department in May of 1995; to the Committee on Governmental Affairs.

EC–1260. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's annual management report for calendar year 1994; to the Committee on Governmental Affairs.

EC–1261. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the period ending March 31, 1995; to the Committee on Governmental Affairs.

EC–1262. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation to amend the Program Fraud Civil Remedies Act of 1986 to include the National Science Foundation; to the Committee on Governmental Affairs.

EC–1263. A communication from the Achivist of the United States, transmitting, pursuant to law, a report relative to the disposal of Federal records for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1264. A communication from the Director of the Information Security Oversight Office, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the 1994 ''Report for the President''; to the Committee on Governmental Affairs.

EC–1265. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to reduce delinquencies and to improve debt-collection activities government-wide, and for other purposes; to the Committee on Governmental Affairs.

EC–1266. A communication form the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the 1994 management reports of the 12 Federal Home Loan Banks and the Financing Corporation; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRYAN (for himself and Mr. REID):

S. 1069. A bill for the relief of certain persons in Clark County, Nevada, who purchased land in good faith reliance on certain private land surveys, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1070. A bill to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. BENNETT):

S. 1071. A bill to eliminate the National Foundation on the Arts and the Humanities, to establish a National Endowment for Arts, Humanities, and Museum Services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1072. A bill to redefine ''extortion'' for purposes of the Hobbs Act; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1070. A bill to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

THE PATENT REEXAMINATION REFORM ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce today the Patent Reexamination Reform Act of 1995. This legislation will significantly improve the patent reexamination process, making it an inexpensive and expeditious alternative to patent validity litigation. More importantly, this legislation will not unreasonably increase the cost, complexity, or duration of a reexamination proceeding, nor will it impose an unreasonable burden on the Patent and Trademark Office, who must ultimately process and reexamine the patents. Individual inventors and small businesses alike will benefit from this legislation because costly and time consuming litigation can now be avoided through the use of a more fair reexamination process.

There are five key elements of this proposed legislation. First, the legislation would simplify and shorten procedures governing initiation or reexamination proceedings. Second, the legislation would significantly increase the opportunity for a third party requester to meaningfully participate in a reexamination proceeding. Third, it would broaden the basis and scope of reexamination proceedings before the Patent and Trademark Office. Fourth, it would prevent the multiple requests for patent reexamination. Finally, it would provide a third party requester a right to appeal any decisions of the Patent and Trademark Office to the Court of Appeals for the Federal Circuit.

The patent reexamination process was originally designed to provide a low-cost administrative procedure to

quickly resolve questions regarding the validity of a patent. Unfortunately, patent reexamination has become an unattractive vehicle for patent dispute resolution because of the strict limits imposed on third parties who seek reexamination. Many critics of our system argue the existing reexamination process offers only an illusory remedy for inventors because of the limits imposed on these third parties and similarly, the issues that can be considered in reexamination. Many third parties believe that requesting a reexamination actually impairs their later efforts to challenge a patent, preferring to take their cases directly to the courts.

The legislation I am introducing today will permit and encourage the meaningful participation by a third party in the reexamination process. In turn, this will make the reexamination system an attractive and cost-effective alternative to expensive patent litigation. Likewise, it will bring more fairness to the reexamination process by allowing a third party requestor the right to appeal any decision by the Patent and Trademark Office to the Court of Appeals for the Federal Circuit. However, to prevent a third party from unreasonably delaying the issuance of a patent by relitigating the same issues following the reexamination process, this bill prohibits a third party from relitigating patent validity concerns that were addressed, or from litigating issues that could have been addressed in the reexamination proceeding.

The legislation also expands the grounds for initiating and conducting a reexamination hearing. Current reexamination proceedings are limited to consideration of patent invalidity in view of existing patents and printed publications. This bill would give the Patent and Trademark Office greater authority to consider compliance of a patent with the existing disclosure and claim requirements.

There is widespread support in the patent community for this legislation and for our efforts to make patent reexamination a more efficient process. Many patent groups have voiced their support for the changes provided by this legislation. Those supporters of these reforms include: the American Intellectual Property Law Association [AIPLA], the Intellectual Property Owners [IPO], the National Association of Manufacturers [NAM], the Business Software Alliance, and the Software Publishers Association. There is also strong industry and bar support for these proposed changes.

Mr. President, my proposed legislation will benefit all patent owners, offering them an inexpensive alternative to lengthy and costly litigation. It will encourage fuller participation in the reexamination process by a third party. I urge my colleagues to support the Patent Reexamination Reform Act of 1995. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1070

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 ''Patent Reexamination Reform Act of 1995''.

SEC. 2. DEFINITIONS.

Section 100 of title 35, United States Code, is amended by adding at the end the following new subsection:

''(e) The term 'third-party requester' means a person requesting reexamination under section 302 of this title who is not the patent owner.''.

SEC. 3. REEXAMINATION PROCEDURES.

(a) REQUEST FOR REEXAMINATION.—Section 302 of title 35, United States Code, is amended to read as follows:

''§ 302. Request for reexamination

''Any person at any time may file a request for reexamination by the Office of a patent on the basis of any prior art cited under the provisions of section 301 of this title or on the basis of the requirements of section 112 of this title except for the best mode requirement. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents and Trademarks pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested or the manner in which the patent specification or claims fail to comply with the requirements of section 112 of this title. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.''.

(b) DETERMINATION OF ISSUE BY COMMISSIONER.—Section 303 of title 35, United States Code, is amended to read as follows:

''§ 303. Determination of issue by Commissioner

''(a) Within 3 months following the filing of a request for reexamination under the provisions of section 302 of this title, the Commissioner shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications or by the failure of the patent specification or claims to comply with the requirements of section 112 of this title except for the best mode requirement.

''(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the third-party requester, if any.

''(c) A determination by the Commissioner pursuant to subsection (a) of this section will be final and nonappealable. Upon a determination that no substantial new question of patentability has been raised, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.''.

(c) REEXAMINATION ORDER BY COMMISSIONER.—Section 304 of title 35, United States Code, is amended to read as follows:

''§ 304. Reexamination order by Commissioner

''If, in a determination made under the provisions of section 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The order may be accompanied by the initial Office action on the merits of the reexamination conducted in accordance with section 305 of this title.''.

(d) CONDUCT OF REEXAMINATION PROCEEDINGS.—Section 305 of title 35, United States Code, is amended to read as follows:

''§ 305. Conduct of reexamination proceedings

''(a) Subject to subsection (b) of this section, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to the patent and a new claim or claims thereto. No proposed amended or new claim enlarging the scope of the claims of the patent will be permitted in a reexamination proceeding under this chapter.

''(b)(1) This subsection shall apply to any reexamination proceeding in which the order for reexamination is based upon a request by a third-party requester.

''(2) With the exception of the reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party.

''(3) If the patent owner files a response to any Office action on the merits, the third-party requester may once file written comments within a reasonable period not less than 1 month from the date of service of the patent owner's response. Written comments provided under this paragraph shall be limited to issues covered by the Office action or the patent owner's response.

''(c) Unless otherwise provided by the Commissioner for good cause, all reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, will be conducted with special dispatch within the Office.''.

(e) APPEAL.—Section 306 of title 35, United States Code, is amended to read as follows:

''§ 306. Appeal

''(a) The patent owner involved in a reexamination proceeding under this chapter may—

''(1) appeal under the provisions of section 134 of this title, and may appeal under the provisions of sections 141 to 144 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent, or

''(2) be a party to any appeal taken by a third-party requester pursuant to subsection (b) of this section.

''(b) A third-party requester may—

''(1) appeal under the provisions of section 134 of this title, and may appeal under the provisions of sections 141 to 144 of this title, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent, or

''(2) be a party to any appeal taken by the patent owner, subject to subsection (c) of this section.

''(c) A third-party requester who, under the provisions of sections 141 to 144 of this title, files a notice of appeal or who participates as a party to an appeal by the patent owner is estopped from later asserting, in any forum, the invalidity of any claim determined to be patentable on appeal on any ground which the third-party requester raised or could have raised during the reexamination proceedings. A third-party requester is deemed not to have participated as a party to an appeal by the patent owner unless, within 20 days after the patent owner has filed notice

of appeal, the third-party requester files notice with the Commissioner electing to participate.''.

(f) REEXAMINATION PROHIBITED.—(1) Chapter 30 of title 35, United States Code, is amended by adding the following section at the end thereof:

''§ 308. Reexamination prohibited

''(a) Notwithstanding any provision of this chapter, once an order for reexamination of a patent has been issued under section 304 of this title, neither the patent owner nor the third-party requester, if any, nor privies of either, may file a subsequent request for reexamination of the patent until a reexamination certificate is issued and published under section 307 of this title, unless authorized by the Commissioner.

''(b) Once a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28 that the party has not sustained its burden of proving the invalidity of any patent claim in suit, then neither that party nor its privies may thereafter request reexamination of any such patent claim on the basis of issues which that party or its privies raised or could have raised in such civil action, and a reexamination requested by that party or its privies on the basis of such issues may not thereafter be maintained by the Office, notwithstanding any provision of this chapter.''.

(2) The table of sections for chapter 30 of title 35, United States Code, is amended by adding the following at the end thereof:

''308. Reexamination prohibited.''.

SEC. 4. CONFORMING AMENDMENTS.

(a) BOARD OF PATENT APPEALS AND INTERFERENCES.—The first sentence of section 7(b) of title 35, United States Code, is amended to read as follows: ''The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, or a patent owner or a third-party requester in a reexamination proceeding, review adverse decisions of examiners upon applications for patents and decisions of examiners in reexamination proceedings, and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title.''.

(b) PATENT FEES; PATENT AND TRADEMARK SEARCH SYSTEMS.—Section 41(a)(7) of title 35, United States Code, is amended to read as follows:

''(7) On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in a reexamination proceeding, $1,210 unless the petition is filed under sections 133 or 151 of this title, in which case the fee shall be $110.''.

(c) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134 of title 35, United States Code, is amended to read as follows:

''§ 134. Appeal to the Board of Patent Appeals and Interferences

''(a) An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

''(b) A patent owner in a reexamination proceeding may appeal from the final rejection of any claim by the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

''(c) A third-party requester may appeal to the Board of Patent Appeals and Interferences from the final decision of the primary examiner favorable to the patentability of any original or proposed amended or new claim of a patent, having once paid the fee for such appeal.''.

(d) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended by amending the first sentence to read as follows: ''An applicant, a patent owner, or a third-party requester, dissatisfied with the final decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title, may appeal the decision to the United States Court of Appeals for the Federal Circuit.''.

(e) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: ''In ex parte and reexamination cases, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal.''.

(f) CIVIL ACTION TO OBTAIN PATENT.—Section 145 of title 35, United States Code, is amended in the first sentence by inserting ''(a)'' after ''section 134''.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 6 months after the date of the enactment of this Act and shall apply to all reexamination requests filed on or after that effective date.

By Mrs. HUTCHISON (for herself and Mr. BENNETT):

S. 1071. A bill to eliminate the National Foundation on the Arts and the Humanities, to establish a National Endowment for Arts, Humanities, and Museum Services, and for other purposes; to the Committee on Labor and Human Resources.

THE NATIONAL ENDOWMENT RESTRUCTURING ACT OF 1995

Mrs. HUTCHISON. Mr. President, the bill that Senator ROBERT BENNETT and I are introducing today redefines the Federal role in providing assistance to the arts.

We believe there is an excellent case to be made for continued Federal arts and humanities funding. But past experience has shown clearly that the role of the Federal Government in artistic endeavor must be focused on more citizen involvement—and more common sense.

At the heart of this bill we have introduced is a belief that culture counts. Mr. President, the students on Tianamen Square in 1989 who created a statue of freedom in the likeness of our Statue of Liberty had no difficulty identifying the unifying themes of American culture.

We Americans, on the other hand, are immersed in—and sometimes overexposed to—its more contentious aspects. As a result, we sometimes see it less clearly. We debate whether we have a common culture and if so, what it is and who it represents.

Federal support for the arts is a case in point. Most federally supported arts projects promote mainstream excellence and the widest possible public enjoyment.

But by allocating tax dollars to a few outrageous and patently offensive projects that claimed to have cornered the market on American culture, the National Endowment for the Arts has managed to alienate legions of Americans—voters and policymakers alike. Its excesses have led many to conclude that Federal support for the arts should be terminated. That, I believe, would be an unfortunate policy, one that would dim the light of American culture to an even greater degree.

Committed as I am to a balanced Federal budget, I think that Federal funding for the arts and humanities should be continued as a national policy to preserve an American heritage—if we can return to our original purpose in creating these programs, and if we can ensure that no more Federal funds end up in the hands of those who are willfully offensive.

Our bill redirects Federal support for the arts, humanities and museum activities away from the self-indulgently obscene and the safely mediocre and toward the creation and support of community-based programs. By this I mean locally and regionally based theater, dance, opera, and museums.

To accomplish this we propose combining the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services into one agency. This new joint endowment would devolve as much of its decisionmaking authority as possible to the States—and to the people whose tax dollars support it.

The new endowment would continue to make direct grants to support nationally significant endeavors in the arts and humanities. However, the bulk of public resources would go directly to the States to promote greater access to the arts in our schools and communities, to continue worthy public projects in the humanities, and to strengthen local museums.

The consolidation we propose would streamline the existing endowment apparatus. This new endowment would be headed by three deputy directors—one each for the arts, for the humanities and for museum services. The current 52-member advisory board would be replaced by a national council comprised of 18 members selected for their knowledge and achievements.

One of the primary objectives of this bill is to reduce the size of the existing endowment bureaucracy in Washington, and to return resources and decisionmaking responsibilities to cities, regional groups, and currently underserved areas.

Our bill provides that no more than 9 percent of appropriated funds go to administrative functions, and it defines two basic grant categories: 40 percent earmarked for grants of national significance and 60 percent allocated for grants to the States. A portion of the States' grants would be dedicated to strengthening primary and secondary education in the arts, humanities, and museum activities. We put special emphasis on communities which, for geographic or economic reasons, cannot otherwise sustain arts education programs.

Let me make this very clear: Our bill prohibits any money appropriated under this act from being used to fund projects which violate standards of common decency. Nor may any of these resources be used, directly or indirectly, for lobbying.

In our bill, we focus on accountability, on ensuring that allocations are cost-effective—and that they are made in a way that emphasizes merit and excellence.

The thrust of this bill is to conserve and showcase our State and National treasures, those great cultural institutions that are our legacy to our children—our world class museums, libraries, dance companies, orchestras, theater companies, and university presses. With the financial support of private donors, and of the States and the Federal Government, these intellectual and cultural power centers will have the potential to spin off a host of other creative activities that will enrich the lives of all of our people.

Our country will benefit, culturally, spiritually and economically, from appropriately delineated Federal support for the arts. Americans rightly demand an end to obscenity and outrage, but not withdrawal of all Government support for the cream of our culture.

There are those who argue that all cultures, and all levels of culture, are equal, and that there is no real American culture at all, but rather only an amalgam of diverse cultures.

But this deliberate balkanization of American culture ignores our singular heritage which has drawn from many sources to create a body of American arts and letters what is uniquely our own. E pluribus unum—out of many, one. It is a living tradition worth sustaining.

Mr. President, I believe that the bill we have presented today contains a formula for arts funding, and the encouragement of our native culture, that can regain the confidence and support of the American people.

By Mr. THURMOND:

S. 1072. A bill to redefine ''extortion'' for purposes of the Hobbs Act; to the Committee on the Judiciary.

FREEDOM FROM UNION VIOLENCE ACT OF 1995

Mr. THURMOND. Mr. President, today, I am introducing legislation to amend the Hobbs Anti-Racketeering Act to reverse the 1973 Supreme Court decision in United States versus Enmons, and to address a serious, long term, festering problem under our Nation's labor laws. The United States regulates labor relations on a national basis and our labor-management policies are national policies. These policies and regulations are enforced by laws such as the National Labor Relations Act that Congress designed to preempt comparable State laws.

Although labor violence is a widespread problem in labor management relations today, the Federal Government has not moved in a meaningful way to address this issue. I believe it is time for the Government to act and respond to what the Supreme Court did when it rendered its decision in the case of United States versus Enmons in 1973. It is this decision's unfortunate result which this bill is intended to rectify.

The Enmons decision involved the Hobbs Anti-Racketeering Act which is intended to prohibit extortion by labor unions. It provides that: ''Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any person or property * * *'' commits a criminal act. This language is very clear. It outlaws extortion by labor unions. It outlaws violence by labor unions.

Although this language is very clear, the Supreme Court in Enmons created an exemption to the law which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective bargaining objectives, no violation of the Act will be found. Simply put, the Court held that if the ends are correct, the means to that end, no matter how horrible or reprehensible, will not result in a violation of the Act.

The Enmons decision is wrong. This bill will make it clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me discuss the Enmons case.

In that case, the defendants were indicted for firing high-powered rifles at property, causing extensive damage to the property, owned by a utility company—all done in an effort to obtain higher wages and other benefits from the company for striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act did not prohibit the use of violence in obtaining ''legitimate'' union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages. By its focus upon the motives and objectives of the property claimant, who uses violence or force to achieve his goals, the Enmons decision has had several unfortunate results. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor-management context. Although other Federal statutes prohibit the use of specific devices or the use of channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate to address the full effect of the Enmons decision.

The Enmons decision affords parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make it clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether the extortionist has a colorable claim to such property, and without regard to his status as a labor representative, businessman, or private citizen.

Mr. President, attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was intended to repudiate the decision. Over the next several years, attempts were made to come up with language which was acceptable to organized labor and at the same time restored the original intent of the Hobbs Act.

In 1978, S. 1437, a bill which was substantially the same as the bill I am introducing today, passed the Senate; however, the bill died in the House. In the 100th Congress, I introduced S. 2036, a bill which is identical to this legislation, yet no substantial action was taken on the bill. It is time for the Senate to re-examine this issue and to restate its opposition to violence in labor disputes. Encouraged by their special exemption from prosecution for acts of violence committed in pursuit of ''legitimate'' union objectives, union officials who are corrupt routinely use terror tactics to achieve their goals.

From January 1975 to December 1993, the National Right to Work Committee has documented more than 7,800 reported cases of union violence. This chilling statistic gives clear testimony to the existence of a pervasive national problem.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. It is ironic that the Hobbs Act, which was enacted in large part to accomplish this worthy goal, has been virtually emasculated. The time has come to change that. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated. Government has been unwilling to deal with this program for too long. It is time for this Congress to act.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

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

S. 1072

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 ''Freedom From Union Violence Act of 1995''.

SEC. 2. DEFINITION OF EXTORTION UNDER HOBBS ACT.

Paragraph (2) of section 1951(b) of title 18, United States Code, (commonly known as the ''Hobbs Act'') is amended to read as follows:

''(2)(A) The term 'extortion' means the obtaining of property of another—

''(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

''(ii) under color of official right.

''(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based on conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendence, at the time of such conduct, of a labor dispute (as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9))) the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence that property was obtained 'by' such conduct.''.

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 545

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Illinois [Mr. SIMON] were added as a cosponsors of S. 545, a bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property.

S. 770

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 892

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 892, a bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors.

S. 1006

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENTS SUBMITTED

THE LOBBYING DISCLOSURE ACT OF 1995

LAUTENBERG (AND FEINGOLD) AMENDMENT NO. 1846

Mr. LAUTENBERG (for himself and Mr. FEINGOLD) proposed an amendment to the bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(A) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

LEVIN (AND McCONNELL) AMENDMENT NO. 1847

Mr. LEVIN (for himself and Mr. MCCONNELL) proposed an amendment to the bill, S. 1060, supra; as follows:

At the page 57 of the bill, at line 13, strike ''required to account for lobbying expenditures and does account for lobbying expenditures pursuant'' and insert: ''subject''.

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking ''or''; and

(2) by striking clause (viii) and inserting the following:

''(viii) greater than $1,000,000 but not more than $5,000,000, or

''(ix) greater than $5,000,000.''.

(b) ASSETS AND LIABILITIES.—Section 102(b)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking ''and''; and

(2) by striking subparagraph (G) and inserting the following:

''(G) greater than $1,000,000 but not more than $5,000,000;

''(H) greater than $5,000,000 but not more than $25,000,000;

''(I) greater than $25,000,000 but not more than $50,000,000; and

''(J) greater than $5,000,000.''.

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (R) the following:

''(F) For purposes of this section, categories with amounts of values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 25, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on New Directions in Medicare.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 25 at 2:30 p.m. for a hearing on S. 929, the Department of Commerce Dismantling Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 25, 1995, beginning at 9:30 a.m., in G–50 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Employer Group Purchasing Reform Act of 1995, during the session of the Senate on Tuesday, July 25, 1995, at 9:30 a.m.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 25, 1995, at 2 p.m.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 25, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 45, Helium Reform and Deficit Reduction Act of 1995; S. 738, Helium Act of 1995; and S. 898, Helium Disposal Act of 1995.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, July 25, 1995, at 9:30 a.m., to hold a hearing on S. 946, the Information Technology Management Reform Act of 1995.

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

ADDITIONAL STATEMENTS

THE STATE VISIT OF SOUTH KOREAN PRESIDENT KIM YOUNG-SAM

● Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I would like to call my colleagues' attention today to three important milestones in our relationship with the people of Korea which we will commemorate this week: The 45th anniversary of the end of the Korean war, the dedication of the Korean War Veterans Memorial, and the state visit of the Republic of Korea's first democratically elected President in 32 years, Kim Young-sam.

Forty-five years ago this June, the North Korean military—with the backing of Chinese troops and funding and materiel from the former Soviet Union—surged south across the 38th parallel in a headlong rush towards the Korea Strait. More than 33,000 Americans lost their lives, and over 103,000 were wounded, pushing back the surge of communism and making at least the southern half of the peninsula safe for democracy. It was a tremendous loss of lives and resources, but as is inscribed on the new Korean Veterans War Memorial: ''Freedom Is Not Free.'' Today, some 45 million Koreans live free and prosperous as a result of the dedication and sacrifice of our valient fighting men..

In my mind, there is no clearer or more illustrative example in the world of the stark differences between communism and democracy than North and South Korea. South Korea is a powerful and vibrant player on the world stage. South Korea has the 11th largest economy in the world, with a growth last year of around 8 percent. Just after the war, yearly per capita income in Korea was around $82; today it is just over $10,000. Perhaps more importantly from our point of view, the ROK has grown to be our eighth largest trading partner, and our fourth largest market for agricultural products. Unlike most countries in Asia, South Korea actually runs a trade deficit, not a surplus, with the United States. On the political front, despite the ever-present threat from the North and an occasional step backward, the ROK has steadily marched toward true democracy. After decades of military rule, President Kim represents the first civilian elected government since 1962, and the country recently concluded the first round of local elections since 1960. All these developments are due solely to the hard work, sacrifice, and dedication of the South Korean people.

In contrast Mr. President, North Korea, the ''Showcase of Communism'' is a morally and economically bankrupt dictatorship teetering on the brink of implosion. Where South Korea is governed by elected leaders, the North is ruled from beyond the grave by the lingering personality cult of a leader who died over 1 year ago. While filling the airwaves with announcements of the triumph of the Communist juche ideal in leading their economy into self-sufficiency, the North is forced to import vast quantities of rice from the South and Japan to stave off widespread famine—requiring that the rice be shipped in unmarked bags aboard ships that do not fly their foreign flags from the stern so as to hide the truth from its own people. Instead of taking a responsible place in the brotherhood of nations, the North continually allies itself with the forces of subversion and terrorism. Rather than diplomacy it prefers violence; who can forget the North's assassination attack on the Presidential Residence is Seoul in 1962, its murder of much of the South Korean Cabinet in a 1983 bombing attack in Burma, its destruction of a civilian airliner with all aboard in 1987, or the countless tunnels the North has dug under the DMZ to prepare the way for an invasion of the South.

Mr. President, the difference is like day and night, and it is a difference that thousands and thousands of South Korean and United States soldiers fought and died to protect more than 40 years ago. This is why I believe that it is so important to commemorate the 45 years of alliance between the United States and the Republic of Korea. President Kim's visit here this week gives us a chance to honor those who fought and died in Korea, to celebrate the historic partnership they forged, and to recognize the ROK's tremendous achievements and growth as a democracy since 1950. It also affords us the opportunity to honor President Kim himself. President Kim is dedicated to the ideals we fought to protect; in 1993, he received the W. Averell Harriman Democracy Award and the 1994 Martin Luther King, Jr. Nonviolent Peace Prize in recognition of his work.

The ROK has made tremendous progress over the past 45 years and has accelerated its pace under the leadership of President Kim. But there are still some areas in which it needs to take concrete and important steps before it can be considered to have arrived at true democracy: for example increasing media freedom, and phasing out of some of the draconian legal vestiges of military rule such as the Labor Dispute Adjustment Act, the Trade Union Act, and the National Security. Nevertheless, I know without a doubt the Republic of Korea will arrive. It will take hard work and dedication, but no more than that which the Korean people have already shown themselves capable.

Mr. President, the challenges we face in the future—the changes in the world economy, the continued threat of an unstable North Korea—will require the same cooperative spirit we have shared over the last 45 years. And I am sure that this week, as we dedicate the Korean War Veterans Memorial, there will be born a renewed sense of friendship and alliance between us and the ROK that will stand us both in good stead into the 21st century.●

C. VIVIAN STRINGER

● Mr. HARKIN. Mr. President, like many of my fellow Iowans, I was saddened to learn that one of our most distinguished citizens will be leaving the Hawkeye State.

Last week, C. Vivian Stringer, the head coach of the women's basketball team at the University of Iowa announced that she will be leaving that post to take over as the women's basketball head coach at Rutgers University. We will miss her and wish her well.

Vivian's accomplishments at Iowa have been remarkable, to say the very least, and are worthy of our recognition.

Vivian came to the University of Iowa in 1983, taking over a struggling women's basketball program. Prior to her arrival, the team's record was a disappointing 88–139. Further, no players had ever been named to the all Big Ten or academic all Big Ten teams in the history of the school.

To make things worse, attendance at the women's basketball games was extremely poor, as the average attendance at Iowa home games was a mere 380 fans. The Hawkeyes had only made one national postseason tournament appearance in school history, and the program showed few signs of life.

This all changed when Vivian became the head coach, and in 12 years, she would make a substantial impact not only on Iowa's athletic program, but on women's athletics nationally.

As Vivian leaves the university and the State of Iowa behind, she leaves a legacy that will live on in the hearts of many, as well as in the record books. Vivian built the Hawkeyes into a national powerhouse, lifting the team's overall record to 357–223, and taking them to 10 national postseason tournament appearances.

Eight Hawkeye players have been named to the all Big Ten team, and seven have been named academic all Big Ten during Vivian's time at Iowa. By guiding her team to wins in 148 of 173 regular season home games, attendance has risen to an average of 6,147 fans for each game.

Iowans will always remember her for leading her team to the NCAA Final Four in 1992–93 for the first time in school history, just months after losing her husband, Bill Stringer, to a heart attack. Her triumphs that year were not just on the basketball court, but they were triumphs of the human spirit.

Vivian has meant a lot to women's athletics in general. She has brought her successes at Iowa to a national level, and garnered much respect for women athletes and coaches. In the world of college athletics, women have too often taken a backseat to men's athletics, and clearly do not receive the level of support that men's athletics does. Vivian has done much to raise women's athletics to a higher level, and indeed, she has enjoyed much success.

As sorry as the State of Iowa is to see her go, the step she is taking is a giant step forward for women's athletics, as well as an important step forward for Vivian and her family.

Vivian Stringer is truly a remarkable woman. She has triumphed in the face of tragedy, and has made a lasting impression on the people of Iowa, and on women's athletics. She accomplished the goals she set at Iowa, namely filling Carver-Hawkeye Arena, and taking the Hawkeyes to a Final Four. She successfully put Iowa women's basketball on the national map. She will be missed.●

INVENT AMERICA

● Mr. WARNER, Mr. President, America's hope and America's future lies with America's children—the leaders of tomorrow. Our young people embody the spirit of the Nation's can-do philosophy. That is why I am pleased today to honor ''Invent America!'', an outstanding nonprofit education program and invention competition which encourages young Americans to be creative and innovative.

''Invent America!'' has touched the lives of millions of students from kindergarten through eighth grade, providing schools with the tools they need to teach problem-solving skills and strong values, all through the art of invention. Now funded solely by the private sector, the program provides an exciting opportunity for young Americans to become young entrepreneurs. It encourages those children to expand the horizons of their knowledge and to dare to achieve.

Now celebrating its 10th year of ''bringing bright ideas out of young minds,'' the program's successes are numerous. The National ''Think Link,'' a brainchild of ''Invent America!'', offered 50,000 teachers across our country simultaneous training via satellite (at no cost) on how best to use the program in the classroom. A 12-year old winner in the program rode an ''Invent America!'' float in the Rose Bowl Parade in recognition of her award-winning invention to recycle cardboard. A young man who created a biodegradable golf tee that also fertilizes started a brand new business. In fact, several of the new ideas discovered through the program are now creating new jobs and new industries in America.

This year, one of the national winners, Kristopher Howard, from Tennessee, has been invited to testify before the subcommittee on Disability Policy. He invented the ''Handi-Cuff,'' a special device which aids the disabled.

Designed and administered by the nonprofit United States Patent Model Foundation, headquartered in Alexandria, VA, ''Invent America!'' is funded in part by the Chrysler Corp., Magna International, Motorola Corp., Black & Decker and Xerox Corp. Those corporate sponsors are hosting competition finalists at a special celebration here in the Nation's Capital. The highlight of that celebration takes place tonight: the ''Invention-Reinvention'' event at the Smithsonian's Arts and Industries Museum, hosted by the Chrysler Corp. The ten best student inventors in America will be honored, and their inventions exhibited.

Mr. President, I am delighted to pay tribute to perhaps our Nation's most treasured vision: the future of America as seen through a child's eyes.●

TRIBUTE TO JIM FINNEGAN, EDITORIAL PAGE EDITOR

● Mr. SMITH. Mr. President, I rise today to pay tribute to a friend and New Hampshire institution—Jim Finnegan. Jim is retiring this week as the editorial editor of the Union Leader newspaper in Manchester, NH.

Before moving to New Hampshire to begin writing editorials for the Union Leader 38 years ago, Jim was involved in talk radio in Pennsylvania where his populist, conservative principles, and commitment to his causes cost him his job. But he found a home at the Union Leader. Late publisher William Loeb and Jim were a perfect match—both unwavering, bedrock conservatives who used their pens to promote the ideals and traditions that reflect New Hampshire values. Bill Loeb's wife, Nackey, took over the helm after Bill passed away and, of course, she and Jim have the same relationship of mutual admiration and respect.

Jim was born 65 years ago in Philadelphia. He attended the Milton Hershey School for boys where the Dickensian regimen instilled strict discipline and high moral standards in the young Jim. That discipline and commitment to excellence is behind the nearly 40,000 editorials Jim has written over the years.

Jim's editorials have elicited strong responses from Union Leader readers during his nearly four decade tenure at the paper. The Union Leader has the most extensive ''Letters to the Editor'' section in the State, largely due to citizens reacting to Jim's outspoken opinions.

Jim's editorials have received national awards and helped the paper remain in the American political spotlight. He is a leader in the national conservative movement, dedicated to preserving the right-to-life, and a fan of opera and boxing. His love of boxing has helped Jim ''take the gloves off'' when writing his opinions on the editorial pages of New Hampshire's largest newspaper.

Jim's editorials have run the gamut from heaping praise to fearless criticism. However, he has never used party or personality as a criteria for criticism. His editorials have always been non-partisan, non-personal, and issue-oriented. He has used his pen to promote the issues in which he profoundly believes—faith, justice, good government, individual liberty, and freedom.

Victims and beneficiaries of his words agree on one thing: Jim Finnegan is a man of integrity, wisdom, wit, and principle.

On Tuesday August 1, 1995, Jim Finnegan will celebrate his 65th birthday and his final day as Editorial Editor of the Union Leader newspaper. I would like to join his family, friends, and colleagues in wishing him the happiness he so richly deserves. He will be missed by all of us who read the unique and thought-provoking editorial pages of the Union Leader.●

THE V-CHIP

● Mr. SIMON. Mr. President, today, I would like to share with my colleagues a Chicago Tribune editorial which makes a compelling argument against the Senate's V-chip proposal. I urge all of my colleagues to review it.

I ask that the full text of the article be printed at this point in the RECORD.

The article follows:

[From the Chicago Tribune, July 14, 1995]

POWER TO THE PARENTS ON TV VIOLENCE

The good news on the TV violence front is that a national consensus seems to have developed that something must be done to control the messages and images reaching American children.

The bad news is that some of the methods Congress is considering to achieve that control would do violence to the constitutional right to free expression—and that is intolerable.

There is, however, a way that promises effective control and respects the Constitution. But it will require restraint by Congress, cooperation by the TV industry and—

indispensably—determination by parents to actively monitor their children's viewing.

The Senate this week held hearings on a proposal by Sen. Ernest Hollings (D-S.C.) to regulate the hours at which programs deemed unacceptable for children could be broadcast.

This plan, though well-intentioned, is objectionable on two accounts. Not only does it involve the government in evaluating the acceptability of ideas—the very thing the 1st Amendment was created to prevent—but it also lets the government decide when those ideas may be expressed. Good intentions cannot dispel the odor of censorship emitted by this proposal.

Another idea, already incorporated in the Senate's comprehensive telecommunications legislation, is for the so-called V-chip. This is an electronic device that would be built into TV sets and would react to a broadcast signal or tag, blocking reception of programs identified as too violent or otherwise objectionable.

Sen. Kent Conrad (D-N.D.), sponsor of the V-chip proposal, would require manufacturers to begin installing such chips in new TV sets and would order the broadcasting industry to ''voluntarily'' develop a system for rating their programs for excessive violence and other objectionable content. If the industry didn't comply within a year, then a government panel would be empowered to create the ratings, which broadcasters would be required to use in tagging their programs to work with the interactive chip.

The 1st Amendment hazard in Conrad's measure ought to be obvious. There can be no truly voluntary rating system under the sort of duress that this legislation implies. What's more, for the government to require broadcasters to label their programs as too violent or too salacious is intolerable interference with the right to free expression.

New television sets ought to come with blocking devices; Congress ought to require them if manufacturers do not voluntarily include them.

But decisions as to what to block ought to remain in the hands of parents, finding their guidance wherever they choose. There is no shortage of groups—religious, artistic, others—offering views on what is worthy children's TV fare. Let them provide the information and give power to the parents.●

HONORING FRANK GAYLORD

● Mr. ROCKEFELLER. Mr. President, I rise today to honor Frank Gaylord, the sculptor of the Korean War Veterans Memorial which will be formally dedicated and unveiled this Thursday, July 27. It will be located adjacent to the Lincoln Memorial and commemorate 5.7 million Americans who often feel forgotten. These men and women fought valiantly to defend Korea from Communist forces during the Korean War which lasted from 1950–1953.

This memorial will surely be Frank Gaylord's masterpiece and gain enormous acclaim. The acclaim, however, is not what Gaylord, a Clarksburg, WV native, seeks. He sculpted this memorial because he is truly a patriot. A World War II veteran himself, he knows about the joy, agony, and countless other emotions soldiers feel every day. I, like many of my colleagues, can only imagine what it would be like to be a soldier in a heated war. Gaylord knows these emotions, and coupled with his artistic talent, has used them to create a moving memorial which will do much to make Korean War veterans more remembered and less forgotten.

The memorial has three parts. The first part consists of 19 soldiers which Gaylord sculpted, who represent the Army, Navy, Air Force, and Marines. Since the Korean war was the first time U.S. Armed Forces combat units were fully integrated, the statues are ethnically diverse and remind us of our own Nation's strengths. The second part of the memorial is an enormous granite mural which has the faces of over 2,400 support personnel etched into it. The third part is a pool of remembrance which pays homage to all of the soldiers who were killed, captured, or wounded. Also, along the side of the entrance to the memorial is a slab of smoothed granite which recognizes each of the 22 nations which fought Communist aggression in Korea more than 40 years ago.

In 1950, the United States sent troops to Korea to defend South Korea. Three years later, on July 27, 1953, they emerged victorious. The Korean war veterans who fought are rarely mentioned along side those from other wars, such as World War II and Viet Nam. Many who did not serve in Korea or have family who served there either do not know much about the war or do not remember it. However, thanks to the dedicated work, time, and talents of Frank Gaylord and other U.S. veterans, this memorial will generate a lasting image of the bravery and honor of Korean war veterans. No longer shall the courageous men and women of the Korean war feel forgotten. Their sacrifices are now officially recognized as this week we dedicate this incredibly impressive Korean War Veterans Memorial.●

DUAL EDUCATION TEACHES STUDENTS TO WORK

● Mr. SIMON. Mr. President, I was proud to be the chief Senate sponsor of the School-to-Work Opportunities Act, signed into law by President Clinton in April 1994. The act provides venture capital for the coordination, integration, merger, streamlining, and performance-based accountability of education and vocational programs. The Department of Labor estimates that 116,351 students, 41,772 employers, and 2,730 schools are involved in state and local school-to-work ventures.

Recently, I came across an insightful article by Hedrick Smith on why school to work is so important to the education of our young people and the economic competitiveness of our Nation. I ask that the article be printed in the RECORD.

The article follows:

[From the St. Louis Post Dispatch, July 14, 1995]

DUAL EDUCATION TEACHES STUDENTS TO WORK

(By Hedrick Smith)

With corporate profits and stock prices soaring, Wall Street has a lot to cheer about. The World Economic Forum of Switzerland now rates the United States as the world's most competitive economy.

But the Forum mixed praise with the warning that America would lose its No. 1 status unless it develops better education for its high school students.

Thoughtful business leaders echo the concern about the high cost of America's educational shortfall. Lou Gerstner, chief executive of IBM, says corporate America spends $30 billion a year on remedial education for new workers.

Gerstner says American businesses lose another $30 billion each year, unable to upgrade their operations and products ''because their employees can't learn the necessary skills.''

''We can't squander $60 billion and remain competitive,'' Gerstner declares.

America is justifiably proud of its college-level education and its college-prep track. But high economic performance also requires a world-class education for our average teenagers.

Seventy percent of the jobs in the American economy do not require a bachelor's degree, and 70 percent of America's young people do not complete four years of college.

They are the backbone of our future work force.

Industry and the service sector needs hundreds of thousands of paralegals, radiologists, engineering technicians, graphic illustrators, medical technicians and research workers, plus a more flexible, computer-literate generation for banking, insurance and other service industries.

But America lacks a nationwide educational strategy to meet the mushrooming needs of modern industry. The most innovative businesses, educators and communities have discovered that one solution lies in rethinking education and forging a close partnership between business and high schools.

Some innovators have found a model in Germany. Two-thirds of Germany's teenagers take ''dual education,'' which combines classroom learning with half-time training on the job.

This is not mere vocational training in a school shop class with outmoded technology. German teenagers are trained right in the modern workplace—the factory, bank, hospital, newspaper, insurance company and electronics giant. Business involvement drives classroom educational standards higher.

In 400 career fields, German businesses and public schools deliver a world-class education: physics classes that help future auto workers understand electronics and computer-run automation; economics and finance classes that match the needs of modern banking; chemistry classes that prepare young printers to design and print complex illustrations on many surfaces.

Several American states and cities have adapted the German model.

In 1991, Wisconsin began a dual-education, apprenticeship-style program for high school students in its high-tech printing industry. So successful was the program that it moved into banking, insurance, health care, electronics, engineering, tourism, auto technology and manufacturing. From two communities in 1991, Wisconsin's youth apprenticeship program has spread to 200 businesses training 450 students from 85 high schools across the state.

Pennsylvania, Maine, Arkansas, Maryland and upstate New York have begun similar programs. In Boston, hospitals and the financial industry are working with inner-city high schools. In Tulsa, Okla., the lead has been taken by the Chamber of Commerce and the machine-tool industry.

These programs are generating great enthusiasm among businesses, parents, teachers and students. The results are dramatic: Student motivation and performance have soared.

So a business-education partnership is taking root, but it is slow going. The gulf between business and education is still vast. They speak different languages and go their separate ways.

Rethinking America's educational strategy requires overcoming suspicions, accepting joint responsibility and sitting down together to find the common ground.

Business and education have to rewrite school courses, train industry mentors, retrain teachers and devise industrial and educational standards that meet the test of global competition.

German industry spends about $15 billion a year on dual education. To match that commitment, American industry would have to spend $60 billion a year.

Impossible, you say?

But remember, Gerstner says that American industry is already spending or losing $60 billion because of our educational shortfall. So why not spend the money upfront on a world-class, dual-education system?

In 1993, Congress passed the School-to-Work Act, authorizing $250 million a year in seed money for seven years to develop this new strategy for high school education.

States had to compete for federal ''venture capital'' to help them gear up for this new approach.

In 1994, grants went to eight leading-edge states and 36 local areas. More are lined up this year—that is, unless Congress kills this wise investment in America's future.

That would shortchange both our economy and the next generation.●

HONORING BRUCE A. PERCELAY

● Mr. KERRY. Mr. President, Bruce Percelay celebrated his 40th birthday yesterday, and I ask my colleagues to join me in extending him our deepest congratulations and our sincere best wishes for the future.

Mr. President, Bruce Percelay is a special person. He is a man who has made a difference to Massachusetts. He is one of those rare individuals who has enjoyed personal success, but takes time to give something back. He is one of the most respected and appreciated civic leaders of greater Boston, and his charitable works are of enormous consequence to our community.

Some in my State know Bruce Percelay because of his dedication and hard work to his profession. He is a recognized expert in real estate investment, renovation, and marketing, and, in fact, has written a book based on his real estate experience which made the list of Boston's top selling business books. He has appeared on television and has been quoted in magazines and newspapers around the country for his wit and wisdom.

But, others know Bruce Percelay for something perhaps more important. They know him for the work he has done to give young people a chance. They know him for what he has done to make a difference in the lives of people, and in the life of our community.

As President of the Boston chapter of the Make-A-Wish Foundation, Bruce has, through his creativity and hard work, made sure that the Foundation is strong enough to survive for years to come. He has increased the Foundation's financial reserves by 400 percent, and found it a permanent home in a new, prime, downtown office location.

He has overseen the development of a permanent charter and a 5-year strategic plan, expanded the board of directors, improved the quality of the foundation's special events and was successful in recruiting another well-known Massachusetts native to serve as chairperson, Carly Simon.

Mr. President, Bruce Percelay is a very special human being who cares deeply for his community and for people who need a helping hand. Let me tell Bruce's greatest achievement as president of Make-A-Wish, and a touching story that has affected all of us in Massachusetts. Bruce was single-handedly responsible for granting the largest of all wishes ever granted by Make-A-Wish worldwide.

He arranged, Mr. President, for a family with two terminally ill children and no father to own there own home without a mortgage. The children have since died, and the mother is raising her two remaining children in the home.

Bruce worked and worked and worked to grant the wish of the oldest child for his mother to have a place to live after he died; and he made it happen.

Because of Bruce Percelay, Mr. President, the Boston chapter of Make-A-Wish is one of the fastest growing of the 80 chapters in the United States. And I would ask my colleagues to join me in recognizing the extraordinary contribution Bruce has made to Make-A-Wish, but that's not all he has done.

A program near and dear to my heart, as you well know, Mr. President, has also benefitted from the community spirit of Bruce Percelay. Because of his efforts YouthBuild Boston is an extraordinarily successful inner-city youth development program that has helped hundreds of at-risk kids become self-sufficient through education and personal character development.

Bruce first became involved with YouthBuild in February, 1993, just about 2½ years ago. Since then Bruce has been the driving force behind a critical fund-raising component that may ultimately provide 50 percent of YouthBuild's financial support reducing its dependence on Federal funding-though successful and proven programs like YouthBuild should never lose the support of this Congress.

What Bruce did was not easy, and, in fact, it was it was an innovative and persuasive approach that assured community participation and a partnership for success.

Through his persistence and his perseverance he brought YouthBuild together with Boston's banking community and established a board of advisors who agreed to become sponsors of the organization, and together they have raised $500,000 to buy and renovate a site that will be YouthBuild's permanent home.

Because of Bruce's hands-on participation and commitment, a recent event for YouthBuild at the Kennedy Library in Boston had an unprecedented turnout of over 500 business people to launch this major fund-raising effort.

Mr. President, Bruce Percelay knows what citizenship means. He values service and has a commitment to creating the kind of partnerships necessary to make community programs succeed and grow. He is a worker, a giver, a doer, and, perhaps, a little bit of a dreamer who has helped to rekindle the flame of hope and restore the spirit of community in each of us in Massachusetts.

His good-will and good deeds should be an example for all of us, in every state, in every community who believe in giving something back and trying to make a difference in the lives of those who need a hand.

Mr. President, on this, his 40th birthday, I think it is fitting for the United States Senate to recognize, congratulate, and honor Bruce Percelay, and to wish him continued personal success, good health, and many, many more years in which to enjoy them.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no morning business, morning business is closed.

RECESS UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:30 a.m., Wednesday, July 26.

Thereupon, the Senate, at 10:05 p.m., recessed until Wednesday, July 26, 1995, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1995:

THE JUDICIARY

MICHAEL R. MURPHY, OF UTAH, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE MONROE G. MCKAY, RETIRED.

DEPARTMENT OF THE INTERIOR

PAUL M. HOMAN, OF THE DISTRICT OF COLUMBIA, TO BE SPECIAL TRUSTEE. OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR. (NEW POSITION)

EXTENSIONS OF REMARKS

THE EXPLOITATION OF CHILD LABOR IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. BURTON of Indiana. Mr. Speaker, much attention was appropriately focussed on human rights abuses by the Indian Government against minorities in Kashmir and Punjab during recent consideration of H.R. 1868, the foreign aid appropriations bill for 1996. However, there exists another little-known human rights problem in India, which is every bit as grave. This problem, which received little discussion, is the exploitation of child labor. The United States Government and the international community have paid little attention to the prolific employment of young children. It is time to attend to this neglect.

Child labor in India is a grave and extensive problem. Children under the age of 14 are forced to work in glass-blowing, fireworks, and most commonly, carpet-making factories. While the Government of India reports about 20 million children laborers, other non-governmental organizations estimate the number to be closer to 50 million. Most prevalent in the northern part of India, the exploitation of child labor has become an accepted practice, and is viewed by the local population as necessary to overcome the extreme poverty in the region.

Child labor is one of the main components of the carpet industry. Factories pay children extremely low wages, for which adults refuse to work, while forcing the youngsters to slave under perilous and unhygienic labor conditions. Many of these children are migrant workers, the majority coming from northern India, who are sent away by their families to earn an income sent directly home. Thus, children are forced to endure the despicable conditions of the carpet factories, as their families depend on their wages.

The situation of the children at the factories is desperate. Most work around 12 hours a day, with only small breaks for meals. Ill-nourished, the children are very often fed only minimal staples. The vast majority of migrant child workers who cannot return home at night sleep alongside of their loom, further inviting sickness and poor health.

Taking aggressive action to eliminate this problem is difficult in a nation where 75 percent of the population lives in rural areas, most often stricken by poverty. Children are viewed as a form of economic security in this desolate setting, necessary to help supplement their families' income. Parents often sacrifice their children's education, as offspring are often expected to uphold their roles as wage-earning members of their clan.

The Indian Government has taken some steps to alleviate this monumental problem. In 1989, India invoked a law that made the employment of children under age 14 illegal, except in family-owned factories. However, this law is rarely followed, and does not apply to the employment of family members. Thus, factories often circumvent the law through claims of hiring distant family. Also, in rural areas, there are few enforcement mechanisms, and punishment for factories violating the mandate is minimal, if not nonexistent.

Legal action taken against the proliferation of child labor often produces few results. Laws against such abuses have little effect in a nation where this abhorred practice is accepted as being necessary for poor families to earn an income. Thus, an extensive reform process is necessary to eliminate the proliferation of child labor abuses in India which strives to end the desperate poverty in the nation. Changing the structure of the workforce and hiring the high number of currently unemployed adults in greatly improved work conditions is only the first step in this lengthy process. New labor standards and wages must be adopted and medical examinations and minimum nutrition requirements must be established in India. Establishing schools and eliminating the rampant illiteracy that plagues the country would work to preserve structural changes. However, these changes cannot be accomplished immediately. Pressure from the international community, especially the United States Government, is absolutely necessary to bring about change in India.

I believe that it is imperative for the U.S. Congress and the Clinton administration to pay more attention to the exploitation of children in India as well as other areas in South and Southeast Asia. Currently, Germany has instigated a pilot program that places a stamp on all imported carpets that are child labor free, thus urging consumers to buy these products. Because of the high price range of these carpets, similar programs can and should be given serious consideration in the United States.

The Child Labor Deterrence Act of 1993, which is still under consideration, prohibits importing to the U.S. any product made, whole or in part, by children under 15 who are employed in industry. While this aspect of the bill may be effective, the United States needs to take action regarding child labor abuses, specifically targeted at India. Mr. Speaker, I call on every Member of Congress to pay more attention to this little-recognized problem. We must acknowledge the fact that we cannot continue to sustain the exploitation of children by purchasing carpets woven by the hands of children.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. NUSSLE. Mr. Speaker, on Monday, July 24, I missed a series of rollcall votes—Rollcall Votes No. 555–562. Had I been present during those votes, I would have cast my vote in the following manner:

Rollcall Votes

Number:	*Position*
555 (Gejdenson Amendment to H.R. 70)	No
556 (Miller Amendment to H.R. 70)	No
557 (Final Passage of H.R. 70)	Aye
558 (LaTourette Amendment to H.R. 2002)	No
559 (Foglietta Amendment to H.R. 2002)	No
560 (Smith Amendment to H.R. 2002)	Aye
561 (Smith Amendment to H.R. 2002)	Aye
562 (Hefley Amendment to H.R. 2002)	Aye

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. LIPINSKI. Mr. Chairman, I rise to express my strong opposition to the amendment offered by the gentleman from Michigan.

The administration's high-speed rail development program is designed to reduce the cost and improve the safety and performance of the kinds of high-speed rail projects that are most likely to find application in the United States.

The program is practical. It is targeted at safe, economical, environmentally friendly all-weather service by the year 2000 in all areas of the Nation. Such service alleviates the need for additional highway and airport capacity which are increasingly difficult and expensive to obtain.

And we're not talking about building new track here. It will make use of existing rail lines and doesn't require the expense of major new construction.

We have seen from the tremendous Amtrak ridership on the Northeast corridor that the public wants and will use high-speed rail technology throughout the country. This technology could be implemented in city pairs such as Detroit-Chicago, Chicago-St. Louis, Portland-Seattle, San Diego-Los Angeles, and Miami-Orlando, where trip times can be under 3 hours.

The Federal role proposed here is to provide the technology base. The States of Michigan, Illinois, Washington, California, Florida, and New York want high-speed rail and have already dedicated State funds. It is unreasonable and uneconomical to expect 15 or 20 States to each undertake technology development programs.

If this amendment were to pass, the progress that has already been made in this area will have been for naught. I understand that the gentleman is offering this amendment because he wants to save money. If his amendment passes, we will have thrown away the substantial and worthwhile investments we've made. Now that's a waste of money.

Mr. Chairman, I urge my colleagues to oppose this amendment. High-speed rail has a legitimate future in this Nation. Let's not throw it away.

TRIBUTE TO LELA HAYNES SESSION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Lela Haynes Session for her many years of service to the people of Berkeley County and the State of South Carolina.

Dr. Session was born in Moncks Corner, SC, to the late Mr. and Mrs. David Haynes. She was educated in the public schools of Charleston and Berkeley Counties and later received her bachelor of science degree from Allen University and master of science degree from South Carolina State University. Dr. Session furthered her studies at North Carolina College, Duke University, Tuskegee Institute, and Union Baptist Seminary. She has also been awarded an honorary doctor of humane letters.

During her 28 years with the Berkely County Schools, Dr. Session served as supervisor of elementary education, supervisor of adult education, director of retirement, and director of teacher welfare, personnel division.

Dr. Session has a long, impressive history of involvement in extracurricular and community activities, starting at Allen University in the early 1940's. While completing her undergraduate degree at Allen, she found time to participate in the drama club and the college choir. Dr. Session's leadership skills were evident in roles such as president of the Y.W.C.A., treasurer of Sunday school, and school nurse.

Endowed with a commitment to helping others and a keen sense of the need to improve quality of community life, Dr. Session's work epitomizes the motto, ''Build Your Community, Build The World.'' She devotes her time, energy, and talents to a variety of civic and professional activities. Some of these activities include: State delegate to the National Democratic Convention, vice president of the Moncks Corner Precinct Democratic Party, president of the Berkeley County Habitat for Humanity, Sigma Gamma Rho Sorority, Trident United Way, National Education Association, and the National Council of Negro Women.

Dr. Session is a longtime member of the African Methodist Episcopal Church where she serves as a trustee and stewardess. She has served as a consultant for the Lay Organization of the 7th Episcopal District, director of public relations for the Connectional Lay Organization, Young People Director, and Educational Worker of the Women's Missionary Society.

Mr. Speaker, I commend Dr. Lela Haynes Session for a lifetime of dedicated service to the people of Berkeley County and the State of South Carolina and join her family and friends in saluting her on September 2, 1995 at the Oaks Country Club in Goose Creek, SC.

HONORING BILL HUBBARD AND 25 YEARS OF THE CENTER FOR HOUSING PARTNERSHIPS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Mr. William N. Hubbard, founder of the Center for Housing Partnerships.

For 25 years, the Center for Housing Partnerships has been revitalizing decayed neighborhoods through a combination of government assistance, conventional financing, and private investment. The organization's objective is to renew dilapidated neighborhoods by restoring abandoned apartment buildings and turn of the century brownstones. Many of these buildings are then leased to low-income families under the section 8 program of the Department of Housing and Urban Development. Since 1971, the center has developed and managed over 20 projects, consisting of more than 3,000 apartment units, with a total value of over $200 million.

The Center for Housing Partnerships was founded by my close friend, William N. Hubbard. Bill is president of Center for Housing Partnerships and is responsible for new business development as well as dealing with financial institutions and government agencies. He is a director of the Citizens Housing and Planning Council and was associated with the New York Urban Coalition's Housing Rehabilitation Task Force. Bill served as general counsel to New York State Senator Thomas Bartosiewicz, is a member of the State Democratic Senate Advisory Committee, and is finance chairman for Assemblyman Pete Grannis, chairman of the New York State Assembly Insurance Committee.

I would like to extend my sincerest thanks to Bill Hubbard and the Center for Housing Partnerships for their continuing efforts in revitalizing our city's communities. They are instilling renewed hope to communities who only saw the decay and despair of their crumbling neighborhoods. Thanks to the Center of Housing and Partnership, we can look forward to another 25 years of economic renewal and other important social benefits.

PERSONAL EXPLANATION

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. MFUME. Mr. Speaker, I was, unfortunately, detained in my congressional district in Baltimore earlier today to attend the funeral of five family members who were tragically killed late last week. In my absence, I was forced to miss two record votes. Specifically, I was not present to record my vote on rollcall vote No. 563, motion to recommit the Bill H.R. 1942, and rollcall vote No. 564, final passage of H.R. 1942.

Had I been here I would have voted ''yea'' on rollcall vote No. 563, the motion to recommit, and ''nay'' on rollcall No. 564, final passage.

LT. KURT S. OSUCH, AN AMERICAN HERO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to pay tribute to Marine Corps Lt. Kurt S. Osuch of Linden, NJ, because as he put it, ''Marines do what Marines have to do.'' A horrible tragedy occurred on July 4, 1995. A traffic accident claimed the lives of Evelyn Dotson, Gwendolyn King, Henrietta Lathen and Jeanne Sanford.

Because of the brave actions of this fine American and marine, the list of fatalities is not as long as it might have been. It was in the early hours of July 4 that Lieutenant Osuch saved the lives of Matthew and Johnnie Buie. Mr. and Mrs. Buie were the only survivors of six members of St. Augustine Presbyterian Church in Paterson, who were traveling from a communion that morning when their van burst into flames after it was struck by a car heading in the wrong direction on the Garden State Parkway.

Lieutenant Osuch, returning from a friend's house, noticed the burning van and unlike several other passing motorists, stopped and in a selfless act of courage, pulled the two survivors from the van's front seats to safety. Lieutenant Osuch said that he was just doing what anyone else would have done. The fact is, he responded extraordinarily.

Lt. Kurt Osuch's sense of duty did not begin with this incident. Lieutenant Osuch, a graduate of Linden High School, enlisted in the Marine Corps in July 1982. Following boot camp he became an aviation technician. In July 1984, he entered the 2d Marine Air Wing at Cherry Point, NC. He was stationed in Okinawa between December 1984 and January 1986, where he served in the 1st Marine Air Wing. Following his duties in Okinawa, Lieutenant Osuch was a marine security guard in Beirut, Lebanon until June 1988.

In August 1988, the Marine Commissioning Enlistment Program brought him to the campus of Auburn University. He graduated from Auburn in March 1991, joining the ranks of the 10 percent of marines who are selected for and complete the Marine Commissioning Enlistment Program.

Lieutenant Osuch then became a field artillery officer in the 2d Battalion of the 10th Marines in the 2d Marine Division. He served in this capacity until January 1995. During this time, Lieutenant Osuch served his country in Mogadishu, Somalia, participating in Operation Restore Hope. He has also received the Navy Achievement Award for superior performance of his duties. Lieutenant Osuch currently serves as an operations officer and works at the Marine recruiting headquarters in Iselin, NJ.

Mr. Speaker, we, in New Jersey, have been reminded how fortunate we all are that marines do what marines have to do. I urge all of my colleagues to join with me in acknowledging a real American hero. Lt. Kurt Osuch.

TRIBUTE TO GEORGE E. NORCROSS, SR.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate and honor the accomplishments and contributions of George E. Norcross, Sr. Mr. Norcross is a man who has lived the American dream through hard work and dedication to the community. Having recently retired as president of the AFL–CIO Central Labor Council of South Jersey, I recognize Mr. Norcross as a shining example for us all.

For over half a century Mr. Norcross has served the working men and women of this country. Mr. Norcross began his career with the International Brotherhood of Electrical Workers. His leadership skills and personal rapport with others quickly earned him a position as an organizer with the International Union of Electric, Electrical, Salaried, Machine, and Furniture Workers. His dynamic leadership enabled him to lead successful organizing campaigns not only in New Jersey, but throughout the Nation. One such campaign brought him to Greenville, TN, where he met the future Mrs. Carol Norcross. After successful national campaigns, Mr. Norcross and his wife returned to Camden, NJ, to serve local 106 in Moorstown and raise their family.

After concentrating on organizational activities at the beginning of his career, Mr. Norcross turned his attention to the administration of local labor organizations as well as concentrating on civic participation and service. Since 1955, Mr. Norcross has served as president of the Union Organization for Social Service. His achievements as president of this organization range from food banks and clothing drives to the treatment of alcohol abuse and disaster relief. His commitment to the needs of his community has been unending, and his desire to improve the lives of those who live there inspirational. Under his leadership, the 80,000 members of AFL–CIO Central Labor Union contributed tens of millions of dollars and countless working hours in support of civic programs.

In 1979, Mr. Norcross founded and served as President of the RCA Local No. 106 in Moorestown, NJ, where he established such programs as annual food and clothing drives. In addition, he was an international representative for the International Union of Electrical Workers where he is remembered for creating scholarship programs for the children of union members.

Mr. Norcross is noted for his leadership for the United Way. In 1982, he began as chairman for the United Way campaign. Shortly thereafter, he served as vice president of the United Way of Camden County followed by his office as president of the United Way for Pennsylvania, New Jersey, and Delaware. Today, he is chairman of the United Way board. His leadership has inspired many to become involved in the work of United Way and the many services they provide to every community. In addition, Mr. Norcross founded the United Way Labor Support Committee, an entity dedicated to informing union members of the benefits extended to them by United Way.

Mr. Norcross is truly a man dedicated to the continued improvement of his community. His many accomplishments throughout his career testify to his commitment and tireless service. He will certainly be missed in his retirement, however, his accomplishments will continue to improve peoples' lives for decades. His dedication and service will serve as a continuous example for others. I commend George Norcross, Sr. for all that he has done for his community, and I wish him peace and happiness in the years to follow.

INTRODUCTION OF RESOLUTION NAMING THE SOCIAL SECURITY ADMINISTRATION'S WESTERN PROGRAM SERVICE CENTER IN RICHMOND, CA, THE FRANCIS J. HAGEL BUILDING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. MILLER of California. Mr. Speaker, in recognition of the pivotal contributions yielded by Francis J. Hagel to the residents of the city of Richmond, I am introducing this resolution designating the Social Security Administration's Western Program Service Center to be named the Francis J. Hagel Building.

A resident of Richmond himself, Francis J. Hagel served his community as an Assistant Regional Commissioner for Processing Center Operations of the Social Security Administration's Western Program Service Center. Mr. Hagel oversaw the processing of benefit payment records for over 4.5 million people throughout the Nation, enhancing the quality of life of the denizens who were eligible for Social Security benefits.

As a citizen of Richmond, he was steadfast in his devotion to his city, providing crucial aid, in the form of community service, to fellow residents. As a result of his selfless and incalculable service to the city of Richmond and its habitants, Francis J. Hagel became an integral part of the foundations of the community, beloved by those who knew him.

This resolution is supported by the mayor and city council of Richmond.

Mr. Speaker, I'm sure you would agree, in light of these numerous invaluable contributions to his city and his neighbors, Francis J. Hagel is most deserving of the honor this resolution proposes to accord him in changing the name of the Social Security Administration's Western Program Service Center to the Francis J. Hagel Building.

PERSONAL EXPLANATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. GOODLING. Mr. Speaker, I regret my unavoidable absence for rollcall votes No. 546 through No. 554. I was tending to a family emergency and was granted a leave of absence.

Had I been present, I would have voted as follows: on rollcall vote No. 546, ''aye''; on rollcall vote No. 547, ''nay''; on rollcall vote No. 548, ''aye''; on rollcall vote No. 549, ''nay''; on rollcall vote No. 550, ''nay''; on rollcall vote No. 551, ''aye''; on rollcall vote No. 552, ''aye''; on rollcall vote No. 553, ''aye''; on rollcall vote No. 554, ''aye.''

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. LIPINSKI. Mr. Chairman, I rise to express my strong opposition to the amendment offered by the gentleman from Colorado.

I think we all know that the gentleman supports the elimination of the Interstate Commerce Commission. That has been well documented over the years. But this amendment goes beyond previous years' attempts to sunset the ICC. This amendment would take a deliberate, organized process of transition from the ICC to DOT and throw it completely off course.

Nobody here has any illusions about the future of the ICC. The Transportation and Infrastructure Committee's Subcommittee on Railroads, on which I am the ranking Democratic member, is currently in the process of drafting legislation to sunset the ICC. We are in the process of determining which functions of the agency should be retained and absorbed by the Department of Transportation or a Commerce Board. Slashing the ICC's appropriation in this bill is tantamount to pulling the rug out from under our feet as we try to move forward—not to mention the disruption it would have on the close down of the ICC itself.

The truth is that Mr. HEFLEY'S amendment would not fund sufficient staff to perform ICC functions which are certain to be transferred. In fact, the amendment would hamstring the Federal Government's ability to carry out regulatory functions that even the regulated industries have said are necessary.

This amendment would fund only 53 positions at DOT for all remaining ICC rail functions. These 53 people would process all proposed rail consolidations and mergers, line abandonment and construction proposals, and line sale requests. They would also review shipper rate complaints, all rail car supply and interchange disputes, and shipper complaints seeking competitive access to more than one rail carrier.

These individuals would also process the 300 motor carrier undercharge cases currently pending before the Commission. I know that my colleagues are familiar with the undercharge crisis and recognize that millions of dollars of disputes are currently pending in courts around the country. Many of them will eventually be referred to the Commission or its successor.

I think my point is quite clear: 53 people cannot effectively perform all these tasks. And none of these areas is slated for deregulation.

This amendment would wreak havoc on the ICC and the transition to its successor. And let's be honest here—the affected industries and the American people will pay the price if this misguided amendment passes. It is one thing to support regulatory reform and efficiency, and entirely another to intentionally underfund and thereby undermine a sound regulatory process.

You want to get rid of the Interstate Commerce Commission?

Fine. But let's do it right. Vote ''no'' on the Hefley amendment.

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

CRIME IS ON THE RISE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. MARTINI. Mr. Speaker, I rise today to address the House of Representatives with regard to a tragedy that has become far too common in this day and age. I am referring to the acts of senseless violence committed against our children that tear at the fabric of our society.

On a street in Paterson, NJ, a town in my congressional district, a young woman's dream to become a Wall Street entrepreneur or a scholar was shattered on Friday. She was attacked by unknown assailants who had approached her car and demanded money. When the young woman told her attackers that she had no money one of the men fired shots through the driver's side window. She was struck by the barrage of bullets; her best friend and the community were left in tears, by her side.

Cindy Del Carmen Villalba was 20 years old. She died 5 days short of her 21st birthday. Cindy was the valedictorian of her high school class, the first member of her family to attend college, and an honor student at Rutgers University in New Jersey where she studied business communications and Spanish. Cindy had just returned from a foreign study program where she taught, as well as learned from, schoolchildren in Costa Rica. She was 1 of 12 students chosen from Rutgers University to participate in the 6 week service, study program. In addition to her scholarly activities, she also was active in a dance troupe whose work explored Colombian themes and folklore, and she taught catechism at St. John's Cathedral.

Crime in our country is on the rise and the insecurity it breeds will erode the American peoples faith in the land of opportunity. It is with this passing that we as the Congress, as a Nation, and as a people need to summon the strength to dedicate ourselves to ending crime. Such an action will keep the memory of this young woman alive.

Mr. Speaker, please join me in extending my condolences to the family and friends of Cindy Del Carmen Villalba. It is a shame when a woman with such a bright future is taken from this world in such a senseless manner. She will be missed by everyone whose heart she touched and whose life she brightened.

THE DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Ms. NORTON. Mr. Speaker, today I am introducing a bill that advances the process for realizing two major projects in the District of Columbia: The District of Columbia Convention Center and Sports Arena Authorization Act of 1995. This bill combines and refines two bills that were previously introduced, taking each of these projects another step forward.

The sections addressing the convention center project allow for the expenditure of previously collected taxes for preconstruction work so that cost estimates and time lines can be confirmed before the building process begins. Additionally, it allows for the expenditure of funds to operate the present convention center. This language goes greatly unchanged from that in the previously introduced bill, H.R. 1862.

The sections addressing the sports arena refine the language in previously introduced bill, H.R. 1843. These sections allow the District to use an annually collected tax to finance the land acquisition and other background work for the sports arena project. Once these steps are taken, the sports arena can be built.

Both of these projects are being financed by District and private resources, and will bring significant revenue into the District's shrinking coffers. Additionally, both projects will bring additional and much needed jobs to District residents, both while the projects are in development and during the future operations of these facilities.

I am pleased to be joined in cosponsorship and support of this bill by so many of my colleagues on both sides of the aisle. I hope we can work together for speedy passage of this bill.

IMPORTANT FINDINGS ON VISION IMPAIRMENT AMONG OLDER AMERICANS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues new findings on a problem that affects millions of middle-aged and older Americans: impaired vision.

Recently, The Lighthouse, Inc.—a vision rehabilitation organization—commissioned a poll on vision loss which was conducted by Louis Harris and Associates. As part of this comprehensive study, over 1,200 Americans 45 or older were interviewed to determine the prevalence and severity of impaired vision. The results of the survey are stunning. Approximately one in six Americans 45 years of age or older report that he or she experiences moderately or severely impaired vision. Many suffer even while wearing corrective glasses or contact lenses. For adults 75 years or older, the number is even more startling: one in four have vision difficulties. When applied to the entire Nation, the survey shows that 13.5 million Americans aged 45 or older suffer some degree of vision impairment.

One of the most disturbing aspects of this problem is the lack of public awareness about treatment options and facilities. Thirty-five percent of Americans surveyed were found to be unaware of local services for people with impaired vision. Also, while 89 percent of those surveyed think health insurance for vision impairment is somewhat or very important, only 75 percent are covered for severe vision impairment.

While many people suffering from vision impairment realize there are a variety of options to help correct vision loss—optical devices, adaptive aids, and rehabilitation—the Lighthouse survey shows that all of these options are under-utilized. Clearly, in combating vision impairment, one of our first targets must be to wipe out widespread ignorance about a problem that afflicts one in six Americans.

Mr. Speaker, as the Lighthouse study shows, we must take steps to guarantee that Americans can see with clarity. Such steps will improve the health, productivity and quality of life for millions of Americans. I ask my colleagues to join me in saluting the efforts of the Lighthouse, Inc. and to urge further action on this important topic.

VISITOR SERVICES IMPROVEMENT AND OUTDOOR LEGACY ACT OF 1995

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. HANSEN. Mr. Speaker, today I am introducing legislation to improve the recreation experience on our Federal lands. Currently, funding to support recreational use of Federal lands is declining at the same time that recreational use is increasing. The staffing of the Federal land management agencies is inadequate and facilities, many of which are undersized, are deteriorating beyond the point where cost-effective repairs can be undertaken.

Some have urged that we simply appropriate more money for these purposes. However, in this time of deficient reduction, no one is approaching me volunteering programs with surplus funds. We must find ways to spend existing funds more wisely and to generate more funds within the programs themselves. The bill I am introducing today moves a long way in that direction.

Recreational use of Federal lands is one of the best deals in America today. It is such a good deal because 90 percent of the costs of services provided to recreational users are paid by persons who don't use the Federal lands. In recent years, recreational use on Federal lands has been subsidized by nearly $1 billion annually. However, if we could develop a way for recreational users of Federal lands to pay just $1 per person for their recreational use, Federal recreation programs would be self-sufficient.

The current Federal recreation fee program, as codified in section 4 of the Land and Water Conservation Fund Act, is in need of a complete overhaul. There are three major problems with the existing law: First, inadequate cost recovery, second, lack of incentives for fee collection, and third, complex and often conflicting policies as a result of past congressional micromanagement of this program.

The legislation I am introducing today reflects a total revision of the existing law. Under my legislation, recreation user will be required to pay 75 percent of the annual costs of services provided to them. However, this legislation is not just a fee offset bill. It provides for

Congress to pay for not only the balance of the annual operating costs, but to provide funds for recreation facility construction and rehabilitation as well. As visitation goes up, so will fees and ultimately overall program funding. This legislation is designed to reverse the current trend of decreasing appropriations for visitor services.

One of the key features of this legislation, and of any successful fee program, is providing program incentives. By permitting the agencies to retain all funds without further appropriation, my legislation provides substantial incentives for both the public and the agencies administering the program. Further, most of the funds would be kept right in the area they are collected, with some allowance made for areas which cannot collect adequate recreational fees.

Other important features of this bill include the following: First, developing a consistent recreation fee policy for the 5 primary Federal land management agencies; second, providing flexibility in the amount of fees charged, but ensuring that fees collected are fair; third, limiting recreational fees to developed recreation sites and other specific recreational services provided by the federal agencies; fourth, ensuring congressional oversight of rates charged; fifth, permitting the use of volunteers to collect fees; sixth, ensuring accountability of fees collected; seventh, prohibiting fees for Federal hunting and fishing licenses; and eighth, guaranteeing access to private property without requiring the payment of any fee.

Taken together, these reforms will fundamentally change the manner in which the fee programs on Federal lands currently operate. These are changes which will work to the benefit of all recreational users of Federal lands. I look forward to working with my colleagues on this legislation, I welcome their input, and that of the public who uses our Federal lands.

PERSONAL EXPLANATION

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. SEASTRAND. Mr. Speaker, on rollcall Nos. 552 through 557 I was unavoidably detained due to district travel plans and therefore unable to vote.

Had I been present I would have voted ''no'' on rollcalls 552, 555, and 556 and ''yes'' on rollcalls 553, 554, and 557.

THE EMPLOYMENT OF U.S. CITIZENS IN THE UNITED NATIONS SYSTEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. HAMILTON. Mr. Speaker, it has come to my attention that U.S. citizens are allocated approximately 15 percent of U.N. posts, despite the fact that U.S. assessed contributions amount to 25 percent of the organization's regular budget. The geographic distribution formula for U.N. employees, which includes population and membership as well as contributions, does not appear to reflect the disproportionate responsibilities born by the United States within the U.N. system. A separate concern is that the U.N. Secretariat consistently fails to meet even this relatively low employment allocation; only 10 percent of all U.N. employees are U.S. citizens.

I believe this is a serious problem that deserves high-level consideration. My reservations about U.N. employment policies are outlined in a letter I sent recently to the Department of State. I ask that my letter, and the Department's response, be included in the CONGRESSIONAL RECORD.

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, June 16, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: I write to inquire what steps the Administration has taken to increase the employment of U.S. citizens in the United Nations system.

My inquiry is prompted by the most recent report to Congress on this subject, as required by section 181 of P.L. 102–138, which was submitted on June 2.

My reading of the report indicates the following:

(1) The United States accepts the U.N. Secretariat's ability to exclude large numbers of U.N. positions from the application of the principle of equitable geographic distribution; and

(2) The United States accepts a geographic distribution formula for U.N. employees which allocates the United States roughly 15% of U.N. posts, even though the United States contributes 25% of the U.N. regular budget and about 30% of U.N. peacekeeping costs.

I would appreciate a clarification of whether these statements reflect U.S. policy, and if so, the date these policies were adopted, and why.

I am concerned that even this relatively low allocation is barely met in the U.N. Secretariat, and is not being met in eight of the nine U.N. agencies on which the report focuses. As a whole, the report states that only 10% of all U.N. employees are U.S. citizens, a level which has not increased significantly over time.

I find it difficult to believe that there are insufficiently qualified U.S. applicants for available U.N. posts, particularly in the area of humanitarian relief and aviation expertise where large numbers of U.S. citizens have unique skills and are seeking employment.

I would therefore appreciate an answer to the following questions:

(1) What are the principal obstacles to increase hiring of U.S. citizens in the U.N. system? Do these obstacles vary by agency?

(2) Is a registry kept of U.S. citizens interested in and qualified for U.N. posts which are advertised?

(3) What office within the State Department is responsible for assisting U.S. citizens seeking employment at the United Nations, and how many personnel does that office have?

(4) What specific steps has the Department taken, both with the Secretariat and with other U.N. agencies, to address the underrepresentation of U.S. citizens?

I understand that equitable geographic distribution of U.N. posts is one among several principles guiding decisions on U.N. employment, the foremost of which I hope would be competence. I am puzzled nonetheless that U.S. representation remains so persistently low within the U.N. system.

I would appreciate any information you could supply, and stand ready to work with you to address this imbalance.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 19, 1995.

DEAR MR. HAMILTON: This is in response to your letter of June 16 to Secretary of State Christoper inquiring about the steps the Administration has taken to increase the employment of U.S. citizens in the United Nations system. As you are aware, the Secretary of State is responsible for leading and coordinating the U.S. Government's efforts to ensure that the staffs of UN agencies and other international organizations include an equitable number of Americans in professional positions.

In your letter, you asked for information regarding the United Nations Secretariat's geographic distribution formula, and clarification of U.S. policy regarding the application of this formula. Prior to 1962, the UN's geographic distribution system for professional staff was based simply, and informally, on member states' contributions to the regular budget. The UN first debated the geographic distribution issue during the General Assembly's seventeenth session in 1962.

In this debate, the United States proposed a resolution calling on the secretary General to consider giving weight to the factors of population and membership, as well as the financial contributions of states, and to consider widening the categories of Secretariat staff subject to geographical distribution. The formula eventually approved called for 60% of the posts to be filled on the basis of member states' assessed contributions, and the remaining 40% to be filled based on their population and membership. The GA also recognized that not all professional posts should be included within the geographic distribution formula. These included posts with special technical and language requirements, national restrictions, and all General Service (administrative) positions.

The formula in place today maintains the same three weighted factors: contributions, population and membership. Over the years, the weight given to contributions has decreased slightly, from 60% in 1962 to the current 55%. Therefore, even though the United States may contribute 25% to most UN agencies, the desirable ranges of U.S. professional representation in these agencies average between 15% to 18%. Other major contributors to the UN have similarly proportional ranges.

Following are our responses to your other four questions.

1. What are the principal obstacles to increased hiring of U.S. citizens in the UN system? Do these obstacles vary by agency?

The historical under-representation of Americans in many of the UN agencies is due to a number of factors, including stiff competition from nationals of other member countries, the lack of foreign language skills by some American candidates, and our lack of participation at most UN agencies in Junior Professional Officer (JPO) programs which encourage promotion from within. In addition, some Americans are deterred from considering such positions because of the high cost of living in many UN cities, the lack of employment opportunities overseas for spouses, and other family and career considerations. It is for these reasons that Americans tend to be better represented in many of the New York offices of the UN Secretariat, and at the New York headquarters

offices of UNICEF and UNDP, and less well represented at, for example, UNHCR in Geneva, and FAO in Rome.

As a result of U.S. Government and the UN agencies' own vacancy dissemination and recruitment efforts, we know that large numbers of U.S. citizens receive timely information about UN employment opportunities and that many apply for these positions. UN agencies have confirmed that for most positions, they receive ample numbers of applications from highly qualified U.S. citizens.

2. Is a registry kept of U.S. citizens interested in and qualified for UN posts which are advertised?

Our Bureau for International Organization Affairs (IO) maintains a roster (registry) of U.S. citizens qualified for senior (D-level and above) positions in UN agencies and other international organizations. We also disseminate vacancy announcement information on all professional posts.

3. What office within the Department is responsible for assisting U.S. citizens seeking employment at the United Nations, and how many personnel does that office have?

Within IO, the UN Employment Information and Assistance Unit (IO/S/EA) is responsible for assisting U.S. citizens seeking information about international employment opportunities and for holding UN agencies accountable for hiring a fair share of Americans. This office consists of three staff members.

In addition, Ambassador Albright, the U.S. Permanent Representative to the United Nations at our Mission in New York, and our Permanent Representatives at our other missions overseas are fully committed to assisting U.S. citizens regarding employment opportunities within the UN system, and to holding UN agencies accountable for reaching established U.S. representation levels.

4. What steps has the Department taken, both with the Secretariat and other UN agencies, to address the under-representation of U.S. citizens?

The Department regularly consults with UN agencies (and other international organizations) to review their hiring of Americans. IO/S/EA assists these agencies by collecting and disseminating vacancy information. The office prepares a bi-weekly list of vacancies and distributes the list to hundreds of sources: Federal agencies, public and private organizations, academic institutions, associations, and individuals. The office assists interested Americans in working their way through the UN employment and application procedures and encourages qualified candidates to apply directly to the organizations for professional (P-level) positions. The office also is the focal point for information regarding the detail and transfer of Federal employees to international organizations.

IO/S/EA works closely with other Federal agencies and encourages them to draw on their own professional networks to recruit and submit qualified candidates to UN agencies. Working with other Federal officials, it is the Department's policy to submit a slate of three or more highly qualified candidates for each announced senior-level vacancy. In the past few years, the office has increased its efforts to identify and recruit women for these senior positions, with some success.

We continually advise the UN agencies that while the U.S. Government is prepared to offer assistance, it remains their responsibility to take whatever steps are necessary to hire and maintain adequate numbers of U.S. citizens on their professional and senior staffs.

I hope this information addresses the questions you asked. We certainly appreciate your continued interest in UN activities and willingness to work with us to improve U.S. representation in the UN system.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

REPUBLIC OF KOREA PRESIDENT KIM YOUNG SAM'S ACCOMPLISHMENTS IN OFFICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. SOLOMON. Mr. Speaker, Republic of Korea President Kim Young Sam's state visit to the United States on July 25–28 is especially noteworthy because South Korea is one of America's most important and trusted allies in East Asia. Today, Korea shares many of the basic ideals and institutions that America cherishes. Most importantly, it shares America's commitment to democracy and a free market economy. However, many Americans are not fully aware of the great strides that South Korea has made regarding the institutionalization of democracy and the opening of its markets to foreign investment. The Republic of Korea's leader, President Kim Young Sam, who is the first civilian Chief Executive in 32 years, has played a crucial role in the country's democratic political development and economic liberalization.

During his first 2 years in office, Republic of Korea President Kim Young Sam has implemented a bold reform agenda that places a high priority on continuing Korea's democratization, establishing high ethical standards for political officials, renewing economic growth, and internationalizing all aspects of Korean society.

To successfully address the challenges of the post-cold-war era, President Kim has made Segyehwa—(globalization)—Korea's foremost national goal. The globalization initiative calls for significant reforms in six broad areas. These areas include: improving the efficiency of the government; implementing full-fledged local autonomy; sharpening Korea's competitive edge; improving the quality of life for the Korean people, especially the underprivileged; achieving progress toward reconciliation and cooperation with North Korea; and finally, globalizing Korea's diplomacy.

Early in his term, President Kim pledged to create a corruption-free political environment by instituting a strong moral code of conduct for the members of his administration and political party. Leading by example, just 2 days after his inauguration, President Kim disclosed all of his property and financial assets to the public and encouraged all his senior cabinet and ruling party figures to do the same. In order to institutionalize high moral standards for public officials, President Kim backed on ethics bill passed by Korea's national legislature in May 1993. The legislation requires thousands of senior civil servants to make regular and full financial disclosures to the public. Last year, the President also supported a sweeping election reform bill that limits campaign spending.

President Kim believes that the decentralization of political power through the promotion of local autonomy is critical to the institutionalization of democratic political reform. To that end, on June 27, local government officials, including provincial governors, metropolitan mayors, and councilmen, were chosen by popular vote for the first time in more than three decades.

Another important component of the President Kim's anticorruption campaign was the introduction last year of a real-name financial and real estate transactions system. Under this reform, every transaction with a financial institution must be made under an individual's real name, thereby eliminating tax evasion, real estate speculation, and government-business collusion.

The deregulation and liberalization of Korea's economy has also been a major priority of President Kim. To facilitate foreign access to the Korean market and help attract foreign technology, the President has introduced a number of measures that over the next few years will eliminate virtually all restrictions on foreign investment in Korea. For example, under President Kim's liberalization program, 91 percent of business lines are open to foreigners, and that figure will increase to 95 percent within 3 years. Moreover, the streamlining of the foreign investment approval process has reduced the time required for the final approval on projects from 50 to 5 days. To further demonstrate its commitment to free trade, the Kim administration supported legislation passed by the National Assembly last year that approved Korea's entry into the World Trade Organization.

As a result of these efforts, direct foreign investment in Korea last year totaled $1.3 billion, up more than 25 percent from 1993. In addition, American firms have benefited from these liberalization initiatives as Korea has grown to be the United States' sixth largest export market, and fourth largest market for agricultural goods. Our countries' two-way trade now surpasses $42 billion. Furthermore, Korea is one of only a handful of countries having a deficit with the United States. Last year alone, Korean imports of American products grew 22 percent. During the first 4 months of this year, America's trade surplus with Korea was $2.4 billion. This contrasts with the substantial deficits the Untied States is running with several of our East Asian trading partners. It also illustrates Korea's strong commitment to trade liberalization and deregulation.

In addition to these domestic accomplishments, President Kim has also implemented a new foreign policy agenda that emphasizes the principles of democracy, liberty, human rights and free market economy. The Korean leader believes that the institutionalization of these core values is crucial to long-term political stability and economic prosperity in the Asian region and throughout the world.

President Kim has promoted these ideals through summit talks with the leaders of major world powers, including the United States, China, Japan, Russia, Germany, France, and Great Britain, as well as through discussions with the new leadership of many of the former socialist nations of Eastern Europe and the newly industrialized countries in Latin America and Asia. President Kim has also worked hard to transform the Korea-United States bilateral relationship into a broader political, economic, and security partnership.

While maintaining close ties with traditional friends, the Korean leader has also focused on expanding regional economic cooperation

and liberalization with Korea's Asian neighbors. To expedite this process, President Kim met with his counterparts from the region at the first two meetings of the Asia-Pacific Economic Cooperation [APEC] Leaders' Conference. In a major address at last year's gathering of the group in Indonesia, he outlined his proposal for new regional initiatives in the areas of trade and investment liberalization, manpower development, and telecommunications infrastructure. President Kim emphasized that it was imperative for APEC to take a leading role in liberalizing world trade and that the highest priority should be given to dismantling all barriers to trade and investment.

President Kim's foreign policy agenda has also included efforts to increase Korea's manpower and financial contributions to such pressing international issues as arms control, the abolition of poverty, and environmental protection through membership in various U.N. organizations and other multinational bodies.

One of President Kim's major policy goals has also been the improvement of relations with North Korea. Through close consultations with the United States and other major allies, and the United Nations, the ROK Government has pressed the North to comply with its obligation as a signatory to the Nuclear Non-Proliferation Treaty of 1992 to accept external scrutiny of its nuclear weapons program.

The success of this effort was highlighted on October 21, 1994, in Geneva when the United States and North Korea signed the agreed framework. It requires North Korea to dismantle its nuclear program over the next 10 years and accept full-scope international inspections of all its nuclear facilities in exchange for two 1,000 megawatt light-water nuclear reactors [LWR's]. To promote inter-Korean cooperation, the Republic of Korea will play a central role in the $4.5 billion LWR project.

In an effort to promote improved South-North relations, on June 21, the ROK Government announced that South and North Korea had reached an agreement in which the South will supply the North with 150,000 tons of rice for free. The food aid will be provided to the North in order to help alleviate the critical food shortage in North Korea. President Kim hopes that this measure, along with his previous efforts to gradually lift restrictions on South Korean business investment and trade with the North, will serve as an impetus for improved South-North political relations and thereby help lay a foundation for the peaceful reunification of the Korean Peninsula.

Mr. Speaker, I believe that all Members of Congress will find this record of achievement impressive, and will want to welcome President Kim when he arrives to address a joint meeting of Congress on July 26.

MEDICARE'S 30TH ANNIVERSARY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Ms. JACKSON-LEE. Mr. Speaker, the Medicare Program is a critical safety net for millions of seniors and disabled Americans. And as we celebrate the 30th anniversary of the Medicare Program this week, there is an important statistic to keep in mind: 99.1% of Americans over age 65 have health insurance coverage.

We must remember that it has not always been this way. The period that preceded the implementation of the Medicare Program is a tragic chapter in our Nation's history—elderly citizens unable to receive or pay for medical care—choosing between medicine and food—people fearing to reach what should be their golden years.

During this week of reflection on the Medicare Program, let us not forget that it was the tireless advocacy of the Democratic Party that transferred the Medicare Program from theory to reality.

The historical record is unmistakenly clear: if it had been up to the Republican Party, the Medicare Program would never have been enacted. For example, in 1965, the year Medicare was created, 93 percent of House Republicans voted to replace the proposed Medicare Program with a Republican substitute—which was a voluntary plan, with no guaranteed financing and no guaranteed benefits.

Thirty years later, the Medicare Program is still facing Republican assaults. Now, they want to cut the program by $270 billion to pay for tax cuts for the wealthy. Unfortunately, my Republican colleagues are not in tune with the desires of the American people.

Polling conducted in early June by NBC/Wall Street Journal show a public concerned with Republican priorities. When asked to identify their top goals for Congress, most voters chose protecting Medicare and making sure the wealthy pay their fair share of taxes as top issues.

Instead, the GOP has chosen a variety of ways to pay for tax cuts for the wealthy by increasing medical costs for seniors. The Republican budget task force outlined several options for cutting Medicare. The following are a sample of these options:

Increase premium for new beneficiaries who use Medicare fee-for-service. Beginning in 1999, all new enrollees choosing Medicare fee-for-service would pay a $20 increase to their part B premium.

Increase Medicare deductible. The part B Medicare deductible for senior citizens is $100. Republicans want to increase it to $150 by 1996.

Start charging a co-payment for clinical laboratory and home health services. Senior citizens are covered by Medicare for these services, but Republicans propose to require senior citizens to pay a 20 percent co-payment for lab and home health services, by 1999.

Increase part B premium $5 per month for 1996–99 and $7 per month beginning in 2000. In 1995, senior citizens pay $46.10 per month. By the year 2002, the Republicans will force seniors to pay an increase of up to $87.10 per month. This is equal to a $492 increase per year to senior citizens by the year 2002. In the year 1996, seniors will see their premium increase by $60.

All of these cost increases to senior citizens do not even affect the part A funding that the Republicans claim will go insolvent. Instead, the Republicans are going to hit seniors, who are living on small fixed incomes, with all of these increases so that the wealthy can have their tax cuts.

If the Republicans are legitimately concerned about the solvency of the Medicare Program, why are their budget proposals not addressing these questions?

In calendar year 1994, hospital insurance [HI], or part A, covered about 32 million seniors and 4 million disabled enrollees at a cost of $104.5 billion. The payroll taxes of 141 million workers used to support these costs amounted to $95.3 billion.

Obviously, these numbers do not match up. And as the number of beneficiaries increases, these numbers will continue to move further and further apart—which is exactly the reason why the Medicare trustees report showed that the hospital insurance program fails the test of short-range financial adequacy.

Do these problems need to be addressed? Absolutely. Are the Republicans addressing such problems? Absolutely not. If anything, their budgetary proposals only worsen the situation and are nothing more than smoke and mirror gimmicks to justify tax breaks for the wealthy.

My chief concern today is the moral bankruptcy of those who would do the bidding of the powerful while cutting Medicare and turning their backs on the interests of the weak. If we launch this assault on benefits to the elderly, where will it stop?

CONGRATULATIONS TO THE OWENS FAMILY OF FREDERIC, WI

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. OBEY. Mr. Speaker, I'd like to take this opportunity to congratulate the Owens Family of Frederic, WI, operators of Owens Farms, Inc., one of five Wisconsin families selected as regional winners in the 1995 Dairy Farm Family of the Year Program.

The Owens Farm involves 10 family members: Wilfred and Linda Owens, Walter and Joyce Owens, and Roger and Kim Owens; the brothers' parents, Harold and Agnes Owens; and grandsons, Stevens and Douglas Owens. Together they milk 312 Jersey cows on their farm which is located in Polk and Burnett Counties in northwestern Wisconsin.

Despite dairy prices that have remained around $12 per hundredweight for more than 10 years, the Owens farm has found ways to remain profitable through the adoption of more efficient machinery and better management.

In addition to their hard work on the farm, the family has been active off the farm, with the local 4–H Club, local churches, dairy organizations, and other community organizations.

The Owens family has been recognized by the University of Wisconsin Centers for Dairy Profitability based on their farm business performance, dairy industry and community leadership, management systems, and business innovations. The Owens farm has proven itself a well-managed, progressive, and profitable business.

The Owens family, along with the other regional winners from Wisconsin, will be recognized at a banquet in Madison, WI, on July 27. To all the winning families, and especially to the Owens family, I want to extend my congratulations.

COMMENDING EIGHTH GRADE HISTORY TEACHER CARLYJANE WATSON

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. WELDON of Florida. Mr. Speaker, I rise today to commend history teacher Carlyjane Watson and her eighth grade class at Bourne High School in Bourne, MA. They marked the 50th anniversary of the end of World War II in a most creative and informative way.

The class held a ''Living History Forum'' where each of the students contacted relatives and neighbors who had served during World War II to learn about their firsthand experiences. This was an innovative way to introduce the students to the wealth of historical knowledge found in their own community.

This program was a fitting tribute to all Americans who made great sacrifices during World War II. It also allowed students to get a lesson in history directly from those who made it. This ''Living History Forum'' allowed the students to gain a better understanding of both the factors that lead to the war and the immense courage of those who experience it.

This is sure to leave a lasting impression on both the students and those who shared their experiences. It is a fitting tribute to those who sacrificed so that we might continue to live free. Mrs. Watson is to be commended for her innovative way of making history come alive for all of those involved.

REPRESENTATIVE MEEK HONORS GERALINE L. GILYARD-INGRAHAM FOR 31 YEARS OF OUTSTANDING SERVICE TO DADE COUNTY SCHOOLS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. MEEK. Mr. Speaker, I want to offer my sincere congratulations to Dr. Geraline Lewis Gilyard, who is retiring after over 30 years as an educator. Clearly, the Dade County Public School system is losing one of its finest employees.

A native Miamian, Dr. Gilyard attended Dunbar Elementary and Booker T. Washington Junior Senior High School in Dade County. Dr. Gilyard's academic background was exemplary. She earned a bachelor's degree in business education from Bethune Cookman College, a master's degree in guidance and counseling from Florida Atlantic University, a doctoral degree in education from the University of Palm Beach, and a second doctorate from the University of Miami in administration and supervision. She received extensive additional training in group process and organizational development from Boston University's Human Relations Laboratory and Bethel Maine's National Training Laboratory.

Dr. Gilyard put her education and training to work in Madison County, FL. Fortunately for Miami, however, she moved to the Dade County Public School System a year later. Dr. Geraline Lewis Gilyard taught at Ojus and Douglass Elementary Schools, was a guidance counselor at North Dade Jr. High School, a member of the Human Relations Intergroup Relations Team, a teacher interviewer, the director of Administrative Services, the supervisor of noninstructional training, and she will retire as the director of instructional staffing. In all, Dr. Gilyard spent 32 years as an educator, 31 of them working for the betterment of the youngsters in Dade County.

Dr. Gilyard has also been extremely active in our community. She is a founding member of the Southeast Chapter of the Negro Business and Professional Women's Club. She is a member of Ebenezer United Methodist Church, where she served as chairperson of the administrative board for 4 years. She is currently the chairperson of the Council on Ministries, a member of the United Methodist Women, and involved in the Voices of Praise Choir. Dr. Gilyard is also a member of the District Superintendent Advisory Council of the Miami District of the United Methodist Church. She is a member of the Gamma Zeta Omega Chapter of Alpha Kappa Alpha Sorority, where she served as chairperson of the Ebony Fashion Fair Committee for 3 years.

Dr. Gilyard resides in Dania, FL, with her husband, Arlington Ingraham, owner of the Bahamian Connection restaurant, and her daughter, Vanessa Henelle Gilyard, a graduate of Barry University. Mr. Speaker, on behalf of our entire community and as a former teacher, I offer her profound thanks for her many years of service and our best wishes for her continued happiness and success in the future.

HAPPY 100TH THUMB NATIONAL BANK & TRUST

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. BARCIA. Mr. Speaker, there is no doubt that one of the most important relationships people can have in their lifetimes is the one with a good, stable bank. We depend upon banks to hold our savings, to help finance our homes and cars, and to provide some additional resources at times of emergencies or special opportunities. The people of Michigan's Thumb—a multicounty area in my congressional district—have had the good fortune of dealing with the Thumb National Bank & Trust Co. which this Thursday celebrates its 100th anniversary.

Thumb National started as the Farmer's Bank, in Pigeon, MI, in 1895, with five customers and total deposits of $1,900. In 1908, it bought out the Pigeon State Bank, and assumed that name. It grew through the years, undergoing several building projects, growing as the surrounding community grew, becoming Pigeon's longest continually operated business. The bank plans to add 50 percent more space to deal with the growing demand for its services.

Twenty-five years ago, the Pigeon State Bank charged its State charter to a national bank charter, and became the Thumb National Bank & Trust Co. It was the only bank in the entire area to offer full trust services. Now, with several branches, automated teller machines, and a complete array of current financial services, its customers are fortunate to continue to be served by a bank that truly believes in its philosophy of know the customer.

To its good fortune, Thumb National, has had the consistency of a limited number of chief executive officers, including three generations of the Clabuesch family, including the current president, Paul Clabuesch. Working with chairman of the board Arthur Luedtke, and other board members Nelson Binder, Ann Marie Clabuesch, Clare Comment, Eldon Diefzel, Lowell Kraft, David McCormick, Curtis Strickland, and Robert Webber, Sr., the bank continues to set an example of success and frugality for the Thumb. It also continues to be involved in a number of community projects, just as it was over 20 years ago when it provided financing to build Scheurer Hospital, after State and Federal officials said no funding was available.

Mr. Speaker, certain institutions are vital to the success of our communities. Thumb National Bank & Trust Co. has certainly been such an institution for the several counties of the Thumb. I urge you and all of our colleagues to join me in wishing the officials, the 54 employees, and the thousands of depositors, a very happy 100th anniversary with a positive outlook for 100 more years of careful, innovative, and successful banking.

HONORING JUDGE THOMAS TANG

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. PASTOR. Mr. Speaker, I am saddened today by the recent death of a good personal friend and a friend of the community, Judge Thomas Tang.

Born January 11, 1922, in Phoenix, AZ, the son of Chinese immigrants, Judge Tang served in World War II as a second lieutenant. He graduated from the University of Santa Clara, CA, and received his law degree from the University of Arizona in 1950.

He enjoyed a long career in Government and law until being appointed to the Federal bench by President Carter in 1977. In a legal career spanning almost five decades, he served as a Phoenix City Council member, Maricopa County Superior Court Judge, Deputy County Attorney and Assistant Arizona Attorney General. Judge Tang's career also included years of private practice where he served on the Arizona State Bar Board of Governors until becoming its president in 1977.

Known as an even-tempered and affable individual, he will best be remembered for his commitment to justice and fairness. A champion of individual rights, he was devoted to the advancement of minorities in the legal profession.

Additionally, I would like to recognize Judge Tang's wife, Pearl Tang. A respected and well-known community activist, she has served as an advocate for the well-being of mothers and children in Arizona. I had the pleasure of working with her during my years as a Maricopa County Supervisor and treasure her friendship. I ask you to join her and my fellow Arizonans in sharing the loss of a great and noble man.

Tuesday, July 25, 1995

Daily Digest

HIGHLIGHTS

Senate passed Lobbying Reform bill.

House passed Transportation appropriations bill.

Senate

Chamber Action

Routine Proceedings, pages S10583–S10663

Measures Introduced: Four bills were introduced, as follows: S. 1069–1072. **Page S10655**

Measures Passed:

Lobbying Reform: By a unanimous vote of 98 yeas (Vote No. 328), Senate passed S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, after taking action on further amendments proposed thereto, as follows: **Pages S10594–S10603**

Adopted:

(1) By 72 yeas to 26 nays (Vote No. 327), Lautenberg Amendment No. 1846, to express the sense of the Senate that lobbying expenses should not be tax deductible. **Pages S10595–97**

(2) Levin Amendment No. 1847, to make technical corrections. **Pages S10598–99**

Bosnia/Herzegovina Self-Defense Act: Senate resumed consideration of S. 21, to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, taking action on amendments proposed thereto, as follows: **Pages S10603–52**

Pending:

Dole Amendment No. 1801, in the nature of a substitute. **Pages S10603–52**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments to be proposed thereto, on Wednesday, July 26, 1995, with a vote on final passage to occur thereon. **Pages S10648–49**

Gift Reform: Senate began consideration of S. 1061, to provide for congressional gift reform. **Pages S10583–94**

Nominations Received: Senate received the following nominations:

Michael R. Murphy, of Utah, to be United States Circuit Judge for the Tenth Circuit.

Paul M. Homan, of the District of Columbia, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior. **Page S10663**

Communications: **Pages S10654–55**

Statements on Introduced Bills: **Pages S10655–59**

Additional Cosponsors: **Page S10659**

Amendments Submitted: **Page S10659**

Authority for Committees: **Pages S10659–60**

Additional Statements: **Pages S10660–63**

Record Votes: Two record votes were taken today. (Total—328) **Pages S10597, S10599**

Recess: Senate convened at 9 a.m., and recessed at 10:05 p.m., until 8:30 a.m., on Wednesday, July 26, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S10649).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full committee consideration, with amendments, H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996.

HELIUM REFINING AND MARKETING OPERATIONS REFORM

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 45, to provide for the sale of Federal real and personal property held in connection with activities carried out under the Helium Act, S. 738, to prohibit the Bureau of Mines from refining helium and selling refined helium, and to dispose of the United States helium reserve, and S. 898, to cease operation of the Government helium refiner, authorize facility and crude helium disposal, and cancel the helium debt, after receiving testimony from Rhea Graham, Director, United States Bureau of Mines, Department of the Interior; Russel Bardos, Acting Senior Engineer, Office of Space Flight (Space Shuttle), National Aeronautics and Space Administration; Carl T. Johnson, Compressed Gas Association, Arlington, Virginia; and Dennis Mills, Amarillo, Texas, on behalf of the Oil, Chemical and Atomic Workers International Union (AFL–CIO).

MEDICARE

Committee on Finance: Committee held hearings to examine ways to improve the Medicare program and make it financially sound, focusing on private sector cost containment strategies, receiving testimony from Senator Kerrey; Paul M. Ellwood, Jackson Hole Group, Teton Village, Wyoming; Joseph J. Martingale, Towers Perrin, New York, New York; and Lynn Etheredge, Chevy Chase, Maryland.

Hearings continue tomorrow.

UNITED STATES/SINO RELATIONS

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs held hearings on the current state of relations between the United States and the People's Republic of China, receiving testimony from Kent M. Wiedemann, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; James R. Lilley, American Enterprise Institute, Ronald N. Montaperto, Institute for National Strategic Studies/National Defense University, and James V. Feinerman, Georgetown University Law Center, all of Washington, D.C.; and Chiu Hung-dah, University of Maryland, College Park.

Hearings were recessed subject to call.

DEPARTMENT OF COMMERCE DISMANTLING ACT

Committee on Governmental Affairs: Committee held hearings on S. 929, to abolish the Department of Commerce, receiving testimony from Senators Dole, Hollings, Pressler, Rockefeller, and Bond; Ronald H. Brown, Secretary of Commerce; and L. Nye Stevens, Director, Federal Management Issues, and Allan I. Mendelowitz, Managing Director, International Trade, Finance, and Competitiveness Issues, both of the General Accounting Office.

Hearings continue on Thursday, July 27.

INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management and the District of Columbia held hearings on S. 946, to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies, receiving testimony from Gene L. Dodaro, Assistant Comptroller General, Accounting and Information Management Division, General Accounting Office; John A. Koskinen, Deputy Director for Management, and Steven Kelman, Administrator for Federal Procurement Policy, both of the Office of Management and Budget; Roger W. Johnson, Administrator, General Services Administration; Colleen Preston, Deputy Under Secretary of Defense for Acquisition Reform; Michigan Chief Information Officer John M. Kost, Lansing; Renato A. DiPentima, Systems Research and Applications Corporation, Washington, D.C.; Paul A. Strassmann, New Canaan, Connecticut; and Philip Howard, New York, New York.

Hearings were recessed subject to call.

EMPLOYER GROUP PURCHASING REFORM ACT

Committee on Labor and Human Resources: Committee concluded hearings on S. 1062, to amend the Employee Retirement Income Security Act of 1974 to increase the purchasing power of individuals and employers, to protect employees whose health benefits are provided through multiple employer welfare arrangements, and to provide increased security of health care benefits, after receiving testimony from Senator Nunn; Mark Nadel, Associate Director for National and Public Health Issues, General Accounting Office; Ohio Deputy Director of Insurance David J. Randall, Columbus, on behalf of the National Association of Insurance Commissioners; John F. Troy, Health Insurance Association of America, and Richard S. Materson, National Rehabilitation Hospital, both of Washington, D.C.; Patti Freeman Dorson, VASA Brougher, Inc., Indianapolis, Indiana; Donald

G. Dressler, Western Growers Association, Newport Beach, California, on behalf of the American Society of Association Executives; and Val D. Bias, National Hemophilia Foundation, New York, New York.

INDIAN GAMING REGULATIONS

Committee on Indian Affairs: Committee resumed hearings on S. 487, to establish a Federal Indian Gaming Regulatory Commission to regulate Indian gaming operations and standards, receiving testimony from Raymond C. Scheppach, National Governors' Association, Washington, D.C.; JoAnn Jones, Ho-Chunk Nation, Black River Falls, Wisconsin; Alvino Lucero, Pueblo of Isleta, Isleta, New Mexico; Melanie Benjamin, Mille Lacs Band of Ojibwe, Onamia, Minnesota; Richard M. Milanovich, Agua Caliente Band of Cahuilla Indians, Palm Springs, California; Paula Lorenzo, Tribal Alliance of Northern California, Brooks; Ray Halbritter, Oneida Indian Nation, New York, New York; and Doreen Maloney, Upper Skagit Tribe, Sedro Woolley, Washington.

Hearings were recessed subject to call.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, receiving testimony from Sylvia M. Mathews, Chief of Staff, Department of Treasury, former Special Assistant to the Assistant to the President for Economic Policy; Mark D. Gearan, Assistant to the President, and Director of Communications and Strategic Planning; W. David Watkins, Carlsbad, California, former Assistant to the President for Management and Administration; and Patsy L. Thomasson, Deputy Assistant to the President, Assistant Director for Presidential Personnel, former Director, Office of Administration and Special Assistant to the President for Management and Administration.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: Seven public bills, H.R. 2106–2112; one private bill, H.R. 2113; and two resolutions, H. Res. 202 and 203 were introduced. **Page H7699**

Reports Filed: Reports were filed as follows:

H.R. 1162, to establish a deficit Reduction Trust Fund and provide for the downward adjustment of discretionary spending limits in appropriation bills, amended (H. Rept. 104–205, Part 1); and

H. Res. 201, providing for the consideration of H.R. 2099, Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations bill for fiscal year 1996. **Page H7699**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Shaw to act as Speaker pro tempore for today. **Page H7553**

Recess: House recessed at 9:49 a.m. and recessed at 10 a.m. **Page H7560**

Committees To Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, International Relations, Judiciary, Resources, Science, Transportation and Infrastructure, and Select Intelligence. **Page H7562**

Corrections Calendar—San Diego Coastal Corrections Act: On the call of the Corrections Calendar, the House passed H.R. 1943, to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities (agreed to by a recorded vote of 269 ayes to 156 noes (three-fifths of those present having voted in favor), Roll No. 564). **Pages H7562–76**

Rejected the Mineta motion to recommit the bill to the Committee on Transportation with instructions to report the bill back forthwith containing an amendment that provides that chemically enhanced primary treatment result in the removal of not less

than 58 percent of the biological oxygen demand on an annual average and not less than 80 percent of the total suspended solids on a monthly average (rejected by a yea-and-nay vote of 179 yeas to 245 nays, Roll No. 563). **Pages H7573–75**

Alaska Power Administration; House passed S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil. **Pages H7576–87**

Pursuant to H. Res. 197, the House agreed to the Young of Alaska motion to amend S. 395 as follows: Strike title I, strike sections 201 through 204, strike section 205, strike section 206 strike title III and insert the text of H.R. 70, as passed by the House. Agreed to amend the title. **Pages H7578–79**

House then insisted on its amendments and asked a conference. Appointed as conferees:

For consideration of House amendment numbered 1, Representatives Young of Alaska, Calvert, Bliley, Miller of California, and Dingell.

For House amendment numbered 2, Representatives Young of Alaska, Calvert, Thomas of California, Roth, Bliley, Coble, Miller of California, Hamilton, Dingell, and Mineta.

For House amendment numbered 3, Representatives Spence, Kasich, and Dellums.

For House amendment numbered 4, Representatives Coble, Fowler, and Mineta.

For House amendment numbered 5, Representatives Young of Alaska, Calvert, and Miller of California. **Pages H7579, H7587**

Agreed the Miller of California motion to instruct House conferees to insist upon the provisions of the House amendments which strike title III, referring to the Outer Continental Shelf Deep Water Royalty Relief Act (rejected by a yea-and-nay vote of 261 yeas to 161 nays, Roll No. 565). **Pages H7579–87**

Transportation Appropriations: By a yea-and-nay vote of 361 yeas to 61 nays, Roll No. 570, the House passed H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996. **Pages H7588–H7609**

Agreed To:

The Coleman amendment that strikes language repealing section 13(c) of the Federal Transit Act, which guarantees collective bargaining and other labor protections for transit employees (agreed by a recorded vote of 233 ayes to 186 noes, Roll No. 567); and **Pages H7591–97, H7598–99**

The Nadler amendment that prohibits use of funds for improvements to the Miller Highway in New York City, New York. **Page H7600**

Rejected:

The Wolf amendment that sought to insert language that states that the repeal of subsection (b) of section 5333 of title 49, United States Code, shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment under any other State or Federal law (rejected by a recorded vote of 201 ayes to 224 noes, Roll No. 566); and **Pages H7588–91, H7597–98**

The Andrews amendment that sought to reduce by $37 million the ceiling on obligations for grants-in-aid for airports (rejected by a recorded vote of 5 ayes to 416 noes, Roll No. 568). **Pages H7601–04**

The Coleman amendment to the Wolf amendment was offered but subsequently withdrawn that sought to insert language that states that the repeal of subsection (b) of section 5333 of title 49, United States Code, shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment under any State or Federal law. **Pages H7589–90**

A point of order was sustained against an Orton amendment that sought to insert line item veto language in the bill. Subsequently, rejected an appeal of the ruling of the Chair that sustained the point of order (rejected by a recorded vote of 281 ayes to 139 noes, Roll No. 569). **Pages H7606–08**

Commerce—State—Justice Appropriations: House completed all general debate and began reading for amendment on H.R. 2076, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996; but came to no resolution thereon. Reading for amendment under the 5-minute rule will resume on Wednesday, July 26. **Pages H7614–46**

Agreed to the Hoyer amendment that strikes $1.5 million in funding for motor vehicle theft prevention programs and inserts $1 million for law enforcement family support programs and $500,000 for motor vehicle theft prevention programs. **Pages H7645–46**

Rejected the Mollohan amendment that sought to strike $2 billion in funding for law enforcement block grants and replace it with $1.767 billion for public safety and community policing grants and $233 million for other crime prevention programs

authorized by the Crime Control Act of 1994 (rejected by a recorded vote of 184 ayes to 232 noes, Roll No. 571). **Pages H7635–45**

H. Res. 198, the rule under which the bill is being considered, was agreed to earlier by voice vote. **Pages H7609–14**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H7699–H7701.

Quorum Calls—Votes: Three yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H7575, H7575–76, H7587, H7598, H7598–99, H7604, H7608, H7608–09, and H7645. There were no quorum calls.

Adjournment: Met at 9 a.m. and adjourned at 10:36 p.m.

Committee Meetings

FOOD STAMP ACT AMENDMENT

Committee on Agriculture: Subcommittee on Department Operations, Nutrition, and Foreign Agriculture held a hearing to review H.R. 236, to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements of vitamins, minerals, or vitamins and minerals. Testimony was heard from Representatives Martini and Payne of New Jersey; Yvette Jackson, Deputy Administrator, Food Stamp Program, Food, Nutrition, and Consumer Services, USDA; and public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Ordered reported the Defense appropriations for fiscal year 1996.

FUTURE OF MONEY

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy held a hearing on the Future of Money. Testimony was heard from public witnesses.

ALLEGATIONS OF FDA ABUSES OF AUTHORITY

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Allegations of FDA Abuses of Authority. Testimony was heard from public witnesses.

DEPARTMENT REORGANIZATION

Committee on Economic and Educational Opportunities: Concluded hearings on Departmental reorganization. Testimony was heard from Robert B. Reich, Secretary of Labor; and Gilbert F. Casellas, Chairman, EEOC.

OVERSIGHT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology held an oversight hearing on the Chief Financial Officer's Act. Testimony was heard from Charles A. Bowsher, Comptroller General, GAO; G. Edward DeSeve, Controller, Office of Federal Financial Management, OMB; Anthony A. Williams, Chief Financial Officer, USDA; Alvin Tucker, Deputy Comptroller and Deputy Financial Officer, Department of Defense; Dennis J. Fischer, Chief Financial Officer, GSA; Bonnie R. Cohen, Assistant Secretary, Policy, Management, and Budget, Department of the Interior; the following former officials of the OMB: Edward Mazur, Controller and Harold I. Steinberg, Deputy Controller, both with the Office of Federal Financial Management; and Gerald R. Riso, Associate Director, Management and Chief Financial Officer; and public witnesses.

OVERSIGHT—WACO

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs, and Criminal Justice and the Subcommittee on Crime of the Committee on the Judiciary continued joint oversight hearing on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas. Testimony was heard from Jim Cavanaugh, Special Agent, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury; the following officials of the FBI, Department of Justice: Byron Sage, SSRA in Austin; and Gary Noesner, SSA, Quantico; the following officials of the Texas Rangers: Capt. Maurice Cook, Senior; and Capt. David Burns; Jeffrey Jamar, former SAC in San Antonio, FBI, Department of Justice; Dick DeGuerin, Attorney for David Koresh; Jack Zimmermann, Attorney for Steve Schneider; and public witnesses.

Hearings continue tommorrow.

OVERSIGHT—U.S. POSTAL INSPECTION SERVICE AND POSTAL OPERATIONS

Committee on Government Reform and Oversight: Subcommittee on Postal Service held an oversight hearing on the U.S. Postal Inspection Service and Postal Operations. Testimony was heard from Kenneth J. Hunter, Inspector General and Chief Postal Inspector, U.S. Postal Inspection Service, U.S. Postal Service.

VOTER REGISTRATION AND ELECTION FRAUD

Committee on House Oversight: Held a hearing on Voter Registration and Election Fraud. Testimony was heard from Tom Harrison, Deputy Assistant Secretary of State, State of Texas; Bill Jones, Secretary of State, State of California; Miles Rappaport, Secretary of State, State of Connecticut; Bob Taft, Secretary of State, State of Ohio; Jane Dee Hill, Secretary of State, State of Arizona; and public witnesses.

INDOCHINESE REFUGEES

Committee on International Relations: Subcommittee on Asia and the Pacific and the Subcommittee on International Operations and Human Rights held a joint hearing on Indochinese Refugees: Comprehensive Plan of Action. Testimony was heard from Phyllis E. Oakley, Assistant Secretary, Population, Refugees, and Migration, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Forests and Lands held a hearing on the following bills: H.R. 773, National Parks Service Concession Policy Reform Act of 1995; H.R. 1527, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws; Title V of H.R. 721, Public Resources Deficit Reduction Act of 1995; and H.R. 2028, Federal Land Management Agency Concession Reform Act of 1995. Testimony was heard from Representative Meyers of Kansas; James Duffus, III, Director, National Resources Management Issues, GAO; Barry J. Frankel, Director, Real Estate, U. S. Army Corps of Engineers, Department of Defense; David G. Unger, Associate Chief, Forest Service, USDA; Roger Kennedy, Director, National Park Service, Department of the Interior; and public witnesses.

VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Rules: granted an open rule providing one hour of general debate on H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996. The rule provides that the bill shall be considered by title rather than by paragraph with each title considered as read. The rule waives clause 2 (prohibiting unauthorized appropriations) and clause 6 (prohibiting reappropriation) of rule XXI against provisions in the bill. The rule provides that the amendment printed in part 1 of the report on the rule is considered pending. The amendment is not subject to amendment but is debatable for 30 minutes equally divided between the chairman and ranking minority member of the Appropriations Committee. If adopted, the amendment is considered as original text for the purposes of further amendment. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. The rule waives all points of order against two amendments printed in part 2 of the Rules Committee report. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Lewis of California, Roukema, Boehlert, Klug, Crapo, Lazio, Davis, Stokes, Kaptur, Dingell, Kennedy of Massachusetts, Barrett of Wisconsin, Brewster, Moran, Orton, Roemer, Harman and Fattah.

OVERSIGHT

Committee on Resources: Subcommittee on Water and Power Resources held an oversight hearing on the Trinity River Basin Fish and Wildlife Management Program. Testimony was heard from Representatives Herger and Riggs; Daniel P. Beard, Commissioner, Bureau of Reclamation, Department of the Interior; and public witnesses.

NASA AUTHORIZATION

Committee on Science: Ordered reported amended H.R. 2043, National Aeronautics and Space Administration Authorization Act of 1996.

ETHICS INVESTIGATION

Committee on Standards of Official Conduct: Met in executive session to continue to take testimony regarding the ethics investigation of Speaker Gingrich. Testimony was heard from Greg Wright, Administrative Assistant, Representative Gingrich; and Jeff Eisenach, President, Progress and Freedom Foundation.

Will continue tomorrow.

ECONOMIC DEVELOPMENT ADMINISTRATION REFORM AND REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Economic Development approved for full Committee action the Public Works and Economic Development Reform Act of 1995.

D.C. HIGHWAY MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation held a hearing on the following: H.R. 2017, District of Columbia Emergency Highway Relief Act; and other proposals to waive the D.C. Local Matching Share for Certain Federal-Aid Highway Projects. Testimony was heard from Representatives Norton, Wolf, Morella, Davis and Moran; the following officials of the District of Columbia: Marion Barry, Mayor; and Larry King, Director, Department of Public Works; the following officials of the Federal Highway Administration, Department of Transportation: Rodney E. Slater, Administrator; and David Gendell, Regional Administrator, Region 3; and a public witness.

SAVING MEDICARE AND BUDGET RECONCILIATION ISSUES

Committee on Ways and Means: Subcommittee on Health concluded hearings on Saving Medicare and Budget Reconciliation Issues. Testimony was heard from Sarah F. Jaggar, Director, Health Financing and Policy Issues, GAO; and public witnesses.

GUATEMALA

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Guatemala. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 26, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, business meeting, to mark up proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, 2:30 p.m., SD–192.

Subcommittee on Interior, business meeting, to mark up H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, 9:30 a.m., SD–138.

Committee on Armed Services, closed business meeting, to discuss certain pending nominations, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings on proposed legislation authorizing funds for the Maritime Security Program, 9:30 a.m., SR–253.

Committee on Finance, to continue hearings to examine ways to improve the Medicare program and make it financially sound, focusing on the modernization of Medicare and giving senior citizens more choice in the kinds of plans that are available to them, 2:30 p.m., SD–215.

Committee on the Judiciary, to hold hearings to examine punitive damages reform, 9:30 a.m., SD–226.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2 p.m., SH–219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, 9:30 a.m., SH–216.

House

Committee on Banking and Financial Services, Subcommittee on Capital Markets, hearing on Debt Issuance and Investment Practices on State and Local Governments, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Health and Environment, to continue hearings on Transformation of the Medicaid Program, 9 a.m., and 1 p.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Civil Service, hearing on OPM Privatization Initiatives: Contracting Out Training, 2 p.m., 2247 Rayburn.

Subcommittee on District of Columbia, to mark up the District of Columbia Convention Center and Sports Arena Act, 10 a.m., 311 Cannon.

Committee on International Relations, to mark up the following measures: H. Res. 181, encouraging the peace

process in Sri Lanka; H. Con. Res. 80, expressing the sense of Congress that the United States should recognize the concerns of the peoples of Oceania and call upon the Government of France to cease all nuclear testing at the Moruroa and Fangataufa atolls; and H. Con. Res. 40, concerning the movement toward democracy in the Federal Republic of Nigeria, 1 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 1802, Reorganization of the Federal Administrative Judiciary Act, 10 a.m., 2226 Rayburn.

Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, to continue oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas, 9 a.m., 2154 Rayburn.

Committee on National Security, to markup H.J. Res. 102, disapproving the recommendations of the Defense Base Closure and Realignment Commission, 9:30 a.m., 2118 Rayburn.

Committee on Science, Subcommittee on Branch Research and Subcommittee on Technology, joint hearing on Cyberporn: Protection of our Children From the Back Alleys of the Internet, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, hearing on OSHA Reform, 2 p.m., 2359 Rayburn.

Subcommittee on Taxation and Finance, hearing on the need to clarify the status of independent contractors, 10 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to continue to take testimony regarding the ethics investigation of Speaker Gingrich, 8:30 a.m., HT–2M Capitol.

Permanent Select Committee on Intelligence, executive, briefing on the O'Grady Shootdown, 9:30 a.m., and executive, briefing on China Proliferation, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

8:30 a.m., Wednesday, July 26

Senate Chamber

Program for Wednesday: Senate will resume consideration of S. 21, Bosnia-Herzegovina Self-Defense Act, with a vote on final passage to occur thereon, following which Senate may consider S. 908, Department of State Authorizations.

(Senate will recess from 10:40 a.m. until 12 noon, to meet with the House of Representatives in the House Chamber to receive an address by His Excellency Kim Young Sam, President of the Republic of Korea.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 26

House Chamber

Programs for Wednesday: Joint meeting to receive the President of the Republic of Korea; complete consideration of H.R. 2076, Commerce-State-Justice appropriation for fiscal year 1996; and consideration of H.R. 2099; VA–HUD appropriation for fiscal year 1996 (open rule, 1 hour of general debate).

Extension of Remarks, as inserted in this issue

HOUSE

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